
Appeal Decision

Site visit made on 1 September 2014

by David C Pinner BSc (Hons) DipTP MRTPI

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

Decision date: 25 September 2014

Appeal Ref: APP/Y2736/A/14/2211925
High Barn, West Lutton, Malton, YO17 8TL

- 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 D Morgan against the decision of Ryedale District Council.
 - The application Ref: 13/00699/FUL, dated 12 June 2013, was refused by notice dated 27 November 2013.
 - The development proposed is 1 x 30m high (hub) wind turbine and associated development.
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Decision

1. The appeal is allowed and planning permission is granted for 1 x 30m high (hub) wind turbine and associated development at High Barn, West Lutton, Malton, YO17 8TL in accordance with the terms of the application, Ref: 13/00699/FUL, dated 12 June 2013, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) In the event that the development permanently ceases to be used for the generation of electricity, the wind turbine shall be removed from the land and the land shall be restored to its former appearance within six months of the date when electricity generation permanently ceases;
 - 3) Prior to the commencement of development, the developer shall notify the local planning authority of the dates for commencement and completion of construction works; the maximum height of construction equipment and the precise longitude and latitude of the turbine.

Main issue

2. From the information submitted with the application and the consultation responses, I have no reason to conclude that there are any issues other than the landscape impact (including cumulative impact) of the proposed turbine, as set out in the Council's reason for refusing planning permission.

Reasons

3. All wind turbine development involves the introduction of tall structures into the landscape. By its very nature, it tends to be visible over a wide area, the extent of which depends on the height of the particular turbine. Nevertheless, views of turbines generally come and go as views are obscured by intervening

structures, landform and vegetation. In adverse weather conditions, even large turbines can become difficult to see. In this case, the proposed turbine is of a similar height to a turbine erected at Manor House, a little over 1km from the appeal site. I would describe this as a farm scale turbine with only relatively local visual impact.

4. The National Planning Policy Framework (NPPF) presumes in favour of sustainable development. Paragraph 93 establishes that planning plays a key role in helping to secure radical reductions in greenhouse gas emissions and in supporting the delivery of low carbon energy and associated infrastructure. The paragraph goes on to explain that these, amongst other things, are central to the environmental, social and economic dimensions of sustainable development.
5. The environmental element of sustainable development also includes the protection and enhancement of the natural, built and historic landscapes. Wind turbine development often results in the introduction of a prominent vertical structure that has nothing to do with local crafts and traditions into a valued landscape. It is unlikely that the introduction of such an alien feature could ever be regarded as an enhancement of a rural landscape and it is often argued that wind turbine development is not intrinsically sustainable where it has an adverse landscape impact. I disagree with that analysis because paragraph 93 of the NPPF makes the delivery of low-carbon energy and its associated infrastructure central to the three dimensions of sustainable development. If adverse landscape impact were always to trump the other sustainability criteria, it is difficult to see how the delivery of low carbon energy could be central to the three dimensions of sustainable development. In practice, I think that what this means is that when it comes to the planning balance, landscape harm has to be of sufficient magnitude to outweigh the presumption in favour of the (sustainable) low-carbon energy development rather than the other way round.
6. The Ryedale Local Plan Strategy also aims to protect the landscape, including the landscape of the area in which this development is proposed, which is identified as being valued locally but not having any statutory designation such as National Park or Area of Outstanding Natural Beauty. Policy SP18 of the Local Plan Strategy encourages renewable energy development provided that it can be successfully assimilated into the landscape.
7. In this case, the local landscape is typical of the Yorkshire Wolds, with expansive views over undulating countryside under big skies. The character of the landscape is very heavily influenced by the arable farming practices of the day. Fields are open and often very large to facilitate the use of modern farm machinery such as combine harvesters. Whilst the appearance of the fields will change with the seasons, the use of large machines in their cultivation and cropping is a major influence on their character and appearance, which I would describe as machine-made rather than on a human scale. Fields are often bounded by hedgerows with occasional plantations. These and the undulating landform filter or obscure some views of the existing turbines in the area. Farmsteads are generally quite widely spaced apart, often with extensive ranges of modern portal-framed buildings. In my view, the existence of several turbines already demonstrates that this is a landscape which has capacity to absorb widely-spaced farm sized turbines without unduly affecting the character or quality of the landscape.

8. There are already several farm-scale wind turbines (i.e. relatively small turbines designed to provide electricity for the farm upon which they are located) in the area around the appeal site, but they are quite widely spaced and the relatively small number of farmsteads limits the extent to which similar turbines could proliferate. I accept that there are places from where the proposed turbine would be seen in conjunction with some or all of the other nearest turbines (the nearest would be Manor House, already mentioned). Some fairly localised close views of the proposed turbine would be available from Green Lane, where it would be seen at its full height, unfiltered by any vegetation, intervening structures or landform. Nevertheless, small to medium size wind turbines related to the needs of the farm upon which they are situated are becoming increasingly common in rural areas. They perhaps ought not to be regarded as any more alien to the rural landscape than other features of a modern farm, such as industrial-scale buildings, silos, slurry tanks and so on. Such features rarely improve the appearance of the area, but are an essential part of a thriving agricultural enterprise. The ability to use a natural resource to generate much of the electricity used by the farm would assist in the profitability of the enterprise as well as reducing greenhouse gas emissions. The proposed turbine would therefore have clear environmental and economic benefits.
9. On balance, whilst I acknowledge that the proposed turbine would cause some harm by reason of its individual and cumulative visual impacts, the local landscape has the capacity to absorb the proposed development without causing undue harm to its character. In this respect, the scheme complies with policy SP18 with the Ryedale Local Plan Strategy. I conclude that the adverse effects of the scheme are insufficient to outweigh the presumption in favour of sustainable development and that the appeal should succeed.

Conditions

10. The Council has not suggested any conditions. However, as the proposal is for a development comprising a machine that might eventually become worn out, I shall impose a condition requiring it to be removed if it ceases to be used for generating electricity. The highway authority has suggested conditions relating to the condition of Green Lane and to the agreement to a route for construction traffic. The turbine components do not represent abnormal loads and Green Lane is already in a poor state with "Temporary Road Surface" signs erected. It would be unduly onerous for the appellants to have to undertake full road condition surveys before and after the delivery of the components, given the small number of vehicle movements likely to be generated. As no abnormal loads are necessitated and the access to the land has to be from Green Lane, I do not consider it necessary to agree a route for construction traffic. I shall impose a condition requiring the developer to notify the local planning authority of the date construction starts and ends, the maximum height of construction equipment and the latitude and longitude of the turbine so that they can pass that information to the Defence Infrastructure Organisation for plotting on maps to ensure that military aircraft avoid the area, as requested in their consultation response.

Other matters

11. I have considered other matters raised in the representations. Paragraph 98 of the NPPF says that local planning authorities should not require applicants to

demonstrate a need for energy development and should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. There is no evidence that the presence of wind turbines has an adverse effect on tourism. Neither these nor any other matters raised are sufficient to alter my conclusion that the proposed development should be permitted.

David C Pinner
Inspector