
Appeal Decision

Site visit made on 2 October 2014

by Ron Boyd BSc (Hons) MICE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2015

Appeal Ref: APP/E3525/A/14/2222478

Nosterfield End, Haverhill Road, Haverhill, Suffolk CB9

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Sills against the decision of St Edmundsbury Borough Council.
 - The application Ref SE/13/0223/FUL, dated 20 February 2013, was refused by notice dated 6 February 2014.
 - The development proposed is described as installation of a single wind turbine with a maximum height to tip of 78m, a new access track, a hard standing, a small substation building and associated infrastructure.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council determined the application in the light of relevant Local Plan policies extant at that time which included Policies NE3 and FC4 of its Replacement Local Plan (2006). Subsequent to that determination and submission of the appeal the Replacement Local Plan was superseded by the Council's adoption of its Joint Development Management Policies Document February 2015 (the JDMPD) on 24 February 2015. This now forms part of the Development Plan. In particular Policies NE3 and FC4 were superseded by Policies DM13 and DM8 respectively of the JDMPD.
3. On 18 June 2015 the Secretary of State for Communities and Local Government issued a Written Ministerial Statement (WMS) setting out new considerations to be applied to proposed wind energy development so that local people have the final say on such development. Consequential revisions to the Government's Planning Practice Guidance (PPG) were made on the same date. I refer to the WMS as a material planning consideration relevant to this appeal in greater detail below.
4. Both parties to the appeal and relevant third parties were invited to send any comments they had on the above changes in local and national policy to me. I have considered the appeal in the light of the present Development Plan and Government policy and all the comments I have received.

Main issues

5. I consider these to be:

- the effect the proposed development would have within the surrounding area in respect of landscape character and visual amenity; and
- whether any identified harm from the proposal would be such as to clearly outweigh any benefits.

Policy context

6. The St Edmundsbury Local Plan comprises the St Edmundsbury Core Strategy Adopted December 2010; Vision 2031 Adopted 23 September 2014; and the JDMPD adopted 24 February 2015.
7. The National Planning Policy Framework (the Framework) indicates that the role of planning in supporting the delivery of renewable energy is, amongst other matters, central to the economic, social and environmental dimensions of sustainable development. Paragraph 98 states that applications for renewable or low carbon energy should be approved if the impacts are (or can be made) acceptable, unless material considerations indicate otherwise. Nevertheless, the Government's Planning Practice Guidance (PPG) makes it clear that the need for renewable or low carbon energy does not automatically override environmental protections and that protecting local amenity is an important consideration which should be given proper weight in planning decisions.
8. Policy DM8 of the JDMPD states that proposals for wind turbines will be encouraged subject to stated criteria including the requirement that they include a Landscape and Visual Impact Assessment (LVIA) showing the proposal in the landscape; be designed and sited to minimise intrusion and visual impact; and include mitigation measures to address the visual impact of the scheme. Policy DM13 of the JDMPD explains, consistent with the Framework, that development will be permitted where it would not have an unacceptable adverse impact on the character of the landscape, landscape features, wild life or amenity value.
9. Policy DM13 further states that where any harm would not significantly and demonstrably outweigh the benefit of the proposal development will be permitted subject to other planning considerations.
10. The Council refused the application for the reasons that it considered the proposed turbine would be detrimental to the character and appearance of the rural landscape; would erode the distinctive agricultural character of the locality; and would be a discordant and dominant structure harmful to visual amenity. Its harm in those respects was considered to outweigh the proposal's benefits in respect of generating renewable energy and addressing climate change.

Reasons

11. The appeal site is an arable field on the south-east side of the local road between Hazel Stub and Nosterfield End. The proposed turbine, with a hub height of approximately 50m and rotor diameter of 56m would be located in the field about a kilometre south-west of the adjacent road's junction with the A1017 at the south-western edge of Haverhill. The site of the turbine (the site) would be some 150m south-east of the road and around 350m north-west of an area of woodland the greater part of which is Ladygate Wood. The land falls gently towards the north east from a height of around 120m AOD at the wood which is at a high point within the area. The turbine would be founded at

about 119m AOD. In addition to the turbine itself the proposal includes a 50m high temporary wind monitoring mast for a six month period prior to construction; a small substation unit adjacent to the turbine; an area of hard standing for use during erection together with a permanent hard standing area around the turbine base; and a 4.5m wide permanent access track from the adjacent road.

Landscape character

12. The main impact of the proposed turbine would be on three local rural landscape-character-types (LCTs) whose boundaries, coincident with the boundaries of their host counties, meet at a point some 850m south of the site. These are the Suffolk Undulating Estate Farmlands, within which the site of the proposed turbine would lie; the Cambridgeshire South East Clay Hills, located immediately to the west of the site; and the Essex Farmed Plateau south of the site. There are no national or local landscape designations within the study area. Man made features across the area such as telegraph poles and a telecommunications mast have made little impact on the overall unspoilt agricultural character of the landscape.
13. The proposed turbine would be broadly central within the site and thus roughly mid-way between the neighbouring communities of Hazel Stub and Nosterfield End. It would be of conventional and unremarkable design. New hedgerow planting is proposed along the north-west site boundary. The appellant has submitted an LVIA with the application concentrating on an area within 5Km of the proposed turbine but extending to a radius of 10Km in respect of the visual assessment and desk study. In the above respects, within the constraints of the size and location of the site, I consider the requirements of JDMPD Policy DM8 have been acknowledged.
14. The Council Officer's Committee Report, informed by the Council's Tree and Landscape Officer/Ecologist, commented that the LVIA had been undertaken to an accepted methodology that had been accurately and consistently applied and field tested. The LVIA concluded that the turbine would have a significant effect on the landscape character of the area up to within 1.5Km of the site and on visual amenity up to 3Km away.
15. The insertion of a wind turbine into a rural area would always be likely to have some impact on its character. The appeal proposal would be no exception. As a tall moving structure not characteristic of the existing area it would have a significant impact simply as a result of its presence. Placed between the local road and Ladygate Wood, which, being at a high point in the area, is a key feature in the local landscape, the turbine, at up to 78m to blade tip, some three to four times the general tree height of Ladygate Wood, would undeniably have a substantial presence within the immediate landscape. However, as a single turbine the effect would not be such as to overwhelm the present character of the area. The turbine would be a prominent feature within the landscape between Hazel Stub and Nosterfield End but the underlying agricultural character would prevail.
16. Beyond this area I consider that Ladygate Wood remains a key feature in the landscape within an area up to around 2km away which, to the south of the turbine, is that generally contained by the local road network linking the surrounding settlements of Nosterfield End, Castle Camps, Helions Bumpstead and Copy Hill. Where topography would preclude it being seen in competition

with Ladygate Wood, and from points beyond 2Km or so from the site, the turbine's impact would be low key. In such circumstances, as is shown in the appellant's submitted photomontage from Viewpoint 3, some 2.5Km from the site, just north of Helions Bumpstead Church, the turbine would be accommodated into the landscape alongside existing, predominately vegetative, features without significant impact on the landscape.

17. However, where the proposed turbine would be seen in proximity to Ladygate Wood, particularly where it would be seen directly in line with the woodland, such as from the Parsonage area of Haverhill Road just over 2 Km from the site, it would, again because of its height over the treescape, render Ladygate Wood subservient to it on the skyline. Whilst Ladygate Wood would not be lost as a landscape feature in such views its predominance as the principal feature in the landscape would be supplanted by the proposed turbine. Nevertheless, whilst conspicuous in the area, the single turbine would not be so influential as to overcome the area's present distinctive agricultural character.
18. In the light of the above I conclude that the proposal would have a significant presence within the landscape up to approximately 2 Km from the site. It would appear most prominent between Hazel Stub and Nosterfield End and where viewed as being in close proximity to Ladygate Wood. However, such significant effects would not to my mind amount to significant harm to the surrounding landscape whose overall agricultural character would be retained.

Visual amenity

19. With the exception of those on the local road passing the site, who would experience a significant change in view, the effect of the proposal on the visual amenity of road users in the area, including recreational cyclists, would be limited, being intermittent and subject to intervening vegetation. Footpath and bridleway users would be more significantly affected, particularly on Suffolk Footpaths 22 and 34 which pass within 400m and 700m of the site respectively. With distance, views would become more intermittent, being affected by vegetation, topography, and, of course, direction of travel.
20. Dwellings nearest to the proposed site are those in the settlements of Hazel Stub and Nosterfield End, the closest of which, Goodwoods Farm is some 780m to the south west. There are 12 dwellings within 1 Km of the site but the principal elevations of these properties do not face towards the turbine site and fenestration in gable or flank walls looking towards the site is generally limited. Intervening vegetation between the site and both settlements is significant and any views of the turbine from the dwellings are likely to be limited. Nevertheless, where views of at least the hub and upper blade sweep would be visible through or over the intervening vegetation there would, in view of the proximity of the turbine, be some effect on the visual amenity at present experienced by the residents. However, I consider the effect would amount to a limited degree of harm to living conditions.
21. Further afield, where Ladygate Wood is central to views from dwellings up to 3Km or so from the site such as those along the north side of Haverhill Road north-east of Helions Bumpstead, the proposed turbine would replace the woodland as the principal feature in such views. Whilst clearly effecting a significant change I do not consider the inclusion of the single turbine in the composition of those views would represent material harm to the outlooks or

the living conditions of occupants of those dwellings. The effects on those viewing the turbine from points beyond 3Km are not likely to be significant.

22. I agree with the conclusion of the LVIA that the turbine would not be overbearing in any of the views of it from dwellings or, other than where the local road is closest to the site, from highways in the area, and I am mindful that there is no right to a view. However, I do conclude that where there would be views, albeit limited, of the turbine from dwellings at Hazel Stub, Goodwoods Farm or Nosterfield End there would be some limited harm to the living conditions of residents so affected. In addition there would be a transitory degree of harm to the visual amenity experienced by travellers along the adjacent local road and users of footpaths Suffolk 22 and 34 where they are closest to the turbine.

Other matters

23. There are 16 Grade II listed buildings within a 2Km radius of the site and one Grade II* property, Parsonage House, just outside at 2.1Km. The turbine would have no direct or physical impact on any listed building. The Officer's Report, informed by the Council's Conservation Officer, considered the effects on the settings of listed buildings. Impact upon listed buildings was not a reason for refusal of the application and does not form any part of the Council's case. I agree with the Council's assessment on this matter.
24. However, the submission on behalf of the Hon Nigel Turner argues that there would be a significant impact on the setting of Parsonage House, stating that there would be clear views of the turbine from within Parsonage House at both ground and upper floors. Whilst a photograph from the footpath that runs northwards from Haverhill Road along the western boundary of the property has been submitted which shows Ladygate Wood prominent on the horizon, no photograph from within the curtilage of Parsonage House has been provided.
25. Substantial roadside hedging effectively precludes any views of the principal elevation of the house from Haverhill Road which might also contain sight of Ladygate Wood. However, the back garden hedge is not so high, nor the tree cover beyond it so dense, as to be likely to completely obscure views, from points within the curtilage of the Grade II* property, of Ladygate Wood, with, if provided as proposed, the turbine visible above it. It is likely therefore that some views of the dwelling from within its curtilage may include limited sight of the turbine around 2Km distant. However, I conclude that such sight of the turbine would have a negligible effect upon the ability to understand and experience the listed building in its setting. In the terms of the Framework there would be no material harm to the significance of the designated heritage asset. In relation to the relevant statutory requirement set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the setting of the listed building would be preserved.
26. There are existing turbines at Balsham some 14.5Km to the north-west of the site and permission has been granted for a single turbine at Chilton Street, some 9.7Km to the east. I am satisfied that the additional provision of the proposed turbine would not result in any significant cumulative impact.
27. In addition to the main issues I have dealt with above, concerns in respect of a number of other matters have been raised in representations made in response to the application and to notification of the appeal. These include the effects of

the proposal in respect of noise; aviation; road safety; and wildlife. None of these other matters were reasons for refusal of the application and I consider they were satisfactorily dealt with in the Officer's Committee Report.

Benefits of the proposal

28. The proposed turbine would have a maximum generating capacity of 500 kW. The appellant estimates an annual output of 1,640,000 kWh, calculated to be equivalent to the electricity requirements of 346 households with annual emission savings of some 705 tonnes of carbon dioxide. As the Officer's Report acknowledges the calculations were based on a recognised methodology and whilst the results can only be regarded as an approximation I have no reason to doubt that they are a reasonable assessment of the expected performance. Permission is sought for the limited period of 25 years.
29. The Framework advises that even small-scale projects should be recognised as providing a valuable contribution to cutting greenhouse gas emissions. It is likely that there would also be economic benefit from the demand for labour and materials during the construction period were the turbine to be provided.

The WMS

30. Government planning policy, as updated in the WMS referred to above, requires that local planning authorities should only grant planning permission for wind energy development involving one or more wind turbines if the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan and, following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. Where a valid planning application has already been submitted, and the development plan does not identify suitable sites, transitional measures apply. In such instances local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected communities and therefore has their backing. Those transitional measures apply in respect of my consideration of the proposal the subject of this appeal.
31. I am satisfied that appropriate consultation has been carried out and that the concerns raised have been addressed to the extent that opposing assessments as to the effect of the proposed development have been put forward as contentions and responses in the submitted evidence. In considering whether the proposal has the backing of the affected local community I have had regard to the fact that the application was refused by the community's elected representatives in the form of the Members on the Council's Development Control Committee (contrary to officer advice) with objections from the more-local elected representation of both Helions Bumpstead Parish Council and Haverhill Town Council as well as a number of individual local residents. Also that the reasons for the refusal and objections to the proposal have been maintained by the Councils and individual residents in representations made to me throughout the appeal process and the repeat consultations carried out in respect of the adoption of the JDMPD and the issue of the WMS. In the light of such circumstances I am unable to conclude that the proposal has the backing of the affected local community.

The balancing exercise and conclusion

32. The harms I have identified that would result from the proposal comprise some limited harm to living conditions for occupants of a number of dwellings within 1Km of the site, resulting from significantly changed outlooks towards the turbine site, and transitory harm to users of the local road and footpaths where closest to the site. I consider it proper to ascribe significant weight to the harms in respect of the impacts on living conditions.
33. In addition I attach substantial weight to the Government's stated intention that local people should have the final say on wind energy proposals, and, that for any such proposal to proceed, the decision taker should be satisfied that the proposal has the backing of the affected local community. I am not satisfied that the proposal has the backing of the affected local community. I conclude that the proposal would thus be harmful in respect of it not having the backing of the affected local community contrary to Government planning policy. This further harm is a substantial material planning consideration to be taken into account in assessing the proposal against the Development Plan.
34. Notwithstanding that the benefits of the proposal, which I have identified above, also attract substantial weight, I conclude that the combined harms of the proposal would be such as to significantly outweigh those benefits. The proposal would thus neither meet the requirements for permission set out in JDMPD Policy DM13 nor satisfy Government intentions that local people should have the final say on developments such as that the subject of this appeal.
35. I have taken into account all the other matters raised in the evidence. I have found nothing sufficient to outweigh my conclusions in respect of the harms and benefits of the proposal and the balance between them which have led to my decision on this appeal. For the reasons given above I conclude that the appeal should fail.

R.T.Boyd

Inspector