

Wind Generation Appeals Update

February 2016



Decisions from 7 January to 2 February 2016

Meadowlands Farm

PINs No.	PPA-190-2050
Decision and date	Allowed 7/01/16
Location	Meadowlands Farm, Old Galsgow Road, Stewarton, KA3 5JU
Inspector	Iain Urquhart
Appellant	Colin Thomson
LPA	East Ayrshire Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with an overall tip height of 30m. The main issues were the landscape and visual impacts. The Reporter noted that the proposed turbine would be located in an open, undulating and relatively bleak plateau landscape, in this context the Reporter was of the opinion that the proposed turbine would have very little adverse impact. 12 properties were within 2km of the appeal site, and although the Reporter found that all or part of the proposed turbine would be viewed from these properties, it would not have a significant adverse impact due to the local topography, modest size and backdrop of existing trees. The Reporter found that there were no material considerations that justified dismissing the appeal.</p>

Lincoln Lane

PINs No.	APP/R2520/A/14/2229058
Decision and date	Dismissed 8/01/16
Location	Lincoln Lane Farm, North Kesteven, LN5 9SU
Inspector	Zoe Hill
Appellant	Peter Mottram
LPA	North Kesteven District Council
Procedure	Written Representations
Summary of decision	<p>Proposal for two farm scale wind turbines. The main issues were the effects on the character and appearance of the local landscape and on heritage assets. The Inspector found that the proposed turbines would appear as isolated structures rather than appearing as clearly linked to the farm buildings. The Inspector considered that there would be medium to significant landscape harm and that the visual impact of the proposed turbines would be significant in some particularly sensitive views. The Inspector also found that the proposed turbines would result in harm (albeit less than substantial) to the setting of Lincoln Cathedral (Grade I) and Somerton Castle (Grade I). In addition, the Inspector considered that the local communities concerns regarding landscape and visual issues had not been overcome, therefore the proposal did not meet the transitional provisions in the WMS. Overall, the benefits were not found to be capable of outweighing the harms.</p>

West Dykes

PINs No.	PPA-380-2064
Decision and date	Allowed 12/01/16
Location	West Dykes, Muirkirk Road, Strathaven, ML10 6RF
Inspector	Frances McChlery
Appellant	Intelligent Land Investments (Renewable Energy) Ltd
LPA	South Lanarkshire Council
Procedure	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 77m. The main issues were the landscape and visual impacts. The Reporter noted that the appeal site was located within rolling moorland, having an open, exposed and remote character and found that the proposed turbine would not tip the balance and result in the landscape becoming a wind farm landscape. Overall, the Reporter considered that the proposed turbine would not have an adverse cumulative landscape or visual impact and that the proposal therefore did not conflict with the development plan.

West Kype Farm

PINs No.	PPA-380-2063
Decision and date	Dismissed 12/01/16
Location	West Kype Farm, High Kype Road, Sandford, Strathaven, ML10 6PR
Inspector	Frances McChlery
Appellant	Intelligent Land Investments (Renewable Energy) Ltd
LPA	South Lanarkshire Council
Procedure	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 77m. The main issues were the landscape and visual impacts. The Reporter noted that the appeal site had a softer, more settled landscape character than the higher moorland ground. The Reporter considered that the proposed turbine would detract from the landscape character of the surroundings to an unacceptable degree and would have an unacceptable visual effect on an observer. Overall, the benefits of the proposal were not found to be capable to outweighing the harms.

Camilty Plantation

PINs No.	PPA-400-2055
Decision and date	Allowed 14/01/16
Location	Camilty Plantation, Harburn, West Calder, EH55 8RN
Inspector	David Buyla
Appellant	Camilty Wind Farm LLP
LPA	West Lothian Council
Procedure	Written Representations
Summary of decision	<p>Proposal for six wind turbines with a blade tip height of 132m. The main issues were the landscape and visual impacts, impacts on heritage assets and impacts on aviation safety. The Reporter noted that the appeal site was within Camilty Plantation, a significant Forestry Commission Sitka spruce plantation. The Reporter found that although there would be significant cumulative effects from a small number of viewpoints, it would not result in an unacceptable concentration. The Reporter found that the proposal would have some effects on various heritage assets. However, the Inspector considered that at no point would the effects be unacceptable. With regards to aviation safety, Edinburgh Airport originally objected, but had since confirmed that it accepted the technical possibility of an appropriate scheme of mitigation. In conclusion, the Reporter held that the benefits of the proposal were capable of outweighing the harms.</p>

Penrhiw Fach

PINs No.	APP/D6820/A/15/3063808
Decision and date	Allowed 14/01/16
Location	Land west of Penrhiw Fach, Henfynyw, Aberaeron
Inspector	Hywel Wyn Jones
Appellant	Mr and Mrs Williams
LPA	Ceredigion County 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 surrounding landscape and the effect on the historic environment. The Inspector considered that there would be a relatively modest effect on the landscape. With regards to effects in combination with other turbines, the Inspector noted that the separation distances involved would ensure that the character of the landscape would not be altered. The Inspector considered the effect of the proposed turbine on Llanerchaeron Registered Park and Gardens (Grade II) and other listed buildings within the RPG and found that although glimpses of the turbine blades may be seen, the screening effect of the trees would likely mask such views. The Inspector held that the benefits of the proposal were sufficient to outweigh the harms.</p>

Cestersover

PINS No.	APP/E3715/A/14/2227479
Decision and date	Dismissed 18/01/16
Location	Land at Cestersover Farm, Cestersover, Pailton, Rugby, CV23 0QP
Inspector	Paul Jackson
Appellant	RES UK & Ireland Limited
LPA	Rugby Borough Council
Procedure	Inquiry - Recovered
Summary of decision	<p>Proposal for four turbines with a blade tip height of 126.5m. The main issues were the effect on the setting of heritage assets and landscape and visual amenity. The Inspector considered that the Swift Valley was sensitive, due to its degree of tranquillity and largely unaltered form. He also found that there would a degree of harm in visual terms, due to the close proximity of the proposed turbines to PROW. Additionally, the Inspector held that the proposed turbines would result in adverse effects on the setting and significance of a number of heritage assets, including the Grade I listed Holy Trinity Church. Finally, it was also noted that the proposal did not have the backing of the local community and therefore did not meet the transitional provision of the WMS. The Inspector was of the view that the degree of harm identified could not be made acceptable and recommended that the appeal be dismissed, the Secretary of State agreed with this recommendation.</p>

Blaenpibwr

PINS No.	APP/M6825/A/15/3131840
Decision and date	Dismissed 20/01/16
Location	Land north of Blaenpibwr, Capel Dewi, Carmarthen, SA32 8AW
Inspector	Hywel Wyn Jones
Appellant	Carmarthenshire Energy Ltd
LPA	Carmarthenshire County Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine, with a maximum blade height of 74m. The main issues were the effect on the character and appearance of the surrounding landscape and on heritage assets. The Inspector considered that the visual impact of the proposed turbine would be harmful in the immediate locality and would appear as unduly prominent and discordant from extensive parts of the Tywi Valley. The Inspector was concerned that the study area in relation to listed buildings had been confined to 2km and therefore found that the he could not be satisfied that the effects of features beyond 2km would be acceptable. The Inspector held that the benefits of the proposal were not capable of outweighing the identified harms.</p>

Torr Works

PINS No.	APP/Q3305/A/14/2227407
Decision and date	Dismissed 25/01/16
Location	Torr Works, Somerset
Inspector	Neil Pope
Appellant	Aggregate Industries UK Limited
LPA	Mendip District Council
Procedure	Inquiry - Recovered
Summary of decision	<p>Proposal for four turbines with a maximum blade tip height of 80m. The main issues were the effects on the character and appearance of the area, heritage assets, ecology and residential amenity. The Inspector found that there would be some harm to the character and appearance of the area. However, he placed much more weight on the harm to heritage assets, which although were considered to amount to less than substantial harm, in the case of Cloford Manor and the Chantry the harm was noted as being at the upper end of less than substantial harm. The Inspector noted that there would be limited harm to residential amenity. Additionally, he held that the transitional provision of the WMS could not be met as the proposal could not be considered as having the backing of the local community. Overall, the Inspector found that the benefits of the proposal were insufficient to outweigh the harms and recommended that the appeal be dismissed. The Secretary of State agreed with this recommendation.</p>

Straid Farm

PINS No.	PPA-370-2048
Decision and date	Dismissed 26/01/16
Location	Straid Farm, Landalfoot, South Ayrshire, KA26 0JF
Inspector	Alasdair Edwards
Appellant	Ecotricity (Next Generation) Limited
LPA	South Ayrshire Council
Procedure	Written Representations
Summary of decision	<p>Proposal for 14 turbines with a blade tip height of 99.5m. The main issues were the landscape and visual impacts. The Reporter noted that due to the topography surrounding the site, the visibility of the proposal in the wider area would be limited, but that this sense of enclosure provided the locality with intimate character. Due to this intimate setting, and its coastal location, the Reporter found that the scale of the landscape was not capable of accommodating the significant impacts that would be incurred. Additionally the Reporter considered that the proposal would be seen as spilling out of the foothills landscape on to the coast, detracting from the attractiveness of the coast. The Reporter found that there were no material considerations capable of justifying the grant of planning permission.</p>

Burn Farm

PINs No.	APP/X1355/W/15/3023070
Decision and date	Dismissed 27/01/2016
Location	Land at Burn Farm, Willington, Crook
Inspector	John Woolcock
Appellant	Mr & Mrs C Hedley
LPA	Durham County Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a maximum blade tip height of 61m. The main issues were the effects of the proposed development on the character and appearance of the area and the effects of the proposal on heritage assets. The Inspector noted that large wind turbines are a feature of the wider area. The Inspector's view was the proposal would have an adverse effect on the character and appearance of the area of major/moderate significance. Overall, the Inspector held the proposal would conflict with certain policies of the development plan, not accord with the requirements for sustainable development given in the National Planning Policy Framework (NPPF) and was not within an area identified as suitable for wind energy development in a local or neighbourhood plan.</p>

Land at Aspenfield Farm

PINs No.	APP/L2820/A/13/2193086
Decision and date	Dismissed 27 January 2016
Location	Land at Aspenfield Farm, Orton, Kettering NN14 1LJ
Inspector	Richard McCoy
Appellant	Ecotricity (Next Generation) Limited
LPA	Kettering Borough Council
Procedure	Hearing
Summary of decision	<p>Proposal for a single turbine with a maximum height of 77m. The main issues were: (1) the effect of the proposed turbine on the surrounding areas landscape character and visual impact; (2) the effect on the setting of heritage assets in the vicinity; and (3) the effect on health and well-being. The Inspector agreed with Historic England's view that the proposal would only have a minor reduction to the setting that contributes to nearby heritage assets. The Inspector noted that the proposed turbine, when viewed from nearby roads and footpaths, would significantly degrade the quality of the local landscape, in terms of its effect on landscape character and its visual impact. The Inspector noted that the proposal was unlikely to harmfully change the living conditions of the occupiers of nearby dwellings in respect of any loss of outlook. However, the Inspector attached great significance to the less than substantial harm that would be caused to three heritage assets and their setting, whilst giving great weight to the desirability of preserving the setting of such listed buildings. Overall the Inspector held that the proposal would not meet the transitional arrangements of the WMS and conflicted with national policy and the development plan.</p>

Land south of High Street Industrial Estate

PINs No.	APP/D0840/A/14/2226449
Decision and date	Dismissed 27 January 2016
Location	Land south of High Street Industrial Estate, St Stephen, St Austell
Inspector	J M Trask
Appellant	Mr John Richards
LPA	Cornwall Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a maximum blade tip height of 34.5m. The main issue was whether the impact on the character and appearance of the area, which included any cumulative impact. The Inspector noted that the impact on the landscape character would only be minor but, in failing to harmonise with its surroundings would not be entirely in accord with the provisions of the Development Plan. Overall, the Inspector held that the planning impacts identified by local communities had not been addressed, and did not meet the transitional provisions of the WMS. Overall, the appeal was dismissed because the factors in favour of the proposed development did not carry sufficient weight and conflicted with the development plan and national policy.</p>

The Bungalow

PINs No.	APP/B3438/W/14/2216593
Decision and date	Dismissed 27 January 2016
Location	The Bungalow, Lask Edge Farm, Lask Edge Road, Leek, Staffordshire ST13 8PS
Inspector	S R G Baird
Appellant	Mr R Scott
LPA	Staffordshire Moorlands District Council
Procedure	Written Representations
Summary of decision	<p>The turbine had already been erected; the appeal concerned a single 5KW micro turbine on a 15m tower. The main issues were: (1) the effect on the openness of the Green Belt (2) landscape and public visual impact; and (3) whether the harm by caused by inappropriate development and any other harm is clearly outweighed by other considerations, so as to amount to very special circumstances. The Inspector noted that there would be harm to the openness of the Green Belt, although encroachment on the Green Belt would only be slight. Overall, the Inspector held that, despite the significant weight the contributes by increasing the supply of renewable energy and tackling the adverse effects of greenhouse gases, these considerations were not capable of amounting to the very special circumstances required to justify inappropriate development in the Green Belt.</p>

Burnt Mill, Hampton Wafre

PINs No.	APP/W1850/W/14/2221194
Decision and date	Dismissed 28 January 2016
Location	Burnt Mill, Hampton Wafre, Docklow, Leominster, Herefordshire , HR6 0SN
Inspector	R J Yuille
Appellant	Mr T J Parry
LPA	Herefordshire Council
Procedure	Written Representations
Summary of decision	<p>Proposal for two turbines, each with a maximum blade tip height of 33.5m. The main issue was whether the two proposed turbines, when considered cumulatively with the turbines permitted or proposed in the vicinity, would have a significantly adverse effect on the character of the landscape. The Inspector considered the local landscape as an attractive and valued feature, and the proposal as comprising uncharacteristically tall, utilitarian structures visible from a number of surrounding viewpoints, which would have a significantly harmful impact on the character of the landscape. Overall, the proposal was dismissed as the Inspector did not consider that the benefits could outweigh the harms.</p>

Bletchley Landfill Site

PINs No.	APP/Y0435/W/15/3097672
Decision and date	Dismissed 29 January 2016
Location	Land at Bletchley Landfill Site, Drayton Road, Bletchley, Milton Keynes, MK3 5FP
Inspector	Brian Cook
Appellant	FCC Environment
LPA	Milton Keynes Council
Procedure	Written Representations.
Summary of decision	<p>Proposal for a single turbine with a maximum blade tip height of 90m. The main issues were the effect on: (1) the character of and visual impact upon the landscape; (2) the living conditions of the residents and (3) the safety of users of the public right of way network. The Inspector noted that the landscape had the capacity to absorb the proposed development and there was no conflict with the Development Plan. However, the Inspector placed substantial weight on the WMS approach that local people should have the final say on wind farm applications. In dismissing the appeal, the Inspector cited his consistency with the Secretary of State decisions issued since the WMS was published.</p>

Lower Drayton Farm

PINs No.	APP/C3430/W/15/3121466
Decision and date	Dismissed 29 January 2016
Location	Lower Drayton Farm, Lower Drayton Lane, Penkridge, Staffordshire ST19 5RE
Inspector	Brian Cook
Appellant	Urban Wind Ltd
LPA	South Staffordshire Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a maximum blade tip height of 45m. The main issue was the effect the proposal development would have on the character and appearance of the development area, including any effect on the visual amenity of local residents. The development site was noted as comprising landscape which is strongly influenced by existing land use and farming practices. Given the lack of vertical infrastructure in the vicinity, the turbine would be an uncharacteristic feature of such landscape. The Inspector was of the view that this contribution outweighs the modest landscape and visual impact and in balancing these two issues, held there would be no conflict with development plan policy as a whole. However, the Inspector referenced the WMS. The Inspector held that despite the limited harm to the character and appearance of the landscape, there was no evidence that the impacts identified by the affected local community have been addressed. Overall, the appeal was dismissed because the Inspector placed great weight on the transitional provisions of the WMS.</p>

Badworthy Farm

PINs No.	APP/W1145/W/15/3129559
Decision and date	Dismissed 29 January 2016
Location	Land near Badworthy Farm, Shebbear, Beaworthy, Devon, EX21 5RF
Inspector	Neil Pope
Appellant	Mr Ian Johnston of Temporis Wind Ltd
LPA	Torridge District Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a maximum blade tip height of 77m. The main issue were the effects upon the character and appearance of the countryside and the setting of the Grade II listed church at Langtree. The Inspector held that the harm to the character and appearance of the countryside and the setting of the Church of All Saints could not be outweighed by the benefits of the proposal.</p>

Battledown Farm

PINs No.	APP/W1145/W/15/3129619
Decision and date	Dismissed 29 January 2016
Location	Land at Battledown Farm, Shebbear, Devon
Inspector	Neil Pope
Appellant	Murex Energy Limited
LPA	Torridge District Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single wind turbine with maximum blade tip height of 67m. The main issue were the effects upon the character and appearance of the countryside, the settings of various designated heritage assets and the living conditions of residents. The Inspector noted the proposed development would have a small “footprint”. However, this would result in the development becoming the defining feature of the local landscape and a major adverse effect upon the pleasing character of the area. The proposed site also contributes to the historic interest / landscape setting of The Old Glebe and Glebe House. The proposal would comprise an intrusive and disparate addition to views from these assets and would detract from their historic, unspoilt rural setting, albeit at the lower end of less than substantial harm to the setting. When coupled with local opposition to the proposal, the Inspector dismissed the appeal.</p>

Witherdon Wood

PINs No.	APP/W1145/A/13/2201363
Decision and date	Dismissed 29 January 2016
Location	Land near Witherdon Wood, Broadwoodwidge, Devon
Inspector	Neil Pope
Appellant	Mrs Rachael Humphreys of Ecotricity (Next Generation) Ltd
LPA	Torridge District Council
Procedure	Hearing
Summary of decision	<p>Proposal for a single turbine with a maximum overall height of 84m. The main issues were the effects upon: (1) the character and appearance of the countryside; (2) the settings of various designated heritage assets and; (3) the living conditions of neighbouring residents. The Inspector noted that the proposal, as a tall, man-made addition to the landscape, with movement at height, would have a high magnitude of impact which would detract from the unspoilt open qualities of the site and erode the perception of tranquillity and remoteness. It was also noted that notwithstanding the temporary and reversible nature of the development, the harm to the significance of the three listed buildings cited carried considerable weight in the planning balance. Additionally, impacts identified by the affected local community were not considered to have been addressed, therefore failing the transitional provision in the WMS. Overall, the Inspector held that the benefits of the proposal were not sufficient to outweigh the harms.</p>

Southdown Farm

PINs No.	APP/W1145/W/15/3035825
Decision and date	Dismissed 29 January 2016
Location	Southdown Farm, Yarnscombe, Barnstaple, Devon, EX31 3LZ
Inspector	Simon Hand
Appellant	Messrs RJ, AJ, SP & CR Moore
LPA	Torridge District Council
Procedure	Written Representations
Summary of decision	Proposal for a single wind turbine. The main issues were the impact of the proposal on the character and appearance of the landscape and on the setting of the listed Church of All Saints Alverdiscott and Cogworthy Manor. Despite the Inspector finding no harm to the setting of any listed buildings, it was noted that there would be significant harm to the character and appearance of the countryside in the immediate area by virtue of the prominent location of the turbine and its cumulative impact. Overall, the Inspector held that the benefits did not outweigh the harms.

Cheddar Head Farm

PINs No.	APP/V3310/W/15/3055798
Decision and date	Dismissed 29 January 2016
Location	Cheddar Head Farm, Priddy, Wells BA5 3BU
Inspector	Paul Griffiths
Appellant	Mr Ian Saunders
LPA	Sedgemoor District Council
Procedure	Written Representations
Summary of decision	Proposal for two small scale wind turbines, each on 15m monopole masts. The main issue was the effect of the proposal on the landscape of the Mendip Hills Area of Outstanding Natural Beauty. The Inspector stated that there could be no doubt that the proposal would cause harm to, and thereby fail to conserve or enhance, the natural beauty of the landscape of the AONB. Overall, despite noting that the harm to the landscape would be limited, temporary, and reversible, it would not be outweighed by the benefits of the scheme and failed to meet the transitional provisions of the WMS.

Erling Works

PINs No.	APP/W4705/W/15/3022995
Decision and date	Dismissed 01 February 2016
Location	Erling Works, Half Acre Road, Denholme, West Yorkshire, BD13 3SG
Inspector	Anne Jordan
Appellant	Omega Proteins Ltd
LPA	City of Bradford Metropolitan District Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a maximum blade tip height of 57.5m. The main issues were if the development is inappropriate was inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development and additionally whether the proposal takes account of the potential effects of ground instability. The proposed turbine was found to be inappropriate development in the Green Belt. The Inspector noted that the turbine would contribute to cumulative harm to the character of the local landscape, but would not be harmful to the living conditions of nearby residential occupiers. Overall, the proposal would harm the Green Belt by way of inappropriateness and through a reduction in openness. When taken with the proposals failure to demonstrate that the potential effects of land instability could be effectively mitigated, it was dismissed.</p>

Boyah Grange

PINs No.	APP/N1025/A/14/2214961
Decision and date	Dismissed 2 February 2016
Location	Land Northwest of Boyah Grange, Potato Pit Lane, Dale Abbey, Ilkeston, Derbyshire, DE7 4PH
Inspector	D J Board
Appellant	Hallmark Power Ltd
LPA	Erewash Borough Council
Procedure	Written Representations
Summary of decision	<p>Proposal for two wind turbines. The main issues were: (1) whether the proposal would be inappropriate development within the Green Belt; (2) the effect of the proposed wind turbines on openness; (3) the effect of the proposed wind turbines on the character and appearance of the area; and (4) if the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. The proposal was deemed an inappropriate development in the Green Belt. The Inspector was of the view that two turbines would appear incongruous and out of scale with the open and undulating appearance of the area, and would therefore have a major adverse effect on the character of the area. Overall, substantial weight was attached to the harm to the Green Belt by reason of inappropriateness and harm to openness, along with the harm to the character and appearance of the area and the very special circumstances needed to justify such an inappropriate development did not exist.</p>

Henllan Farm

PINs No.	APP/M6825/A/15/3133171
Decision and date	Dismissed 2 February 2016
Location	Henllan Farm, Henllan Amgoed, Whitland, Carmarthenshire, SA34 0SL
Inspector	Hywel Wyn Jones
Appellant	Mr Steve Hack on behalf of Seren Renewables
LPA	Carmarthenshire County Council
Procedure	Written Representations
Summary of decision	<p>Proposal for a single turbine with a maximum blade tip height of 67m. The main issues were the effect of the proposed development on the character and appearance of the surrounding landscape, the historic environment, and the living conditions of local residents; The Inspector noted the proposals direct impact on the landscape would be relatively minor, with the most notable element being the loss of some trees at the highway access to facilitate the widening of the present arrangements and the greatest visual impact from the turbine being experienced within a 1km radius of the proposed turbine. However, the Inspector’s view was that the visual impact of the proposed development, in conjunction with the other operational and approved turbines in the vicinity, would be significantly harmful. It was noted that scheme did avoid many of the constraints that commonly prevent wind turbine developments. Overall, the scheme would give rise to considerable harm in terms of its visual impact, along with harm to a listed building which mean the proposal was dismissed.</p>

