

Wind Generation Appeals Update

December 2015



Decisions from 5 November to 2 December 2015

Linburn Farm

PINs No.	PPA-190-2045
Decision and date	Allowed 5/11/15
Location	Linburn Farm, B743 from U751 Tardoes Crossflat to U731 Greenock Water, Muirkirk, KA18 3NJ
Inspector	Iain Urquhart
Appellant	Andrew Woodburn
LPA	East Ayrshire Council
Procedure	Written Representations
Summary of decision	Proposal for two turbines with a blade tip height of 67m. The main issues were the landscape and visual impacts. The Inspector considered that the proposed turbines would be viewed largely against a local background of low hills and ridges, but was of the view that they would not dominate views of the hills. The Inspector found that the proposal would have acceptable amenity, visual and landscape impacts. In conclusion, the development was found to be acceptable and accord with the development plan.

Jaytail Farm

PINs No.	APP/W4705/W/14/3000729
Decision and date	Allowed 9/11/15
Location	Jaytail Farm, Holden Lane, Keighley, West Yorkshire, BD20 5RL
Inspector	Brendan Lyons
Appellant	DC21 Group
LPA	City of Bradford Metropolitan District Council
Procedure	Written Representations
Summary of decision	Proposal for a single turbine with an overall tip height of 49m. The main issue was whether the proposed turbine would be inappropriate development in the Green Belt and whether the harm could be justified on the basis of very special circumstances. It was agreed that the proposal would constitute inappropriate development. With regards to the effect on openness of the Green Belt, the Inspector considered that the proposed turbine would have a very limited footprint and modest physical extent, resulting in only limited harm. Additionally, the Inspector found that there would be a moderate adverse effect on the character and appearance of the area. The Inspector considered that the benefits of the proposal, aligned to the strong support for renewable energy in the NPPF, were capable of amounting to the very special circumstances required to justify inappropriate development in the Green Belt.

Field House Farm

PINs No.	APP/Z4718/A/14/2220140
Decision and date	Allowed 9/11/15
Location	Field House Farm, Wholestone Moor, Outlane, Huddersfield, HD3 3FQ
Inspector	Michael Moffoot
Appellant	DC21
LPA	Kirklees Metropolitan Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single wind turbine with a blade tip height of 34.2m. The main issues were: (1) whether the proposed turbine would be inappropriate development in the Green Belt and whether the harm could be justified on the basis of very special circumstances; (2) the effect on the character and appearance of the landscape; and (3) the effect on heritage assets. The Inspector was clear that the proposal was inappropriate development. However, given the modest size of the proposed turbine it was found that the reduction in the openness of the Green Belt would be limited. With regards to landscape impacts, the Inspector held that the proposed turbine would have a limited impact on the landscape, which is subject to other infrastructure such as the M62, pylons and other turbines. Turning to heritage, the Inspector considered that the proposed turbine would not materially harm the settings or significance of nearby heritage assets. The Inspector noted there were no objections from the affected local community and therefore the proposal would meet the transitional provisions of the WMS. Overall, the Inspector found that the benefits of renewable energy were capable of amounting to the very special circumstances required to justify inappropriate development in the Green Belt.</p>

Trela Farm

PINs No.	APP/D0840/W/15/3003115
Decision and date	Allowed 9/11/15
Location	Trela Farm, Camelford, Cornwall, PL32 9UB
Inspector	Andrew Hammond
Appellant	Paul Grimes
LPA	Cornwall Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single wind turbine with a blade tip height of 35m. The main issues were the landscape and visual effects. With regards to the WMS, the Inspector found that of the 42 responses received, 78% were in support of the proposed turbine and on balance held that it had the support of the local community. In respect of the landscape and visual effects, the Inspector was of the view that there would be limited effects on the landscape given its large, undulating nature. The benefits of the proposal were found to outweigh the limited harms.</p>

Edgegate Farm

PINs No.	APP/P4225/W/15/3005060
Decision and date	Dismissed 9/11/15
Location	Edgegate Farm, Huddersfield Road, Newhey, Rochdale, OL16 3TJ
Inspector	David M H Rose
Appellant	Peter Thornton
LPA	Rochdale Borough Council
Procedure	Written Representations
Summary of decision	Proposal for a single wind turbine with a blade tip height of 45.07m. The main issue was whether the proposed turbine would be inappropriate development in the Green Belt and whether the harm could be justified on the basis of very special circumstances. The Inspector noted there was no public opposition to the appeal. It was noted that the proposed turbine would be inappropriate development in the Green Belt and the Inspector found that it would result in a moderate loss of openness. Additionally, the Inspector found that the proposed turbine would cause serious harm to the appearance of the landscape, by itself and cumulatively. The Inspector held that the benefits of the proposal were not sufficient to justify the harm to the Green Belt and outweigh the harm to the landscape.

Carn Gorm

PINs No.	PPA-270-2117
Decision and date	Dismissed 9/11/15
Location	Carn Gorm, north-east of Garve, Rossshire IV14
Inspector	R W Maslin
Appellant	PI Renewables
LPA	The Highland Council
Procedure	Inquiry
Summary of decision	Proposal for 14 turbines with blade tip heights of 115m. The main issues were the landscape and visual impacts. The Inspector considered that the proposed turbines would have an unacceptable impact on the landscape, especially Ben Wyvis SLA. He also found that there would be detrimental effects on Wild land. In terms of visual effects, the Inspector noted that the proposed turbines would cause significantly detrimental impacts. The benefits of the proposal were considered to be substantial however they were not held to be sufficient to outweigh the harms.

Cowfield Farm

PINs No.	APP/E2340/A/14/2223403
Decision and date	Allowed 10/11/15
Location	Cowfield Farm, Burnley Road, Trawden, Colne, Lancashire, BB8 8PP
Inspector	Philip Major
Appellant	Charles Ashton
LPA	Pendle Borough Council
Procedure	Written Representations
Summary of decision	Proposal for a single wind turbine with a blade tip height of 47m. The main issues were the effects on the character and visual qualities of the locality. The Inspector noted that the proposed turbine would be prominent in the local area, but that the impact would reduce with distance. The Inspector also noted the number of PROW close to the appeal site and that the impact would be moderately adverse. Additionally, the Inspector noted that there would be harm to the Trawden Forest Conservation Area, albeit this would be less than substantial. With regards to the WMS, only one objection from the local area was received at application stage and no further objections at appeal stage. In conclusion, the Inspector found that the benefits would outweigh the harms.

Llanfairtalhaiarn

PINs No.	APP/T6905/A/15/3121914
Decision and date	Allowed 11/11/15
Location	Hendre llwyn T Maen, Llanfairtalhaiarn, Abergele, Conwy, LL22 8TE
Inspector	Sian Worden
Appellant	R L Crossley
LPA	Conwy County Borough Council
Procedure	Written Representations
Summary of decision	Proposal for a single wind turbine with a blade tip height of 45.7m. The main issue was the effect on the character and appearance of the surrounding landscape. The Inspector found that the proposed turbine would not be detrimental to the immediate landscape and would not harm the neighbouring SLA. The Inspector noted that the hub of the proposed turbine would not appear to be substantially higher than surrounding landforms. Overall, the scale of the proposed turbine would not cause significant harm to the landscape.

Park Farm

PINs No.	APP/Y2430/A/12/2187098
Decision and date	Dismissed 11/11/15
Location	Park Farm, Klondyke Land, Thorpe Satchville, Melton Mowbray, LE14 2TB
Inspector	Alan Novitzky
Appellant	Mrs H Tolton
LPA	Melton Borough Council
Procedure	Inquiry (Recovered)
Summary of decision	Proposal for a single wind turbine with a blade tip height of 77m. The main issues were the effects on: (1) the character and appearance of the area; (2) heritage assets; and (3) on living conditions. The Inspector considered that the proposed turbine would have an impact on the skyline and would harm the scenic qualities of the landscape. With regards to heritage assets the Inspector found that no material harm would arise and the effects would be acceptable. The effect on living conditions involved a significant amount of consideration on noise emissions, especially EAM. However, the Inspector held that there was no reason to depart from ETSU and that the effects would be acceptable. Overall, the Inspector recommended that the appeal be dismissed. The Secretary of State agreed with the Inspector's recommendation.

Wester Cringate

PINs No.	PPA-390-2039
Decision and date	Allowed 17/11/15
Location	Land north-west of Wester Cringate, Polmaise Road to Carron Reservoir, Stirling
Inspector	Stephen Hall
Appellant	Force 9 Energy LLP and EDF Energy ER
LPA	Stirling Council
Procedure	Written Representations
Summary of decision	Proposal for seven wind turbines with blade tip heights up to 125m. The main issues were the landscape and visual impacts. The Inspector found that despite the scale of the proposed turbines, their location in a valley limited their prominence and was of the view that the landscape could therefore accommodate the proposed turbines reasonably well. In terms of visual impacts, the Inspector considered that there would be some limited impacts on recreational and road users. However, overall the Inspector held that the proposal complied with the development plan and that there were no material considerations to justify dismissing the appeal.

Mynydd Y Gwynt Farm

PINs No.	EN010020
Decision and date	Dismissed 20/11/15
Location	Mynydd Y Gwynt Wind Farm
Inspector	Examining Authority
Appellant	Mynydd Y Gwynt Limited (Renewable Energy Holdings plc)
LPA	Powys County Council
Procedure	Development Consent Process
Summary of decision	Proposal for up to 27 turbines. Despite the Examining Authority recommending that the proposal be granted, the Secretary of State ruled that she did not have sufficient information required to assess appropriately the impacts on the integrity of the Elenydd-Mallaen SPA and therefore could not grant consent for the Development.

Pen-Y-Banc Farm

PINs No.	APP/N6845/A/15/3007016
Decision and date	Dismissed 24/11/15
Location	Pen-Y-Banc Farm, Castlemorris, Haverfordwest, SA62 5EL
Inspector	Aidan McCooley
Appellant	Ynni Ltd
LPA	Pembrokeshire County Council
Procedure	Hearing
Summary of decision	<p>Proposal for two turbines with maximum blade tip heights of 48m. The main issues were: (1) the effects on landscape character and visual amenity; (2) living conditions of residents; and (3) the historic environment. The Inspector considered that the proposed turbines would be detrimental to views in the quiet rural area due to their height and positioning. With regards to the closest residential properties, being 430m and 550m from the proposed turbines, the Inspector noted that there would be oblique or screened views from these properties, but that they would not be so overwhelming as to render the dwellings unacceptable places to live. The Inspector found that there would be some minor adverse impacts on a number of heritage assets. Overall, it was held that the benefits of the proposal were not capable of outweighing the harms.</p>

Glaikhead

PINs No.	PPA-380-2061
Decision and date	Allowed 25/11/15
Location	Land at Auchenberg, west of Glaikhead, Coalburn
Inspector	John H Martin
Appellant	Eco Projects (IOM) Ltd
LPA	South Lanarkshire Council
Procedure	Written Representation
Summary of decision	<p>Proposal for a single turbine with a maximum blade tip height of 47m. The main issues were the effects on the landscape character, visual amenity and the nearby peat bog and ancient woodland. The Inspector noted that, with the exception of the nearest views, the proposed turbine would appear relatively small when compared to those already built or proposed nearby. It was also found that the proposal would have only a moderate impact on the landscape and visual amenity of the area. The appellant proposed restoration of 3 hectares of degraded peat bog as mitigation and, whilst the LPA questioned the level of detail provided, the Inspector was content that subject to the imposition of suitable conditions, the effect on the peat bog and ancient woodland could be kept to a minimum. Overall, the Inspector found that the proposal was in accordance with the development plan and that there were no material considerations to justify refusal.</p>

Mount Lothian Moss

PINs No.	PPA-290-2025
Decision and date	Dismissed 26/11/15
Location	Mount Lothian Moss, Penicuik, Midlothian
Inspector	Dan Jackman
Appellant	Wind Prospect Development Limited
LPA	Midlothian Council
Procedure	Hearing
Summary of decision	<p>Proposal for nine wind turbines with maximum blade tip heights of 102m. The main issues were: (1) landscape and visual effects; (2) nature conservation; and (3) residential amenity. The Inspector considered that the height, number and layout of the proposed turbines would be perceived as out of scale with the moorland fringes landscape character type and would adversely and unacceptably affect the quality of the local landscape and visual amenity. In terms of residential amenity, the Inspector found that the effects would be significant, but not unpleasantly overwhelming. The Inspector noted that subject to appropriate conditions, potential impacts on nature conservation would not be unacceptable. In conclusion, it was held that the benefits were not capable of outweighing the harms.</p>

Moelfre Bach

PINs No.	APP/Q6810/A/15/3026380
Decision and date	Dismissed 27/11/15
Location	Nr Moelfre Bach, Llanaelhaearn, Caernafon, Gwynedd, LL54 5BE
Inspector	Sian Worden
Appellant	Dylan Roberts
LPA	Gwynedd Council
Procedure	Hearing
Summary of decision	<p>Proposal for a single wind turbine with a maximum blade tip height of 67m. The main issues were the effect on the character and appearance of the surrounding landscape, heritage assets and residential amenity. The Inspector found that the distinctive and beautiful landscape of the AONB, which curves around the appeal site, would be over-dominated by the proposed turbine which would be an obtrusive and damaging feature of views into and out from the AONB. Additionally, the Inspector found that there would be a significantly detrimental effect on the living conditions of neighbouring occupiers 470m from the proposed turbine. Overall, it was found that the benefits did not outweigh the harms identified.</p>

Harrington Ling Farm

PINs No.	APP/H0928/A/14/2218022
Decision and date	Dismissed 2/12/15
Location	Harrington Ling Farm, Southwaite, Carlisle, CA4 0JH
Inspector	Richard McCoy
Appellant	Mr A Turnbull
LPA	Eden District Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a maximum blade tip height of 34.5m. The main issues were the effects on landscape character and visual impact. The Inspector noted that although of a modest height, the proposed turbine would nevertheless be a noticeable feature in the local landscape, but that being within an environment with other man-made structures, close to farm buildings and the undulating landscape were all mitigating factors. The Inspector found that the proposal would not be visually prominent and there would be no significant unacceptable effects, but that it would cause minor harm to the local landscape and would result in moderate harm in terms of visual impact. However, the Inspector found that the planning impacts identified by affected local communities had not been addressed and that the proposal did not therefore meet the transitional arrangements in the WMS. The Appeal was therefore dismissed.</p>

Holmand Farms

PINs No.	APP/H0928/A/14/2226644
Decision and date	Dismissed 2/12/15
Location	Land associated with Holmand Farms, Bowscar, Penrith, CA11 8RY
Inspector	Richard McCoy
Appellant	Mick Tinkler
LPA	Eden District Council
Procedure	Written Representation
Summary of decision	<p>Proposal for a single turbine with a maximum blade tip height of 31.4m. The main issues were the effects on the landscape character and visual impact. The Inspector noted that, although of a modest height, the proposed turbine would nevertheless be a noticeable feature in the local landscape, but that being within an environment with other man-made structures, close to farm buildings and the undulating landscape were all mitigating factors. The Inspector found that the proposal would not be visually prominent and there would be no significant unacceptable effects, but that it would cause minor harm to the local landscape and would result in moderate harm in terms of visual impact. However, the Inspector found that the planning impacts identified by affected local communities had not been addressed and that the proposal did not therefore meet the transitional arrangements in the WMS. The Appeal was therefore dismissed.</p>