
Appeal Decision

Site visit made on 8 January 2016

by Louise Crosby MA MRTPI

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

Decision date: 16 March 2016

Appeal Ref: APP/Y2736/W/15/3003484

Land to the north of Main Road, Weaverthorpe, Malton, North Yorkshire, YO17 8EU

- 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 Wolds Valley Wind Farm Collective Ltd against the decision of Ryedale District Council.
 - The application Ref: 13/00851/FUL, dated 22 July 2013, was refused by notice dated 31 July 2014.
 - The development proposed is the erection of a 500kW wind turbine and temporary meteorological monitoring mast.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have taken the address for my banner heading above from the appeal form since the address on the submitted planning application form is too vague.
3. While the application is made by a 'community-based group', I am aware from the large amount of submitted letters of objection from local residents that the proposal does not have the support of all of the local community.
4. The Council have raised no objection to the temporary slim monitoring mast that would be around 40.5m high and anchored to the ground with guy ropes, and I concur.

Main Issues

5. The Council's decision notice contains 3 reasons for refusal. The third, relating to highway safety is not being defended by the Council since their objection has been overcome by a revised plan. While the amended plan was submitted with the appeal, it was available for local residents to view, prior to making their formal comments in relation to the appeal. They were not therefore prejudiced. Despite the submission of the amended plan I still need to consider this matter and shall return to it later in my decision.

6. This leaves 2 remaining reasons for refusal which form the basis of the main issues. These are:
 - i) the cumulative effect of the proposed wind turbine, along with existing wind turbines, on the character and appearance of the surrounding area, including the Wolds Area of High Landscape Value; and
 - ii) whether the proposed wind turbine would preserve the setting of St Andrew's Church, which is listed at Grade I.

Reasons

Character and appearance

7. The turbine would have a hub height of around 40m and a blade tip height of approximately 67m. It would be located in an elevated and exposed hillside position, around 2km from Weaverthorpe village and 1km from Butterwick village. The surrounding area contains a number of turbines, but they are all lower in height than this one and many are significantly lower. Many of the existing turbines are located close to large farm buildings, in less elevated positions and this helps to ameliorate their effect on the landscape.
8. The appeal site is within an area designated in the Ryedale Local Plan Strategy (LP) as an 'area of high landscape value'. The aim of the designation is 'to help to reinforce the landscape quality and local value attached to these landscapes when it comes to accommodating forms of development which, by their very nature are more difficult to assimilate in the landscape'. Accordingly, this designation is highly relevant in this case. LP policy SP13 says that the Council will carefully consider the impact of development proposals on The Wolds Area of High Landscape Value which is valued locally for its natural beauty and scenic qualities.
9. In terms of landscape character the appeal site lies in an area defined in the North Yorkshire and York Landscape Characterisation Project 2011 as Character Type 18; Chalk Wolds. The relevant key characteristics of the Chalk Wolds are: a series of prominent chalk hills which rise from surrounding lower landscapes and have a predominantly open character; dispersed, nucleated farmsteads are a key feature of the settlement pattern, fertile soil supports a diverse pattern of arable farming; high concentration of historic sites, reflecting prehistoric habitation on the plateau; overall strong sense of tranquillity, remoteness and associated dark night skies.
10. In terms of this landscape character type's sensitivity to change this is described as "high visual sensitivity as a result of the panoramic open views that can be gained from the tops of hills and plateaux, predominantly open character; and strong intervisibility with the adjacent landscape character types.... High landscape and cultural sensitivity as a result of the predominantly intact landscape pattern of parkland landscapes, interspersed with arable fields and a sparse settlement pattern of historic villages".
11. The site is also close to Character Type 20; Broad Chalk Valley, and there is strong inter-visibility between the two character types. The sensitivity to change in this area is described as "moderate visual sensitivity overall. There is strong intervisibility with the Chalk Wolds....from the higher valley sides, however views within the valley bottom are contained by topography of the valley sides.... High landscape and cultural sensitivity as a result of the

- predominantly rural character and pattern of small villages which have developed along the road corridors within the valley floor". Wind turbine development, and the capacity of the landscape to absorb it, is not specifically considered by this document.
12. The appeal site is around 3km from the administrative boundary with East Riding of Yorkshire Council and the submitted photomontages show that the proposal would be visible from the neighbouring authority area, albeit from a distance. Landscape Character Type (LCT) 14; Central Dissected Plateau of the 2005 Landscape Character Assessment for East Riding of Yorkshire Council contains some relevant character types. These are, rolling elevated landform cut by occasional deep steep sided dales; enclosed character of the dales contrasts with the open elevated land in between.
 13. Within LCT 14 the document says that "this is a high quality landscape with extensive views and diverse characteristics. Wind turbines are very visible structures in the landscape and when located on elevated land their visibility is increased...The introduction of wind turbines as a feature of the landscape would adversely impact on the featureless and open characteristic. The sparsely settled characteristic and remoteness of the character type would also be affected. Therefore this character type is assessed to have high sensitivity to wind farm development and a low capacity to accommodate such development. Small scale single turbines that relate to existing settlements or isolated farmsteads may be accommodated in some locations..."
 14. While there are small villages close by, as well as sporadic farmsteads and existing wind turbines, the area is still a predominantly open rural landscape that is largely unspoilt by modern development. Moreover the larger farmsteads and properties in the villages tend to be located close to roads and are often screened by the folds in the landscape, in longer distance views.
 15. By contrast, the proposed turbine would be located away from any buildings or tall man-made structures, in an elevated position, in this rolling landscape. Introducing a tall vertical structure into this hillside, exacerbated by rotating blades with a diameter of some 54 metres, would have an adverse impact on the key characteristics of this landscape.
 16. Within 5km of this appeal site there are a significant number of other turbines of differing heights, but all are smaller than this one. Many are a short distance from Weaverthorpe. So this sensitive landscape has already absorbed a great number of turbines which are readily apparent as you travel through this area. Consequently the landscape does not have the capacity to absorb this larger, more prominent turbine without it having a significant adverse effect on its character.
 17. In terms of appearance the turbine would be particularly visible from Green Lane, to the south of the appeal site. Travelling in a northerly direction along this road one would see the turbine in conjunction with smaller turbines and in particular the 54m turbine at Spaniel Farm. Views from here are of a wide open natural landscape, as can be seen in viewpoint 27 of the appellant's Landscape Visual Impact Assessment.
 18. Viewpoint 12 also demonstrates how visually strident the turbine, and in particular the moving blades would be when seen above the village, against the sky, when entering Weaverthorpe from the west. The turbine would be the

dominant feature in this view, compared to the current view of the village in the valley bottom and the Church in a more elevated position above the village. Importantly, this is also part of route 166 of the Sustrans cycleway and so the same view would be experienced by cyclists who would be passing along this road, but at a slower speed and thus experience this view for longer.

19. Again, viewpoint 13 taken from a road to the south of Weaverthorpe village and south west of the appeal site shows the properties in the village grouped along the valley floor with the Church set on the hillside just above. This is seen in the context of a natural landscape devoid of large vertical man made structures like the one that would be introduced to this scene if the proposal were permitted. Indeed the tallest and most prominent structure on display is the Church tower. While some of the small turbines can be seen in this view they have been successfully absorbed into this tranquil landscape. Harmful views of the turbine would also be available from the Church yard, but I will deal with this matter in the context of my other main issue.
20. There are a number of footpaths to the north of the village and from sections of these the turbine would be visible, but not necessarily to a harmful degree because of landscaping and topography.
21. While the Council are concerned about the cumulative effect when viewed from the Sherburn to Weaverthorpe Road, having considered the submitted evidence and driven along this road when I visited the site, I do not share the Council's view in this regard. Many of the views across to the appeal site are shielded by dense landscaping and topography. So, any views of the turbine would be likely to be of the upper section, rather than the whole thing and glimpsed as opposed to sustained views. Moreover I note that this is not identified as an area of concern by the Council's appointed landscape architect.
22. Nevertheless, this sensitive landscape has already absorbed a great number of turbines, but it is reaching saturation point. This larger, more prominent turbine would tip the balance and result in substantial harm to the character and appearance of the surrounding area for the reasons I have explained above. In summary, this proposal would introduce a strident vertical structure with rotating blades, which would detract from the open rural nature of this area of high landscape value and adversely impact upon its character and appearance.
23. As such, the proposal would conflict with LP policy SP13 in so far as it seeks to protect and enhance the distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including visually sensitive skylines, hill and valley sides and the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure. It also says that the Council will carefully consider the impact of development proposals on The Wolds Area of High Landscape Value which are valued locally for their natural beauty and scenic qualities.
24. Conflict would also arise with LP policy SP18 which advises that renewable energy development will be supported provided that individually and cumulatively proposals can be satisfactorily assimilated into the landscape, especially in respect of the Wolds (among other places).

Whether the proposal would preserve the setting of St Andrew's Church

25. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be had to the desirability of preserving the setting of listed buildings. This means that considerable weight and importance must be given to any harm caused to designated heritage assets in the planning balance. This includes any harm to the setting of a listed building.
26. Historic England, describe Grade I listed buildings as being of exceptional interest, with only around 2.5% of listed buildings falling into this highest category. St Andrew's Church is a Norman church dating from the early 12th century. It is situated in an isolated position above Weaverthorpe village, where the mainly linear residential development follows the valley floor. As such, it appears prominent in many views from the surrounding area. Indeed it was clearly designed to be a dominant feature that stood out in the landscape.
27. Although it was restored for Sir Tatton Sykes around 1870, the Church has retained many earlier features, including the unusually tall Norman tower. The Church is situated immediately north-west of a very important manor that was centred around Weaverthorpe and belonged to the Archbishop of York. This dates back to the 11th century and substantial 12th and 13th century archaeology have been excavated at the site of Weaverthorpe Manor.
28. The setting of the Church is integral to its aesthetic and historic significance in two ways, firstly because of its appearance within the surrounding area and secondly for the views it affords/provides. Consequently its setting is wide and includes the appeal site and therefore it is highly sensitive to change within the surrounding landscape.
29. The proposed turbine would be around 1km from the Church and clearly visible from the Church yard, after passing the eastern end of the Church. It would also be seen in conjunction with the Church in a number of wider views, as discussed above. In these views the turbine would overtake the Church in terms of prominence in the landscape. Because of its overall size and the rotating nature of the blades ones eye would be automatically drawn away from the Church and its tall Norman tower to the modern turbine which would appear enormous in contrast.
30. The appellants have submitted a plan showing some boundary treatment and planting close to the rear Church yard boundary. It would consist of wire mesh attached to timber posts and planting on the inside of the fence. The fencing would be about 1200m high and the planting slightly higher. This would provide little screening to a turbine of the scale proposed here. Moreover, the boundary treatment in itself could appear contrived and out of place in this location since beyond the Church yard there are agricultural fields where such engineered boundary treatments do not exist.
31. The impact on the setting of the Church would be major, as would the effect of the proposal on its significance. It would conflict with LP policy SP18 in so far as it seeks to ensure that renewable energy development does not have an adverse impact on historical interests and policy SP12 which reflects the advice in the Framework on the historic environment, including the need to ensure that the historic environment is conserved and where appropriate, enhanced.

32. The proposal would fail to preserve the setting of this listed building, the desirability of which is fully anticipated by section 66(1) of the Act and to which considerable importance and weight must be attached. Also, paragraph 132 of the Framework, anticipates that great weight will be given to the conservation of designated heritage assets and the more important the asset the greater the weight should be. Here there would be major harm to the setting of a Grade I listed building and this attracts great weight that must be considered in the planning balance. Also, paragraph 134 of the Framework advises that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, as would be the case here. This harm should be weighed against the public benefits of the proposal. I will carry out this balance later in my decision.

Other matters

33. In terms of highway safety the plans originally submitted with the planning application did not show the visibility splays that North Yorkshire County Council's highway department (NYCC) were requesting (2.4m x 215m). However, following negotiations NYCC have accepted that sight lines of 2.4m x 140m would be acceptable and these could be achieved if the appellants removed certain sections of the hedgerow and replanted it further back, away from the road. Plans submitted with the appeal show these amendments. This matter could therefore be dealt with by planning conditions. As such, I am satisfied that the proposal would not prejudice highway safety. However, the lack of harm in relation to this matter does not add weight in favour of the proposal; it merely has a neutral effect on the planning balance.

Benefits of the proposal

34. The wind turbine would contribute to Government renewable energy targets, reduce the emission of greenhouse gases and address climate change. These matters attract significant weight.
35. Since this is a community-based project it is intended that profits from the operation of the turbine will be returned to the local community. It is proposed that some of this money be used for landscape enhancement works. The appellants say that they would be prepared to improve around 14km of hedgerow during the 25 year operational lifetime of the proposed turbine and that this would enhance the Wolds landscape and provide longer term improvements to the area.
36. This would require the co-operation of local landowners. The necessary negotiations have not taken place and so exact details cannot be provided, but it is estimated that around £10,000 per annum would be the likely sum available for such works. Because the precise nature of the works is unknown, and they will take place on third party land, they cannot be secured by a planning condition. No other mechanism to ensure that they occur has been suggested by either party. Consequently I can only attribute limited weight to this benefit.

Planning Balance and Conclusions

37. A balance must be drawn between the competing considerations of the proposal. On the one hand the turbine would provide important local and national environmental benefits in terms of the provision of renewable energy,

- which carry significant weight. There are also the potential landscape benefits which carry limited weight. These could be considered to be public benefits.
38. I have found that the proposal would substantially harm the character and appearance of the landscape which is within the Wolds Area of High Landscape Value. It would also have a major impact on the significance and setting of a Grade I listed building and result in less than substantial harm to it.
39. The turbine is proposed to be in place for a temporary period of 25 years and this could be controlled by a planning condition. Consequently it would be temporary and reversible. Government advice in paragraph 2.7.17 of EN-3 says that the time-limited nature of wind farms, where permission is sought for a temporary period, is likely to be an important consideration for the decision maker when assessing, among other things, the potential effects on the settings of heritage assets.
40. Nevertheless, I am not satisfied that the benefits associated with this proposal outweigh the harm when assessed against the local planning policies, Government advice in relation to renewable energy and the Framework. In carrying out this balance I have I attached considerable importance and weight to the duty set out in section 66(1) of the Act.
41. I have noted the changes to policy from the Written Ministerial Statement in relation to onshore wind turbine development which, in the light of the facts in this case, do not alter my conclusion and decision that the proposal would be unacceptable.
42. While the monitoring mast is acceptable, this is unnecessary given my adverse findings in relation the wind turbine.
43. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Louise Crosby

INSPECTOR