
Appeal Decision

Site visit made on 3 March 2015

by Mike Robins MSc BSc(Hons) MRTPI

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

Decision date: 30 March 2015

Appeal Ref: APP/L3245/A/14/2225890

Three Birches, Newcastle, Craven Arms, Shropshire SY7 8QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Sandra Davies against Shropshire Council.
 - The application Ref 13/04603/FUL is dated 1 November 2013.
 - The development proposed is one no. 15kW wind turbine with a hub height of 15.4m and a blade diameter of 11.1m and all associated works.
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Decision

1. The appeal is dismissed and planning permission for a wind turbine is refused.

Procedural Matter

2. Although the Council failed to reach a formal decision on the original scheme, they set out in their appeal statement that, were they to have been in a position to determine the application, they would have refused it for two reasons. These were the impact on the landscape and on the setting of Caer-Din-Ring.
3. There is an existing turbine, reported to be of the same size and design, located approximately 65 metres from the proposed position of the turbine before me. This was allowed by the Council. A further turbine is referred to at Two Crosses to the northeast, although I noted that there is only a mast there are present.
4. During my site visit, there were a number of snow squalls in which visibilities were reduced. However, the weather cleared significantly in between these and I was able to obtain good views of the location and the surrounding area and landscape.

Main Issues

5. I consider that there are two main issues in this case, firstly, the effect of the proposed turbine on the character and appearance of the surrounding area, including the Shropshire Hills Area of Outstanding Natural Beauty (AONB), and secondly, on the setting of the Scheduled Ancient Monument (SAM), Caer-Din-Ring.

Reasons

6. The appeal site is an open agricultural field in an upland setting, and the turbine would be positioned approximately 40 metres away from the minor

road to the east. The appellant's farmstead lies approximately 215 metres to the northwest; there are no other dwellings in close proximity. The turbine would be located within the AONB and approximately 600 – 800 metres north of the SAM, which has a number of different elements, including the Iron Age/Romano-British enclosed settlement, known as Caer-Din-Ring.

7. The proposed turbine would have a hub height of 15.4 metres with an 11.1 metre tri-blade rotor giving an overall blade tip height of 20.9 metres. Although this is a small-scale turbine, it nonetheless represents a significant structure, particularly in a small, single farm context, and when considered in conjunction with the existing turbine.
8. The development plan for the area comprises the Shropshire Local Development Framework Core Strategy, adopted in 2011, (the Core Strategy). This sets out Strategic Objectives 7 and 9, which support the diversification of the rural economy and promotes renewable energy, but within the context of Strategic Objective 11, which seeks to protect the natural and historic environment. This is specifically addressed in Policy CS17, which aims to protect and enhance the high quality and local character of Shropshire's natural and historic environment, including the AONB.
9. The National Planning Policy Framework (the Framework) was published by the government in 2012 and sets out a presumption in favour of sustainable development. The Framework recognises the intrinsic character and beauty of the countryside, seeks to protect and enhance valued landscapes and sustain or enhance the significance of heritage assets. Development plan policies must be considered in light of their consistency with the Framework, and in particular, in balancing any harm against the benefits that might accrue.
10. The Framework identifies that the provision of renewable energy infrastructure is central to sustainable development and that even comparatively small-scale projects can make a valuable contribution to meeting the national need.

Effect on the Character and Appearance of the AONB

11. The site is located just below the ridgeline and some 3 metres higher than the existing turbine. The proposed turbine location provides dramatic and far reaching views out to the west and south over the AONB and towards Wales. Despite a small woodland to the north of the farmstead, this is a very open landscape. There are a few small trees fringing the road, but these do not enclose or screen the site and, with relatively low hedgerows and field boundaries, the view out from the site encompasses the deep valley to the west and the prominent high point of the Caer-Din-Ring settlement to the south.
12. The existing turbine is painted grey and sits below the ridge somewhat and forms a relatively small part in any field of view from the wider landscape. However, the additional turbine would reinforce the visual impact of the existing turbine, and establish two moving elements, which, in this very open landscape, would be perceived as relatively tall structures, resulting in a materially increased presence within this landscape.
13. The appellant submitted a Zone of Theoretical Visibility (ZTV), wireframes and photomontages. These predominantly represented views from the road network, which mostly provides access to the dispersed farmsteads in the area.

The road rises up from Newcastle and loops around Two Crosses, to the north, to return down along the valley to the west of the site. A further viewpoint was provided from the SAM, although the appellant points out that permission was required as the site is not accessible by the public. I was able to view the proposed development from along the road near to the SAM, from the north and from the west, but I also noted views from the Folly Brook valley, which included the steep western slope to the SAM a view which included the existing turbine.

14. The appellant's cumulative impact assessment indicated that there was only a 4.3% increase in visibility, as identified by the ZTV, and that this was considered insignificant. I accept that a ZTV does not necessarily indicate actual views, but this is an open landscape and the proposed turbine would be more prominent than the existing. Furthermore, such a simple conclusion does not properly address the increased prominence of a pair of moving structures, as well as the increased propensity for these to draw the eye and alter the otherwise undeveloped landscape.
15. My own observations are that this is an area of rural character and tranquillity, and an upland area of exceptional quality and beauty. There are a number of points on the local road network, where the turbine would be clearly seen, although the topography limits those to the north somewhat, as well as any inter-visibility with the currently inoperable turbine at Two Crosses. There are medium and long range views from the south and west, and I noted that particularly open views would be available from across and within the valley, in some of which the turbines would stand out against the skyline.
16. The Shropshire AONB Management Plan is a material consideration. It addresses wind turbines, noting, in Policy 35, that up to two small-scale turbines, below 12 metres, may be acceptable within 100 metres of farm buildings, but those above 25 metres or closely grouped turbines are not likely to be acceptable. On the face of it, this proposal, as a small group, would not comply.
17. While the turbine may be regarded as a small addition in such an expansive landscape, the pairing with the existing turbine would result in a significantly greater prominence of the two as viewed from points within the AONB. I consider that the additional turbine would increase their impact, and while this could be time-limited through condition, this would continue for 25 years, a significant period when considered against the lifetime of those experiencing this landscape.
18. This is an open and undeveloped area; while scattered farmsteads can be seen they are not prominent elements of the landscape. I consider that the proposed turbine, in conjunction with that existing, would contribute to a level of modern intrusion to the detriment of the immediate setting and the wider AONB landscape. This harm, which I assess as being moderate, would be contrary to the Policy CS17 and Strategic Objective 11 of the Core Strategy, as well as Framework, which notes that AONBs should receive the highest standard of protection.

The Heritage Asset

19. The appellant submitted a heritage assessment in which the proposal overall was considered to represent only a moderate impact on the setting of Caer-

Din-Ring, due to the separation. The landscape assessment considered that the form of the settlement could not be made out in the more distant views that would place the turbine in front of the structure. The conclusion suggested less than substantial harm to the archaeological setting and thereby the significance of the SAM.

20. Even in the conditions experienced during my site visit, the raised structures were readily discernable from the road, and I consider that they would remain so in other conditions. The importance and prominence of the setting, with its far reaching views over the valley and beyond, are also clear to see from view points around the road network.
21. I appreciate that the camp is not publicly accessible, albeit I have a photomontage provided to reveal that view. The turbine may be relatively small, although again I would argue that the presence of two such structures is considerably more prominent, in that it draws the eye.
22. A key component of such fortified ancient structures is their prominence and overview of approaches from a defensive perspective. As such the setting properly encompasses the surrounding landscape and not just the immediate area around the site itself. In any case, the setting, and its contribution to significance, does not depend on public access, as this downplays the potential for appreciation of the asset's significance interpreted in other ways or from other locations, or indeed future access opportunities to the site itself.
23. There is an archaeological and historic value to the settlement and the relationship of the elements of funerary, agricultural and fortification structures, and in light of its position, a large part of that significance arises from its setting. I find the proposal would represent less than substantial harm, but nonetheless an erosion of the significance through the increased visibility of the pair of turbines that would result, particularly in views from the north and from the valley, where they would be seen against or alongside the hill top settlement. Overall on this matter, I concur with the appellant's consultant's view that there would be a moderate impact, which could be regarded as less than substantial.
24. While SAMs are addressed under the Ancient Monuments and Archaeological Areas Act 1979, this does not deal with the matter of their setting. However, paragraph 128 and 132 of the Framework require a proper assessment of the asset's setting, which the Framework defines as being:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

25. In this context, the Framework aims to conserve heritage assets, of which SAMs are considered to be of the highest significance. It sets out that where such harm is less than substantial, it should be weighed against the public benefits of the proposal. Although I have found that the harm would be less than substantial, this does not mean that the weight given to the harm identified should be significantly limited. In such cases, the finding of harm is something to which considerable importance and weight must still be given.

26. The material harm to significance of the SAM would conflict with Core Strategy Policy CS17. However, the Framework clearly sets out the need to address such less than substantial harm in a balanced manner against public benefits associated with such schemes.

Planning Balance and Conclusion

27. The active promotion of renewable energy projects and tackling the effects of climate change are key Government policies and, under the Climate Change Act of 2008, a statutory requirement. One of the core principles set out in Paragraph 17 of the Framework is the need to support the transition to a low carbon future in a changing climate, and encourage the use of renewable resources. Alongside this, the national Planning Practice Guidance addressed the need to ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment.
28. As set out above, the Framework supports the balancing of the public benefits from such developments to be considered against any harm. The appellant identified that the turbine would provide renewable energy to support farm diversification and water pumping on the farm allowing for cattle to be maintained in the fields for longer. I note reference to other benefits, which include the export of electricity to the national grid and community benefits, with the turbine being considered as an exemplar project. I appreciate that there would be some benefit in offsetting electricity demand on the holding, albeit there is already a turbine on site. Furthermore, other benefits highlighted, such as the exemplar project element, are equally addressed by this existing turbine already. Nonetheless, I am satisfied that there would also be some benefits from the feed in to the national grid, and consequently public benefits in accordance with paragraph 98 of the Framework.
29. The appellant referred to possible precedents. I have limited detail on these three schemes, but draw specific distinction between the single turbine proposals at Two Crosses and the existing turbine, and the resulting pair of turbines that would result from the scheme before me. The reference to the Clocaernog Forest Wind Farm, relates to a scheme materially different in terms of scale as well as potential impacts and benefits. In any case, each appeal or application must be considered on its own merits
30. Against this, I have specifically identified harm to the landscape character of the AONB and the SAM. This harm was assessed as being moderate. However, while the harm to the significance of the SAM can be considered less than substantial, even harm that is less than substantial must be accorded considerable importance and weight when considering the effect on the asset's setting and significance, and its preservation and conservation.
31. Taking all of this into account, I find that the adverse impacts of granting permission, even if limited by condition to a period of 25 years, would significantly and demonstrably outweigh the public benefits. For the reasons given above and having regard to all other matters raised, including the support of the Parish Council, I conclude that the appeal should be dismissed.

Mike Robins

INSPECTOR