
Appeal Decision

Site visit made on 5 January 2016

by Ava Wood DipARCH MRTPI

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

Decision date: 26 February 2016

Appeal Ref: APP/H0520/W/15/3100578

2 Hamerton Zoo Park, Hamerton Road, Steeple Gidding, Huntingdon PE28 5RE

- 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 Hamerton Zoo Park against the decision of Huntingdonshire District Council.
 - The application Ref:1401296FUL, dated 18 July 2014, was refused by notice dated 20 March 2015.
 - The development proposed is extension of an existing wind turbine development with 2 No. additional Endurance 50 KW wind turbines with a tip height of 46m including control kiosks and associated temporary infrastructure.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed installations on the character and appearance of the landscape, on the settings of designated heritage assets and on the living conditions of occupiers of neighbouring properties; whether the proposal is acceptable in relation to biodiversity, and whether the benefits of the project would be significantly and demonstrably outweighed by any harm identified.

Reasons

Policy Framework

3. The development plan for the area comprises the Huntingdonshire Core Strategy (2009) (CS), and saved policies of the Huntingdonshire Local Plan of 1995 (LP) and the Huntingdonshire Local Plan Alteration of 2002 (LPA).
 4. The overarching Policy CS1 which looks to achieve sustainable development applies a set of criteria including: maximising opportunities for renewable and low-carbon energy sources; preserving and enhancing the diversity and distinctiveness of towns, villages and landscape, including the conservation and management of buildings, sites and areas of historic, architectural, or archaeological importance and their settings; and protecting the range and vitality of habitats and species. As an expression of broad objectives, the policy resonates with the National Planning Policy Framework (NPPF) main theme of pursuing sustainable development, having regard to local context, protecting
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- heritage assets and encouraging biodiversity. The policy therefore merits the weight accorded to a development plan policy. As the Huntingdonshire Local Plan to 2036 is in draft, its policies carry limited weight in this appeal.
5. The LP policies referred to in the decision notice relate to development restrictions in the countryside (LP Policy EN17) and protection of countryside features (LP Policy EN18). The former is not consistent with the NPPF's support for economic growth in rural areas and therefore carries little weight in this appeal. As the proposal would not lead to loss of specific features such as trees, hedgerows, woodland or meadowland, the relevance of Policy EN18 to this appeal is limited. LP Policy EN22 is relevant insofar as it commits to taking appropriate account of the interests of nature and wildlife conservation in the determination of applications.
 6. The main parties agree that there are no relevant policies in the LPA against which this scheme should be considered.
 7. The June 2007 Huntingdonshire Landscape and Townscape Assessment supplementary planning document (SPD) provides advice and information on the visual character of the county's landscape and market towns, to supplement LP policies. In June 2014 the Council published the 'Wind Energy Development in Huntingdonshire' SPD. In addition to providing guidance to applicants on the policy framework for wind turbine developments, the document gives an overview of the relative capacities of different landscape character areas to accommodate such development. The SPDs do not carry the force of policy but are nevertheless material to my consideration of the first main issue.

Character and Appearance of the Landscape

8. The appeal site comprises an area of agricultural land associated with the Hamerton Park Zoo; the land is currently used for hay crop and grazing. The site lies on the edge of the Central Claylands Landscape Character Area (LCA) where it abuts the Northern Wolds LCA. The proposed turbines would be positioned adjacent to the line of two existing turbines approved by the Council in 2012. When completed, the group would be aligned to broadly achieve equidistant spacing between the four turbines. The new turbines would match the height and design of those already in place.
9. Key characteristics of the Central Claylands LCA include large-scale field patterns with few hedgerows, gently undulating arable farmland and dispersed pattern of historic villages. The Northern Wolds LCA by contrast displays "*a strong topography of ridges....valleys are well vegetated and intimate in scale, while ridges and plateaus feel more open.*" During my site visit I was able to see that the appeal site and the countryside surrounding the village of Hamerton display many of the key qualities of both LCAs. The areas to the north and east of the appeal site comprise mainly large undefined arable fields with few trees and isolated blocks of woodland.
10. The SPD recognises that the Central Claylands LCA has a high capacity to accommodate a small-scale group of turbines (2-5) and could respond well to the landscape structure and pattern. The scale of the landscape extending some distance to the east and north of Hamerton allows the existing two turbines to settle into the wide open character of the landscape formed by extensive arable fields with few demarcations. The two proposed turbines

would similarly relate comfortably to that specific landscape character. The group of four turbines would be accommodated into the arable landscape character without causing it undue harm.

11. The appeal site and its immediate surroundings however also bear characteristics associated with the Northern Wolds LCA. The SPD confirms that the LCA is highly valued for its unspoilt quality and harmonious character; it has a moderate capacity to accommodate a small-scale group of 2-5 turbines and that there is very little scope to accommodate more than one small-scale group.
12. The village of Hamerton is situated in a valley; fields are generally smaller with pasture and paddock instead of arable land, and a strong ridge form extends north and westwards away from the village. The existing turbines show the extent to which they impose on the more intimate character of the Northern Wolds LCA, although the effect remains localised. The impact of the appeal proposal on the character of this particular LCA would similarly be limited and the unspoilt nature of the wider areas of the countryside to the west of the appeal site would be largely maintained.
13. As for appearance, I visited each of the viewpoints A-H mentioned in the appellant's Landscape and Visual Appraisal, and viewed the site from a number of other points referred to by third parties. The turbines would be highly visible from a number of viewpoints and particularly prominent from roads and footpaths leading to or away from Hamerton. The turbines at Woolley Hill and Wood Green are also visible on the horizon, in particular from the elevated sections of Gidding Road.
14. In the approach to the village of Hamerton from the east (viewpoint D), the existing turbines can be seen extending above trees and hedgerows; buildings in their vicinity are few and far between, as the village nestles in the valley. Due to their height, movement and separation from the village, the turbines are clearly visible. Against the backdrop of mainly arable fields with low hedgerows and clumps or individual trees scattered across, they add interest to the landscape. The two new structures would similarly stand out as prominent and visually interesting features in the skyline. Given their proximity to the existing turbines, the new ones would soon be accepted as part of a group sitting on the northern edge of the village and signalling its position in the landscape.
15. In long range views from the south and west of Hamerton (viewpoint F, for instance) the existing turbines are highly visible because of their height and separation from the core of the village. The new turbines would be equally prominent, but as part of a small group seen mainly against the backdrop of a largely featureless landscape. The structure and identity of Hamerton village would be maintained, as the new turbines would also be positioned away from the valley in which most of the buildings are located. The separation and identity of individual settlements seen nestling in the landscape would be maintained, as the four turbines would represent a closely grouped installation situated on the edge of Hamerton.
16. Viewing the project from within the village (as represented by viewpoint D but also other locations I visited), I noted that the existing turbines are visible but as distant structures glimpsed through trees, low lying vegetation and buildings. The extent to which they are seen varies, but they are neither

visually imposing nor destructive to views out of the valley. The new installations would similarly be screened sufficiently by landform, intervening vegetation and trees as to be acceptable as part of a small group of turbines lying on the village's edge.

17. To the north of the appeal site (viewpoints A and B), the new project would appear as prominently in views towards Hamerton as the existing turbines. There is no disguising the dominance of the structures, as there is very little by way of landscape features or topography to screen the towers and blades. Against the flatter landscape comprising expansive areas of arable fields extending eastwards towards Woolley Hill, the new turbines would add interest to the skyline without harming the appearance of the Central Claylands LCA. On the other hand, looking southwards the additional turbines would represent a change too far in views taking in the more intimate and varied structure of the Northern Wolds LCA. The eye would be drawn to the concentration of turbines to the point of diminishing views towards the unspoilt landscape beyond, and causing visual harm to Hamerton's setting.
18. The main receptors on the Gidding Road and Mill Road may well be motorists, but the effects described would be very apparent from some distance along those roads which form some of the main approaches into the valley. Walkers along the footpath adjacent to Manor Lodge Farm would be conscious of the dominance of the turbines, with the two proposed adding to the scale of the installation and imposing on views southwards. Approaching from the Steeple Gidding footpath (as represented by viewpoint E) walkers would be faced with the line of four turbines within a wider landscape setting with far ranging views towards the Fen Margins LCA. The additional turbines would be acceptable alongside the scale of the wide-sweeping views to the east.
19. From the footpath south of Aversley Wood (viewpoint C) the wide sweep of the landscape is disrupted by the two turbines emerging from the slopes of the shallow ridge on which they are installed. The new project would add to the arc of prominent structures visible in the landscape but not to the detriment of its appearance, given the expansive field patterns and pylons currently occupying views as one moves away from Hamerton. Furthermore, with the benefit of distance, there is less scope for the new turbines to interfere with the scenic qualities of the Northern Wolds LCA.
20. Looking at the cumulative effects of the proposal in combination with the groups of turbines already erected; of those visible from the points to the north and east of the appeal site, the four turbines positioned on the ridge at Wooley Hill are the most prominent. But even the Woolley Hill turbines represent distant features on the horizon. Their presence does not render the appeal project unacceptable, which would be some distance from Wooley Hill and of a much smaller scale.
21. Finally, the Council and objectors point to the inappropriateness of the appeal site as a location for wind turbines, as it goes against the SPD advice expecting small groups to respect the landform and for such structures to be located on strong ridges. However, the presence of the existing turbines, which are constructed next to a local ridgeline, justifies exploring the possibility of adding to the existing group.
22. To conclude on this issue, I have found that the additional two turbines would be acceptable in terms of their impact on the character of the landscape.

Although the appeal project would not harm the appearance of the Central Claylands LCA, as shown by the distant and close range viewpoints referred to earlier, it would have the potential to unacceptably impose on southward views taking in the intricate features of the Northern Wolds LCA and the setting of Hamerton. The visual harm (albeit limited) caused to a part of the countryside valued for its unspoilt scenery would be contrary to Policy CS1 and the NPPF's principle of recognising the intrinsic character and beauty of the countryside. This is carried forward into the planning balance.

Settings of Designated Heritage Assets

23. The Council's reasons for refusal did not refer to impacts on the heritage assets but a number of third parties and Historic England have addressed the issue at some length. Furthermore, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving (among other matters) the setting of a listed building. The legal duty does not extend to Scheduled Ancient Monuments (SAMs). However, the NPPF recognises that significance can be harmed or lost through development in the setting of a designated heritage asset.
24. The Heritage Asset Impact Statement assesses the effects on a number of listed buildings and SAMs. Of these, for reasons of intervisibility with the proposed scheme, my considerations focus on the settings of the Church of All Saints in Hamerton and St Andrew's Church at Steeple Gidding, both listed as Grade II*, Rookery Farmhouse in Hamerton and the deserted village SAM site at Steeple Gidding. Although it is claimed that the new turbines would be visible from the Grade I listed church at Little Gidding, my visit (on a winter's morning) confirmed that is not the case.
25. Referring to the Church of All Saints, Historic England confirms that its significance is enhanced by "*its setting on a topographically prominent plateau*". The setting includes the churchyard with commanding views over the village and an outlook towards the countryside beyond. The spire of the Steeple Gidding Church is also visible in the distance. I noted that the single-most eye-catching features are the rotating blades of the existing turbines. Although the existing turbines introduced key changes to the setting of the church, the proposed project would exacerbate the influence of the industrial installations, with twice the number of masts and turning blades dominating views from the churchyard. The experience of viewing and sensing the church in its historic context, already altered by the existing turbines, would be further changed by the additional discordant elements. From a heritage perspective, the new turbines would be an unwelcome imposition on the setting of an important asset. Although I disagree with the Heritage Asset Impact Statement finding of minor impact, the harm identified would be less than substantial. The matter, nevertheless, carries considerable importance and weight in the planning balance.
26. As for St Andrew's Church, I noted that the existing turbines are for the most part screened by vegetation, save for occasional glimpses through trees. The same applies to the Grade II listed Rookery Farmhouse; this building is set in the valley and is well contained by its own immediate curtilage. From the rear garden looking up towards the appeal site the turbines would be seen but not to the extent of diminishing its setting.

27. The proposed turbines would however be in full view from the SAM at Steeple Gidding, comprising below ground remains of former medieval and post medieval settlements. As explained earlier (in paragraph 18), the new installations would be acceptable for their impact on the appearance of the landscape when viewed from Steeple Gidding. However, the existing turbines show the extent to which the masts and blades intrude on the area's tranquillity, a key element of the setting in which the monument is experienced. The proposal would reinforce that sense of intrusion but the harm would be less than substantial.
28. Having concluded that less than substantial harm would be caused to the settings of two designated heritage assets, it follows that the proposal would be inconsistent with the overarching strategy of Policy CS1. It also means that the harm identified should be weighed against the public benefits of the proposal. The matter is addressed in the final issue.

Residents' Living Conditions

29. In terms of noise, the Council accepts the findings of the noise assessment report. With a condition to secure compliance with current policy, I am confident that the noise levels from the turbines would not be unacceptably disruptive to local residents. The nearest properties are outside of the area where shadow flicker effects could occur.
30. The remaining concern is the visual impact that the proposal would have on residents' outlook. I visited Rookery Farmhouse and Manor Lodge at Hamerton, and Foreman's Cottage in Steeple Gidding. The proposal would not impose unduly on the living conditions of Rookery Farmhouse for the same reasons that it is acceptable in terms of its setting – limited views and well contained curtilage.
31. Manor Lodge sits in an elevated position from the site. The proposed turbines would be positioned in the field the property overlooks. Trees and planting on its southern curtilage would filter views of the new turbines to some extent. Nevertheless, and despite their positioning on lower ground, the structures would be close enough for the occupiers to be continually aware of turning blades and the presence of the turbines to the point of overwhelming the outlook from the front of the house and from the main garden. The proposal would unacceptably dominate the main views from the property and diminish the occupants' living conditions.
32. From the garden and interior of Foreman's Cottage, I was able to see the 16 turbines referred to in Mrs McCreanor's written submissions. Of these, the three clusters of 14 turbines are distant enough from the property as to appear as blurred silhouettes absorbed into the landscape and the horizon. While the existing turbines at the zoo are visible from the house, due to distance and topography, I did not consider them to be unduly overbearing, especially as views eastwards from the property are wide ranging and over sweeping areas of countryside. The two new turbines would be placed even further from Foreman's Cottage and would not appear as high as the existing ones. A cluster of four turbines of the height proposed would not dominate the outlook, and being located further, the additional turbines would not materially worsen the occupiers' living conditions or render the property an unattractive place to live.

33. On this issue, of the three properties I was asked to visit, the residents of Manor Lodge would be the most likely to be harmfully affected by the visual presence of the new turbines. The extent of the harm identified is a negative point against the proposal, and falls to be considered in the planning balance below.

Biodiversity

34. An ecological assessment was not undertaken as part of the application, but an appraisal was submitted with the appeal. I have taken account of its findings in my consideration of this issue.

35. The appraisal undertaken in 2015, which was desk-based and included field surveys, confirmed the evidence provided by third parties of the local presence of red kites, barn owls and habitats likely to provide foraging or roosting opportunities for bats. The County Wildlife Site at the road side verge has also been considered in the assessment. The Council is dismissive of the assessment for not providing a baseline survey data on protected species, but the surveys have been conducted to a level that is suitably informative of the likely risks to protected species and the safeguards necessary to ensure their protection.

36. The assessment undertaken covers both construction/decommissioning and operational phases of the turbine development. The site itself comprises improved grassland of limited biodiversity value; proximity to the zoo is unlikely to attract species sensitive to disturbance; and the turbines would be positioned outside of the 50m stand-off distance from the nearest potential foraging feature, as recommended by Natural England. With the recommended precautionary measures in place, I am satisfied that the proposal either on its own or in combination with the existing turbines would not materially or adversely undermine the local conservation status or population levels of the protected species in the locality. Finding in favour of the project on this matter means that the scheme would be consistent with LP Policy EN22 and with the NPPF aim of minimising impacts on biodiversity.

The Planning Balance

37. In carrying out the planning balance, I turn first to the benefits of the proposed project. It would contribute towards the Government's commitment to renewable energy generation. The 100 kw generation of power expected from the two turbines would complement the requirements of the Zoo Licensing Act by providing energy from a renewable source and reducing carbon dioxide emissions. These are public benefits of significant weight, particularly as the zoo is an established local rural business and local employer.

38. The proposed turbines alongside the existing two, and a PV solar array erected at the zoo, would provide a complementary tourism and educational tool. The conservation and educational role played by the zoo, as well as its attraction as a tourist destination, would be furthered by the proposal. The matter attracts moderate weight, as the project's contributions are likely to be limited in the context of the enterprise as a whole.

39. The Design and Access Statement referred to an annual community payment. The relevance of the contribution to planning and to this project in particular

- has not been explained and, in any case, there is no mechanism before me to secure the payment. I give it no weight.
40. The weight to be attached to the temporary nature of the installations is moderated by the length of time the turbines would remain in place (25 years), during which time the effects identified are likely to continue.
 41. Finding in favour of the scheme on biodiversity, shadow flicker and noise are neutral matters that neither weigh in favour of or against the scheme in the overall balance.
 42. As for the issues telling against the scheme, less than substantial harm would be caused to the significance of designated heritage assets. I have also identified limited harm to the appearance of the landscape and concluded that the living conditions of the occupiers of Manor Lodge would be unacceptably affected by the proposal.
 43. The Planning Practice Guidance explains that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. The harm caused to the significance of the Church of All Saints and the SAM, by virtue of the adverse impacts on settings, would on its own demonstrably outweigh the benefits described, given the importance and weight attached to preservation of listed buildings and their settings. The combination of the other adverse consequences adds to the harm, although in their own right they would not be sufficient to outweigh the benefits of the proposal.
 44. The Planning Practice Guidance goes on to elaborate on whether local people have the final say on wind farm applications. The proposed development is not in an area identified in a local or neighbourhood plan as suitable for wind energy development, and it is fair to say that the planning impacts identified by the affected local community have not been addressed sufficiently to gain their backing. The Written Ministerial Statement of 18 June 2015 advises against granting permission in these circumstances. Absence of an express backing by the affected community adds to the factors that weigh against allowing the appeal.
 45. For the reasons explained, the proposal would not meet the policy requirements of the development plan and would not amount to sustainable development for the reasons of the harm that would arise. I have taken account of all other matters raised, including those mentioned in letters from Shailash Vara MP. However, neither those nor others issues brought to my attention for or against the project are sufficient to alter the balance of my considerations or my decision to dismiss the appeal.

Ava Wood
Inspector