
Appeal Decision

Site visit made on 8 September 2015

by C J Anstey BA (Hons) DipTP DipLA MRTPI

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

Decision date: 2 November 2015

Appeal Ref: APP/Y2430/W/15/3035803

Mill House, Butt Lane, Wymondham, Leicestershire, LE14 2BU

- 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 Vincent Fletcher against the decision of Melton Borough Council.
 - The application Ref 14/00889/FUL, dated 30 October 2014, was refused by notice dated 22 December 2014.
 - The development is the installation of a roof-mounted 8kw solar photovoltaic system
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the setting of the Grade II* listed Wymondham Windmill, having regard to the public benefits arising from the scheme.

Reasons

Description

3. Wymondham Windmill and the associated Mill House stand in an elevated and prominent location on Butt Lane, to the north of Wymondham village. Mill House is a sizeable brick and slate building. It is not listed or within the curtilage of the listed windmill. The northern part of the building accommodates a range of uses associated with the **appellant's** tourist business, including a tea-shop, whilst the southern part is made up of a terrace of two-storey cottages. The thirty solar panels, each measuring 1648mm x 992mm x 40mm, are in place and attached to the south-east facing roof slope of Mill House.
4. Wymondham Windmill, a Grade II* listed building, is located just to the north-west of Mill House. It originally dates from around 1813 and was raised in the mid C19. Restoration was carried out in the late C20. It comprises a round tower of 5 stages and is built of coursed and squared ironstone and brick, and is partly rendered. It has a sheet-metal covered C20 ogee domed cap with finial. The cap has a fantail stage and a cross for 6 sails, although the sails are not in place. Many of the original internal fixtures and fittings are still in place and free public access is allowed for visitors.

Setting

5. It is accepted that no harm is caused to the structure of Wymondham Windmill itself. However the Council argue that harm is caused to the **windmill's** setting

and therefore its significance. **Section 66(1)** of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that 'in considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting' **Paragraph 132** of *the Planning Policy Framework (the Framework)* makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset great weight **should be given to the asset's conservation**. The more important the asset the greater the weight should be. It goes on to note that significance can be harmed or **lost through development within the asset's setting**.

6. Wymondham Windmill is one of only four six-sailed windmills remaining in the country. The windmill was constructed on high ground to the north of Wymondham village to take advantage of the prevailing winds. It continues to dominate the local landscape and constitutes an impressive and distinctive landmark. Its setting includes the surrounding agricultural land as well the buildings to the south, including Mill House. This setting is of considerable visual importance to the significance of the windmill as it allows an appreciation of this heritage asset and its elevated position from a number of viewpoints, both nearby and further afield. Consequently great care must be exercised when locating new development within this setting to ensure that key views are not obscured or degraded.
7. When viewed from the south-east, including from Butt Lane, the lower part of the tower of the windmill is obscured by Mill House. However the upper part of the tower and the cap are still clearly visible. The elevations and roof-scape of the cottages within Mill House are **an important part of the windmill's setting** and a significant component of the view of the upper part of the windmill from the south-east. Before the addition of the solar panels the slate roof of the cottages would have provided a simple and unadorned foreground to the upper part of the tower and cap of the windmill. As a result the roof-scape would not have unduly detracted from this key view of the windmill. The installation of the solar panels has introduced a distracting and incongruous element into the immediate surroundings of the windmill, thereby degrading the key view of the upper part of the tower and the associated cap from the south-east. I do not consider that the dark colour of the panels or the domestic appearance of the cottages mitigates this harm. Consequently the solar panels are detrimental to the setting of the Grade II* listed building and therefore harmful to the significance of this designated heritage asset. Although the panels are not visible in other key views of the windmill and no alternative locations appear to be available this does not lessen the harm identified.
8. Although, having regard to the nature of these impacts and the guidance in *the Framework*, the harm to the significance of the building is less than substantial it, nevertheless, constitutes real harm. Where a development proposal would **lead to 'less than substantial harm' to the significance of a heritage asset** **paragraph 134** of *the Framework* makes it clear that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Public benefits

9. The solar panels are designed to supplement the energy supply to the tea rooms and reduce the operating costs of the business. It is argued for the

appellant that this would enable more to be spent on the upkeep and restoration of the windmill, thereby assisting in its long-term preservation and enabling the continuation of public access. In particular urgent works to the cap and windows are required and it is intended to introduce interactive boards to explain the history and significance of the windmill.

10. **The appellant's commitment to the long-term** maintenance of the windmill and the continuation of public access is warmly welcomed. In my view, however, it is unclear from the material submitted the potential cost savings arising from the installation of the solar panels and how much of this would be directed towards the windmill. Although figures as to the total costs of the proposed works are submitted (i.e. £80,000) of which 40% will be funded by the appellant and some from grant aid, no figures are supplied as to the contribution that would arise as a result of the savings from the solar panels. As a result it is not possible to determine whether the contribution would be of such significance as to secure the future conservation of the windmill or guarantee future public access. Even if there was clarity as to the likely contribution there is no mechanism in place for ensuring that any savings are steered towards the proposed works to the windmill. Similarly it has not been demonstrated that the appeal scheme secures the optimum viable use of the windmill. In the light of this, little weight can be attached to the argument that the solar panels are required to ensure the future of the windmill. Notwithstanding this, given the contents of the **Framework**, I give some weight to the benefits of generating electricity from solar panels and the contribution that this would make to reducing greenhouse gas emissions.

Overall balancing exercise

11. Given the statutory duty to have special regard to the desirability of preserving a listed building or its setting, and recent case law, any harm to designated heritage assets should be given considerable weight and importance in the balancing exercise. Consequently I attach such weight to the harm caused by the solar panels to the setting of the Grade II* listed windmill and the significance of this designated heritage asset.
12. On the basis of the material before me I have found that little weight can be attached to the argument that the solar panels are required to ensure the future of the windmill. Although some weight needs to be attached to the benefits of generating electricity by way of solar panels I do not consider that this outweighs the harm caused to the setting of the Grade II* listed Wymondham Windmill.

Conclusion

13. I conclude, therefore, on the main issue that the development fails to preserve the setting of the Grade II* listed Wymondham Windmill and that the public benefits do not outweigh the harm identified. Consequently the proposal does not accord with national planning policy relating to the protection of heritage assets. These findings constitute compelling grounds for dismissing the appeal. None of the other matters raised, including the limited life span of the panels, outweigh the considerations that have led to my decision.

Christopher Anstey

Inspector