

APPEAL DECISION FOR COMMITTEE AGENDA – 1 SEPTEMBER 2010

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/A/10/2123265	Erection of 11kw wind turbine (18.3 metres high to hub with rotors at 13 metres diameter) at Bridgets Farm, Tolland, as amended by design and access statement received 29 October 2009, email dated 19 November 2009 with accompanying plan and environmental noise assessment dated 28 November 2009	The application site is located in an attractive area of countryside where it is considered that the proposed development, due to its size, form and siting, will have a significant adverse impact on the local landscape character by reason of its visual intrusion which will adversely affect the setting of this landscape. As such the proposal is considered contrary to advice given in PPS1, PPS7 and PPS22, and Taunton Deane Local Plan Policies C13(A) and EN12.	41/09/0026	The Inspector concluded that, subject to the controls as outlined in the decision document, the development would cause only limited harm to the local landscape character and that this harm would be outweighed by the environmental benefits that could reasonably be expected to flow from the scheme. He therefore ALLOWED the appeal.



Appeal Decision

Site visit made on 26 July 2010

by **R W N Grantham BSc(Hons) C.Chem**
MRSC MCIWEM

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

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Decision date:
13 August 2010

Appeal Ref: APP/D3315/A/10/2123265

Bridgets Farm, Willett, Lydeard St Lawrence, Taunton, Somerset TA4 3QD

- 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 P Morrell against the decision of Taunton Deane Borough Council.
- The application Ref 41/09/0026, dated 7 October 2009, was refused by notice dated 26 January 2010.
- The development proposed is the erection of an 11kW turbine (18.3m high to hub with 13m diameter rotor).

Decision

1. I allow the appeal, and grant planning permission for the erection of an 11kW turbine (18.3m high to hub with 13m diameter rotor) at Bridgets Farm, Willett, Lydeard St Lawrence, Taunton, Somerset TA4 3QD, in accordance with the terms of the application Ref 41/09/0026, dated 7 October 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the plans submitted with the application and appeal; these are an Ordnance Survey site map and a drawing titled Gaia – Wind 11kW Footprint.
 - 3) No development shall take place until details of a scheme to decommission and remove the turbine hereby permitted, and restore the site, have been submitted to and approved in writing by the local planning authority.
 - 4) No later than 25 years from the date of this permission, the turbine hereby permitted shall be decommissioned and removed from the site, and the site shall be restored, in accordance with details approved pursuant to condition 2.
 - 5) Within three months of any continuous period of six months, within which the turbine hereby permitted does not operate, that turbine shall be decommissioned and removed from the site, and the site shall be restored, in accordance with details approved pursuant to condition 2.
 - 6) Noise emissions from the turbine hereby permitted shall not exceed 35dB(A) $L_{A90, 10min}$, when measured at the façade of the farmhouse at Bridgets Farm, for wind speeds of up to 10m/s at a height of 10m above ground level alongside the turbine mast.

Procedural Matters

2. The above description of the development is more succinct than that given on the application form, but is sufficiently accurate and is adapted from the description given on the Council's refusal notice.

Main issue

3. The main issue here is the impact of the development on the local landscape character and whether any harm to that character would be outweighed by the environmental benefits of this renewable energy installation.

Reasons

4. This twin-bladed grey turbine, with its tapering mast, would have a tip height of about 25m and is expected to have an operational life of up to 25 years. It would stand alone, high on a hillside field and about 200m away from some of the main buildings on the appellant's farm. I agree that this attractive landscape is of good quality and medium sensitivity, being part of the locally defined Brendons landscape character area (LCA) of exposed grassy hills, with large fields, low beech hedges and deeply dissected wooded river valleys. There are no national or regional landscape designations here.
5. Given the topography, the turbine would not be visible in public views from the west or north but, contrary to Policy C13 of the (2004) Taunton Deane Local Plan, it would be seen to break the skyline in views up the hillside from nearby to the south. Nevertheless, its grey colour is designed to minimise the turbine's visual impact when seen against the sky. In any event, such views would be limited primarily to occasional views obtained from a public footpath, just to the east of Tolland; the view through a break in the high hedge on a lane just to the south of here; and, the view from a short descent on another small lane a little further to the south east. I recognise that the blade movement would be noticeable from these points, but the appearance of the hillside would still be dominated by the patchwork of fields separated by treed hedges and interspersed by farm buildings.
6. The most significant views would be from a short stretch of the B3224 as it approaches towards the farm, from the south-east. This road is a popular route for visitors to Exmoor and the turbine would be clearly visible from here and from points on lanes nearby to this stretch. However, from this angle and elevation, the tower and blades would be seen as part of the farm's built complex and against a backdrop of the wooded hilltop. Unlike the distant communications mast, it would not break the skyline, let alone be prominent upon it.
7. I accept that there is another point, further east on one of the lanes, from where the structure might be seen to project above the horizon. But this would be at a distance of about 1.5km and, again, the structure would be seen to be closely related to the farm buildings.
8. The Council's concerns would be overcome if the turbine were to be positioned some 150m to the south of the proposed site, where the ground level is about 25m lower. However, the turbine's efficiency would be less here, further down the hillside, and trees to the west would need to be felled in order to reduce

turbulence that might otherwise shorten the installation's life through fatigue damage. Whilst I do not attach great weight to it, this loss of trees would itself detract from the quality of the landscape.

9. The appeal scheme does not represent a large-scale renewable energy project but, as PPS22¹ points out, small-scale developments should also be encouraged. They should even be permitted within nationally designated landscapes, such those within AONBs² and National Parks, provided that there is no significant environmental detriment to the area concerned. Although I accept that appellant's proposals would have an impact on the appearance of the locally designated Brendons LCA, I do not believe that the scheme would cause significant harm to the character of this area.
10. Local Plan Policy EN12 requires the siting and design of development to respect the character and appearance of LCAs. However, since that Plan was adopted in 2004, national policy³ has highlighted the fact that tackling climate change is a key priority for the planning system. Agriculture is needed to support the population and, in providing for such needs, it is important to secure the highest viable resource and energy efficiency and reduction in emissions.
11. At its proposed location, the turbine would be expected to generate about 36MWh of electricity each year. This is approximately 45% of the farm's usage although, at times of low demand, surplus energy would be fed into the grid. Indeed, I have no doubt that wind power is the most suitable form of renewable energy for the appellant's agricultural enterprise, given the farm's energy consumption and the wind resource that is available on this hillside.
12. I understand that other potential locations for a turbine were considered and discussed with the Council, before the appeal site was chosen. From the evidence that is available, I am satisfied that the eventual choice strikes a reasonable balance between the need to optimise energy generation whilst minimising any adverse impact on the landscape. That balance would shift once the turbine has reached the end of its useful life or prior to that if it is no longer being put to good use. At that point, the turbine should be removed and the land restored; this is a matter that can properly be controlled by conditions, as the appellant points out. I have considered the wording of these controls against the advice in DoE Circular 11/95 and, in order to avoid the risk of extensive delay caused by disagreement over the decommissioning arrangements, it is necessary to ensure that suitable arrangements are put in place from the outset. Should those arrangements not provide the necessary flexibility to deal with circumstances that might arise in the future, it would be open to the operator to seek permission for a suitable change.
13. Subject to such controls, I am led to conclude that the development would cause only limited harm to the local landscape character and that this harm would be outweighed by the environmental benefits that could reasonably be expected to flow from the scheme.
14. The appellant's farmhouse is the nearest residential property to the proposed turbine. It is also the property that is most likely to be affected by noise, but

¹ Planning Policy Statement 22: Renewable Energy

² Areas of Outstanding Natural Beauty

³ 2007 Planning and Climate Change supplement to PPS1

an assessment has shown that noise levels are expected to be low, even here. Certainly I am satisfied that a condition, along the lines suggested in the Companion Guide to PPS22 and recommended by the Council's Environmental Health Officer, could be used to control noise to reasonable levels. I also consider it necessary, otherwise than as set out in this decision and conditions, to ensure that the development would be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

15. I have taken account of all other matters raised but, for the reasons given above, I conclude that the appeal should be allowed.

Rupert Grantham

INSPECTOR