
Appeal Decision

Site visits made on 11 and 12 May 2015

by **Anne Jordan BA (Hons) MRTPI**

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

Decision date: 26 June 2015

Appeal Ref: APP/L3245/W/15/3006425

Land at East Side of Ellesmere Road, Tetchill, Shropshire, SY12 9HU.

- 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 Mrs Angela Williams of Seven Sisters against the decision of Shropshire Council.
 - The application Ref 14/01777/FUL, dated 28 March 2014, was refused by notice dated 31 October 2014.
 - The development proposed is installation of a single wind turbine and associated ancillary infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of accuracy I have altered the site address. This does not affect the planning merits of the proposal.
3. The Council have included as part of their appeal statement a submission by John Campion Associates (JCA). This refers specifically to the LVIA¹ submitted with the application, and JCA's previous comments on it, commissioned by the Council in order to assess the application. It also refers to the appellant's responses to these concerns. I am satisfied that this statement does not raise any issues which were not raised at the application stage, but rather provides further commentary of the Council's concerns. I am also satisfied that the Appellant has had the opportunity to comment on it. I have taken all these views into account in my determination of the appeal.

Main Issues

4. The main issues for the appeal are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the setting of listed buildings in the area.

Policies

5. The development plan includes the *Shropshire Local Development Framework Adopted Core Strategy* (Core Strategy). Policy CS5 of the CS seeks

¹ Landscape and Visual Impact Assessment Single Turbine, Ellesmere, Shropshire, JBA Consulting, April 14.

development which will maintain and enhance the character and vitality of the countryside where they improve the sustainability of local communities including developments for required community uses or infrastructure which cannot be accommodated within existing settlements. Policy CS6 seeks to create sustainable places which respond to the challenge of climate change. It also seeks to protect, conserve and enhance the natural built and historic environment, taking account of the local context and character. Policy CS17 seeks development which protects and enhances Shropshire's environmental assets and which contributes to local distinctiveness.

6. Amongst other things, the *National Planning Policy Framework* (the Framework) seeks to support the transition to a low carbon future in a changing climate and encourage the use of renewable resources. It seeks to increase the use and supply of renewable and low carbon energy, by encouraging local planning authorities to provide a positive strategy to promote energy from renewable and low carbon sources. When determining planning applications, applicants should not be required to demonstrate the need for renewable energy. The Framework also requires account to be taken of the different roles and character of areas and to recognise the intrinsic character and beauty of the countryside.
7. Footnote 17 of the Framework advises that in assessing the likely impact of potential wind energy development, regard should be had to *the National Policy Statement for Renewable Energy Infrastructure*. Amongst other things, this, in effect, emphasises the role onshore wind generation can play in the Government's strategy for meeting the legally binding target of reducing UK emissions by at least 34% by 2020 and 80% by 2050, as well as achieving the UK's obligation of 15% of energy consumption from renewable energy resources by 2020.
8. Paragraph 131 of the Framework advises local authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to character and distinctiveness.
9. I have also noted the Ministerial Statements of 6 June 2013 and 18 June 2015 and the Planning Practice Guidance (PPG). Amongst other things, these provide that the cumulative impact of wind turbines should be taken into account and the need for renewable energy does not override environmental protection or the planning concerns of local communities. This guidance has not introduced any new factor such as to cause my decision to rest on anything other than the issues I have identified above.

Reasons

The Benefits

10. The appellant predicts that the 800Kw turbine could produce a total of approximately 1,400 MWh per year. In the wider environment, this would offset approximately 658 tonnes of CO₂ annually and would be enough energy to power around 280 houses each year². The turbine is proposed to generate electricity direct to the grid. The Framework advises that small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The

² Appellant's Statement.

proposal would assist in tackling climate change³ and help meet national and local targets and ambitions for reducing greenhouse gas emissions. It would also add to the security of supply. These renewable energy benefits can be given considerable weight in the overall planning balance.

11. The proposal would also provide a stable income for the agricultural business, which employs 2 local people. It would reduce its carbon footprint and contribute towards its viability, facilitating future expansion and diversification. These are benefits to which I also attribute some weight.

Visual Impact and Landscape Character

12. The site lies within an area of rolling farmland characterised as “Principal Timbered Farmlands” within the *Shropshire Landscape Typology*. This is made up of undulating arable fields of varying sizes with irregular field boundaries of established hedgerows. Small copses of woodland and hedgerow trees are scattered across the landscape along with single farmsteads and small clusters of farm buildings. The undulating topography and high hedgerows provides an intimate character when experienced in the winding lanes and footpaths within it, with sustained views broken up by hedgerows and rising land in places. Although buildings and structures such as telegraph poles and power lines punctuate the landscape, these features sit comfortably within the rolling topography and do not generally detract from wider views.
13. Steep sided hills to the west and south provide longer ranging views across to the more open farmland beyond to the north. Within these views built intrusion is more evident, including existing turbines in medium to long ranging views. Further afield small clustered settlements and the town of Ellesmere are also visible in the landscape.
14. The proposed turbine would have a hub height of 73 and a rotor diameter of 52.9 metres, the total height to blade tip would be 99.7 metres. It would be located in an open field with an access track and concrete base. As part of the proposal the appellant provided a LVIA which contains views from 14 viewpoints in the local area and an assessment of the zone of theoretical visibility which I have dealt with in turn below.
15. In close and medium range views the turbine would be visible within the open field and would not be seen within the context of other existing structures. Due to its height it would be very prominently visible in sustained views from the A495. This would extend from the brow of the hill on the approach from the direction of Welsh Frankton, to the outskirts of Ellesmere, in the vicinity of the business park. From viewpoint 4k, adjacent to the turn to Newnes, the turbine would form a starkly conspicuous feature which would dominate local views from both the road and from the rising land behind, including the caravan park, where the scale of the turbine, and its rotation would form an omnipresent feature in views to the south. From Coachmans Bridge (viewpoint 4f) the turbine would also be starkly prominent, due to both its height, and its slightly elevated position in the rising fieldscape, and would protrude significantly above the treeline. Sustained views would also be available from the canal towpath (viewpoint 4d), which forms part of the Shropshire Way. In these local views the turbine would be visible as a dominant feature which would

³ Including ‘in combination’ effects with other renewable and low carbon energy schemes.

detract from the unspoilt qualities of the surrounding countryside, and would have a very significant adverse effect on local landscape.

16. A number of mid-range views have been provided in the LVIA. These show that the turbine would clearly be seen as a moving structure above established field boundaries. It would be evident above the treeline from Tetchill (viewpoint 4m), from Ellesmere College (viewpoint 4l), around a kilometre from the site. It would also be prominently visible above the building line from Ellesmere Canal Branch Junction (viewpoint 4c), around 2km from the site. Viewpoints 4g (Montgomery Canal) and viewpoint 4e (Lee Old Hall), more than 2km from the site show the turbine largely obscured by tree cover. However, tree cover is intermittent and in points close to these, clear views of the turbine would nonetheless be available. In this context, the turbine would be clearly visible as a manmade element into the largely open skyline above the trees. In these views the turbine the visual effect of the turbine on the surrounding countryside would still be significant.
17. From viewpoints further afield the prominence of the turbine would be diminished by bands of trees, intervening buildings and the undulating topography, which would diminish the visual impact of the structure in the landscape when viewed from a distance. Other, smaller turbines which are operational in the area, predominantly to the south of the site would also be visible in these views. As such, the proposal, although visible, would not feature prominently in long ranging views as shown in viewpoints 4i at Nilgreen, 4j in Ellesmere and from Oswestry Hill Fort, viewpoint 4n. However, from viewpoint 4h, the shore path at the Mere has an open view of the lake with a backdrop of the historic skyline of the Ellesmere. Although the LVIA shows no impact, Figure 2d shows that views of the turbine would nonetheless be possible. On clear days the turbine would be a distracting intrusion at an attractive local beauty spot. The effect on some long ranging views in and around the site would therefore still be notable.
18. Therefore, although I consider that the proposal would have only a moderate impact upon long range views, in local and mid-range views the visual impact of a turbine of the scale and location proposed, would nonetheless have a very significant harmful effect on the local area. Given the limited lifespan of such developments such harm would be temporary and reversible. Nevertheless, this identified harm weighs heavily against an approval in the planning balance.

The Effect of the Proposal on Heritage Assets

19. In support of the application a Cultural Heritage Assessment (CHA) has been submitted, relating to the impact of the proposal on 32 identified heritage assets within 5km of the appeal site. Of these 29 are listed buildings, two are scheduled monuments and one is a locally listed park. I have dealt with the effects upon the main groups of buildings as identified by Historic England, below.

The Canal Bridges

20. A number of canal bridges and a canalside cottage are Grade II listed. These are Bridges 60, 62 and 63. In views from these structures across open countryside the turbine will feature prominently. I concur with the CHA that the nature of the bridges means that their architectural and aesthetic value is appreciated primarily from the canal and towpath. In close views in and

around each bridge from the canalside the turbine would not feature and as much of the historic significance of the structures is derived from their function and intimate association with the Ellesmere Canal this historic attribute would remain unchanged. However, in some longer views along the towpath the turbine will also be clearly visible along with the listed asset, and this would in some cases intrude upon its setting. This is particularly the case on the approach from the north to Bridge 60, and from the canalside in views of the canalside cottage at bridge 62. The overall impact on the significance of these heritage assets would therefore be moderate but harmful.

The Wharf Buildings

21. The buildings known as the British Waterways buildings comprise a collection of well-preserved Grade II and Grade II* canalside wharf buildings including Beech House, Beech House Cottages, a drydock, office and timber store and a blacksmiths and joiners shop. The setting of this group is derived from their association with the canal and with each other and the most significant views are those within the complex and in and around the canal junction. However, the wider setting of these buildings when viewed from the north is of largely open countryside and this would be affected by the introduction of the turbine as a prominent feature within the open countryside to the west. This would have a moderate impact upon the setting, which would amount to a slight impact on the overall significance of these heritage assets.

Hardwick Hall and its Surrounds

22. Hardwick Hall is a Grade II* Listed Building. It is set within formal gardens including terraces and a ha-ha which are also grade II listed, and which contain a listed barn. The submitted CHA concludes that the immediate setting of the listed complex would not be affected, as views of the turbine from the site would be screened by trees. However, the wider parkland around the main complex, including a cricket ground are locally listed and these provide a setting for the listed Hardwick Hall and gardens.
23. The CHA states that the impact on the parkland would be slight, as the turbine would feature in only limited views. The LVIA also contains an assessment of the visual impact of the proposal from the approach road, across the cricket ground. I also viewed the site from the entrance on the A495. In these views the turbine would be prominently visible above the treeline. Therefore although I concur that key views of the Hall and its intimate setting would not be impacted, views of its wider setting would also clearly feature the turbine, and these would occur from more than a limited part of its setting. In this regard, the overall impact on the significance of the heritage asset would be adverse and more than slight.

Conclusion on Heritage Assets

24. In considering whether to grant planning permission for development which affects the setting of a listed building special regard should be had to the desirability of preserving that setting. The proposal would lead to some harm to the settings of a number of listed buildings in the locality. This harm, would amount to less than substantial harm to the significance of the heritage assets. The Framework directs that such harm nonetheless carries considerable importance and weight against the approval in the overall planning balance.

Other Matters

25. Some interested parties have raised concerns relating to the impact of the proposal on local wildlife. I note that the appellant's ecological survey found that no significant wildlife populations would be likely to be harmed by the proposal and that the County Ecologist raised no objections to the proposal on that basis, and I share the view that harm to local wildlife would be unlikely to arise. There is also no cogent evidence to support concerns that the development would harm tourism interests.
26. I note the concerns of many that the proposal would cause a distraction to road users. However, the Council did not consider that any harm to highway safety could be demonstrated. Although I noted that traffic travels along the A495 at relatively high speeds, the road is mostly straight and views of the turbine would be sustained. Although the structure would come in and out of view when driving on side roads and local lanes in and around the appeal site, traffic would be travelling at lower speeds and the structure would not represent such a distraction as to hamper the attention of road users. In this regard the proposal would not represent a significant risk to highway safety in the locality.
27. A noise assessment was provided with the application. This assessed the predicted impact at the nearest noise sensitive receptors and took into account the cumulative impact of one existing and one proposed turbine. The assessment shows that the proposed turbine would marginally exceed the guidance thresholds that are recognised by the Government as being appropriate when considering wind energy schemes.
28. The Council's Environmental Health Officer was satisfied that the proposal could be considered acceptable, subject to appropriate noise conditions. Based on the information before me, although I am mindful of the concerns raised by some residents in relation to the potential impact of noise, I do not consider the noise levels predicted to fall significantly above the recommended levels, and therefore have no basis to disagree with the stance taken by the Council on this matter. A number of residents have raised specific concerns in relation to Low Frequency or Infra-noise, however, I have no evidence that this, and its effect on human health, would be a particular concern in this case. The application was also accompanied by a shadow flicker assessment which indicates that potential impacts in this regard could be effectively dealt with by a planning condition. The matters of noise and shadow flicker do not therefore weigh against the proposal.
29. I note the concerns raised in relation to the effect of the proposal on horses using nearby roads, in particular the matter of fall-over distances. From a review of the submitted plans I note that the proposed site of the turbine would exceed the recommended minimum fall-over⁴ distance to any shown highway or bridleway. This matter does not therefore add to my concerns. Finally, a number of residents have raised the potential impact of the proposal on local property values. This is not a material planning consideration or one to which I can attribute any weight.

⁴ The height of the proposed turbine to blade tip + 10%

The Balancing Exercise

30. In coming to a decision I take into account the contribution the development would make to renewable energy provision, and that the Framework identifies the reduction in greenhouse emissions and the delivery of renewable energy infrastructure as being central to sustainable development (Paragraph 93). I attribute significant weight to these considerations. Against this I weigh the significantly harmful impact the proposal would have on visual amenity in local and mid-range views, and the moderately harmful impact on the wider landscape, which would be both temporary and reversible. I add to it the harm the proposal would cause to the setting of a number of heritage assets in the locality. The Framework directs that this must carry considerable importance and weight.
31. Together the harm to landscape and visual amenity, and the harm the proposal would cause to a number of heritage assets in the locality would be greater than the benefits to renewable energy provision, and to the economic sustainability of the agricultural holding. Whilst it would comply with Policy CS6 of the CS, it would conflict with policies CS5 and CS17. The development would not comprise sustainable development and would conflict with national policy as defined in the Framework.
32. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude, on balance, that the appeal should not succeed.

A Jordan

INSPECTOR