
Appeal Decision

Site visit made on 5 March 2014

by Louise Crosby MA MRTPI

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

Decision date: 15 April 2014

Appeal Ref: APP/N4205/A/13/2209440

Meadow Barn Field, Off Slack Lane, Bradshaw, Bolton, Lancashire

- 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 Mr Paul Joule against Bolton Metropolitan Borough Council.
 - The application Ref: 89936/13, is dated 10 May 2013.
 - The development proposed is the erection of 1 x wind turbine.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. Planning Practice Guidance (PPG) came into force, and various previous national planning guidance documents were cancelled, on 6 March 2014. Given the nature of this proposal, these changes to the guidance framework have not affected my decision.
3. The wind turbine would have a hub height of around 31m and a blade tip height of about 45m.
4. The appeal is against non-determination, but the Council has provided putative reasons for refusal and these are reflected in my main issues.

Main Issues

5. It is common ground that the proposed turbine is 'inappropriate development' within the Green Belt. Consequently, the main issues are:
 - i) the effect of the proposal on the openness of the Green Belt and the purposes of including land in it;
 - ii) its effect on the landscape;
 - iii) its effect on the visual amenity of the area;
 - iv) its effect on the living conditions of local residents having regard to potential noise impacts; and
 - v) whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

The effect of the proposal on the openness of the Green Belt and the purposes of including land in it

6. The proposed wind turbine would be a new structure within an area which is currently open and therefore it, along with the associated equipment, would reduce openness of the Green Belt. Whilst it would reduce openness the reduction would be limited. Furthermore, it would conflict with one of the purposes of including land in the Green Belt set out in paragraph 80 of the (National Planning Policy Framework (Framework)), that of assisting in safeguarding the countryside from encroachment. As such, it would conflict with Bolton's Unitary Development Plan (UDP) policy G1, which seeks to restrict development in the Green Belt to that which is clearly needed for agriculture, forestry or other appropriate uses and does not prejudice the purposes and objectives of the Green Belt.

The effect of the proposal on the landscape

7. The wind turbine would be sited in an exposed and elevated location in National Character Area 54: Manchester Pennine Fringe. The area owes much of its character to its proximity to the adjacent Pennine moors and the deeply incised, steep valleys that characterise the transition from moorland to urban area. The key characteristics are the transitional zones between elevated, open moorlands and the densely populated urban area on lower ground. In this case the wind turbine would be located on open elevated moorland overlooking the settlement of Bradshaw in the valley below. The site also provides extensive views across other urban areas further away, including Bolton.
8. The Council has identified 7 distinct character types for the open land within the borough. The appeal site falls within the Upland Moorland Hills Landscape Character Area. The relevant key features of this character area include the sense of wildness created by the altitude and long, wide views; and the close relationship with the adjacent urban areas, providing the landscape backdrop for surrounding towns. It also refers to transmission masts, overhead power lines and quarries, but the appeal site is not seen in the context of all of these, only the power lines and these are supported on timber poles that are lower, far slimmer and more discreet than this wind turbine would be. In addition the turbine would contain rotating blades whereas the timber electricity poles are static. I saw when I visited the site this area offers excellent views across the valley. It has an open and rugged character, with just sporadic farmsteads and dwellings, making it dramatically different to the urban areas such as Bradshaw, at the bottom of the hill.
9. This marked contrast is an important feature of this landscape area. An uncharacteristically large vertical structure with rotating blades, such as that proposed here, in this generally open moorland landscape, which is described as having a sense of wildness, would result in an unacceptable visual intrusion and alter the key characteristics of the landscape type. Accordingly, I conclude that the proposal would result in significant harm to the fabric, character and quality of the landscape and conflict with Bolton's Core Strategy (CS) policies CG1 (1) which seeks to safeguard rural areas from development that would adversely affect, among other things, its landscape character; and CG3 which seeks, among things, to ensure that development proposals conserve and

enhance local distinctiveness, have regard to overall built character and landscape quality of the area and that the landscape character of the surrounding countryside and its distinctiveness is maintained and respected.

10. There is planning permission for a similar sized wind turbine to the north east of this site, at the other side of Slack Lane, which was approved by the Council as part of a zero carbon home development in 2011. The Council have confirmed that because the access track has been constructed and all of the necessary pre-commencement conditions discharged the permission for the dwelling and wind turbine will not lapse. The appellant's Landscape and Visual Impact Assessment says that the cumulative Zone of Theoretical Visibility shows that this proposed wind turbine, just by itself, would only be visible from 0.4% of areas within a 15km radius. However, it fails to assess simultaneous visibility and sequential effect on visibility, nor do any of the submitted photo montages show all existing and consented turbines. Advice on the need to provide such information was set out in the now cancelled Planning Practice Guidance for renewable and low carbon energy (2013) as well as the recently published PPG. Without this information I cannot make a sound judgement in this regard, but in any event I have found that the proposed turbine on its own would harm the landscape.

Visual amenity

11. From most vantage points south of the appeal site, including from parts of Bradshaw the lower section of the tower would be seen against the hill. However the blades would be seen above the hill, against the skyline. In longer distance views the lower section would be screened by existing trees and landscaping. This area around the appeal site contains a few electricity poles and a single tall slim wooden pole, but these are low and discreet. There are no other tall vertical structures; the land is very open with minimal fencing around large fields. There are some clumps of trees dotted around with a much greater concentration towards the bottom of the hill. Nevertheless, these are some distance from where the wind turbine would be sited and are much lower in height. So, from parts of Bradshaw the wind turbine would appear as an unduly dominant feature.
12. There are a number of residential dwellings nearby, the closest being around 280 metres away to the east. That dwelling is sited at a higher level than the appeal site and so while the bottom section of the wind turbine would be unlikely to be visible the upper hub and blades would be in full view from several windows and its garden area. Although the backdrop would be the lowland urban areas these are some distance away. Given the lack of other tall man made features in this open rugged landscape, other than the line of timber electricity poles running alongside Slack Lane and the tall slim pole in a field, the proposed wind turbine would appear as an extremely large and strident feature which would appear as a dominant industrial type structure. It would be visible from other dwellings nearby, but to a lesser degree because of the presence of trees and/or the topography.
13. The area around Affetside (north east of the appeal site) is at a much higher level, but from there views from dwellings would be limited by the existing trees and landscaping and topography and distance. However it is likely that from some public footpaths in that area it would be more visible, but not

necessarily to a harmful degree. From Bradshaw Road the mature trees would act as an effective screen in most views.

14. There is a network of paths crossing this hill, including one running diagonally across the field in which it is proposed to site the turbine. From that footpath in particular the turbine would appear extremely large and dominant and at odds with this wild, open area containing few other tall manmade structures. Indeed, it would be far larger and appear far more intrusive than the other vertical features I have referred to. Overall, the proposal would appear unduly dominant and strident in many views such that the proposal would have an adverse effect on visual amenity and conflict with CS policy CG3.

Living conditions

15. PPG advises that the report 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97) should be used by local planning authorities when assessing and rating noise from wind energy developments. The report states that for single wind turbines a simplified noise condition may be suitable whereby if the noise is limited to a $L_{A90,10min}$ of 35db(A) up to wind speeds of 10m/s at 10m height, then this condition alone would offer sufficient protection to living conditions from noise. The appellant has submitted technical information which shows that the wind turbine would comply with the simplified procedure in ETSU-R-97. National Policy Statement for Renewable Energy Infrastructure (EN-3) provides that where the correct methodology has been followed and a turbine would comply with ETSU-R-97 recommended noise limits the decision maker may conclude that it will give little or no weight to adverse noise impacts from the operation of the wind turbines.
16. However, as I have set out above another wind turbine has planning permission nearby, which could be constructed. The appellant's noise assessment does not take account of the potential combined effect of the 2 wind turbines operating at the same time. Without this information it is not possible to determine whether the proposal would result in unacceptable cumulative noise levels for local residents. Moreover, this matter cannot be dealt with by planning conditions because it is not clear whether the recommended noise levels could be met. Consequently, such an approach would conflict with the advice on planning conditions in the PPG. In the absence of this information the proposal would conflict with the advice in ETSU-R-97 and this weighs heavily against the proposal.

Other considerations

17. According to the submitted design and access statement the wind turbine would provide electricity for the farm and also allow the appellant to generate income from feeding the excess into the National Grid. However the submitted site feasibility study says that the electricity generated would be exported to the grid as it is too far from the appellant's farm buildings to be connected. While the proposal would not supply the energy needs of the farm, the Framework makes it clear that applicants for energy development should not be required to demonstrate the overall need for renewable energy.
18. The appellant has not provided any information about how much electricity would be generated by the wind turbine, but says that it could result in an annual reduction of 266 tonnes in carbon dioxide emissions. The proposal would contribute to Government renewable energy targets, reduce the

emission of greenhouse gases and address climate change. These matters attract significant weight.

19. The proposal would also provide an important source of income to the appellant. Without this income the appellant says the farm is at risk of failing, but I have little evidence before me to support these assertions. Paragraph 28 of the National Planning Policy Framework provides support for rural businesses and advises that the development and diversification of agricultural land based businesses should be promoted. While this proposal would not provide the farm with energy it would provide an additional income to this rural business. Accordingly I have accorded moderate weight to this benefit of this scheme.
20. In respect of shadow flicker PPG advises that only properties within 130 degrees either side of north, relative to the turbine can be affected in the UK by shadow flicker. It also says that problems caused by shadow flicker are rare. The appellant has provided an analysis which quantifies the impact. This advises that the wind turbine would have a rotor diameter of around 27m and therefore any shadow flicker would not be significant beyond 270m from the wind turbine. Since no dwellings are located within this zone I am satisfied that the proposal would not be unduly harmful in this regard.
21. The appellant has demonstrated that there would be no adverse impact on local wildlife. This has been accepted by the Council's Wildlife Liaison Officer and I concur.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

22. The turbine would be inappropriate development, which, by definition, is harmful and should not be approved except in very special circumstances. Substantial weight is to be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case, in addition to the harm by virtue of inappropriateness, substantial weight needs to be attributed to the harm to the openness of the Green Belt and encroachment as well as the harm to the landscape, visual amenity and living conditions.
23. Although the renewable energy benefits of the project carry significant weight and the economic benefit moderate weight they do not clearly outweigh the harm by reason of inappropriateness; the harm to openness of the Green Belt and encroachment; and the harm to the landscape, visual amenity and living conditions. The very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. As such, the proposal would be contrary to paragraph 87 of the Framework and UDP policy G1.

Conclusion

24. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Louise Crosby
INSPECTOR