

# WIND GENERATION APPEALS UPDATE

March 2015



Please find below a resume of decisions made between 11 February 2015 and 3 March 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](mailto:richard.glover@squirepb.com) or direct dial 0113 284 7023.

## Bicton

<b>PINs No.</b>	APP/H0520/A/13/2207023
<b>Decision and date</b>	Dismissed 11/02/15
<b>Location</b>	Land to the west of Bicton Industrial Estate between the villages of Kimbolton and Stow Longa, Cambs
<b>Inspector</b>	Paul Griffiths
<b>Appellant</b>	Broadview Energy Ltd
<b>LPA</b>	Huntingdonshire District
<b>Determination process</b>	Recovered by Secretary of State
<b>Summary of decision</b>	Proposal for three turbines with a blade tip height up to 125m. The main issues were the effects on the character and appearance of the landscape, the effects on heritage assets and the effects on living conditions. The Inspector noted that the appeal site was surrounded by a wide range of designated heritage assets and was of the view that the proposed turbines would have a harmful impact on the setting and thereby significance of a number of these assets. The harm was found to be less than substantial, but was still to be considered in the planning balance. With regards to living conditions, the main concern was the visual impact of the proposed turbines. The Inspector considered that the proposed turbines would have a significant detrimental effect on the living conditions of Blackwell House (863m from the nearest turbine) due to the narrow field of view enjoyed by the property being towards the proposed turbines. The Inspector recommended that the appeal be dismissed as the benefits of the proposal were not found to be sufficient to outweigh the harms. The Secretary of State agreed.

## Moorhouse

<b>PINs No.</b>	APP/B3030/A/14/2215002
<b>Decision and date</b>	Dismissed 12/02/15
<b>Location</b>	Land to the north of Moorhouse, Moorhouse Road, Newark, NG23 6LX
<b>Inspector</b>	Philip Major
<b>Appellant</b>	Mr Richard Walker
<b>LPA</b>	Newark & Sherwood
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for a single turbine with a blade tip height of 86.45m. The main issues were the effects on the character and visual quality of the area and the effects on heritage assets. The Inspector found that the proposed turbine would be a stark, intrusive moving element in the landscape, but it would not have a detrimental impact on the whole of the landscape area. The Grade II* Moorhouse Chapel is located 500m from the appeal site. The Inspector found that the setting of the Chapel encompassed the small village of Moorhouse itself. The Inspector concluded that the proposed turbine would be a significant feature in the setting, which would diminish the appreciation of the Chapel, resulting in harm, albeit less than substantial. The Inspector also found there to be less than substantial harm to the setting of the Grade II Church Farm House. The Inspector noted that there was a lack of detail in the proposed access requirements. Overall, the Inspector held that the benefits were not capable of outweighing the harms.

## Skipton Old Road

<b>PINs No.</b>	APP/E2340/A/14/2216849
<b>Decision and date</b>	Dismissed 16/02/15
<b>Location</b>	Flass Bent Farm, Skipton Old Road, Colne, BB8 7EW and Knarr Side Farm, Skipton Old Road, Colne, BB8 7EW
<b>Inspector</b>	David C Pinner
<b>Appellant</b>	Mr K Bowker
<b>LPA</b>	Pendle Borough Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Two separate proposals for single turbines both with a blade tip height of 45.5m. The main issue in both instances was the effect on the character and appearance of the area. The Inspector noted that the appeal sites were in isolated locations in open countryside and found that the landscape, although not designated, was very attractive. The Inspector commented that there were already several wind turbines in the area around the appeal sites, to the extent that the Inspector considered that the quality of the landscape had begun to deteriorate. In conclusion, the Inspector held that the harm caused to the landscape, when considered together with the existing turbines, could not be outweighed by the benefits.

## Watershute Farm

<b>PINs No.</b>	APP/W1145/A/14/2226050
<b>Decision and date</b>	Dismissed 16/02/15
<b>Location</b>	Watershute Farm, Horns Cross, Bideford, Devon, EX39 5QQ
<b>Inspector</b>	Jessica Graham
<b>Appellant</b>	Mr and Mrs W J Heywood
<b>LPA</b>	Torridge District Council
<b>Determination process</b>	Dismissed 16/02/15
<b>Summary of decision</b>	Proposal for a single turbine with a blade tip height of up to 35m. The main issues were the effects on the character and appearance of the area, the effects on protected species and the effects on living conditions of nearby residents. The Inspector found that while the proposed turbine would break the skyline, it would not necessarily cause harm to the character of the AONB, 300m to the north of the appeal site. The Inspector also found that the proposed small-scale turbine, associated with an existing farm, would not be out of keeping with the predominantly agricultural character of the landscape. The Inspector was of the view that the assessment of protected habitats and species limited to a data search of DEFRA 'Magic' website did not go far enough. In terms of the impacts on the living conditions of nearby residents, the issue was the cumulative noise impact in conjunction with the nearby Swanton Farm turbine. The Inspector considered that there was insufficient information to assess the cumulative noise impacts. The Inspector concluded that the benefits of the proposal were not sufficient to outweigh the harms.

## Sandy Knowe

<b>PINs No.</b>	Sandy Knowe
<b>Decision and date</b>	Dismissed 18/02/15
<b>Location</b>	Sandy Knowe wind powered electricity generating station, Dumfries and Galloway (s.36)
<b>Inspector</b>	Scottish Ministers
<b>Appellant</b>	Burcote Wind Ltd
<b>LPA</b>	Scottish Ministers
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for up to 30 turbines. The main issue was the landscape and visual impacts of the proposal. SNH raised serious concerns, noting that the proposed turbines would be overwhelming in scale to the Upper Valley Nithsdale landscape. Scottish Ministers considered that the proposal would result in significant cumulative landscape and visual effects, with the proposal representing the tipping point to the landscape becoming a wind farm landscape. Scottish Ministers held that adverse landscape and visual impacts could not be satisfactorily addressed and those impacts outweighed the benefits the proposal would bring.

## Marsden Gate

<b>PINs No.</b>	APP/A4710/A/14/2213904
<b>Decision and date</b>	Dismissed 19/02/15
<b>Location</b>	Land west of Marsden Gate, Sowood, Elland
<b>Inspector</b>	Andrew Hammond
<b>Appellant</b>	DC21 Ltd
<b>LPA</b>	Calderdale Metropolitan Borough Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for a single turbine with a blade tip height of 34m. The main issue was whether the proposed development constituted inappropriate development in the Green Belt and whether the harm by reason of inappropriateness could be justified on the basis of very special circumstances. The Inspector held that the proposed turbine would be inappropriate development in the Green Belt and that the proposed turbine would also reduce the openness of the Green Belt. Due to the siting of the proposed turbine on a prominent hilltop, the Inspector also found that there would be harm to the landscape character and appearance of the area. The benefits of the proposal were not found to amount to the very special circumstances required to justify inappropriate development in the Green Belt or overcome the other harms.

## Shay Farm

<b>PINs No.</b>	APP/W4705/A/14/2221078
<b>Decision and date</b>	Allowed 02/03/15
<b>Location</b>	Land at Shay Farm, Brighouse & Denholme Road, Denholme Gate, Bradford, BD13 4HF
<b>Inspector</b>	Clive Nield
<b>Appellant</b>	S M Durrant
<b>LPA</b>	City of Bradford Metropolitan District Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for a single turbine with a blade tip height of 34.2m. The main issue was the effect on the Green Belt. Although the Inspector noted that the proposed turbine would be inappropriate development in the Green Belt, he considered that as a tall slim structure, the proposed turbine would have a limited effect on the openness of the Green Belt. The Inspector also found that there would be a negligible effect on the character and appearance of the area due to the existing nearby electricity pylons. In terms of cumulative impacts with other nearby turbines, the Inspector found that any increased harm would be negligible. Overall, the Inspector found that the benefits of the proposal were capable of outweighing the harms, and that they also amounted to the very special circumstances required to justify inappropriate development in the Green Belt.

## Barley Croft Farm

<b>PINs No.</b>	APP/A4710/A/14/2218933
<b>Decision and date</b>	Allowed 02/03/15
<b>Location</b>	Barley Croft Farm, Blackshaw Head, Hebden Bridge HX7 7JG
<b>Inspector</b>	Andrew Hammond
<b>Appellant</b>	Lifelong Energy
<b>LPA</b>	Calderdale Metropolitan Borough Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for a single turbine with a blade tip height of 21.5m. The main issues in this appeal are the effects on the visual amenity of the locally designated "Area Around Todmorden" and the character and appearance of the landscape. The Inspector considered that given the scale and simple appearance of the proposed turbine, the detriment to the local landscape would be limited. Overall, the Inspector held that the visual and landscape harm that would be introduced by the proposed development would be limited and would be outweighed by the benefits.

## Easter Auchinrivoch Farm

<b>PINs No.</b>	PPA-320-2076
<b>Decision and date</b>	Dismissed 05/03/15
<b>Location</b>	Easter Auchinrivoch Farm, High Banton Road, Banton, G65 0QZ
<b>Inspector</b>	Don Rankin
<b>Appellant</b>	David Henderson
<b>LPA</b>	North Lanarkshire Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for a single turbine with a blade tip height of 77m. The main issues were the effects on landscape character and heritage assets. The Reporter noted that the appeal site was situated 320m from the boundary of Kilsyth RSA. The Reporter considered that the proposed turbine would have a harmful effect on the landscape of the area. It was also noted that the proposed turbine would be sited on part of the historic battlefield of Kilsyth. However, Historic Scotland withdrew their objection to the proposal so the Reporter found that the proposal would not warrant refusal on this issue alone. In conclusion the Reporter held that the effect on the landscape could not be outweighed by the benefits.

## Castle Cenlas

<b>PINs No.</b>	APP/N6845/A/14/2225983
<b>Decision and date</b>	Allowed 06/05/15
<b>Location</b>	Castle Cenlas, Mathry, Pembrokeshire, SA62 5JD
<b>Inspector</b>	Mr A Thickett
<b>Appellant</b>	Toddingtons Ltd
<b>LPA</b>	Pembrokeshire County Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Proposal for a single turbine with a blade tip height of 34.4m. The main issues were the effects on the character and appearance of the area and tourism. The site lies in an area of open rolling countryside. The Inspector agreed with the Council's officers who had stated that the addition of the proposed turbine would not result in an adverse change to the character of the landscape, or significant visual impacts. The campsite immediately to the south of the appeal site raised concerns on the adverse impact of their business. However, the Inspector noted a study carried out by the Welsh Government which found no significant impacts on tourism. The noise assessment had also concluded that there would not be an adverse impact on those living in the area. The Inspector held that the benefits of the proposal were sufficient to outweigh the harms.

## Gledsgreen, Gawnmoss and Carinhill

<b>PINs No.</b>	PPA-110-2246, 2247 and 2248
<b>Decision and date</b>	All three allowed 11/03/15
<b>Location</b>	Gledsgreen, Gawnmoss and Cairnhill, Banff, AB45 3BS
<b>Inspector</b>	David Buyla
<b>Appellant</b>	James Gammie
<b>LPA</b>	Aberdeenshire Council
<b>Determination process</b>	Written Representations
<b>Summary of decision</b>	Each proposal is for a single turbine with a blade tip height of 79m. The main issues in these appeals were the effects on the landscape and amenities of nearby residents, both individually and cumulatively. The Reporter noted that there was a significant level of turbine development in the local area. However, although the addition of three turbines would inevitably increase the presence of turbine development, the balance would not be altered to such an extent to become harmfully dominant. The Reporter also considered that the spacing between the three turbines would allow the open large scale landscape to dominant and avoid the group being too much of a focal point. Therefore ensuring that there would be no harmful cumulative effects. The Reporter considered that the proposed turbines would have some significant adverse effects on the amenity of local residents. However, this would be very localised and would primarily be from neighbouring land and rather than principle views from homes. Overall, the Reporter found that the harms would be outweighed by the benefits.