
Appeal Decision

Site visit made on 27 January 2015

by Kay Sheffield BA(Hons) DipTP MRTPI

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

Decision date: 20 March 2015

Appeal Ref: APP/L3245/A/14/2218544

The Hills, The Down, Bridgnorth, Shropshire, WV16 6UB

- 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 David Mottershead against the decision of Shropshire Council.
 - The application Ref 13/02194/FUL, dated 5 June 2013, was refused by notice dated 7 March 2014.
 - The development proposed is the erection of a single 500kw wind turbine with a hub height of 50 metres and tip height of 76.5 metres.
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Procedural matter

1. The hub height of the turbine was initially proposed to be 60 metres. During the course of the planning application this was reduced to 50 metres and as a consequence the tip height fell from 86.5 metres to 76.5 metres. The Council made its decision on the application on the basis of the revised dimensions and I have determined the appeal likewise.
2. Stop Bridgnorth Wind Farm Limited (SBWF), formed in 2011, represents over 200 members from surrounding villages who are concerned over proposals for wind turbines in the area. SBWF submitted representations against the development. Whilst a representative of SBWF asked to attend the site visit, he was denied access by the appellant. I therefore inspected the appeal site in the presence of the appellant, his representatives and an officer from the Council. I was unaccompanied during the remainder of my visit.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues are the effect of the development on the landscape character and visual amenity of the area; and leisure and tourism interests.

Reasons

The site and its surroundings

5. The site of the proposed turbine is part of an agricultural field set on the southern hillside of the Mor Brook Valley and approximately 2.6km south west of Bridgnorth. Although the site is not in a designated area, Thatchers Wood Site of Special Scientific Interest (SSSI) is located approximately 300 metres to the east of the site, the boundary of the Shropshire Hills Area of Outstanding Natural Beauty (AONB) lies approximately 8.2km to the west and Oldbury Wells

Conservation Area is approximately 2.1km to the north east. In addition to the Scheduled Ancient Monument (SAM) at Bridgnorth Castle there are several Listed Buildings (LB) in the area which include properties at Eudon George and Dudmaston Hall.

6. The house and farm buildings associated with The Hills are sited approximately 350 metres to the north west of the site of the proposed turbine. The complex includes several large agricultural buildings including two grain silos which are quite prominent features in the landscape. The Jack Mytton Way, a long distance bridleway and footpath, follows the minor road approximately 235 metres to the west which also gives access to The Hills and several other properties in the area. There are other public footpaths which run from Jack Mytton Way in a north easterly direction to the north west and south east of the site. In addition to the residential property at The Hills, there are other dwellings scattered across the local landscape, six being within 1km of the site and the nearest approximately 550 metres to the south.

Planning Policy

7. The National Planning Policy Framework (the Framework) makes a presumption in favour of sustainable development and requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. The Framework goes on to identify in paragraph 93 that the delivery of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development and in paragraph 98 requires applications to be approved if the impacts of the proposals are (or can be made) acceptable.
8. The Framework gives support in paragraph 28 to economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It promotes the development and diversification of agricultural and other land based rural businesses as well as supporting sustainable rural tourism and leisure developments which benefit businesses in rural areas, communities and visitors. However, the planning system is also required by paragraph 109 to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
9. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011 (CS) strictly controls new development in accordance with national policies protecting the countryside. It supports developments on appropriate sites which maintain and enhance countryside vitality and character and where the development would improve the sustainability of rural communities by bringing local economic and community benefits particularly where they relate to small scale new economic development diversifying the rural economy, including farm diversification schemes and agricultural related development. The need to support rural enterprise and diversification of the economy in association with agricultural and farm diversification as well as green tourism and leisure is also recognised in Policy CS13 of the CS.
10. With regard to the local environment, Policies C6 and CS17 of the CS between them seek to ensure that developments protect and enhance the diversity and high quality of the natural, built and historic environment, and Policy CS17 requires that proposals do not affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings

- or their connecting corridors. Policy CS6 requires developments to be appropriate in scale, density, pattern and design taking account of local context and character as well as safeguarding residential and local amenity.
11. Policy CS16 seeks to deliver high quality, sustainable tourism and cultural and leisure development which enhances the vital role these sectors play for the local economy, benefits local communities and visitors and is sensitive to Shropshire's intrinsic natural and built environment qualities.
 12. Although not relied on by the Council in refusing planning permission, saved Policy D11 of the Bridgnorth Local Plan, 2006 (LP) has been referred to in evidence and in particular criteria 3 and 4. These state that renewable energy schemes should not *detract from the residential or recreational amenities of the area by reason of noise, vibration, increased risk of health or public safety or (in the case of wind turbines) shadow flicker*. In addition wind turbines should be *located so as to avoid sensitive skylines where they would dominate long distance views*.
 13. I am satisfied that the policies relied on by the Council are generally consistent with the principles of the Framework which is a material consideration in the determination of the appeal.

Effect on landscape character and visual amenity

14. The Landscape and Visual Impact Assessment (LVIA) when initially submitted with the planning application included a number of visual representations in the form of photographs and wireframes from 12 representative viewpoints. The visual representations from three of these viewpoints were amended in the light of the reduction in the height of the hub and were supplemented by visualisations from an additional vantage point. The Council is satisfied that the LVIA complies with relevant methodology whereas SBWF is critical of it and has made issue with, amongst other things, the locations the visualisations are taken from and their accuracy. Although SBWF has submitted photographs from alternative and additional viewpoints, these lack any technical detail and do not show the turbine.
15. I consider there are shortcomings in the LVIA, particularly the lack of technical information regarding the visualisations and the inconsistency between some of the photographs and the wireframes. In the visualisations from Moreville I am not satisfied that the position of the turbine is shown correctly. Nevertheless, despite my reservations about the quality of the submissions, I am satisfied that I am able to reach a reasoned decision from the evidence before me.
16. The LVIA identifies the appeal site as being within the "*Principal settled farmlands*" landscape type as set out in the Shropshire Landscape Typology, 2006 and this appears to have been accepted by the Council in its committee report. However, the parties are agreed in their appeal submissions that the site is within the "*Wooded estatelands*", close to the boundary of the "*Principal wooded hills*" landscape types and I have assessed the proposal on this basis.
17. The key characteristics of the "*Wooded estatelands*" are noted as a rolling landform with large blocks of ancient woodland, large country houses with associated parkland and mixed agricultural land use. The woodland is described as "*the dominant structural component, creating framed views and medium to large scale landscapes*". In contrast the key characteristics of the

- “Principal settled farmlands” are listed as mixed farming land use and a varied pattern of sub-regular hedged fields which are described as creating medium scale landscapes with predominantly filtered views. Given its proximity to the site I have also had regard to the “*Principal wooded hills*” landscape type, the key characteristics of which are listed as prominent sloping topography with an interlocking pattern of large blocks of woodland, wooded land with occasional pasture fields and a low density dispersed settlement pattern. The landscape type is described as varying in scale from small and intimate with framed views inside the woodlands to medium scale with filtered views in more open areas.
18. The submitted Zone of Theoretical Influence (ZTV) maps indicate that at its tip height the structure would theoretically be seen from approximately 18% of the area within a 10km radius of the site. This reduces to approximately 13% with regard to the hub height. As the distance from the site decreases the turbine would become increasingly visible and the ZTV indicates that within a 2.5km radius of the site there would be very few areas from which the turbine would not be seen. However, the ZTV is based on bare terrain topographical data and in reality surface features such as minor topographical features, vegetation and built structures would reduce the amount of the turbine which would be visible from any one location. Given the local topography and the screening provided by areas of woodland and high hedges, the points in the local landscape from where the turbine would be visible would be fewer than shown on the ZTV.
 19. This is demonstrated by the visualisations from several of the submitted viewpoints such as Dudmaston Hall, Morville, Bridgnorth Castle and Oldbury Wells Conservation Area and although the turbine might be seen in part from these locations, I consider that the intervening topography and vegetation would satisfactorily limit the extent to which the turbine would be visible. Whilst the visualisation from the viewpoint on Brown Clee Hill, on the edge of the AONB, shows views towards the appeal site to be restricted by vegetation, I consider that in the panoramic views available from some vantage points the turbine would be visible. I am concerned that in some views the turbine, due to its height, would break the skyline. If this did occur the evidence does not convince me that the turbine would not create a prominent feature on the skyline despite the separation distance. However, from most vantage points I am satisfied that in this panoramic setting the turbine would be assimilated with a moderate effect on the character of the landscape and visual amenity.
 20. The viewpoints at Eudon George are in a slightly elevated position. The visualisations indicate a large proportion of the turbine would be seen and would include the whole of the rotor blades. In some views from Eudon George and the area around it the turbine would appear on the skyline where it would appear out of context with nearby trees and hedges. In these circumstances the turbine would appear dominant in its surroundings with a moderate effect on landscape character and a significant effect on visual amenity.
 21. The most significant effects from the turbine are likely to occur in closer proximity to the appeal site. Although the roadside hedges and other trees and natural vegetation would provide a level of screening, there would be some open views from vantage points on Jack Mytton Way and the footpaths radiating from it. Also from viewpoints at Eudon Burnell, Westwood and the junction on the B4364 the visualisations indicate that the rotor would appear above the trees and hedges which would screen the lower part of the turbine.

In these circumstances I consider that the turbine would create an unduly dominant feature in the local landscape.

22. I understand that the local public rights of way network is well used and Jack Mytton Way in particular is popular with walkers and riders. Although the screening provided by the trees and hedgerows would result in visibility of the turbine being intermittent, where the turbine would be visible I consider it would have a significant effect on the visual amenity of receptors.
23. Although SBWF has provided a list of approximately 73 properties it considers would have a view of the turbine, it accepts that none would be substantially affected by the development, including the nearest property not within the control of the appellant which lies to the south east of the site. Trees and hedges would provide many of the properties with a degree of screening from the turbine. In respect of the properties I observed during my visit I am satisfied that the turbine would not be such a dominating feature in the views from them as to cause serious harm to the visual amenity of the occupants.
24. The appellant has suggested that as the development is reversible and would be restricted to 25 years there would be no long term physical change to the character or appearance of the countryside. Whilst the development may be reversible, 25 years is a substantial length of time over which there would be a significant physical change to the character of the landscape as well as an effect on visual amenity.
25. The turbine would create a significant new feature within the local landscape but in longer distance views I am satisfied that the development would not appear unduly prominent and would have only a moderate effect on the character of the landscape and visual amenity. However from other vantage points and particularly those closest to the site, I am concerned that the turbine, primarily due to its height, would appear unduly dominant and would unacceptably adversely affect the landscape quality of the area. Moreover the development would cause degradation of the rural views enjoyed by local residents and visitors in their use of the area, resulting in a significant level of harm to visual amenity. On this basis I consider the development would be contrary to Policies CS5, CS6 and CS17 of the CS and the Framework.

Leisure and tourism interests

26. The Council and interested parties raised concerns with regard to the effect the turbine would have on local leisure and tourism interests which centre not only on Bridgnorth and other attractions such as Dudmaston Hall, but also on outdoor facilities such as Jack Mytton Way and the AONB. They contend that visitors are attracted to the area for its high quality and unspoilt scenery as well as its peace and tranquillity. Leisure and tourism is clearly important to the local economy and there is much uncertainty around the potential impact that might arise from turbines in general.
27. However, on the evidence before me, I remain unconvinced that the proposal for a single turbine would have a significant effect on local leisure and tourism interests. On this basis I consider the development would not offend Policies CS5, CS13 and CS16 of the CS or the Framework.

Other material considerations

28. The appellant farms in the local area and specialises in arable crops, poultry and feed milling. The latter currently provides feed for approximately 60% of the birds and it is the appellant's intention to expand the feed side of the business and move all the poultry onto own feed rations, thus negating the need to buy in poultry feed. The electricity generated by the turbine would be used by the mill plant and other farming activities with any surplus being exported to the national grid. Although the amount of electricity which would be generated by the turbine is disputed by SBWF and I accept that there would be fluctuations, the production of electricity from a renewable source would provide an element of stability with regard to energy costs for the business and help secure its long term viability. In addition, the employment the business currently provides would be retained and an additional job would be created. The scheme would also represent a significant benefit in helping to meet energy needs both locally and nationally. The policy background in respect of renewable energy schemes and the benefits to meeting national energy needs and to farm viability weigh significantly in favour of the proposal.
29. The appellant has indicated an intention to make a donation of £8000 per annum to the local community. The Government recognises such initiatives as a way of providing positive benefit from renewable energy development to the local community. However, the contributions volunteered by the appellant could not be legitimately described as necessary for the development to proceed and therefore carry no weight in the determination of the appeal.

Conclusions

30. I have identified harm with regard to the effect of the development on the character and visual amenity of the landscape which both carry significant weight against the appeal. These have to be balanced against the benefits the scheme would secure through the generation of electricity from a renewable source, reducing carbon emissions, and contributing to the farm economy. I have also found that there would be no identified harm from the development to leisure and tourism interests. However, in my judgement the benefits of the scheme are not sufficient to clearly outweigh the harm to landscape character and visual amenity.
31. For this reason, and having had regard to all other matters raised including the letters of support for the proposal, the appeal is dismissed.

Kay Sheffield

INSPECTOR