

WIND GENERATION APPEALS UPDATE

January 2015



Please find below a resume of decisions made between 2 December 2014 and 6 January 2015

If you have any queries in relation to any of the decisions listed below, or other renewable schemes please contact Richard Glover. Email richard.glover@squirepb.com or direct dial 0113 284 7023.

Youldon

PINs No.	APP/W1145/A/13/2210436
Decision and date	Allowed 02/12/14
Location	Land at Youldon, Sutcombe, Holsworthy, Devon, EX22 7QP
Inspector	Alan Novitzky
Appellant	Mr W J Watkins
LPA	Torrige District Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 77m. The main issues were the effects on the character and appearance of the landscape, on the setting of heritage assets and on living conditions. The Inspector was of the opinion that the existing overhead lines that were located 500m and 3km from the appeal site degraded the existing visual amenity, making the introduction of the proposed turbine less harmful than would have otherwise been the case. With regards to the effect on the setting of heritage assets, the Inspector noted that the setting of long barrow 1.5km from the appeal site would effectively be preserved. The Inspector considered there would be some harm to two churches, 1.4km and 2.5km from the appeal site, but that the harm would be less than substantial. Two residential properties are located 550m from the appeal site. Although the Inspector noted that the proposed turbine would exercise a considerable presence from the habitable rooms and the curtilages of the properties, he was not of the opinion that the proposed turbine on its own would be so overbearing as to make the properties unattractive places to live. Overall, the benefits of the proposal were found to outweigh the harms.

Lancarrow Farm

PINs No.	APP/D0840/A/14/2217516
Decision and date	Dismissed 02/12/14
Location	Lancarrow Farm, Lancarrow, Four Lanes, Redruth, Cornwall, TR16 6NJ
Inspector	Mike Robins
Appellant	Mr Lawrence Crowle
LPA	Cornwall Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 77m. The main issues were the effects on the character and appearance of the landscape, on living conditions and on ecology. The site lies within an AGLV. The Inspector found that landscape was particularly tranquil and of intimate character and that the proposed turbine would be perceived as being of significant scale and prominence. The Inspector also noted that there would be visual impacts associated with the nearby network of footpaths and reservoir. In terms of the effects on living conditions, the matter in contention was the noise impacts. However, the Inspector was happy to accept the Appellant's approach which complied with ETSU. With regards to the effects on ecology, the Inspector was of the opinion that the matter could be satisfactorily dealt with by conditions. In conclusion the Inspector found that the harm to the character and appearance of the landscape could not be outweighed by the benefits of the proposal.

Scapegoat Hill

PINs No.	APP/Z4718/A/14/2213368
Decision and date	Allowed 03/12/14
Location	Old Recreation Ground, near 13 Halifax Road, Scapegoat Hill, Huddersfield, HD7 4NS
Inspector	David C Pinner
Appellant	DC21 Ltd.
LPA	Kirklees Metropolitan Borough Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 34.2m. The main issues were the effects on the openness of the Green Belt, on the character and appearance of the area and on the setting of heritage assets. With regards to the effect on the Green Belt, the Inspector was of the view that the proposed turbine would not encroach on the countryside to a significant extent. The Inspector found that there was already a significant amount of development in the landscape – ranging from the M62, overhead electric lines and pylons and other turbine developments. Due to this existing development, the Inspector was of the opinion that the proposed turbine would not be a strident feature. The nearest heritage assets are listed cottages 300m from the appeal site. The Inspector was of the view that the setting of these cottages was somewhat incidental to their historic and architectural importance and in any case would not extend far enough for the proposed turbine to harm the setting. The harm caused by reason of inappropriateness was found to be justified by the benefits of the proposal, which the Inspector found to amount to the very special circumstances required to overcome inappropriate development in the Green Belt.

Newton

PINs No.	APP/B3410/A/13/2209686
Decision and date	Allowed 08/12/14
Location	Manor Farm, Manor Lane, Newton, Staffordshire
Inspector	Andrew Hammond
Appellant	Caddick Renewables Ltd
LPA	East Staffordshire Borough Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 74m. The main issues were the visual and landscape effects and the effects on migratory birds. The Inspector noted that the proposed turbine would introduce considerable change to the local landscape, but that the change would not in itself result in substantial harm. With regards to visual impacts, the Inspector noted that although some properties were around 500m from the proposed turbine, it would not be so obtrusive or overbearing as to be unacceptable. The Inspector did note that the proposed turbine would be unavoidably prominent to the detriment of those using local footpaths and bridleways. The Inspector noted that RSPB had accepted that there would not be an unacceptable effect on protected birds and was therefore content that the proposal would not be contrary to the NPPF. In carrying out the planning balance the Inspector found that the benefits of the proposed outweighed the limited harm.

Norham

PINs No.	APP/P2935/A/14/2215293
Decision and date	Dismissed 08/12/14
Location	Felkington Farm, Norham, Northumberland TD15 2NR
Inspector	Richard McCoy
Appellant	Mrs Lee Houghton
LPA	Northumberland County Council
Determination process	Written Representations
Summary of decision	Proposal for two turbines with a blade tip height of 34.5m. The main issue was the effect on the setting of Duddo Stone Circle SAM. The SAM lies 1.8km from the appeal site and occupies a small rounded hill. The Inspector noted that it was the only surviving hilltop stone circle in Northumberland. The Inspector considered that the setting of the SAM incorporates all the surrounding visible landscape and that the proposed turbines would therefore fall within the setting of the SAM. The Inspector also held that a large part of the significance of the SAM was derived from its setting and that the proposed turbines would be a very detrimental intrusion. The harm was found to be less than substantial harm. However, the benefits of the proposal were not found to outweigh the harm in the planning balance.

Dunino

PINs No.	PPA-250-2206
Decision and date	Allowed 08/12/14
Location	Bonerbo Farm, Dunino, Anstruther, Fife
Inspector	Stephen Hall
Appellant	Messrs Stevenson, Watson and Brunton
LPA	Fife Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 67m. The main issues were the landscape and visual effects, residential amenity effects and effects on aviation. The Reporter was of the view that the landscape had the capacity to accept another turbine without significant harm to its character. Although the Reporter noted that the visual appearance of the proposed turbine could have been improved if it had been sited in line with the existing turbines, he did not consider that the proposal would appear as a particularly jarring or discordant feature. With regard to the effects on residential amenity, the Reporter found that there would not be any significant harm caused in relation to noise and shadow flicker. In terms of aviation issues, the Reporter accepted a turbulence report submitted by the Appellant and concluded that the proposal was acceptable in terms of air safety. Overall, the Reporter held that the proposal accorded with the relevant provisions of the Development Plan and that no material considerations existed which would justify refusal of planning permission.

Southfields Farm

PINs No.	APP/Y2430/A/14/2221470
Decision and date	Dismissed 09/12/14
Location	Land at Southfields Farm, Church Lane, Somerby, Leicestershire
Inspector	Philip Major
Appellant	Mr Mark Barnes
LPA	Melton Borough Council
Determination process	Hearing
Summary of decision	Proposal for a single turbine with a blade tip height of 61m. The main issues were the effects on the character and visual qualities of the area, impacts on the amenity of users of the public rights of way, impacts on the health of a nearby resident and the impact on heritage assets. The Inspector noted that the landscape character of the area would be highly sensitive to change and that the impact of the proposed turbine would be significant and was therefore deemed by the Inspector to be unacceptable. The Inspector also noted that a number of PROW run in close proximity to the appeal site. However he was of the view that the proposal would not cause an unacceptable disruption in amenity terms. With regards to the health issues, the Inspector noted that there could be an adverse effect to a child who resided near to the appeal site, the main issue being that the child used the PROW located near to the appeal site and would be affected by the spinning of the turbine while out on these walks. The impact on the health of the child was given significant weight. The Inspector found that there would be harm to nearby heritage assets, and although this would be less than substantial, it still weighed against the proposed turbine. Overall, the Inspector found that the harms caused by the proposal were not capable of being outweighed by the benefits and the appeal was dismissed.

Howey

PINs No.	APP/T6850/A/13/2191385 AND 2191416
Decision and date	Dismissed 10/12/14
Location	Graig Farm, Howey, Llandrindod Wells, Powys, LD1 5RH
Inspector	A D Poulter
Appellant	Exemplaris Limited
LPA	Powys County Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 44m. The main issue in this appeal was the effect on the character and appearance of the area. The Inspector considered that due to the size and scale of the proposed turbine, it would cause serious harm to the character of the local area, and that harm to the character of the landscape would be widespread. It was also found that the proposed turbine would have a seriously harmful effect on visual amenity in the locality. The benefits of the proposal were not considered to be capable of outweighing the harms.

Demperston Farmhouse

PINs No.	PPA-250-2204
Decision and date	Dismissed 11/12/14
Location	Demperston Farmhouse, Strathmiglo, KY15 7EA
Inspector	Michael J P Cunliffe
Appellant	e-Gen Partners Ltd
LPA	Fife Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 54m. The main issues in this appeal were the landscape and visual effects and the effects on heritage assets. The Reporter considered that the landscape was capable of satisfactorily absorbing the proposed turbine. The Reporter found that the proposed turbine would be a prominent intrusion on the rural setting of Strathmiglo, 1.2-1.7km from the appeal site, as well as causing significant visual effects to properties in Auchtermuchty (also 1.2km away) and Demperston Farm Cottages 700m from the proposed turbine. The Reporter also held that the proposed turbine would be an incongruous feature in the wider setting of Piltlour House (Category A listed) which would result in an adverse impact on the heritage asset. The Reporter concluded that the benefits of the proposal were not capable of outweighing the harms.

Barrock

PINs No.	PPA-270-2108
Decision and date	Allowed 11/12/14
Location	Land 978m Southeast of 2 Lochend Holding, Barrock, Caithness
Inspector	David Liddell
Appellant	Wind Harvest Ltd
LPA	The Highland Council
Determination process	Written Representations
Summary of decision	Proposal for 4 turbines with a blade tip height of 99.5m. The main issues in this appeal were the landscape and visual effects, impacts on residential amenity and impacts on heritage assets. The Reporter considered that the proposed development would not be so large in extent as to significantly affect the overall character of the landscape. Although the Reporter noted that the proposed turbines would be prominent from many locations, the effects were mitigated to varying degrees by distance and intervening vegetation. At no point, did the Reporter find that the impacts would be significantly adverse. Nor did the Reporter consider that there would not be any significantly detrimental cumulative landscape and visual impacts. With regards to the other main issues, the Reporter was satisfied that the proposal met the requirements of the development plan and concluded that there were no material considerations which justified refusing planning permission.

Woolfardisworthy

PINs No.	APP/W1145/A/14/2221545
Decision and date	Allowed 12/12/14
Location	Land at Tuttsclump Farm, Woolfardisworthy, Bideford, EX39 5PT
Inspector	B Hellier
Appellant	Mr P Barker
LPA	Torrige District Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 34.5m. The main issue in this appeal was the effect on the character and appearance of the surrounding countryside. The Inspector found that the turbine would be a noticeable skyline feature for up to a distance of 1.5km, with limited opportunities for close and medium views. In cumulative terms the Inspector noted that the proposed turbine would be seen in combination with a number of operational and approved turbines, but that there would not be a significant cumulative effect to the landscape. In conclusion the Inspector found that the proposal would be sustainable development supported by the development plan.

Cartworth Moor

PINs No.	APP/Z4718/A/14/2220417
Decision and date	Dismissed 12/12/14
Location	Moorfield Farm, Cartworth Moor Road, Holmfirth, HD9 2QS
Inspector	Alan Novitzky
Appellant	Mr Shaun Westerby
LPA	Kirklees Metropolitan Borough Council
Determination process	Written Representations
Summary of decision	<p>Proposal for a single turbine on a 24m mast. The main issues were whether the proposal constituted inappropriate development in the Green Belt, the effect on the character and appearance of the landscape and the effect on living conditions. The Inspector held that the proposed turbine would constitute inappropriate development in the Green Belt. The landscape in the immediate vicinity of the site was noted by the Inspector as having a pragmatic working character. The Inspector therefore found that the proposed turbine would not exert a significantly harmful effect on landscape character. Public footpaths are located within the vicinity of the appeal site, with the closest being 40m away. It was held that this would result in considerable harm to the visual amenity of the users of the footpath, including those on horses. In terms of the effect on living conditions, the nearest property was recorded as being 200m from the proposed turbine, but its main aspect faces away from the appeal site and the Inspector therefore noted that the effect on living conditions would be acceptable. The Inspector considered that the very special circumstances existed to overcome inappropriate development in the Green Belt.</p>

Bwlfa Farm

PINs No.	APP/L6940/A/14/2222848
Decision and date	Allowed 19/12/14
Location	Bwlfa Farm, Pentre, CF41 7NY
Inspector	Aidan McCooley
Appellant	Mrs Shan Farr
LPA	Rhondda Cynon Taf County Borough Council
Determination process	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 77m. The main issue was the effect on the landscape character and appearance of the area. It was noted that the appeal site lies at an elevation of 470m AOD, in a mountain top location. The Inspector noted that the landscape effects of the proposed turbine would be limited by views and distance. He also considered that a single turbine would not impact on the landscape character to a significant degree, either alone or cumulatively. The Inspector found that the proposal turbine would be on the skyline from certain views. However, existing turbines are seen on the skyline from a wide range of views and the Inspector noted that the proposed turbine would have a lesser impact because it is for a single turbine. It was also found that the number of properties with views of the proposal would be limited by topography, orientation and screening of buildings. The Inspector found that the benefits of the proposal outweighed the limited harms.</p>

Winterton

PINs No.	APP/Y2003/A/13/2207858
Decision and date	Dismissed 22/12/14
Location	Land at Winterton Landfill Site, off Coleby Road, West Halton, Winterton, DN15 9AP
Inspector	Robert Mellor
Appellant	FCC Environment (UK) Ltd
LPA	North Lincolnshire Council
Determination process	Recovered by the Secretary of State
Summary of decision	<p>Proposal for three turbines with a blade tip height of up to 127m. The main issues in this appeal were the effects on: landscape character; visual amenity; heritage assets and noise levels. The Inspector noted in terms of cumulative landscape effects, that the proposal would add a minor sequential cumulative landscape impact, though in an area where there are more or less continuous views of wind farms. The nearest residential properties to the appeal site were recorded as 690m away, but the Inspector considered that there were mitigating factors including: the proposed turbines being located on lower land; oblique views; and small windows. This led the Inspector to conclude that the proposal would not appear visually overbearing or oppressive. With regards to heritage assets, the property which caused the most concern was the Grade II* St Etheldreda's Church at West Halton 1.1km from the appeal site. The Inspector was of the view that the proposal would not be so close to the church as to dominate it or to further diminish its limited role in the landscape. The harm was considered to be limited and less than substantial. The Inspector recommended that the benefits of the proposal outweighed the harms and that the appeal should be allowed. However, the Secretary of State disagreed, placing more weight on the harm to St Etheldreda's Church and dismissed the appeal.</p>

Spring Ridge Farm

PINs No.	APP/Z2830/A/11/2165035
Decision and date	Dismissed 22/12/14
Location	Spring Ridge Farm, Land to the north of Welsh lane between Greatworth and Helmdon
Inspector	John Woolcock
Appellant	Broadview Energy Ltd
LPA	South Northamptonshire Council
Determination process	Recovered by the Secretary of State
Summary of decision	<p>Proposal for five turbines with a blade tip height of up to 125m. The main issues in this appeal were the effects on: character and appearance of the area; living conditions of nearby residents; and heritage assets. The Inspector found that the proposal would have a major adverse effect on the local landscape which would reduce with distance, as well as an adverse effect on visual amenity. The nearest residential properties would range from 800m from the nearest turbines. The Inspector did not consider that the proposal would result in an overwhelming and oppressive impact on the outlook from nearby dwellings, mainly due to separation distances involved, screening and orientation of dwellings. It is noted that there are over 300 heritage assets within 5km of the appeal site. However, although the Inspector found that there would be harm to some of the heritage assets, there was no instance when this resulted in substantial harm. Overall, the Inspector found that although the planning was finely balance, that the benefits of the proposal outweighed the harm and recommended that the appeal be allowed. The Secretary disagreed and dismissed the appeal.</p>

Dorcas Lane

PINs No.	APP/J0405/A/13/2205701
Decision and date	Dismissed 22/12/14
Location	Land to the South of Dorcas Lane, South-West of Stoke Hammond and North West of Soulbury
Inspector	Jessica Graham
Appellant	Force 9 Energy LLP and EDF ER
LPA	Aylesbury Vale District Council
Determination process	Recovered by the Secretary of State
Summary of decision	Proposal for four turbines with a blade tip height of up to 125m. The main issues in this appeal were the effects on the character and appearance of the area and on living conditions of local residents. The Inspector was of the opinion that the turbines would have a characterising influence over the landscape and would result in harmful visual impacts at locations up to 5km from the appeal site, including cumulative visual harm. With regards to the effects on living conditions that Inspector found that the proposal would result in a property 800m from the appeal site becoming an unattractive and unsatisfactory place to live. Although there would be impacts on a number of other properties, some of which were closer at 740m, the effects were not found to be so oppressive or overwhelming as to render these properties unattractive places to live. Overall, the Inspector considered that the benefits were not capable of outweighing the harms and recommended that the appeal be dismissed. The Secretary of State agreed.

Pule Hill Farm

PINs No.	APP/R4408/A/14/2225997
Decision and date	Dismissed 24/12/14
Location	Land associated with Pule Hill Farm, Rag Lane, Thurgoland
Inspector	David C Pinner
Appellant	Mr R Warrtig
LPA	Barnsley Metropolitan Borough Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 34.5m. The main issue was the harm to the Green Belt by reason of inappropriateness. The Inspector noted that there are two existing but smaller turbines at Pule Hill Farm. The Inspector found that from some views the proposed turbine would be seen together with the existing turbines, resulting in a clustering effect and having a significant impact on the openness of the Green Belt. The Inspector also held that the proposed turbine would result in unacceptable harm to the character and appearance of the local landscape. The benefits of the proposal were not found to amount to the very special circumstances required to overcome inappropriate development in the Green Belt.

Bargoed Farm

PINs No.	APP/D6820/A/14/2220629
Decision and date	Dismissed 22/12/14
Location	Bargoed Farm, Llwynceilyn, Aberaeron, SA46 0HL
Inspector	Hywel Wyn Jones
Appellant	Mr and Mrs Thomas
LPA	Ceredigion County Council
Determination process	Hearing
Summary of decision	Proposal for a single turbine with a blade tip height of up to 79m. The main issues in this appeal were the effects on the character and appearance of the area, heritage assets and local ecology. Although the Inspector considered that the effect on the character of the landscape would not be significantly detrimental, the effects on visual amenity in the immediate locality were found to be substantially harmful. The Inspector found that there would be substantial harm to 3 listed buildings: a Grade II* Church where the Inspector considered that the proposed turbine would detract from the setting of the Church by reducing its visual dominance; and Capel Llwybcelyn and its vestry which are separately listed as Grade II where the Inspector found that there would be virtually uninterrupted views of the turbine from a distance of 0.77km. With regards to local ecology the Inspector held that there was insufficient evidence available to establish the potential impact of the proposal on local bat and barn owl populations. The benefits of the proposal were not found to be sufficient to outweigh the harms identified.

Rockhouse Farm

PINs No.	APP/Q3305/A/14/2222024
Decision and date	Dismissed 06/01/15
Location	Rockhouse Farm, Chantry, Frome, Somerset, BA11 3LS
Inspector	John Wilde
Appellant	Mr Peter Hill
LPA	Mendip District Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 77m. The main issues in this appeal were the effects on the character and appearance of the area, on heritage assets and protected species. The Inspector found that the proposed turbine would cause a major adverse effect on the local landscape, and a major adverse visual impact to visitors to Cranmore Tower. The Inspector, in line with a response from English Heritage found that there would be less than substantial harm to the Church of All Saints, based on the fact that there would be inter-visibility at a distance of 1.5km. The protected species in this appeal was the peregrine falcon which is known to nest 1.5km from the appeal site. RSPB recommend relocation of turbine positions within 400m-800m of nest sites. The Inspector therefore held that this was not a significant determining factor in this appeal. However, the Inspector still found that the benefits of the proposal were not capable of outweighing the harms.

Ewsters Farm

PINs No.	APP/Y2003/A/14/2217194
Decision and date	Dismissed 06/01/15
Location	Ewsters Farm, Owston Ferry Road, West Butterwick, DN17 3JX
Inspector	David C Pinner
Appellant	J Maw and Son
LPA	North Lincolnshire Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 77.9m. The main issue was the effect on the character and appearance of the area. The Inspector noted that there are relatively few trees or hedges in the landscape and buildings and settlements are widely spaced. As a result, the Inspector found that the proposed turbine would be readily visible over a wide area. It was also noted that the proposed turbine would be the tallest structure in the locality, having a greater adverse effect on the landscape than any existing structures. The Inspector concluded that the benefits of the proposal were not capable of outweighing the harm to the landscape.

Hens Head Farm

PINs No.	APP/B2355/A/14/2226531
Decision and date	Allowed 06/01/15
Location	Land to the north of Hen Heads Farm, Kings Highway, Accrington, BB5 2DL
Inspector	B Hellier
Appellant	DC21 Group Ltd
LPA	Rosendale Borough Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 47.1m. The main issue was the effect on the character and appearance of the area. The appeal site lies at 295m AOD, on undulating terrain. The Inspector considered that the proposed turbine would be of a similar scale to the existing electricity pylons, reservoirs and dual carriage way, resulting in only a moderate adverse effect. The Inspector noted that the proposed turbine would be visible from views on PROW, where the view would be prominent, but not unduly out of place in the setting. On carrying out the planning balance it was found that the benefits of the proposal outweighed the limited harms and the appeal was allowed.