
Appeal Decision

Site visits made on 1 & 19 May 2014

by Louise Crosby MA MRTPI

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

Decision date: 27 June 2014

Appeal Ref: APP/Y2736/A/13/2196783

Willerby Pig Farm, Malton Road, Staxton, Scarborough, North Yorkshire, YO12 4SN

- 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 Willerby Wold Piggeries Ltd against the decision of Ryedale District Council.
 - The application Ref: 12/01026/FUL, dated 26 October 2012, was refused by notice dated 20 February 2013.
 - The development proposed is erection of a single wind turbine and associated infrastructure for the generation of renewable energy.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. I carried out an accompanied site visit on 1 May 2014, but because of the poor visibility due to the weather conditions on that day I also carried out an unaccompanied site visit on 19 May 2014. On that day I also viewed the site from more distant vantage points.
3. The wind turbine would have a hub height of around 50m and a blade tip height of approximately 78m.

Main Issues

4. The main issues are the effect of the proposal on:
 - i) the character of the landscape; and
 - ii) the appearance and visual amenity of the area.

Reasons

The character of the landscape

5. Willerby Pig Farm is situated adjacent to the busy A64 road which carries traffic to and from, among other places, Scarborough. The wind turbine would be located in a field to the north of the existing large modern pig farm buildings. The site lies within National Character Area (NCA) 26 - Vale of Pickering. The boundary of this character area runs along the A64, to the south of the site. Here it meets NCA 27 - The Yorkshire Wolds.

6. One of the key characteristics of NCA 26 is that it is a low lying flat or gently undulating Vale with land rising gently to the foothills of the North York Moors and Cleveland Hills in the north, and to the steep scarp of the Yorkshire Wolds and the Howardian Hills in the south. The area is also described as having relatively sparse tree cover and few woodlands overall with settlements concentrated along main transport routes on higher ground around the fringes, with small nucleated settlements in lower ground in the Vale.
7. Some of the relevant key characteristics of NCA 27 in this case are the prominent escarpment and foothills rising from the Vales of York and Pickering and falling to the plain of Holderness. A large-scale landscape of rounded, rolling hills, with big skies and long views from the escarpment and plateaux, contrasting with the more enclosed, sheltered valleys.
8. In addition, the area to the south (around 0.6km away) is a locally designated Area of High Landscape Value. Within this area Ryedale Local Plan (LP) policy ENV3 seeks to protect the Wolds Area of High Landscape Value from development that would materially detract from the special scenic quality of the landscape. Although the site is outside this area development here could and would in this case have an impact on it and accordingly policy ENV3 is relevant.
9. This accurately defines the landscape where the appeal site is located. Indeed the steep scarp to the south begins not far from the site. To the north the landscape is generally flat for a much greater distance before the land begins to rise.
10. The North Yorkshire and York Landscape Characterisation Project (LCP) covers the whole of the county. This site is located within a landscape unit called 'farmland lowland and valley landscapes' and is within Landscape Character Area 30 - 'Sand and Gravel Fringe'. The key characteristic of this character type relevant here is the striking settlement pattern with villages located along the spring line. It is also noted as having a high landscape sensitivity as a result of the settlement pattern, archaeological sites and designed landscape.
11. In my view, despite the presence of the busy A64 road, the nearby railway and large farms along the corridor where the appeal site is located it is still a highly sensitive landscape. This is particularly so because of the views afforded of it from long distances both to the north and the south. Moreover, despite the acknowledged 'man-made' elements, it is still a predominantly open rural landscape that is largely unspoilt by modern development. In this particular area while there are some large farmsteads with modern farm buildings, such as those here at Willerby Pig Farm, these tend to be located close to the road.
12. The proposed turbine would be located beyond the farm buildings here in an area which is characterised by a flat rural landscape containing no vertical structures comparable in height to that proposed here, just a few slender timber poles carrying wires. While I saw some tall pylons they were far away in the distance and they were limited in number. At present the landscape and topography of the valley where the appeal site is located contrasts dramatically with the steep escarpment to the south and the dramatic rugged moorland hills to the north. Introducing a tall vertical structure into this valley, exacerbated by rotating blades with a diameter of some 54 metres, would have an adverse impact on a key characteristic of this landscape.

13. In summary, this proposal would introduce a strident vertical structure with rotating blades, which would detract from the characteristic low lying nature of this landscape. As such, the proposal would conflict with LP policy RE1 in so far as it permits wind turbines where they would not have any significant adverse effect on the quality of the landscape and policy ENV3.

The appearance and visual amenity of the area

14. To the east of the site are the small villages of Willerby, Staxton and to the south west, Ganton. The area of land to the south of the site climbs steeply away from the A64. Within this escarpment runs a section of the Yorkshire Wolds Way. The section directly opposite the site is almost on top of the ridge and allows long distance views to the north, over the appeal site towards the North York Moors and the Cleveland Hills. The LCP says that in terms of sensitivity and capacity this area has high visual sensitivity as a result of strong inter-visibility with the Enclosed Vale Farmland LCT and open views along the Sand and Gravel Vale Fringe.
15. The appellants' planning statement says that the proposal would result in significant visual impacts on the small number of residents, roads and recreational routes and visitors near the site. I visited Greystoke House during my first site visit. This is one of the closest dwellings to the appeal site. It sits close to the A64 and is around 0.5km south of the appeal site. During my accompanied site visit I saw that it has numerous windows in its rear elevation which overlook the appeal site. Also, its rear garden faces towards the appeal site. As acknowledged by the appellants, views of the wind turbine would be largely unscreened from this dwelling and others nearby.
16. The impact for these dwellings is assessed by the appellants as being moderate-substantial adverse, which is significant and I concur. While these views include the large modern farm buildings at this farm and some views would also include other large farm buildings such as those at Binnington Farm, the turbine would be located beyond most of these buildings in an open field. Moreover, it would be significantly taller than the farm buildings given the blade tip height of 78m. So, even when viewed with the buildings in front of it the upper section would be seen above them and that section would contain the rotating blades which would have a large swept area.
17. The impact would be similar from Binnington Carr Lane to the west and from Staxton playing fields to the east from where direct uninterrupted views of the appeal site are available. From Ganton golf course which is beyond Binnington Carr Lane, to the west, the impact would be less because of the distance, the presence of mature landscaping and the topography of the intervening land.
18. Traffic travelling along the A64 would have uninterrupted views of the whole of the turbine when close by although these would be glimpsed views because of the speed of traffic travelling along this road. More sustained views of the upper sections would be available from longer distances although the level of intrusion would diminish over distance.
19. The Wolds Way National Trail traverses the escarpment to the south of the site. While some of the views from this route would be shielded by trees, there are very exposed sections which provide direct views across the valley towards the North York Moors and Cleveland Hills beyond. The appellants assess this impact as significant. Although the impact would be significant for only a short

distance it would nonetheless interrupt and, in my opinion, spoil the stunning views afforded by this footpath across what is at present an area containing just sporadic development and slender timber poles carrying wires that are low in height compared to the proposed turbine. While electricity pylons are visible in these views they are a significant distance from the appeal site and this distance reduces their scale and impact.

20. I also viewed the site from some vantage points much farther away, including Oliver's Mount in Scarborough to the north east of the site and Ayton Castle, West Ayton to the north of the site. From these places the wind turbine would be visible on a clear day, but given the distance it would be viewed over I am not convinced that it would appear visually harmful.
21. Overall, I find that the proposal would have a significant adverse effect on the appearance and visual amenity of the area from a number of nearby paths, roads, dwellings and recreational areas.

Other matters

22. Planning Practice Guidance advises that the report 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97) should be used by local planning authorities when assessing and rating noise from wind energy developments. The report states that for single wind turbines a simplified noise condition may be suitable whereby if the noise is limited to an $L_{A90,10min}$ of 35db(A) up to wind speeds of 10m/s at 10m height, then this condition alone would offer sufficient protection to living conditions from noise. The appellants have submitted technical information which shows that the wind turbine would comply with the simplified procedure in ETSU-R-97. National Policy Statement for Renewable Energy Infrastructure (EN-3) provides that where the correct methodology has been followed and a turbine would comply with ETSU-R-97 recommended noise limits the decision maker may conclude that it will give little or no weight to adverse noise impacts from the operation of the wind turbine.
23. In respect of shadow flicker planning guidance advises that only properties within 130 degrees either side of north, relative to the turbine can be affected in the UK by shadow flicker. It also says that problems caused by shadow flicker are rare. The appellants have provided an analysis which quantifies the impact and this shows that would be the case here and consequently I am satisfied that the proposal would not be unduly harmful in this regard.
24. The proposed turbine could generate approximately 1,633,000 kWh of electricity per annum, corresponding to an estimated maximum annual reduction of 890 tonnes in carbon dioxide emissions. This would supply the energy demands of Willerby Pig Farm and also have the capacity to meet increased demands in the future. The proposal would contribute to Government renewable energy targets, reduce the emission of greenhouse gases and address climate change. These matters attract significant weight.
25. The appellants have demonstrated that there would be no adverse impact on local wildlife. The Council's Countryside Officer agrees and I concur.

Conclusion

26. While the proposal would provide important local and national environmental benefits in terms of the provision of renewable energy, which carry significant weight, these matters are far outweighed by the significant detrimental effect

the proposal would have on the character of the landscape and the appearance and visual amenity of the area. As such, the proposal would conflict with paragraph 98 of the Framework since although it encourages the use of renewable technology such as this, only where its impacts are (or can be made) acceptable.

27. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Louise Crosby

INSPECTOR