

# Wind Generation Appeals Update

November 2015



## Decisions from 12 October 2015 to 3 November 2015

### Land at Thornton Lane

<b>PINs No.</b>	APP/X2220/W/14/3000040
<b>Decision and date</b>	Dismissed 12/10/2015
<b>Location</b>	Land at Thornton Lane, Eastry, Sandwich, Kent
<b>Inspector</b>	John Braithwaite
<b>Appellant</b>	RES UK and Ireland Limited
<b>LPA</b>	Dover District Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a blade tip height of 100m. The main issues were the effects of the proposed wind turbine on the character of the landscape and (2) the effects of the wind turbine on the visual amenity of the area. The Inspector found that the proposal would have a significant adverse effect on character of the landscape and that there would be no opportunities to mitigate the harm that would be caused. The Inspector also found that the proposal would have a major adverse effect on visual amenity in the local area. The Inspector concluded that the environmental benefits were limited when compared against the significant harm that would be caused to character of the landscape and visual amenity. The Inspector confirmed that the Written Ministerial Statement made by the Secretary of State for Communities and Local Government on 18 June 2015 was a material consideration but it did not affect his planning decision in this case.</p>

### Gorvin Farm

<b>PINs No.</b>	APP/W1145/W/15/3009704
<b>Decision and date</b>	Dismissed 12/10/2015
<b>Location</b>	Gorvin Farm, Woolsery, Devon, EX39 5RA
<b>Inspector</b>	Neil Pope
<b>Appellant</b>	Mr Heywood
<b>LPA</b>	Torrige District Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for two wind turbines with an overall tip height of 24.8m. The main issues were nature conservation interests (birds and bats) and the effects on the setting of some Scheduled Ancient Monuments (SAMs). The Inspector noted that the proposal would benefit the local rural economy and confirmed that he appreciated the need for dairy farmers (such as the appellant) to reduce production costs and diversify enterprise. However, the Inspector considered that the proposal was at odds with the relevant environmental policies both on a national and local level. As regards harm caused to SAMs, the Inspector noted that whilst such harm would be less than substantial, it would nonetheless weigh against approval. The Inspector concluded that the totality of the harm that would be caused by the proposal demonstrably outweighed its benefits. The Inspector took account of the Written Ministerial Statement made by the Secretary of State for Communities and Local Government on 18 June 2015 but did not state whether this was a material consideration.</p>

## Hazeltongue Farm

<b>PINs No.</b>	APP/Y2430/W/15/3004564
<b>Decision and date</b>	Dismissed 12/10/2015
<b>Location</b>	Hazeltongue Farm, Clawson Road, Holwell, Melton Mowbray, Leicestershire, LE14 4SP
<b>Inspector</b>	Neil Pope
<b>Appellant</b>	Mr Geoff Skinner
<b>LPA</b>	Melton Borough Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a blade tip height of 77m. The main issues were the effects upon: (1) the character and appearance of the area; and (2) the setting of a Grade II listed building in the local area (Listed Building). The Inspector considered that there would be harm caused to the character and appearance of the local area and that such harm should be given significant weight in the planning balance. The Inspector also considered that the harm caused to the Listed Building should be given considerable weight in the planning balance. The Inspector concluded that the adverse impacts of the proposal demonstrably outweighed its benefits. The Inspector confirmed that he had taken account of the Written Ministerial Statement made by the Secretary of State for Communities and Local Government on 18 June 2015 but did not state whether this was a material consideration.</p>

## Land at Barville Farm

<b>PINs No.</b>	APP/X2220/W/14/3000041
<b>Decision and date</b>	Dismissed 12/10/2015
<b>Location</b>	Land at Barville Farm, Barville Road, Tilmanstone, Deal, Kent
<b>Inspector</b>	John Braithwaite
<b>Appellant</b>	RES UK and Ireland Limited
<b>LPA</b>	Dover District Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a blade tip height of 100m. The main issues were the effects of the proposed wind turbine on the character of the landscape; the effects of the wind turbine on the visual amenity of the area and (3) the effects of the wind turbine on the setting of heritage assets. The Inspector found that the proposal would have a significant adverse effect on character of the landscape. The Inspector also found that the proposal would have a major adverse effect on visual amenity in the local area. However, the Inspector concluded that the environmental benefits were limited when compared against the significant harm that would be caused to character and landscape and visual amenity. The Inspector confirmed that the Written Ministerial Statement made by the Secretary of State for Communities and Local Government on 18 June 2015 was a material consideration in this case but it did not affect his overall planning decision.</p>

## Uppacott Farm

<b>PINs No.</b>	APP/D0840/A/14/2219168
<b>Decision and date</b>	Dismissed 14/10/2015
<b>Location</b>	Uppacott Farm, Kilkhampton, Bude EX23 9RN
<b>Inspector</b>	J M Trask
<b>Appellant</b>	Mr P J Wickett
<b>LPA</b>	Cornwall Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a blade tip height of 67m. The main issue was the effect on the character and appearance of the area. The Inspector noted that there were a number of other wind turbines in the local area, including two 100 metre turbines and three 75 metre turbines. The Inspector found that the cumulative impact of the proposal would have a major adverse effect on the landscape and character and a major to moderate effect on visual amenity. The Inspector took account of the benefits that would flow from the proposal, but considered that the harm that would be caused to landscape and character and visual amenity significantly outweighed such benefits. The Inspector referred to the Written Ministerial Statement made by the Secretary of State for Communities and Local Government on 18 June 2015, but confirmed that this did not alter his decision.</p>

## Coppathorne

<b>PINs No.</b>	APP/D0840/W/14/3001947
<b>Decision and date</b>	Dismissed 14/10/2015
<b>Location</b>	Coppathorne, Poundstock, Bude EX23 0DD
<b>Inspector</b>	J M Trask
<b>Appellant</b>	Ms A Rowland and Mr H Smith
<b>LPA</b>	Cornwall Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a blade tip height of 45m. The main issue was the effect upon the character and appearance of the area and the setting of an Area of Outstanding Natural Beauty (AONB). The Inspector found that the proposal would be intrusive in the green rolling landscape and the setting of the AONB. The Inspector also found that the proposed wind turbine would intrude into the open views of the coast, interfere with the rural backdrop and sometimes break the skyline. The Inspector concluded that the harm that would be caused to character and appearance of the local area outweighed the environmental benefits that the proposal would bring. The Inspector referred to the Written Ministerial Statement made by the Secretary of State for Communities and Local Government on 18 June 2015, but confirmed that this did not alter his decision.</p>

## Tir Dafydd

<b>PINs No.</b>	APP/Q6810/A/15/3033724
<b>Decision and date</b>	Dismissed on 14/10/2015
<b>Location</b>	Tir Dafydd, Sarn, Pwllheli, Gwynedd, LL53 8EF
<b>Inspector</b>	Aidan McCooley
<b>Appellant</b>	Mr Eric Thomas
<b>LPA</b>	Gwynedd Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a blade tip height of 50m. The main issues were the impacts on a Landscape Conservation Area and Landscape of Outstanding Historic Interest (LOHI) and the views onto an Area Outstanding Natural Beauty (AONB); and the visual impact of the proposal on nearby residents. The Inspector found that the proposal would have a detrimental impact on the AONB and would conflict with Gwynedd Council's Unitary Development Plan (UDP) and national policy. The Inspector also found that the proposal would have a significant negative impact on the LOHI, contrary to the relevant policy within Gwynedd Council's UDP. The benefits of the proposal were not considered to be capable of outweighing the harms identified.</p>

## North Lurg

<b>PINs No.</b>	PPA-110-2274
<b>Decision and date</b>	Dismissed on 14/10/2015
<b>Location</b>	Miller Plant Limited, North Lurg, Midmar, Inverurie, AB51 7NB
<b>Reporter</b>	Padraic Thornton
<b>Appellant</b>	Mr I Miller
<b>LPA</b>	Aberdeenshire Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a blade tip height of 34.2m. The main issue was the impact on the residential amenity of nearby properties. The Reporter found that the proposal would have a significant adverse effect on residential amenity and that the proposal would conflict with the relevant policies of Aberdeenshire Council's development plan. The Reporter found that there were no material considerations that would outweigh the harm that would result from the proposal.</p>

## Land associated with Jordanston Farm

<b>PINs No.</b>	APP/N6845/A/15/3095226
<b>Decision and date</b>	Dismissed on 15/10/2015
<b>Location</b>	Land associated with Jordanston Farm, Milford Haven, Pembrokeshire, SA73 1HS
<b>Inspector</b>	Clive Nield
<b>Appellant</b>	Mr Michael Richards
<b>LPA</b>	Pembrokeshire County Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a blade tip height of 87m. The main issues were the effects on: (1) the character and visual amenity of the area (including the cumulative effect); (2) the historic landscape, particularly the setting of a Scheduled Ancient Monument (SAM); and (3) nature conservation. The Inspector found that the proposal would cause significant harm to the visual amenity and appearance of the local area. The Inspector noted that the effect of the proposal on the SAM and nature conservation would, in all likelihood, be limited. The Inspector concluded that the harm caused to the visual amenity and appearance of the local area would be contrary to the Council's development plan and national policy and this could not be outweighed by the benefits.</p>

## Balsalloch Farm

<b>PINs No.</b>	PPA-370-2047
<b>Decision and date</b>	Allowed 19/10/2015
<b>Location</b>	Balsalloch Farm, north of Ballantrae, South Ayrshire, KA26 0JQ
<b>Reporter</b>	David Buylla
<b>Appellant</b>	Eco Projects IoM Limited
<b>LPA</b>	South Ayrshire Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a blade tip height of 47m. The main issues were the effects on the character and appearance of the landscape and on visual amenity, including views from public roads, homes and other viewpoints. The Reporter noted that the proposal would have some adverse visual effects on parts of the local area, but considered that any such harmful effects would be outweighed by the proposal's positive contribution towards renewable energy and carbon emission reduction targets. The Reporter allowed the appeal.</p>

## Heane Farm

<b>PINs No.</b>	APP/Q1153/W/15/3003384
<b>Decision and date</b>	Dismissed 20/10/2015
<b>Location</b>	Heane Farm, Runnon Moor Lane, Hatherleigh EX20 3PL
<b>Inspector</b>	Paul Griffiths
<b>Appellant</b>	Mr Jeremy Dennis
<b>LPA</b>	West Devon Borough Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a blade tip height of 77m. The main issues were the effects on the character and appearance of the surrounding landscape, designated heritage assets and the living conditions of local residents through visual impact. The Inspector found that the proposal would have a moderately harmful impact on the landscape and character of the local area. As regards the effect on designated heritage assets, the Inspector confirmed that the proposal would not in any way affect the significance of such heritage assets. However, the Inspector concluded that the proposal would have a significantly harmful impact on the residents of certain locations within the local area. The Inspector referred to the Written Ministerial Statement made by the Secretary of State for Communities and Local Government on 18 June 2015 and noted that the proposal did not have the backing of the local community and therefore dismissed the appeal.</p>

## Stone Park Farm

<b>PINs No.</b>	APP/Y3425A14/2212769
<b>Decision and date</b>	Dismissed 21/10/15
<b>Location</b>	Land near Stone Park Farm, Pingle Lane, Stone ST15 8QT
<b>Inspector</b>	David Pinner
<b>Appellant</b>	Hallmark Power
<b>LPA</b>	Stafford Borough Council
<b>Procedure</b>	Written Representations (Recovered)
<b>Summary of decision</b>	<p>Proposal for two turbines with a maximum blade tip height of 45m. The main issues were the effects on local landscape, the setting of Moddershall Valley Conservation Area and on the living conditions of nearby residents. The Inspector considered that the proposal would only occupy a very minor part of the wider view and would not appear out of scale with trees along the skyline. Additionally, the Inspector considered found that there would not be a significant effect on the character or appearance of the Conservation Area, being more than 250m beyond the boundary of the Conservation Area. With regards to the living condition of nearby residents, the Inspector held that the proposal would not result in nearby properties becoming intrinsically unpleasant places to live. Overall, the Inspector recommended approval of the proposal. However, the Secretary of State disagreed on the basis that the proposal did not meet the transitional arrangement set out in the WMS 18 June 2015.</p>

## Manor House Farm

<b>PINs No.</b>	APP/R1038/W/15/3121514
<b>Decision and date</b>	Dismissed 22/10/15
<b>Location</b>	Manor House Farm, Mansfield Road, Hasland, Derbyshire, S41 0JG
<b>Inspector</b>	Anne Jordan
<b>Appellant</b>	Urban Wind Ltd
<b>LPA</b>	North East Derbyshire
<b>Procedure</b>	Written Representation
<b>Summary of decision</b>	<p>Proposal for a single turbine with a maximum blade tip height of 45m. The main issues were the effects on the character and appearance of the area; and the living conditions of nearby occupiers. The Inspector considered that the proposed turbine would be prominent in local views and very prominent in wide open views resulting in it becoming a visually dominant feature. The effects on the living conditions of nearby residents were limited to those caused by noise. The Inspector noted that the proposal was capable of meeting the levels set by ETSU and therefore could be dealt with by the imposition of suitable condition. In conclusion the Inspector found that the harms to the landscape and visual amenity, which were identified by the local community, had not been addressed and therefore the proposal did not comply with the transitional arrangements set out in the WMS.</p>

## Allt Goch

<b>PINs No.</b>	APP/T6850/A/15/3025958
<b>Decision and date</b>	Dismissed 26/10/15
<b>Location</b>	Land at Allt Goch (Penllwyn Farm) Llanfyllin, Powys
<b>Inspector</b>	Kay Sheffield
<b>Appellant</b>	HJ, A and GE Francis
<b>LPA</b>	Powys County Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single wind turbine with a maximum blade tip height of 45.08 metres. The main issue was the effect on the character and appearance of the area. The Inspector considered that the introduction of a moving vertical structure of the dimensions proposed would make a significant and incongruous addition to the landscape. The Inspector also considered that there would be harm to the visual amenity of occupiers at a property 736m from the proposal. Additionally, the Inspector noted that she was concerned that the evidence did not fully address the harm to bats. The benefits were not found to be sufficient to outweigh the harms.</p>

## Cairnandrew

<b>PINs No.</b>	PPA-110-2277
<b>Decision and date</b>	Dismissed 26/10/15
<b>Location</b>	Land 500m east/south-east of Cairnandrew, Longmanhill, Banff, AB45 3SR
<b>Inspector</b>	Christopher Warren
<b>Appellant</b>	Mr Robert Ritchie
<b>LPA</b>	Aberdeenshire Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for three turbines with a blade tip height of 77m. The main issues were the effects on landscape character and visual amenity and residential amenity. The Reporter noted that the proposed turbines would not in isolation dominate or conflict with the surrounding landscape character. On visual amenity, the Reporter noted that the impact would be significant, but not unacceptable. However, the Reporter found that the proposal would introduce three turbines into a locality where, if most of the consented schemes were ultimately built, it would result in a proliferation of turbines of varying heights and scales, resulting in significant adverse landscape and visual impacts. The Reporter held that the benefits were not sufficient to outweigh the harms.</p>

## Greystone

<b>PINs No.</b>	PPA-110-2275
<b>Decision and date</b>	Dismissed 29/11/15
<b>Location</b>	Greystone, Fisherford, Rothienorman, Inverurie, AB51 8YR
<b>Inspector</b>	Padraic Thornton
<b>Appellant</b>	Insch Renewable Energy Consortium
<b>LPA</b>	Aberdeenshire Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single turbine with a maximum blade tip height of 99.5m as an extension to three consented turbines. The main issues were the impacts of landscape and visual amenity; impact on air traffic safety and residential visual amenity. The Reporter found that the proposed turbine would be a significant and dominant element in the landscape, both in itself and when considered in the context of the three consented turbines. With regards to impacts on air safety, the Reporter did not feel that a suspensive condition would be appropriate as it was not clear that agreement with the MOD and NATS could be reached. The Reporter also held that the Appellant should have submitted a cumulative noise assessment taking into account the three consented turbines to demonstrate that the noise levels would be acceptable. The Reporter concluded that the proposal would be contrary to the Development Plan and that the harms could not be outweighed by the benefits.</p>

## Bwlchgwynt

<b>PINs No.</b>	APP/M6825/A/15/3129070
<b>Decision and date</b>	Allowed 02/11/15
<b>Location</b>	Bwlchgwynt, Llanboidy Road, Meidrim, Carmarthen, SA33 5QY
<b>Inspector</b>	Clive Nield
<b>Appellant</b>	Seren Renewables
<b>LPA</b>	Carmarthenshire County Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for a single turbine with a maximum blade tip height of 74m. The main issues were the effects on the character of the landscape and on visual amenity. The Inspector found that the proposal would sit reasonably comfortably within the local landscape and would benefit from some screening, which would reduce the visual impact. In terms of visual impacts the Inspector noted that the proposal would be prominent in short distance views from nearby footpaths and harmful to the amenity of people walking them. However, he held that as there was no evidence of more than occasional use of these footpaths, he considered that the harm carried little weight. Overall, the Inspector found that the benefits of the proposal would outweigh the harms.</p>

## Brewshot Farm

<b>PINs No.</b>	PPA-380-2059
<b>Decision and date</b>	Allowed 3/11/15
<b>Location</b>	Brewshot Farm, Braehead, Lanark, ML11 8HB
<b>Inspector</b>	Robert Seaton
<b>Appellant</b>	Intelligent Land Investments
<b>LPA</b>	South Lanarkshire Council
<b>Procedure</b>	Written Representations
<b>Summary of decision</b>	<p>Proposal for two turbines with a maximum blade tip height of 46.7m. The main issues were the effects on landscape character and visual amenity. The Reporter considered that the proposed turbines could be integrated into the local context and built form and would not have a significant adverse impact on landscape character and established that the visual amenity would be acceptable. No other material considerations justified refusal of the permission.</p>

## Lillyhall

<b>PINs No.</b>	APP/H0900/A/14/2224323
<b>Decision and date</b>	Dismissed 03/11/15
<b>Location</b>	Lillyhall Landfill Site, Joseph Noble Road, Lillyhall Industrial Estate, Workington, Cumbria
<b>Inspector</b>	Jessica Graham
<b>Appellant</b>	FCC Environmental
<b>LPA</b>	Cumbria County Council
<b>Procedure</b>	Inquiry (Recovered by SOS)
<b>Summary of decision</b>	<p>Proposal for three turbines with a maximum blade tip height of 99m. The main issues were the impacts on the character and appearance of the landscape and visual impacts. The Inspector considered that the proposal would be situate in an area which is already subject to significant levels of cumulative effects and that it would consolidate and extend existing cumulative impacts, resulting in substantial harm to the character of the landscape. With regards to nearby occupiers, the Inspector found that there would not be unacceptable impact on residential amenity, but that the harm still needed to be considered in the planning balance. Additionally, the Inspector also held that there would be adverse impacts on users of nearby roads and public rights of way. The Inspector recommended that the appeal be dismissed. The Secretary of State agreed with the Inspector, noting that the transitional provisions of the WMS had not been met.</p>