Appeal Reference: APP/GO908/A/13/2189826
Planning Reference: 2/2012/0603
Proposed Development: Erection of a 67m single wind turbine
Appeal Site: Land to east of Prospect House, High Scales
Applicant: Empirica Investments Ltd
Type of Appeal: Written Representations - appeal on non-determination

Date of Committee: Committee
Officers’ Recommendation: Refuse
Development Panel Decision: Recommend refusal for the following reasons:

1. The proposal, by reason of its siting and elevated level, would constitute a prominent and incongruous feature within the landscape, and would cause unacceptable individual and cumulative harm to the landscape character and appearance of the locality. The proposal is therefore considered contrary to Policy R44 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (Saved).

2. In the absence of detail to provide contrary, the Local Planning Authority cannot be satisfied that the proposal will not have a harmful visual impact on sensitive residential receptors namely Saymour Farm House Wigton CA7 0BX, Corner House Scales CA7 3NQ, Meadowlands Scales CA7 3NQ, Maple House Scales CA7 3NL, The Arches Scales CA7 3NL, Shamara Scales CA7 3NL, Carita Scales CA7 3NL, contrary to Policy R44 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (saved).

3. Insufficient information has been submitted to demonstrate the visual impact of the development on the setting of the Grade II Listed Building, Prospect House contrary to Policy CO10 of the Allerdale Local Plan, June 2006 (Saved) and Policy E38 of the Joint Structure Plan 2001-2016 (Saved).
Inspector's Decision: Appeal allowed subject to conditions.

Appeal decision details

The inspector considered the main issues in the appeal are:

The effect of the proposed wind turbine on the character and appearance of the landscape, the living conditions of the occupiers of nearby dwellings in respect of any loss of outlook and the setting of Prospect House, a Grade II Listed Building; and whether any harm, in the light of the development plan, would be outweighed by the national objective of promoting renewable energy generation.

Reasons

The National Planning Policy Framework (NPPF) states a presumption in favour of sustainable development at paragraph 14. Paragraph 93 of the NPPF makes clear that the provision of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development.

The NPPF states that even comparatively small scale projects can make a significant contribution to meeting national need.

Character and appearance

The proposal would stand around 45m tall to the turbine with a blade tip height of around 67m and would include a concrete foundation, an area of hardstanding and a sub-station. It would be located in the countryside within a large arable field. This is bounded by mature hedgerows containing a number of trees. A small copse of conifer and deciduous trees is located in the corner of the field, next to the A596. The copse contains 2 no. telecoms masts and stands between the appeal site and Prospect House. The proposal would be situated around 64m from an unclassified road, around 125m from the A596 and around 550m from a railway line.

The area around the appeal site is characterised by a series of ridges and valleys that rise gently towards the limestone fringes of the Lakeland Fells and well managed, regular shaped medium to large pasture fields. Cumbria County Council's Landscape Classification described the wider area as “5a – Ridge and Valley”.

There are no special landscape designations applicable to the area and while there are no hard and fast rules about how suitable areas for renewable energy should be identified, the inspector notes the adopted Cumbria Wind Energy Supplementary Planning Document (SPD), identifies the 5a area as being of moderate landscape capacity suggesting that small scale wind farm groups may be acceptable.

Although of a modest scale, the proposed height would nevertheless result in the turbine being a noticeable feature in the wider landscape. Concern has been raised that it would be situated near the summit of a ridge which is at a higher level than the surrounding landscape. It would be seen in views from the surrounding road network and from public
footpaths. In this regard, a Landscape and Visual Assessment (LVA) was submitted including a series of photomontages. The inspector notes that in some of the views the turbine would be partly obscured by vegetation and landform although the Council claims that some misleading views were selected to take in obscured views of the proposal.

In the inspectors judgement, while public views of the proposal would be possible from sections of the A596 and nearby roads as well as the footpath which passes around 600 metres from the appeal site, the impact of the proposal in these views would be moderated by its modest scale, separation distances with the roads/footpaths and the railway line, the undulating landform and screening provided by trees and hedges, and the existence nearby of pylons and masts. These factors would fragment the views towards the proposal such that it would have a low to moderate visual impact from nearby vantage points and an insignificant impact from further afield.

With regard to cumulative impact, there are several operational, approved and submitted schemes in the general area. The separation distances to the wind farms are such that the effect of those turbines and this proposal on the landscape would remain distinct.

Several other existing single wind turbines are located within approximately 1 to 4 km of the appeal site, with several others being considered at appeal. While a number of these turbines would be seen from the local highway network including the A595 and A596, and accepting that there may be other locations within the surrounding are from where 2 or more of these turbines may be seen in particular views or in a sequence of views, the inspector considers that in terms of their moderate scale, the separation distances between them and the intervening topography, the proposed and existing turbines would not collectively become a significant or defining characteristic of the local area such that they would have a harmful effect on the overall experience of the landscape.

**Outlook**

Concern was raised that the proposal would harmfully change the outlook from several properties. The inspector has assessed the properties listed in the reason for refusal. The distance between the properties and the proposed turbine, orientation of dwellings, vegetation and topography have all been considered.

Against this background, the inspector considers that the effect of the proposal, both individually and cumulatively in conjunction with other existing and proposed turbines in the wider area, would not harmfully change the outlook of these dwellings to the extent that it would be dominated by views of wind turbines.

**Setting of Prospect House**

Prospect House is a Grade II Listed Building. It stands around 470m from the appeal site with the A596 and a copse of trees containing 2 no. radio masts on between. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed any may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.
Having special regard to the desirability of preserving the settings of listed buildings, where those settings would be affected by the proposed development, the inspector considers that the changes that have occurred in the immediate environs of Prospect House, such as the erection of stark modern agricultural buildings and the presence of large pylons, have compromised its setting.

In the inspector's judgement, when seen in the context of the agricultural buildings, the road, the pylons and the masts which immediately surround the listed building and given the intervening distance and planting, the proposal although visible, would not have a major impact on the setting of the heritage asset.

Other matters

An assessment of noise generation and shadow flicker has been submitted which demonstrates that the turbine would not harmfully change the living conditions of the occupiers of the nearest dwellings. On this basis, the inspector finds the proposal is unlikely to cause significant noise or shadow flicker nuisance to any nearby residents.

A number of queries have been raised by Bromfield Parish Council and FORCE concerning a consultation process on the intention to establish a new power line through Cumbria and the length of time an anemometer was in position before the application for this proposal was lodged. However, given the power line route is at the consultation stage and no substantive evidence has been submitted to demonstrate that the appeal site would not be in a suitable location in terms of the available wind resource, the inspector does not consider these to be sufficient reasons for withholding planning permission.

Conclusion

The proposal would contribute to the generation of renewable energy which would assist in meeting national and regional targets that seek to reduce carbon emissions in order to tackle climate change. It would also make a contribution to the diversification of the farm as the farmer would receive an annual income from the siting of the turbine on his land, supporting rural enterprise and economic activity.

The overall conclusion is that the low to moderate harm to the character and appearance of the landscape and the negligible effect on the setting of the heritage asset which would equate to less than substantial harm under paragraph 134 of the NPPF, would be outweighed by the acknowledged environmental and economic benefits. The development plan provides in-principle support for renewable energy and the NPPF at paragraph 98 recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

In coming to this decision, the inspector has had regard to the Written Ministerial Statement to Parliament on Local Planning and Onshore Wind and the DCLG Planning Practice Guidance for Renewable and Low Carbon Energy which followed in July 2013. The inspector has also had regard to the effect of the revocation of the Regional Strategy but in the light of the facts in this case the revocation does not alter his conclusion that the appeal should be allowed.
Officer comments on the appeal decision

When considering the impact a turbine will have on the character of the landscape including cumulative impacts Members and officers should take into account the separation distances between the proposed turbines and other existing turbines. This impact should then be carefully weighed against the national policies that highlights there is a presumption in favour of sustainable development. Furthermore the benefits of the proposal in providing renewable energy should be outweighed against the harm that may result from the proposal.