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## 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**

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### **Appeal Ref: APP/Y2736/A/14/2214575**

#### **Jubilee Farm, Helperthorpe, Malton**

- 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 Messrs Ian and Tim Stubbins against the decision of Ryedale District Council.
  - The application Ref: 13/00624/FUL, dated 23 May 2013, was refused by notice dated 28 October 2013.
  - The development proposed is 1 x 36.4m high (hub) wind turbine with a tip height of 46.0m.
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#### **Decision**

1. The appeal is allowed and planning permission is granted for is 1 x 36.4m high (hub) wind turbine with a tip height of 46.0m at Jubilee Farm, Helperthorpe, Malton in accordance with the terms of the application, Ref: 13/00624/FUL, dated 23 May 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;
  - 4) Development shall not take place until the developer has secured the implementation of a programme of archaeological work in accordance with a scheme of investigation that shall have been first submitted to and approved in writing by the Local Planning Authority.

#### **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. Section 10 of the National Planning Policy Framework (NPPF) is concerned with meeting the challenge of climate change, flooding and coastal change, with paragraph 93 reaffirming that planning plays a key rôle in securing radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change and supporting the delivery of low-carbon energy and associated infrastructure. It goes on to say that this is central to the economic, social and environmental dimensions of sustainable development.
4. Paragraph 98 of the NPPF says that applicants for energy development should not be required to demonstrate the need for renewable or low-carbon energy and that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Applications should be approved if the project's impacts are (or can be made) acceptable.
5. The Ryedale Local Plan Strategy 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. Policy SP19 recognises the presumption in favour of sustainable development contained in the NPPF.
6. Jubilee Farm lies within the built-up part of Helperthorpe and the appeal site lies on rising ground to the south of the village, a little under 500m from the nearest dwelling. The proposed turbine would be likely to be seen from properties in Helperthorpe and also from various other vantage points as illustrated in the photomontages submitted by the appellant. These include photomontages that show the cumulative visual impact of the proposed turbine and the turbines at Manor Farm and Spaniel Farm. Sequential visual impacts would be experienced by people travelling through the landscape. According to the information provided by the Council, there are four other turbines currently installed within 3km of the appeal site with another four, including the appeal scheme, pending. Of these, two are somewhat larger than the appeal scheme whilst that at High Barn, East Luton, is for a similar sized turbine.
7. 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 long, straight hedgerows with occasional plantations. Farmsteads are generally quite widely spaced apart, often with extensive ranges of modern portal-framed buildings.
8. The proposed turbine, along with the others in the area that have been installed already, is what I would describe as farm-scale (i.e. relatively small turbines designed to provide electricity for the farm upon which they are located). Such turbines are becoming increasingly common in rural areas, although perhaps not in those with a national landscape designation, to the

extent that they might be regarded as no 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. Generally speaking, farm-scale turbines are usually dwarfed by the landscape and views of them come and go depending on the weather, landform, level of tree cover and intervening buildings and other structures. In my view, the existing turbines demonstrate that this is a landscape which has capacity to absorb such widely-spaced farm sized turbines without unduly affecting its character or quality.
10. 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 or appearance. 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**

11. 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. 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. The County Council's Historic Environment Team note that the proposed turbine lies within an area of archaeological potential and interest and a condition is therefore needed to ensure that nothing of interest is inadvertently destroyed as a result of the development.

### **Other matters**

12. I have considered other matters raised in the representations. There is no evidence that the presence of wind turbines has an adverse effect on tourism. Whilst I appreciate the concerns of local residents with regard to potential noise and shadow flicker, the proposed turbine would be sited far enough away from the nearest dwellings to ensure that any problems would be extremely unlikely. With regard to the proliferation of turbines, the distance between individual farms limits the number of turbines that are likely to be proposed, but each would need to be considered on its own merits.

*David C Pinner*

Inspector