



Appeal Decisions

Site visit made on 23 October 2012

by J.P. Watson BSc MICE FCIHT MCI

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

Decision date: 28 November 2012

Appeal Ref: APP/N4205/A/12/2178211

Matchmoor Riding Centre, Matchmoor Lane, Horwich, Bolton BL6 6PR

- 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 Susan Ashworth against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 87306/12, dated 22 December 2011, was refused by notice dated 30 April 2012.
 - The development proposed is a 25m high Endurance Wind Turbine.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the appeal proposal would be inappropriate development in the Green Belt and, if so, whether the potential harm to the Green Belt 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 approve the proposal.

Reasons

Whether the appeal proposal would be inappropriate development in the Green Belt

3. The appeal site is in the Green Belt.
4. Saved Unitary Development Plan ("UDP") Policy G1 limits development in the green belt to specific types, which do not include the appeal proposal. UDP Policy G2 defines and precludes inappropriate development in the Green Belt; and identifies among other things that development should not prejudice the visual amenities of the Green Belt.
5. Paragraph 87 of the National Planning Policy Framework ("the Framework") says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 adds that "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

6. There is no dispute that the appeal proposal would be inappropriate development in the Green Belt. That position is consistent with UDP Policy G2 and paragraphs 89 and 91 of the Framework, and I see no reason to differ.

Harm associated with the appeal proposal

7. By virtue of its inappropriateness in the Green Belt, the appeal proposal would be harmful to the Green Belt.
8. Paragraph 79 of the Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The appeal proposal would reduce the openness of the Green Belt, contrary to that fundamental aim. Although the loss of openness would be small, it would be harmful to the Green Belt and must weigh in the balance.
9. The Council, and others, contend that there would be harm to the character and appearance of the area.
10. Attention is drawn to Policies CG3 and OA1 of Bolton's Core Strategy. Policy CG3 seeks to ensure that development has regard to the overall landscape quality of the area and maintains and respects the landscape character of the surrounding countryside. Policy OA1 seeks to ensure that new development does not harm the landscape setting. I have previously referred to UDP Policy G2.
11. The appeal site is on open, high ground above Horwich. The land rises past the site, in a convex landform, to the north and east. Development in this area is sparse, with individual houses set thinly in the landscape. Matchmoor Lane passes close to the site. There are extensive views from the site, particularly to the southwest, with hills in the distance. A series of photomontages is provided, taken from viewpoints above, below and approximately level with the turbine site. Observations during my site visit confirmed to me that these are adequate representations of the appearance of the turbine in its proposed context. In some of the photomontages, the views are filtered through vegetation and from Matchmoor Lane, above and to the north-east of the site, the turbine would be seen against a backdrop of distant hills. Both of those circumstances would soften the visual effect the turbine would have. From many of the viewpoints the turbine assembly would be seen against the sky, and in those views its light colours would make it less conspicuous than it would otherwise be.
12. The site is in the Upland Moorland Hills landscape character area. The *Landscape Character Appraisal of Bolton* (October 2001; "the LCA") identifies key landscape features, as follows. The topography is distinctive but the appeal turbine would have no effect on the topography and there is no contention that it would significantly affect the mosaic of upland habitats in the area. This is an important archaeological landscape but no scheduled monument, listed building or conservation area is near the site and the matter of archaeology could be the subject of a condition. There is a sense of wildness due to the altitude and the long, wide views, but only the moorland tops retain that. The area provides a landscape backdrop for surrounding towns. The area is an accessible recreational resource for the surrounding urban areas, with an extensive rights of way network, and interested parties report that Matchmoor Lane is used by equestrians, cyclists and walkers; and there are stables close by. But there are features that reduce the quality of the landscape. There are

- signs of overgrazing. There has been a loss of traditional field boundaries and their replacement with post and wire fencing, such as I saw near the site. The moor is described as being pockmarked with quarry faces, and the LCA draws attention to what it describes as intrusive features including transmission masts, overhead power lines and quarries. Although in the Green Belt, the site has no designation by virtue of its landscape quality. Overall, I conclude that the quality of the landscape in which the site is set is no more than moderate.
13. The appeal proposal would introduce a single wind turbine, 24.6 metres high to the centre of its hub and 34.2 metres high to rotor tip, into the landscape I have described. This tall artificial structure would be intrusive and would tend to augment the negative effect of the transmission masts a few hundred metres away. The light colouring of the turbine assembly would bring some benefit, when viewed against the sky, but the turbine would remain apparent in the landscape. No other mitigation of the turbine's effect in the landscape is proposed.
 14. It seems to me that the value of the landscape that includes the appeal site is principally in its function as a backdrop to nearby towns, such as Horwich; and in the provision of a recreational resource, particularly for equestrians, cyclists and walkers. Some important receptors are thus established and I also consider the other viewpoints from which the submitted photomontages were taken. Due to the land form and (particularly where clear of the moorland) intervening vegetation and development, I am satisfied that the turbine would not be appreciably apparent from viewpoints between the area from which the photomontages were taken and the very long views in which the moorland forms a backdrop to the towns below the hills. In those very long views, the turbine would appear as a very small element in the overall panorama and there would be no significant harm from that.
 15. With the exceptions of numbers 1 and 8, the submitted photomontages show the appearance of the turbine (when viewed from the side) in the landscape from various public locations, including some near to private dwellings, at about the same order of distance. Trees in the pictures are not in leaf. Among this group of receptors the turbine would in some cases be screened by vegetation, even in winter. At other receptors there would be a reduction in the quality of the visual amenity, due to the presence of a tall artificial feature in what is largely a natural landscape. But the turbine would occupy only a small part of many of these views.
 16. Photomontages 1 and 8 are taken from Matchmoor Lane, to the northeast and northwest of the turbine site and much closer than the other pictures. It seems to me that the proximity of the turbine to the Lane (relative to the turbine's height) would introduce a feeling of overbearing among non-motorised users of the Lane. The turbine would be on the inside of a sharp bend in Matchmoor Lane between these and so those making their way along the Lane would be close to the turbine over a greater length of the Lane than would otherwise be the case. The negative visual effect here of the turbine would be particularly pronounced and, as this route is used for recreation in the landscape as well as other purposes, its significance would be increased. But the effect would also be transient, as one made one's way along the Lane, and that would reduce the visual harm.
 17. Overall, I find that the appeal proposal would have an adverse effect on the landscape, contrary to Policies CG3 and OA1. That harm is greatest on

Matchmoor Lane near the site, but the adverse effect there is tempered because the view would be transient. Elsewhere the harm would be less because the turbine would be viewed from a greater distance, and it would be further limited generally because the landscape in the area is of only moderate quality. The effect on the landscape, and the visual harm to the Green Belt, would be adverse but limited.

18. Interested parties draw attention to the distance between the proposed turbine and Matchmoor Lane, to the equestrian use of Matchmoor Lane and to the advice of the British Horse Society regarding an "exclusion zone" around public rights of way to avoid wind turbines frightening horses. The BHS advisory statement (April 2010) on wind farms recommends a minimum separation distance of 200 metres between turbines and routes used by equestrians. The evidence is that Matchmoor Lane is very well used by horse riders, and interested parties report dangerous loss of control of horses close to wind turbines elsewhere. The Appellant contends that the turbine separation distance (assessed to be over 60 metres) from the Lane would be sufficient, but brings no evidence to support that view. The British Wind Energy Association is quoted as saying that there are many examples of wind energy development and horses co-existing; that everything has the potential to upset horses; and that horses become quickly accustomed to unfamiliar things in their environment. For my part, I find no evidence that the examples of co-existence referred to were illustrative of conditions in Matchmoor Lane with the appeal turbine, or that only horses that are familiar with the area would be ridden along Matchmoor Lane if the development proceeded. I have noted a probable overbearing effect of the turbine on non-motorised users of the Lane. I am not persuaded that the proposed turbine would be conducive to safe use of the Lane by equestrians, and I attribute substantial weight to the resulting risk to public safety. Such a risk would be contrary to Policy S1.2 of the Core Strategy, which says that the Council will promote road safety in the design of new development.
19. In summary, I have found that the appeal proposal would be harmful to the Green Belt by virtue of inappropriateness, limited loss of openness, and limited visual harm. I attribute substantial weight to the harm to the Green Belt. And I also attribute substantial weight to the risk to public safety by virtue of the effect of turbines such as this on horses.

Other considerations associated with the appeal proposal

20. The Government places a priority on the need to support the delivery of renewable and low carbon energy. Paragraph 93 of the Framework says that planning plays a key role in supporting the delivery of renewable energy. This is central to the economic, social and environmental dimensions of sustainable development. There is a presumption in favour of sustainable development set out in the Framework, although this would not apply where any adverse impacts of a development would outweigh the benefits. Having regard to the importance of providing renewable energy as a dimension of sustainable development, I find that significant weight must be attributed to the need for renewable and low carbon energy development and to the contribution that the appeal proposal would make toward satisfying that need, including the wider environmental benefits associated with increased production of energy from renewable sources.

21. Various other matters are explored in the appeal papers. I note the expected lack of harm due to noise and shadow flicker or to historic and cultural assets, ecology or hydrology. But a lack of harm is not a benefit and so these matters do not figure in the balance.

Whether the harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to approve the proposal

22. I balance the benefit that the appeal proposal would bring, against the harm to the Green Belt and the risk to public safety I have identified. I am not satisfied that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Therefore the very special circumstances necessary to justify approval of this inappropriate development in the Green Belt are not found.

23. The Appellant draws attention to appeal decisions elsewhere, in which wind turbine proposals were allowed in areas of outstanding natural beauty, national parks or the Green Belt. I am in no doubt that circumstances can arise in which wind turbines in the Green Belt can meet the test set by paragraph 88 of the Framework. And, in the current appeal, the wider environmental benefits associated with the scheme are among the circumstances of the case. But I do not find that those circumstances taken together are very special. I have considered this and all other matters raised and conclude that the appeal should be dismissed.

J.P. Watson

INSPECTOR