
Appeal Decision

Site visit made on 13 January 2015

by Alwyn B Nixon BSc(Hons) MRTPI

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

Decision date: 26 March 2015

Appeal Ref: APP/Q1153/A/14/2217113

Beckwell Farm, Meadwell, Kelly, Lifton, Devon, PL16 0HJ

- 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 & Mrs Heyward against the decision of West Devon Borough Council.
 - The application Ref 01243/2013 - FULL, dated 13 November 2013, was refused by notice dated 4 March 2014.
 - The development proposed is erection of one wind turbine with 24m hub height, 35m tip height plus ancillary development.
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Decision

1. The appeal is allowed and planning permission is granted for erection of one wind turbine with 24m hub height, 35m tip height plus ancillary development at Beckwell Farm, Meadwell, Kelly, Lifton, Devon, PL16 0HJ in accordance with the terms of the application, Ref 01243/2013 - FULL, dated 13 November 2013, and the plans submitted with it, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: A4 Site Location Plan; Drawing No. UK_23m dated 2013-04-15.
 3. The noise produced by the operation of the turbine shall not exceed 35dB(A) LA90 (10min) at wind speeds of up to 10 m/s at 10 m height when measured at the boundary of the nearest noise sensitive property.
 4. In the event that the turbine becomes inoperative, the structure shall be removed and the site restored to its state prior to development within six months of the turbine ceasing to operate.
 5. Prior to the commencement of development details of the colour and finish of the turbine hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the surrounding landscape, including as regards its location in relation to the

Dartmoor National Park; its effect on the settings of designated heritage assets; and whether any harm in these respects is outweighed by other material considerations including the renewable energy benefits associated with the development.

Policy Background

3. The development plan context is provided by the West Devon Borough Core Strategy 2006-2026 (CS), adopted in 2011, and the West Devon Borough Local Plan Review 2011 (LP). A number of policies bear on the issues in this appeal.
4. CS policy SP1 sets out a range of considerations relevant to an overarching objective of ensuring that development occurs in a sustainable manner. Policy SP3 supports and encourages development to provide renewable and/or low carbon technologies except where this would have unacceptable adverse effects which are not outweighed by its positive benefits. The policy also contains certain provisos. Policy SP11 aims to support rural communities including by encouraging small-scale renewable energy projects. Policy SP17 seeks to conserve and enhance local landscape character. Development which would harm the qualities of designated landscapes or conflict with their purposes will not be permitted. Policy SP18 seeks to protect, and where appropriate enhance, historic features and their settings.
5. Within the LP, policy NE10 relates to development in the countryside and amongst other things seeks to avoid unacceptable harm to landscape character and the features that contribute to this. Policy BE3 refers to the statutory duty, when determining proposals for development, to have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest which it possesses. Policy BE7 seeks to prevent development which would have a significant adverse impact on archaeological remains of national importance.
6. Policies in the National Planning Policy Framework (NPPF) are supportive of renewable energy where impacts are, or can be made, acceptable. Other national policy is also supportive of renewable energy in order to reduce CO₂ emissions and to assist in combating the effects of climate change. NPPF paragraphs 132-136 deal with the consideration of development proposals in relation to heritage assets, including listed buildings and scheduled ancient monuments. Substantial harm to, or loss of, a grade II listed building should be exceptional; substantial harm to or loss of a higher grade listed building or scheduled monument should be wholly exceptional. Development leading to substantial harm to or total loss of significance of a heritage asset should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or the provisos in NPPF paragraph 133 are met. Where a proposal would lead to less than substantial harm to the significance of a heritage asset, that harm should be weighed against any public benefit.

Reasons

Landscape and visual impacts

7. An assessment of the proposal's resulting landscape and visual impact has been carried out, based on established practice guidelines and including photo-visualisations and wireframes from a number of representative viewpoints. I

- consider the extent of the exercise to be adequate in the light of the comparatively modest height of the turbine (24m to hub; 35m to blade tip).
8. The site lies within an area of moderately elevated pleasant rolling pastoral countryside which is attractive, although not subject to any special protective designations. It is characterised by a broad canvas of slopes, valleys and gentle ridgelines, with an irregular field pattern defined by banks, hedgerows and trees, interspersed with small woodlands, farmsteads and minor settlements. From some locations the more elevated and rugged profile of Dartmoor is evident to the east.
 9. The proposed turbine location is within enclosed farmland, slightly below the crest of a subsidiary ridgeline descending north-eastwards from the higher ground of Ramsdown. The location, whilst necessarily elevated in order to capture wind energy, sits slightly below the crest of Ramsdown with its prominent plantation feature. Having regard to this, and bearing in mind the fairly modest dimensions of the turbine, I consider that the turbine would sit reasonably comfortably within its landscape context. The landscape character of the area would not materially alter or suffer significant harm.
 10. The turbine plainly would be a visible feature in the landscape, given its dimensions. However, I consider that the turbine would not appear as a dominating feature except potentially in close range views in the immediate vicinity of the site, which are not easily obtained due to topography and the screening effect of vegetation. With a height of 35m to blade tip, whilst the turbine would of course be visible from vantage points further away, its prominence in the landscape would quickly diminish with increasing distance.
 11. I acknowledge the concerns expressed in some quarters that a white reflective appearance can accentuate the presence of turbines in the landscape. I note that, although not suggested as a condition in the schedule attached to the Council's statement, the officer recommendation of approval to Committee Members included a condition to control turbine colour. I consider that such a condition would address this concern and is warranted in the circumstances of this proposal.
 12. The site lies about 5km from the nearest point of the Dartmoor National Park to the east. I have considered the effect of the proposal on the special qualities of the National Park, on its setting and on the fulfilment of the purposes of its designation. Dartmoor National Park Authority has submitted a statement of objection to the development.
 13. The photo-visualisations and wireframes submitted in connection with the proposal include material for viewpoints at Brentor Church (5km away from the site and at the Park's closest point) and from an elevated location on the West Devon Way near North Brentor (7.2km away). From my observations these viewpoints are representative of the area of maximum visual impact for the National Park and receptors within it. The accuracy and adequacy of this material has not been challenged. It demonstrates that, at the distances involved, the turbine would have only a marginal visual effect on the panoramic vistas gained in views out from elevated locations within the western fringes of the Park. Any potential undue prominence could be mitigated by sensible control of the colour and reflectivity of the turbine. From my visit to the area I am satisfied that the visual impact on views for residents of the National Park

- in and around places such as Mary Tavy, North Brentor and Lydford would be negligible.
14. For these reasons I am satisfied that the turbine would not have a harmful impact on the setting of the National Park, and so would not harm its special qualities or the purposes of its designation, including its understanding and enjoyment by the public.
 15. Part of the Tamar Valley Area of Outstanding Natural Beauty (AONB) lies fairly close to the south. However, due to the topography of the area the turbine would have no material effect on the AONB. No specific evidence is provided in relation to any alleged impact on the AONB.
 16. I have considered the visual impact of the development in relation to local residents. The nearest dwelling (Narracott) is more than 500m away downslope on the other side of the ridge and oriented away from the site. The occupants of the three or four other properties within a 1km radius of the site would not experience visual intrusion to the extent that their living conditions would be significantly affected. Although the dwelling at Borough Farm faces towards the site at a distance of about 750m, its main elevation windows and front garden area are well screened by mature trees. The dwelling would not become an unattractive place to live as a consequence of the turbine. Although the turbine would be visible from parts of other land associated with the property I do not regard this as materially harmful to residential amenity.
 17. The occupier of Borough Farm also runs a holiday “glamping” business from the property. Yurt accommodation is provided for this purpose in the small paddocks near the buildings. I recognise that those staying in the accommodation will value the attractive rural setting. However, whilst the turbine would be visible from these areas, it would be positioned around 750m away and located peripherally in relation to the principal views obtained towards Dartmoor and Brentor. Mature trees would also help to screen the turbine’s presence. I do not consider that the turbine would be likely to dissuade visitors from staying at this location.
 18. A number of turbines are already present in the wider area to the west. However, although these are visible from the site, given their considerable distance I do not consider that this proposal gives rise to any significant cumulative impact issues in combination with these. Nor do I consider that material cumulative landscape or visual impacts arise in association with the solar array about 2km west of the site. Any future turbine proposals in the area will fall to be determined on their individual merits and will need to take account of this development.
 19. Overall, I conclude on this issue that the proposal would not give rise to unacceptable harm to the character or appearance of the area and that the visual amenities of receptors would not be seriously diminished. The proposal would not cause material harm to the setting of Dartmoor National Park or adversely affect the Tamar Valley AONB. The proposal is essentially compliant with policies CS SP17 and LP NE10.

Effect on heritage assets

20. In relation to this reason for refusal the Council refers to effects on the settings of Castle Park Camp, a scheduled ancient monument (SAM); Brentor Church, a

Grade I listed building; and Downhouse, a Grade II listed building. There is no issue of direct change or loss in relation to any of these heritage assets or their features of particular interest.

21. Castle Park Camp is located approximately 1km to the south of the site. The Camp is an example of a Late Bronze Age or Early Iron Age single-ramparted enclosure, one of only 25 or 30 examples known nationally and a rare outlier in Devon. These sites are usually located on hilltops and were probably used originally as stock enclosures or for the storage or redistribution of agricultural produce. English Heritage has commented that the relative rarity of this kind of fort and the quality of Castle Park Camp's preservation, its potential archaeological evidence and its still-legible landscape context and setting give the monument high heritage significance.
22. The context of the SAM comprising its hilltop position and relationship to the valleys associated with the Lyd and Tamar rivers is important to understanding and appreciating its form and function. Also relevant is the relationship of the camp to the later surrounding settlement pattern and its heritage assets, as the fort continued to form a significant feature in the landscape during the centuries when the present pattern of villages, farms and agricultural landscape was developed. However, having regard to all of these factors, I do not consider that the proposed turbine would impinge materially on the setting of the SAM. Due to the folds of the land it would not be highly visible from the enclosure itself; only the upper part of the turbine would be seen, and then only over the intervening shoulder of the hill. Its presence would not interfere with its relationship to the valleys running northwards the Lyd or the Tamar to the south. Nor would the turbine interpose or impinge on any significant views towards the Camp, or detract from the appreciation and understanding of its presence in the landscape. I conclude that the setting and significance of this heritage asset would not be harmed by the proposal.
23. Where development would affect a listed building or its setting, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As such, considerable importance and weight attaches to this matter. The Grade I listed Church of St Michael de Rupe at Brentor is an important heritage asset and a highly prominent landmark on the western edge of the Dartmoor National Park. It has a striking position on top of a rocky outcrop and commands wide views across the landscape to the west and north, including towards the turbine site. The church's pre-eminence in the landscape is an important aspect of its religious, social and historical significance through time, and an important element of its setting. Views towards the church and views out from the site are relevant to the heritage asset's setting and significance.
24. The turbine site lies 5km from the church. No evidence has been presented to the effect that the turbine would impinge on or distract from any significant view of the church from within the surrounding landscape. My own observations in the field confirm that the turbine's position in the landscape relative to the church and distance from it are such that there would be no harm to the church's setting in these terms.

25. From the church itself, a primary aspect of its setting is its dominance over the surrounding landscape and the human activity it contains. Although there would be unobstructed views towards the turbine, the submitted photo-visualisation and wireframe representation confirm that at a distance of 5 km the turbine at 35m to blade tip would comprise a very small element within the wider scene. Its noticeability would be dependent on light and atmospheric conditions at the time, but also on its detailed colour and finish which can be controlled by condition. To the extent that the turbine would be visible in some conditions, I consider that given its distance and position on a lower shoulder of the broad mass of Ramsdown, and subject to control of colour/finish, it would not compete with the church for pre-eminence in the landscape or distract from the appreciation and understanding of this.
26. From the above I conclude that the proposal would have no material effect on the setting of the Grade I listed Church of St Michael de Rupe, and that the setting and significance of the heritage asset would not be harmed and would thereby be preserved.
27. Downhouse is Grade II listed as an attractive early C19 farmhouse with an unusual floorplan. It is located approximately 650m to the west of the site, at a slightly lower level on the northerly-facing slope of Ramsdown. At my site visit I observed that Downhouse is oriented away from the turbine site. Given its separation from Downhouse in the landscape, the turbine would not impinge on its setting within fields on the northerly slope of Ramsdown, below Ramsdown Plantation. The professional officer assessment on the application was that there would be no impact on the setting of Downhouse. I agree with that assessment. Although reason for refusal 2 states that the local planning authority is not satisfied that the turbine would not result in significant harm to the setting of Downhouse, no evidence has been produced by the Council pointing to any potential effect on its setting. I am satisfied that the setting of Downhouse would be preserved and that there would be no harm to the significance of the designated heritage asset.
28. In the light of the above I find that the development satisfies the requirements of policies CS SP18 and LP BE3 and BE7.

Renewable energy benefits

29. The proposed turbine would contribute to the production of energy from low carbon renewable sources, thereby assisting in climate change mitigation and contributing towards meeting UK targets for electricity production from renewable sources and reduction of CO₂ emissions. The turbine would contribute to satisfying the energy demands of the farm business in a more environmentally and economically sustainable manner, whilst surplus energy produced would feed into the grid.
30. I recognise that the scale of the contribution made by a 55kW turbine to renewable energy production would be modest. Nonetheless, the thrust of prevailing policies, at both national and local level, is supportive of small-scale renewable energy projects where there would not be unacceptable adverse effects.

Other matters

31. I have had regard to all other matters raised. The desk-based noise analysis for the proposed turbine indicates that, under worst case conditions when the property concerned is downwind of the turbine, the ETSU-R-97 simplified noise limit of 35 dB(A) $L_{A90(10min)}$ would be comfortably met for all non-financially involved properties in the vicinity of the site. With the imposition of a condition to enable any breach of this noise limit to be enforced, I consider the development to be acceptable in this respect. Whilst the operator of the holiday yurt accommodation business draws attention to their low acoustic attenuation compared to a dwelling of permanent construction, given the predicted scenario of only 30 dB(A) $L_{A90(10min)}$ at this location in worst-case downwind conditions I do not consider that occupants of the yurts would experience disturbance.
32. In the light of the level of landscape and visual effect I have identified I do not consider that the turbine would have a material adverse impact on the rural economy of the area by adversely affecting tourism. This conclusion applies both specifically in respect of the Devon Yurt business and in relation to the area more generally. Shadow flicker would not be an issue for any property due to the separation distances relative to the turbine's rotor diameter. The evidence does not point to any materially adverse ecological effects.
33. I note that Policy SP3 indicates that permission will only be granted if the developer has satisfactorily addressed a number of matters, including "the use of the most appropriate technology". The precise meaning of this is open to interpretation. Although some objectors have sought to argue that solar panels on the farm buildings would be a preferable alternative, I have no evidence to suggest that this would be a more appropriate technological solution in the circumstances of the case. The reasoned justification to policy SP3 refers to the West Devon Renewable Energy Potential Study, which highlights the benefits of local generation of renewable energy and concludes that wind power represents by far the biggest renewable potential in the Borough. The Council does not suggest that any other renewable technology would be more appropriate in this case. Although the information from the appellant on this point is limited, I do not consider that this renders the proposal seriously at odds with policy SP3, still less with the development plan read as a whole.

Overall balancing

34. On the main issues I find that the development would not have significantly adverse effects in terms of the landscape character of the area or visual impact. The development would not harm the special qualities of the Dartmoor National Park or conflict with the statutory purposes of its designation. It would have no adverse effect on the Tamar Valley AONB. As such the proposal would comply with landscape protection policy SP17. The proposal would not harm the setting of the Castle Park Camp SAM, the setting of Brentor Church or the setting of Downhouse. Whilst I am conscious of the statutory requirement to have particular regard to any harm, substantial or otherwise, that would be caused by a development to the setting of a listed building, my finding in this case is that there would be no harm and that the settings of the designated heritage assets in question would thereby be preserved. In respect

of these matters the proposal meets the requirements of development plan policies SP18, BE3 and BE7.

35. The proposal would bring positive benefits in terms of the delivery of electricity from a low carbon renewable source and a consequent contribution towards reducing greenhouse gas emissions. Whilst the scale of the benefits in these terms would be modest, I have concluded that this outweighs the proposal's limited adverse visual impact. Having regard to the balance of considerations in this case, I conclude that the proposal essentially complies with development plan policies SP1, SP3, SP11, and NE10. It is also consistent with the development principles set out in the NPPF.

Conditions

36. I have considered the conditions suggested by the Council in the event that the appeal is allowed. In doing so I have had regard to the established tests for conditions. In addition to the usual time limit for commencement and identification of approved drawings in order to define the permission, I shall impose conditions as sought by the local planning authority relating to restoration of the site at the end of the turbine's operational life and to ensure that the turbine operates within acceptable noise limits. In order to ensure that the turbine's potential visual impact is adequately mitigated in longer range views from Brent Tor and Dartmoor National Park I shall impose a condition to control the colour and finish of the turbine. However, I find no need for conditions relating to tree protection in the circumstances of the case.

Conclusion

37. For the reasons given, and having regard to all matters raised, I conclude that the appeal should be allowed, subject to the conditions imposed.

Alwyn B Nixon

Inspector