

WIND GENERATION APPEALS UPDATE

February 2015



Please find below a resume of decisions made between 7 January 2015 and 3 February 2015

If you have any queries in relation to any of the decisions listed below, or other renewable schemes please contact Richard Glover. Email richard.glover@squirepb.com or direct dial 0113 284 7023.

Polegate

PINs No.	APP/C1435/A/13/2208526
Decision and date	Allowed 07/01/15
Location	Land off Shepham Lane, North of A27, Polegate, east Sussex, BN24 5BT
Inspector	Jessica Graham
Appellant	Regeneco Ltd
LPA	Wealden District Council
Determination process	Inquiry
Summary of decision	Proposal for three turbines with a blade tip height of 115m. The main issue was the effect on the character and appearance of the landscape. The Inspector noted that the landscape was of a large scale, with wide skies, which would enable the proposed development to be accommodated without harmfully undermining its openness or sense of remoteness. The Inspector found that the proposed development would have a significant visual impact on a number of viewpoints on public rights of way. The appeal site lies 2.5km from the boundary of the South Downs National Park. The Inspector was of the opinion that the proposed turbines would not alter the landscape and scenic beauty of the SDNP itself. The Inspector also considered issues in relation to the impact on local residents and effects on heritage assets. These issues were given weight in the planning balance. However, the Inspector concluded that overall, the benefits of the proposal outweighed the harms.

Chapman's Howe

PINs No.	PPA-170-2096
Decision and date	Dismissed 12/01/15
Location	Chapman's Howe, north-east of Kirkcudbright
Inspector	Michael J P Cunliffe
Appellant	REG Windpower Ltd
LPA	Dumfries and Galloway
Determination process	Written Representations
Summary of decision	Proposal for three turbines with a blade tip height of 100m. The main issues were the landscape and visual effects. The Reporter noted that the proposed turbines would appear large in relation to the existing landscape features and would become a dominant element in the landscape within 4-5km of the site. SNH did not object to the proposed development, but did express strong reservations about its landscape effects. The Reporter also considered that residential properties at ranges of 634m to 890m the proposed turbines would be subject to overbearing effects and would reduce the attractiveness of the properties as places to live. The Reporter concluded that the proposed development did not accord with the development plan and there were no material considerations which would justify granting planning permission.

Bradworthy

PINs No.	APP/W1145/A/12/2215626
Decision and date	Dismissed 14/01/15
Location	Lower Hele Barn, Bradworthy, Holsworthy, EX22 7SW
Inspector	Iwan Lloyd
Appellant	Mr Stephen Wallington
LPA	Torrige District Council
Determination process	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 26.6m. The main issues were the effects on the character and appearance of the landscape and the adequacy of information submitted. The landscape in the immediate vicinity of the site was noted as being small scale and intimate, and having a sense of peace and remoteness. The Inspector noted that the proposed turbine would be a conspicuous structure at odds with the intimate character. The Inspector was of the opinion that the visual impacts of the proposed turbine had not been thoroughly assessed. In terms of ecology, the Inspector noted that there were issues with the illustration depicting the stand-off from the blades to hedgerows and called into question the distance involved, with the Parish Council stating that the distance would only be 40m. The Inspector also found that the noise assessment that was submitted was inadequate. These matters weighed against the proposal in the planning balance and overall the Inspector found that the benefits did not outweigh the harms.</p>

Upper Vaunces Farm

PINs No.	APP/I2630/A/13/2203839
Decision and date	Dismissed 15/01/15
Location	Land east of Semere Green Road, Pulham Market and Dickleburgh, Norfolk
Inspector	Graham Dudley
Appellant	Upper Vaunces Wind Farm Ltd
LPA	South Norfolk District
Determination process	Recovered by Secretary of State
Summary of decision	<p>Proposal for three turbines with a blade tip height of up to 126m. The main issues were the effects on the character and appearance of the surrounding landscape, the effects on heritage assets and the effects of living conditions. The Inspector noted that the proposed turbines would have relatively little physical impact on the surrounding countryside due to their slender form. He also considered that the appeal site was appropriate in principle. With regards to heritage assets the Inspector noted that English Heritage had found the proposal harmful to the setting and significance of the Church of St Mary (Grade I). Although the Inspector acknowledged this, he was of the view that the harm would be less than substantial. In terms of the effects on the living conditions of nearby residents, the Inspector noted that there was no property were the proposed turbines would result in overbearing and unacceptable effects, due to separation, spacing and intervening vegetation. Overall, the Inspector recommended that the appeal be allowed. However the Secretary of State disagreed and concluded that the harms could not be outweighed by the benefits.</p>

Middle Huddisford

PINs No.	APP/W1145/A/14/2217862
Decision and date	Dismissed 15/01/15
Location	Middle Huddisford, St Woolsery EX39 5QX
Inspector	Iwan Lloyd
Appellant	Mr George Vanstone
LPA	Torrige District Council
Determination process	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 75m. The main issues were the effect on character and appearance of the area and the effect on heritage assets. The Inspector considered that the area in the vicinity of the site has an unspoilt and tranquil character. The Inspector found that the proposed turbine would be a conspicuous, tall man-made structure positioned on a gently undulating landform, with the height of the turbine harming the quality of long views. The Inspector also considered that the proposed turbine would harm the visual amenities enjoyed from the surrounding landscape and from within and around the AONB (3.5km from the appeal site). English Heritage objected to the proposal and was critical of the appellant's heritage assessment. The Inspector considered that the lack of assessment on local churches in the area as a failing and in the absence of appropriate assessment it was not possible to establish the potential impact. Overall, the Inspector held that the benefits of the proposal could not outweigh the harms.</p>

Montquhir

PINs No.	PPA-120-2037
Decision and date	Dismissed 20/01/15
Location	Land at Montquhir Farm to north west of B961, Carmyllie, DD11 2QS
Inspector	Don Rankin
Appellant	Mrs Louise Gray
LPA	Angus Council
Determination process	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 77m. The main issues were the landscape and visual effects, and effects on heritage assets. The Reporter noted that both parties agreed that the proposed turbine would be a prominent feature in the landscape and the Reporter found that it would be significant in views from local landmarks. With regards to cumulative impacts, the Reporter held that in adding the proposed turbine to the other turbines operational and consented would result in the landscape no longer being one with occasional turbines. Carmyllie Church and Manse are category B and C listed respectively. The Reporter found that the openness and isolation of the Church and its uninterrupted view across the valley added to the significance of the building, with the proposed turbine being a prominent and intrusive feature in the outlook from the churchyard. The Reporter concluded that the benefits were not capable of outweighing the harms.</p>

Highworthy

PINs No.	APP/W1145/A/14/2227284
Decision and date	Allowed 21/01/15
Location	Highworthy, Higher Clovelly, Bideford, EX39 5SW
Inspector	Brian Cook
Appellant	Mr John Davey
LPA	Torrige District Council
Determination process	Written Representations
Summary of decision	<p>Proposal for a single turbine with a blade tip height of 24.8m. 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 whilst the proposed turbine would be out of character with the area, the points from which the change would be appreciated would be few. The Inspector was also of the opinion that the cumulative effects would be limited. The focus of the issue in terms of the effects on living conditions of nearby occupiers was noise impacts. The Inspector was content that the Appellant's non-site specific assessment was sufficient and that the proposed turbine would be ETSU compliant at the nearest properties. The benefits of the proposal were found to be sufficient to outweigh the harms.</p>

Treblehayes Farm

PINs No.	APP/U1105/A/14/2227768
Decision and date	Dismissed 27/01/15
Location	Treblehayes Farm, Membury, Axminster, EX13 7UA
Inspector	Brian Cook
Appellant	MJ and DA Johnson
LPA	East Devon District Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 18.4m. The main issue in this appeal was the effect on the character and appearance of the Blackdown Hills AONB and the setting of listed buildings. The Inspector noted that the proposed turbine would introduce an uncharacteristic and locally visually prominent feature into the AONB landscape, although he held that the impacts would not be significant due to the height, lattice tower and single blade of the proposed turbine. With regards to the effects on listed buildings the Inspector considered that the farmed landscape, within which the two listed farmhouses were sited, was part of their setting and harm would be caused to this setting. The Inspector was of the view that the benefits of the proposal did not outweigh the harm to the listed farmhouses and the appeal was dismissed.

Hawkdown Farm

PINs No.	APP/W1145/A/14/2227411
Decision and date	Dismissed 27/01/15
Location	Land at Hawkdown Farm, Dowland, Winkleigh, Devon
Inspector	Neil Pope
Appellant	Murex Energy Ltd
LPA	Torrige District Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 77m. The main issues in this appeal were the effects on the character and appearance of the area, the effects on heritage assets and the effects on living conditions of neighbouring residents. The Inspector noted that the appeal site lies within an area of attractive open countryside, with much of the landscape untouched by modern development. Within 500m the Inspector considered that the proposed turbine would become the defining feature, reducing with distance, but remaining prominent. The Inspector found that the proposed turbine would have a harmful effect on the setting and significance of a number of heritage assets which equated to less than substantial harm, but was still to be considered in the planning balance. The Inspector noted that it was not clear as to whether the occupiers of one of the nearest property were financially involved so as to allow the lower ETSU limits. However, given the occupier's willingness to enter into an agreement for an alternative energy supply, it was found in all likelihood to amount to a financial involvement. The noise levels at that property would then fall within the lower ETSU limits. In carrying out the planning balance, the Inspector held that the harms significantly and demonstrably outweighed the benefits.

Honey Pot Lane

PINs No.	APP/E2530/A/14/2215578
Decision and date	Dismissed 29/01/15
Location	Land north of Honey Pot Lane, Colsterworth
Inspector	John Braithwaite
Appellant	D2M Solutions Ltd
LPA	South Kesteven
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 67m. The main issues in this appeal were the effects on the historic environment and on residential amenity. The Inspector found that there would be harm, albeit less than substantial to a SAM and Grade I Church, 2.1km and 1.4km from the appeal site respectively. The Inspector was concerned with the residential amenity of two bungalows 190m and 220m from the appeal site. It was noted that the bungalows were vacant and may be redeveloped at some point. However, the Inspector found that there would be a significant adverse effect on the outlook from both bungalows. The Inspector held that the limited benefits could not outweigh the harms.

Maescadog

PINs No.	APP/M6825/A/14/2222172
Decision and date	Dismissed 2/02/15
Location	Maescadog, Caio, Llanwrda, Carmarthenshire, SA19 8PP
Inspector	Emyr Jones
Appellant	Mr Douglas Davies
LPA	Carmarthenshire County Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of 77m. The main issues in this appeal were the effects on the character and appearance of the surrounding rural area and the adequacy of the access arrangements. The Inspector noted that notwithstanding the height of the proposed turbine, the effect on the landscape would be limited due to the enclosure provided by surrounding undulating landform. The Inspector considered the access proposals, which suggested that a 26.2m blade would be transported on a 20m trailer, to which he was not convinced of the practicalities. He also noted that there would be a requirement to transport a generator in a vertical position which would be greater than the minimum height for overhead lines. It was due to the access issues that the Inspector held that the appeal be dismissed.

Lady Well Lane

PINs No.	APP/A3010/A/14/2214726
Decision and date	Allowed 02/02/15
Location	Land off Lady Well Lane, Headon, Retford, DN22 0RQ
Inspector	Louise Crosby
Appellant	Mr J Ogle
LPA	Bassetlaw District Council
Determination process	Written Representations
Summary of decision	Proposal for a single turbine with a blade tip height of approx. 40m. The main issues were the effect on the character and appearance of the landscape and visual amenity. The Inspector found that the undulating landform surrounding the appeal site and the presence of trees would limit long distance views of the proposed turbine. The Inspector was therefore satisfied that the landscape had the capacity to accommodate the proposed turbine. The Inspector considered that from the nearest property the proposed turbine would appear obvious, but that given the distance it would not appear unduly harmful. Overall, the Inspector held that the benefits of the proposal outweighed the harms.

Pinwherry

PINs No.	PPA-370-2043
Decision and date	Dismissed 02/02/15
Location	Land near Breaker Hill, Pinwherry, South Ayrshire
Inspector	Michael J P Cunliffe
Appellant	Wind Prospect Developments Limited
LPA	South Ayrshire Council
Determination process	Written Representations
Summary of decision	Proposal for 9 turbines with a blade tip height of 86.5m. The main issues were the landscape and visual effects. The Reporter found that with regards to cumulative effects the introduction of the proposed wind farm would contribute to a sense of encirclement and a feeling of being in a wind farm dominated landscape, resulting in significant and adverse landscape effects. The Reporter also considered that there would be a significant adverse effect on the settlement of Pinwherry, as well as on recreational routes and roads in the locality. The Reporter noted other material considerations that were to be considered in the planning balance. Overall, the Reporter held that there were no material considerations which would justify granting planning permission.

Brex Heights

PINs No.	APP/B2355/A/14/2228288 and 2228287
Decision and date	Dismissed 03/02/15
Location	Brex Farm, Coal Pit Lane, Whitewell Bottom, Baccup, OL13 8NN
Inspector	Anne Jordan
Appellant	DC21 Group
LPA	Rossendale Borough Council
Determination process	Written Representations
Summary of decision	<p>Two separate proposals for a single turbine, both with a blade tip height of 47m. The main issues were the effects on visual amenity and landscape character of the area and the living conditions of adjoining residential occupiers. The Inspector considered in terms of both proposed turbines that they would be prominently visible, including from adjacent footpaths, resulting in an adverse impact on local views. With regards to the effects on living conditions, the issue was noise impacts. Cumulatively, it was noted that noise levels could reach 36dB(A) at two properties in non-prevailing conditions. The Inspector found that she could not be assured that living conditions would not be adversely affected. In conclusion, the Inspector held that the benefits of the proposals were not capable of outweighing the harms.</p>