

WIND GENERATION APPEALS UPDATE

October 2015



Decisions from 4 September to 2 October 2015

Neath

PINs No.	APP/Y6930/A/13/2209942
Decision and date	Dismissed 04/09/15
Location	Farmland adjoining forestry East of Crynant and South of Seven Sisters, Neath
Inspector	Clive Nield
Appellant	Wind Ventures UK Limited
LPA	Neath Port Talbot County Borough Council
Procedure	Inquiry
Summary of decision	<p>Proposal for nine turbines with a maximum blade tip height of 125m. The main issues in the appeal were the effects in relation to the underground mining operations, landscape and visual effects, ecological effects and effects on ancient monuments. The Inspector considered that the environmental impacts would not be significant, taking into account the mitigation measure proposed. However, the issue regarding the effect of the mining of coal beneath the appeal site was one that the Inspector did not feel could be overcome. The strong policy support for safeguarding access to coal outweighed the benefits of the proposal and the Inspector dismissed the appeal.</p>

Ardchannel

PINs No.	PPA-1300-2045
Decision and date	Dismissed 08/07/15
Location	Ardchannel, East of Loch Awe, Argyll and Bute
Inspector	Dan Jackman
Appellant	RWE Innogy UK Limited
LPA	Argyll and Bute Council
Procedure	Hearing
Summary of decision	<p>Proposal for 15 turbines with a maximum blade tip height of 111m. The main issues were the landscape and visual impacts. The Reporter considered that when viewed next to the nearby An Suidhe wind farm, the difference in turbine size between the wind farms and different rotational speeds, together with the visual prominence of the proposal would be visually discordant and would significantly detract from the setting of Loch Awe, resulting in significant adverse landscape and visual effects. Overall, the Reporter considered that these impacts were sufficient to outweigh the benefits of the proposal.</p>

Crugeran

PINs No.	APP/Q6810/A/15/3022085
Decision and date	Dismissed 8/09/15
Location	Crugeran, Sarn, Pwllheli, LL53 8DT
Inspector	Vicki Hirst
Appellant	Mr Richard Parry
LPA	Gwynedd Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single wind turbine with a maximum blade tip height of 34.2 metres. The main issue was the effect on the character and appearance of the area. It was noted that the boundary of the AONB lie 900m north east of the site and lies within an area designated by the Council as a landscape conservation area. The Inspector found that the proposed turbine would appear as a dominant and intrusive feature within the local landscape, noting that it would be particularly visible from within a section of the AONB, such that it would not conserve the natural beauty of the area. Additionally, the Inspector also found that the proposed turbine would also be visible in combination with an existing turbine, adding cumulative harm to the landscape character and appearance of the area.</p>

Chwaen Goch

PINs No.	APP/L6805/A/15/3016535
Decision and date	Allowed 09/09/15
Location	Land at Chwaen Goch, Llanerchymedd, LL71 7BP
Inspector	Emyr Jones
Appellant	Mr Carwyn Thomas
LPA	Isle of Anglesey County Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 67m. The main issue was the effect on the character and appearance of the surrounding rural area. The Inspector considered that the effects on landscape character were generally localised within approximately 3km of the site, visual effects would reduce after 1km. The Inspector was of the view that the effects were not unacceptable and could be outweighed by the benefits.</p>

Balnellan Farm

PINs No.	PPA-300-2043
Decision and date	Allowed 9/09/15
Location	Balnellan Farm, Craigellachie, Aberlour, AB38 9RP
Inspector	Michael J P Cunliffe
Appellant	Infinergy Limited
LPA	The Moray Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a maximum blade tip height of 76m. The main issues were the landscape and visual impacts. The Reporter noted, that only when seen at close quarters would the proposed turbine appear to dominate its surroundings. The Reporter found that the proposal would not affect the setting of nearby settlements. Overall, the Reporter found that the proposal would accord with the relevant provision of the development plan and that there were no material considerations which would justify refusing planning permission.</p>

Hemswell Cliff

PINs No.	APP/N2535/A/14/2217829
Decision and date	Dismissed 14/09/15
Location	Land north of Hemswell Cliff, Lincolnshire, DN21 5SL
Inspector	Paul K Jackson
Appellant	RWE Innogy UK Ltd
LPA	West Lindsey Council
Procedure	Inquiry/Recovered
Summary of decision	<p>Proposal for 10 turbines with a maximum blade tip height of 126.5m. The main issues were the effects on the setting of designated heritage assets and the effects on landscape character and visual amenity. The Inspector found that there would be less than substantial harm to the setting and significance of designated heritage assets. The Inspector noted that there would be significant adverse impact on landscape character and that the visual impact on those at Hemswell Cliff Primary School and the residents of Hemswell Cliff would be significantly greater than had been assessed by the Appellant. The Inspector recommended that the proposal be dismissed. The Secretary of State, additionally applied the transitional provisions of the WMS and was not satisfied that the planning impacts identified by local communities had been addressed. The Secretary of State agreed with the Inspectors recommendation and dismissed the appeal.</p>

Flat Moss

PINs No.	PPA-380-2055
Decision and date	Dismissed 16/09/15
Location	Land north-east of Flat Moss, East Kilbride
Inspector	Michael Shiel
Appellant	Temporis Wind
LPA	South Lanarkshire Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a maximum blade tip height of 77m. The main issues were the landscape and visual impacts and impacts on residential amenity. The Reporter found that the proposed turbine would form a visually over-dominant feature in the open landscape, would result in a confusing and cluttered relationship cumulatively and that it would fill in a gap which is currently free of large turbines. Whilst the Reporter considered that the proposed turbine would result in some adverse visual impact on the nearest residential dwellings, it would not be so over-bearing as to be unacceptable. The Reporter concluded that the proposal did not comply with the Development Plan and that there were no material considerations to justify granting consent.</p>

French Farm

PINs No.	APP/J0540/V/14/2220136
Decision and date	Dismissed 21/09/15
Location	French Farm, French Drove, Thorney, Peterborough PE6 0PQ
Inspector	John Braithwaite
Appellant	REG Windpower Limited
LPA	Peterborough City Council
Procedure	Recovered
Summary of decision	<p>Proposal for four wind turbines with a maximum blade tip height of 100 metres. The main issues were the effects on the character and appearance of the landscape, residential amenity and heritage assets. The Inspector noted that the proposed turbines would have a greater impact than the two turbines already permitted. However, he was of the view that the effects would not be incurred or noticed from further afield than for the two permitted turbines. With regards to residential amenity the Inspector found that the proposal would not have the effect as to make any of the nearby properties an unattractive or unpleasant place in which to live. The Inspector was of the view that the proposal would not have any effect on the significance of any heritage asset. Overall, the Inspector held that the benefits of the proposal outweighed the harms and recommended that the appeal be allowed. The Secretary of State however attached greater weight to the landscape and visual effects and in addition was of the view that the planning impacts identified by affected local communities had not been addressed. The appeal was therefore dismissed.</p>

Stoneknowle Hill

PINs No.	APP/E2001/W/15/3029714
Decision and date	Dismissed 25/09/15
Location	Land South of Stoneknowle Hill, North Newbald, York YO43 4TG
Inspector	Anne Jordan
Appellant	Blade Gen Ltd
LPA	East Riding of Yorkshire Council
Procedure	Written Representations
Summary of decision	<p>Proposal for the construction of a single turbine with a maximum blade tip height of 67.9 metres. The main issue was the effect on the character and appearance of the area. The Inspector considered that although the proposed turbine would only have a moderate impact in the wider landscape, it would have a significant harmful effect in local views, especially when considered in conjunction with the existing turbines in the landscape. The Inspector noted that given the objectives of the WMS, she attributed greater weight to the landscape harms as these were also raised by members of the local community. The Inspector concluded that the benefits were not capable of outweighing the harms and dismissed the appeal.</p>

Culsworthy Farm

PINs No.	APP/W1145/W/15/3002153
Decision and date	Dismissed 25/09/15
Location	Land near Culsworthy Farm, Sutcombe, Devon, EX22 7QP
Reporter	Neil Pope
Appellant	Temporis Wind Limited
LPA	Torrige District Council
Procedure	Written Representations
Summary of decision	<p>Proposal for the erection of a single turbine with a maximum blade tip height of 77 metres. The main issues were: (1) the effects on the character and appearance of the countryside and (2) the likely impact on living conditions. The Inspector considered that the proposed turbine would be a dominant structure and would have a high level of effect on the character of the local landscape. However, the Inspector was not of the view that the proposed turbine would result in wind turbines becoming the defining feature of the area. In terms of living conditions of nearby residents, the Inspector found that whilst the proposal would alter the living conditions for some, the changes would not justify refusing permission. The Inspector noted that there remained a substantial body of local opinion strongly opposed to the proposal and that an approval would therefore be at odds with the June 2015 Written Ministerial Statement. The Inspector therefore dismissed the appeal.</p>

Sunny Bank Farm

PINs No.	APP/A2335/A/15/3002347
Decision and date	Dismissed 25/09/15
Location	Sunny Bank Farm, Arkholme, Carnforth LA6 1BG
Reporter	Richard McCoy
Appellant	Mr David Murray
LPA	Lancaster City Council
Procedure	Written Representations
Summary of decision	<p>Proposal for the erection of a single wind turbine with a maximum blade tip height of approx. 80 metres. The main issues were the effects on the landscape character and visual impact, on the AONB and on the setting of nearby heritage assets. The Inspector considered that the proposed turbine would only have a minor effect on the landscape character. However, the Inspector's view was that in the local landscape the proposal would be a very conspicuous feature. With regards to the AONB, the Inspector noted that although the proposed turbine would be 780m from the AONB, it would add a sense of visual clutter when viewed from the AONB. The Inspector also found there to be harm, albeit less than substantial harm, to the setting and significance of Capenwray Hall and Registered Park and Garden (1.2 and 1km from the appeal site). Overall, the Inspector held that the benefits of the proposal were not capable of outweighing the harms.</p>

Byersteads Farm

PINs No.	APP/Z0923/W/15/3002263
Decision and date	Dismissed 28/09/15
Location	Byersteads Farm, Sandwith, Whitehaven, Cumbria, CA28 9UF
Reporter	Iwan Lloyd
Appellant	Mr Charles Ashton
LPA	Copeland Borough Council
Procedure	Written Representations
Summary of decision	<p>Proposal for the installation of a single wind turbine with a maximum blade tip height of 50 metres. The main issue was the effect on the landscape character and visual quality of the area. The Inspector noted that the proposed turbine would inevitably have a significant presence given the open and exposed landscape it would be located within. Additionally, the Inspector was of the view that the proposal would erode the sense of remoteness and tranquillity being in close proximity to the heritage coast. The Inspector concluded that the benefits of the proposals did not outweigh the harms.</p>

Moss Hall Farm

PINs No.	APP/A0665/W/15/3003003
Decision and date	Dismissed 25/09/15
Location	Moss Hall Farm, Moss Hall Lane, Lower Stretton, Warrington WA4 4PB
Inspector	John Braithwaite
Appellant	Mr J Blackshaw
LPA	Cheshire West & Chester Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 42m. The main issues were: (1) whether the proposed wind turbine would be inappropriate development in the Green Belt; and (2) the effect of the proposed turbine on the open rural character and visual amenity of the locality. The Inspector noted that the proposed development would be inappropriate development in the Green Belt. The Inspector found that, although the impact of the proposal would be limited to a small area, its impact on visual amenity and rural character would be significant. In assessing the overall planning balance, the Inspector noted that the proposal may help to alleviate the economic pressures on dairy farmers by helping to reduce ever increasing energy prices. The Inspector did not, however, consider that such benefits outweighed the overall harm that would result from the proposal. The Inspector noted that he had taken account of the Written Ministerial Statement and confirmed that the parties' representations in this regard had been taken into account, but that this did not affect the overall conclusion.</p>

Dyson Cote Farm

PINs No.	APP/R4408/W/15/3005187
Decision and date	Dismissed 28/09/2015
Location	Dyson Cote Farm, Dyson Cote Lane, Snowden Hill, South Yorkshire S36 8YR
Inspector	Brian Cook
Appellant	Mr Charles Ashton (DC21 Group)
LPA	Barnsley Metropolitan Borough Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 49m. The main issues were: (1) the effect of the proposal on the openness of the Green Belt; and (2) the effect of the proposal on the landscape and character and visual appearance of the area. The Inspector noted that the prominence of a tall structure with a sizeable moving element, such as the proposed development, would have a moderately harmful effect on the openness of the Green Belt. Although the Inspector agreed with the Appellant's assessment of the effect on landscape he concluded that the benefits did not amount to the very special circumstances to justify inappropriate development in the Green Belt. The Inspector noted that he had taken account of the Written Ministerial Statement, issued by the Secretary of State for Communities and Local Government on 18 June 2015, but confirmed that this did not alter his decision.</p>

Bent House

PINs No.	APP/T2350/W/15/3005258
Decision and date	Dismissed 28/09/15
Location	Bent House, Tosside, Skipton, North Yorkshire, BD23 4SU
Inspector	B. Hellier
Appellant	DC21 Limited
LPA	Ribble Valley Borough Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 36.6m. The main issues were the effects of the proposed turbine on the character and appearance of the surrounding countryside and the setting of the Forest of Bowland AONB and noise impacts on the living conditions of occupiers of nearby residential Properties. The Inspector found the proposal would have a significant impact on the character and landscape of the local area. The Inspector also found that the proposal would have a significant visual impact and would affect the character of AONB. The Inspector concluded that, combined with the unacceptable noise levels that would arise, the benefits of the proposal were outweighed by the drawbacks. The Inspector referred to the Written Ministerial Statement, issued by the Secretary of State for Communities and Local Government on 18 June 2015, and confirmed that the views of the Council and the appellant in this regard had been taken into account.</p>

Land to the south of Delves Lane

PINs No.	APP/E2340/W/15/3005417
Decision and date	Dismissed 28/09/15
Location	Land to the south of Delves Lane
Inspector	Victoria Lucas-Gosnold
Appellant	Mr Charles Ashton
LPA	Pendle Borough Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 36.6m. The main issue was the effect of the proposal on the landscape character and visual amenity of the area. The Inspector found that the proposed development would be harmful to the landscape and visual amenity of the area and would therefore conflict with the Development Plan. The Inspector considered that the benefits of the proposal did not outweigh the harm that would be caused to landscape character and visual amenity. The Inspector noted that she had taken account of the Written Ministerial Statement, issued by the Secretary of State for Communities and Local Government on 18 June 2015, but confirmed that this did not alter her decision.</p>

Land at Lower Farm

PINs No.	APP/C3105/A/14/2223493
Decision and date	Dismissed 28/09/15
Location	Land at Lower Farm, Mollington, Oxfordshire
Inspector	Paul Griffiths
Appellant	Murex Energy Limited
LPA	Cherwell District Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 77m. The main issues were the effects on the landscape, the setting and thereby the significance of designated heritage assets and the living conditions of local residents through visual impact, noise and shadow flicker. The Inspector considered that whilst the benefits of the proposal should attract significant weight, they did not outweigh the overall harm that would be caused. The Inspector confirmed that he had taken account of the Written Ministerial Statement and the representations that had been made in this regard, noting that the proposal did not comply with the WMS and that this added to the harm caused by the proposal.</p>

Nosterfield End

PINs No.	APP/E3525/A/14/2222478
Decision and date	Dismissed 28/09/15
Location	Nosterfield End, Haverhill Road, Haverhill, Suffolk CB9
Inspector	Ron Boyd
Appellant	Mr James Sills
LPA	St Edmundsbury Borough Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 78m. The main issue was the effects on the surrounding area in respect of landscape character and visual amenity. The Inspector found that the proposal would have a significant presence within the landscape up to approximately 2km from the site. The Inspector did not, however, consider that this would cause significant harm to the local landscape. As regards visual amenity, the Inspector found that the effects on those viewing the turbine from points beyond 3km were unlikely to be significant but that a degree of harm would be caused in certain areas. The Inspector turned to the benefits of the proposal and noted that these were insufficient to outweigh the harm that would be caused. The Inspector noted that he had taken account of the Written Ministerial Statement and confirmed that this was relevant to the present appeal, but that it had not altered his conclusion.</p>

Higher Ford Mill Farm

PINs No.	APP/W1145/W/15/3003585
Decision and date	Dismissed 29/09/15
Location	Higher Ford Mill Farm, Woolsery, Bideford, Devon EX39 5RF
Inspector	John Braithwaite
Appellant	Mr Martin Shere
LPA	Torrige District Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 77m. The main issues were the effects, both individually and cumulatively, on the character of the landscape and on the visual amenity of the area, the effect of the proposed turbine on the setting and significance of heritage assets, the effect of the proposed wind turbine on aviation safety. The Inspector found that the proposal would be a prominent and intrusive feature that would have a substantial effect on the visual amenity of the area. The Inspector noted that the effect of the proposal on local heritage assets would result in less than substantial harm. The Inspector also considered that the potential threat to aviation safety that would undoubtedly arise as a result of the proposal should be taken into account. Having taken account of all the relevant factors, the Inspector concluded that the harm caused by the proposal would not be outweighed by the environmental benefits. The Inspector referred to the Written Ministerial Statement and confirmed that this was a material consideration which he had considered in the overall planning balance.</p>

Land to the South of Riccall Business Park

PINs No.	APP/N2739/A/14/2228428
Decision and date	Dismissed 29/09/15
Location	Land to the South of Riccall Business Park, Selby Road, Riccall
Inspector	Anne Jordan
Appellant	Energy Prospects Co-operative Limited
LPA	Selby District Council
Procedure	Written Representations
Summary of decision	<p>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 area and the living conditions of nearby occupiers of residential/holiday properties. The Inspector considered that although the proposal would have only a moderate impact upon the wider landscape, it would nonetheless have a significant harmful effect on character of the local area. As regards the living conditions of local residents, the Inspector found that the proposal would not conflict with Policy ENV1 of Selby District Local Plan and that this matter should not weigh against the proposal in the planning balance. However, the Inspector referred to the Written Ministerial Statement and noted that the lack of community backing should be given significant weight. The Inspector concluded that although the proposal carried considerable benefits, these would not outweigh the harm caused.</p>

Land at Lower Longcombe

PINs No.	APP/K1128/W/15/3004741
Decision and date	Dismissed 29/09/15
Location	Land at Lower Longcombe, Totnes, Devon
Inspector	Ava Wood
Appellant	Mr and Mrs Peter and Charlotte McGregor
LPA	South Hams District Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 34.2m. The main issues were: (1) the effect the proposed turbine would have on the character and appearance of the area, including its effect on the nearby AONB; (2) the effect on the settings and significance of designated heritage assets; and (3) whether the proposal had fully addressed the planning impacts identified by the affected local communities and earned their backing. The Inspector found that the proposed turbine would not harm the perception and experience of the landscape and consequently would meet the objectives of local and national policies seeking to conserve and enhance the natural environment. The Inspector also found that the proposal would have a negligible impact on all conservation areas, scheduled monuments and other listed buildings. The Inspector nevertheless concluded that the benefits derived from the proposal did not sufficiently outweigh the harm that would arise. The Inspector noted that the absence of express backing from the affected community tipped the balance against allowing the appeal.</p>

Land at Kypehill Farm

PINs No.	PPA-380-2056
Decision and date	Dismissed 28/09/15
Location	Land at Kypehill Farm, High Kype Road, Strathaven
Reporter	Richard Dent
Appellant	Ecocel Renewables Limited
LPA	South Lanarkshire Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 73.5m. The main issue was whether the proposed turbine would have any unacceptable environmental impacts, including cumulative impacts. In respect of the environmental impacts, the Reporter considered that the proposal would be acceptable insofar as natural heritage and built and cultural heritage were concerned, but unacceptable in terms of landscape character and visual impacts. The Reporter confirmed that the parties were given the opportunity to comment on the recently adopted local development plan, but concluded that the proposal would run contrary to some of its key provisions.</p>

Yarbent Farm

PINs No.	PPA-380-2057
Decision and date	Dismissed 28/09/15
Location	Yarbent Farm, near Strathaven
Reporter	Richard Dent
Appellant	Ecocel Renewables Limited
LPA	South Lanarkshire Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 63.4m. The main issue was whether the proposed turbine would have any unacceptable environmental impacts, including cumulative impacts. In respect of the environmental impacts, the Reporter considered that the proposal would be acceptable insofar as natural heritage and built and cultural heritage were concerned, but unacceptable in terms of landscape character and visual impacts. The Reporter confirmed that the parties were given the opportunity to comment on the recently adopted local development plan, but concluded that the proposal would run contrary to some of its key provisions.</p>

Strutherhead Farm

PINs No.	PPA-380-2058
Decision and date	Dismissed 02/10/15
Location	Strutherhead Farm, High Kype Road near Strathaven
Reporter	Richard Dent
Appellant	Natural Energy Limited
LPA	South Lanarkshire Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 67m. The main issue was whether the proposed turbine would have any unacceptable environmental impacts, including cumulative impacts. In respect of the environmental impacts, the Reporter considered that the proposal would be acceptable insofar as natural heritage and built and cultural heritage were concerned, but unacceptable in terms of landscape character and visual impacts. The Reporter confirmed that the parties were given the opportunity to comment on the recently adopted local development plan, but concluded that the proposal would run contrary to some of its key provisions.</p>

Muirhead Farm

PINs No.	PPA-250-2230
Decision and date	Allowed 02/10/15
Location	Muirhead Farm, Craigrothie, Cupar KY15 5PH
Reporter	Robert Seaton
Appellant	Tencreek Renewables Limited
LPA	Fife Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 79m. The main issues were: (1) landscape and visual impact (including cumulative impact); and (2) the effect on residential amenity of nearby dwellings. The Reporter noted that although the proposed turbine would not make a great contribution to achieving the Scottish Government's target for renewable energy generation, that target must necessarily be met by increments to which the proposed turbine could make a contribution. The Reporter confirmed that the proposed turbine complied with this development plan.</p>