
Appeal Decision

Site visit made on 28 January 2014

by **S R G Baird BA (Hons), MRTPI**

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

Decision date: 26 March 2014

Appeal Ref: APP/D0840/A/13/2204465

St Eval Recycling Centre, St Eval, Cornwall PL27 7UL

- 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 W Doble against the decision of Cornwall Council.
 - The application Ref PA13/01624, dated 22 February 2013, was refused by notice dated 14 August 2013.
 - The development proposed is the erection of a wind turbine with a maximum height to tip of 61m with associated infrastructure, crane pad, access track and transformer housing.
-

Preliminary Matters

1. The development plan includes saved policies of the North Cornwall District Council Local Plan – April 1999 (LP). The decision notice issued in August 2013 has a schedule attached headed “Relevant Planning Policies” which includes several policies in the emerging Cornwall Local Plan – Pre-Submission Document 2013 – Strategic Policies (ELP) and copies of these policies were included with the Appeal Questionnaire. However, neither the Reasons for Refusal (RfR) nor the local planning authority’s (lpa) Statement make reference to the ELP. The ELP is at a very early stage of preparation and may be subject to objection and change. Accordingly, having regard to the advice at paragraph 216 of the National Planning Policy Framework the weight to be attached to the ELP where relevant is limited.
2. In reaching conclusions on the matters at issue, I have had regard to, and have taken full account of, the written ministerial statement issued on 6 March 2014 regarding the Planning Practice Guidance (PPG) which contains guidance on Renewable and Low Carbon Energy and the cancellation of *Planning Practice Guidance for Renewable and Low Carbon Energy- July 2013*. I also considered whether it was appropriate to give the parties an opportunity to comment on the ministerial statement/Planning Practice Guidance and concluded there was no need as the matters were already covered in the evidence.
3. The parties were also given an opportunity to comment on the judgement in the Court of Appeal¹ on Barnwell Manor Wind Energy versus East Northamptonshire District Council, English Heritage, National Trust and the Secretary of State and any implications for this appeal. I have taken the responses into consideration.

¹ [2014] EWCA Civ 137

Decision

4. The appeal is dismissed.

Main Issues

5. The effect on the setting and significance of the Parish Church of St. Eval, a Grade I Listed Building and the effect on the character and appearance of the area having regard to its location close to the Cornwall Area of Outstanding Natural Beauty (AONB).

Reasons

Setting and Significance of the Parish Church of St Eval

6. Some 800m to the east of the turbine site is the Parish Church of St. Eval, which dates from the late 11th/early 12th century and is a Grade I Listed Building. Several headstones and chest tombs within the church yard are Grade II Listed. The former Vicarage located some 300m to the north-west of the Church has a Scheduled Ancient Monument (SAM) within its grounds. In addition to its medieval origins, the Church has a well documented historical association with the former Second World War St Eval Air Base, which was developed on the adjoining land. In addition to being a Parish Church, St Eval was used as the station church for wartime RAF personnel and it continues to display and reflect its long and strong association with the former air base. The church yard, which overlooks the appeal site, includes the graves of RAF personnel who lost their lives during the conflict. These are factors that are not referred to in the Historic Environment Assessment (HEA) undertaken by the appellant. Moreover, it is clear from the submissions received that many still regard the association of the Church and its War Graves with the former air base and its isolated setting as a historic and poignant symbol of the Second World War.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker 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. LP Policy ENV12 indicates that development proposals will not be permitted where they would adversely affect the character or appearance of a Listed Building or its setting.
8. Paragraphs 132 and 134 of the Framework indicate that when considering the impact of a development on the significance of a designated heritage asset (HA) great weight should be given to its conservation. Paragraph 132 says that a Grade I Listed Building and a SAM are HAs of the highest significance, that significance can be harmed through development within their setting and that substantial harm should be wholly exceptional. Where development would lead to substantial harm to the significance of a designated HA, the Framework says that permission should be refused unless that harm is necessary to achieve substantial public benefits that outweigh the harm. Where a scheme would lead to less than substantial harm to significance, the harm should be weighed against the public benefits of the proposal. The HEA identified HAs and non-designated assets in the area and assessed their significance. Based on a methodology set out in English Heritage's, "The Setting of Heritage Assets", the study assessed their setting, what degree the

settings make a contribution to the HAs and the effect of the proposed development on significance.

9. LP Policy ENV14 indicates that developments affecting nationally important archaeological and historical remains will not be permitted unless there would be no significant damage to, or adverse effect on, a site or its setting. In terms of archaeological remains, the Planning Officer's report identifies that the appeal site was once within the envelope of the air base, is now adjacent to a go-kart and recycling centres and, given the limited footprint of the development, that the potential for encountering unrecorded archaeological deposits was low; a conclusion the appellant's HEA agrees with. Although Policy ENV14 deals with archaeological HAs, the RfR and the lpa's subsequent statement only identifies the effect on the Church as being of concern. I have no reason to disagree with the lpa's and the appellant's conclusion regarding archaeological remains and my assessment concentrates on the effect on the setting of the Listed Building.
10. Although the Church was built as part of the settlement of St Eval, it now sits isolated on an exposed plateau and is prominent in the landscape which forms its setting. I appreciate that, with the separation of the Church and village, the presence of the adjoining transmitter station, the proximity of the Bears Down Wind Farm some 3.5km to the south-east on higher ground and the go-kart and recycling centres to the west, the original setting has changed. Notwithstanding that the setting of the Church has been altered, consideration still has to be given to the whether the change brought about by the turbine would further detract from the significance of the asset.
11. Approaching the Church from the west, it is seen in some views in the context of the transmitter masts and from some against the backdrop of the turbines at Bears Down. Whilst the setting of the Church in this approach is clearly compromised, I disagree with the appellant's conclusion that the addition of the turbine would form only a "minor deleterious" addition to the setting. In the approaches from the west the turbine, which would be some 3-times the height of the Church tower, would be prominent in the foreground where it would have a greater visual presence that would be exacerbated by the rotating blades that would draw attention away from the appreciation of the Church. In this context, I consider the turbine would have a significant adverse impact on the setting and significance of the Church. In the approach from the west, the Church is seen against the open and largely unobstructed plateau to and the skyline of the coast. In these views, and the views from the church yard the turbine would be prominent and its effect exacerbated by the rotating blades such that it would have a substantial negative effect on the setting and historical significance of the Church. Thus, whilst acknowledging that the setting of the Church is compromised by more recent developments and noting the lack of objection by English Heritage, given the prominence of the turbine and the distraction of the rotating blades, the harm to the setting and significance of the Listed Building would, in my view, be substantial.

Landscape and Visual Impact

12. LP Policy ENV1 indicates that development proposals near to the AONB will not be permitted where they would adversely affect the character and amenity of these areas. LP Policy TRU4 says that proposals for individual

wind turbines on sites outside the AONB boundary will be permitted where, amongst other things and having regard to the provisions of Policy ENV1, they do not adversely affect residents' living conditions and the site is suitable for wind energy generation. Moreover, the supporting text to Policy TRU4 says that due to their visual impact, there are unlikely to be suitable sites close to the AONB boundary where turbines would not have a fundamental impact on the intrinsic character of the area.

13. The appeal site is located within the Trevoze Head and Coastal Plateau Landscape Character Area, which has as 2 of its defining characteristics the gently rolling, exposed plateau and the coastline of cliffs and heads, and includes parts of the AONB and the South West Coastal Path. This area is identified as having moderate to high sensitivity to wind turbines. Here, the objective is to ensure that wind energy development does not dominate or prevent the understanding/appreciation of landmarks on the skyline.
14. Paragraphs 5.9.12 and 5.9.13 of National Policy Statement (NPS) - Overarching National Policy Statement for Energy July 2011, which remains extant, refers to developments outside nationally designated areas i.e. AONBs. The NPS indicates that whilst development should avoid compromising the purposes of designation, the fact that a project would be visible from within a designated area should not in itself be a reason for refusing consent.
15. The ZTV² of the proposed turbine encompasses 4 sections of the Cornwall AONB. These are the St Agnes section some 19km to the south-west, the Pentire to Widemouth and the Camel Estuary sections to the north-east at some 12.4 km at 5.4km respectively and the Trevoze Head to Stepper Point section located some 320m to the west³. Whilst the ZTV maps suggest that parts of the turbine might be seen from the St Agnes, the Pentire to Widemouth and the Camel Estuary sections of the AONB they do not take account of the potential screening effect of buildings or the significant screening afforded by the traditional Cornish Hedgerow. Therefore, given the substantial distances to these sections of the AONB at some 5.4 to 19km, the small scale of the turbine and the mitigating effects of topography and intervening planting, the turbine would, in my view, would almost be imperceptible and would have no adverse impact on the landscape setting or qualities that gave rise to the designation of these sections of the AONB.
16. The greatest potential for impact is on the section of the AONB to the west and that section of the Coastal Path that runs along the rugged cliffs and headlands of Trevoze to Stepper Point. Walking this part of the path, I formed the clear impression that the key qualities of this section lay in its ruggedness and the panoramic views largely to the west over the sea. Whilst parts of the turbine would be visible from some parts of this area and the Coastal path, the degree of separation to its inland location would be such that it would not detract significantly from the special quality or attractiveness of this area. On the coast road and some of the roads that fan inland, there would be greater awareness of the turbine. However, it struck me that the scale of the turbine set against, in some cases, the backdrop of Bears Down and the scale of the landscape/sky that the turbine could be accommodated without significant adverse effects on the character of the landscape or result

² Zone of Theoretical Visibility

³ Taken from the Planning Officer's Report

in unacceptable visual impacts on those moving through the landscape on foot or in vehicles. Thus, given the nature of the proposal, I conclude that the significance of the impact on the area and particularly the Stepper Point section would be moderately adverse.

Other Considerations

17. Given the degree of separation, and the orientation of some properties and the relative height of the proposed turbine, I consider there would be no material impact on the living conditions of residents in terms of noise or the turbine appearing dominant or overbearing. Particular concern has been expressed about the impact of the turbine on tourism and in particular the attractiveness of holiday accommodation at The Inn at Bedruthan. The Inn is located on the coast road some 1km to the west of the proposed turbine where the majority of views from the accommodation and camp site are orientated to the west. Whilst I can understand the concerns of the owner, those parts of the accommodation that would overlook the turbine site also have direct and uninterrupted views of the turbines at Bears Down and the transmitter masts at St Eval. Whilst the turbine would be in the foreground of these elements, the degree of separation would be such that there would be no adverse effect on the attractiveness of the holiday accommodation.
18. The promotion of renewable energy projects and tackling the effects of climate change are key Government policies and a statutory requirement. One of the Framework's core principles is that planning should support the transition to a low carbon future through, amongst other things, the development of renewable energy and recognises that small-scale projects provide a valuable contribution to cutting harmful emissions. The electricity generated would reduce the appellant's dependency on imported energy; particularly through the conversion of some of the diesel powered machinery to run on electricity. The development would offer an opportunity for the recycling operation to diversify providing stability of employment and the potential to increase employment in an area of limited employment opportunity. It is estimated that the turbine would reduce carbon emissions by some 800 tonnes per annum and surplus electricity would be exported to the national grid. These are public benefits that attract substantial weight.

Planning Balance

19. Having regard to the duty placed on the decision maker by S66(1), considerable weight is to be attached to the desirability of preserving the setting of a Listed Building and the presumption against such development. Paragraph 132 of the Framework identifies significance can be harmed through, amongst other things, development within its setting. Paragraph 132 goes on to say that Grade 1 Listed Buildings are of the highest significance and that substantial harm to such assets would be wholly exceptional. Permission should be refused, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. Here, whilst the public benefits in terms of renewable energy and employment stability/generation are significant and ones which I do not dismiss lightly, I consider these benefits do not outweigh the substantial harm to the setting and historical significance of this Grade 1 Listed Building and the adverse impact, albeit moderate, to the appearance of the area including the AONB. Accordingly and having taken all other factors

into consideration, I conclude that the proposal does not preserve the setting of the Parish Church of St. Eval and would conflict with S66(1), the objectives of the development plan and the Framework.

George Baird

INSPECTOR

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer

Services Department:

Telephone: 0870 333 1181

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: customers@english-heritage.org.uk