

PLANNING APPEAL DECISION

Lead Officer Tony Pomfret – Development Control Manager

To inform Members of a recent appeal decision in respect of a site at Yeorton Hall Farm, Egremont

Recommendation: That the decision be noted in the context of the Council's Local Plan Policies and also in relation to performance monitoring.

Resource Implications: Nil

1.0 SUPPORTING INFORMATION

1.1 Planning permission to erect three 15m high micro wind turbines on agricultural land to the north west of Yeorton Hall, an isolated farm situated to the north west of Egremont, was refused on 2 June 2011 for the following reason:-

“The proposed siting of three large turbines, each approximately 20m in overall height, would introduce isolated, prominent features, incongruous in their surroundings, which would have a materially harmful effect on the character and appearance of the surrounding rural landscape contrary to Policies EGY1 and EGY2 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) and the advice contained in Planning Policy Statement 22 “Renewable Energy”.

1.2 A subsequent appeal against the decision has been **allowed**.

1.3 The Inspector was of the view that although there were no vertical structures in the landscape of comparable significance, the slender nature of the towers, the limited spread of the rotors and the spacing of the turbines would maintain the essential characteristics of the landscape. He felt that the turbines would not be dominant or intrusive as they would be seen against the strong built form of nearby Beckermat Industrial Estate and a partial backdrop of rising ground and tree cover. As a result he concluded that the turbines would not have an adverse effect on the character and appearance of the landscape and therefore accord with Local Plan policies.

Contact Officer: Heather Morrison, Senior Planning Officer

Background Papers: A copy of the Inspector's decision letter is appended



Appeal Decision

Site visit made on 7 November 2011

by **David M H Rose BA (Hons) MRTPI**

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

Decision date: 16 November 2011

Appeal Ref: APP/Z0923/A/11/2157523

Yeorton Hall Farm, Oaklands, Egremont, Cumbria, CA22 2NX

- 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 John Hewitson against the decision of Copeland Borough Council.
 - The application Ref 4/11/2183/0F1, dated 15 April 2011, was refused by notice dated 2 June 2011.
 - The development proposed is the construction and installation of 3 No. Proven 35-2 15m high tower micro wind turbines.
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Decision

1. The appeal is allowed and planning permission is granted for the construction and installation of 3 No. Proven 35-2 15m high tower micro wind turbines at Yeorton Hall Farm, Oaklands, Egremont, Cumbria, CA22 2NX in accordance with the terms of the application, Ref 4/11/2183/0F1, dated 15 April 2011, 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:-
 - (i) Location Plan (Drawing No. LOC);
 - (ii) Block Plan (Drawing No. 1); and
 - (iii) Elevation Drawing (Drawing No. P35-2 Planning).
 - 3) No development shall take place before the colour of the rotor blades has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) If any turbine ceases to be operational for a continuous period of six months it shall be dismantled and removed from the site and that part of the site shall be restored in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall be submitted to the local planning authority within two months after the expiry of the six month period; and the relevant turbine shall thereafter be removed and that part of the site shall be restored in accordance with the approved scheme.

Main Issue

2. The main issue is the effect of the proposed turbines on the character and appearance of the landscape.

Reasons

3. Looking first at the character of the landscape the 'lowland ridge and valley' type is a distinctive large scale and open landscape with simple farmed uses. The landscape in the immediate vicinity of the appeal site also comes under the influence of a group of substantial buildings on the nearby Beckermet Trading Estate.
4. Although the proposal would introduce tall structures into part of the landscape, where there are no vertical structures of comparable significance, the slender nature of the towers, the limited spread of the rotors and the spacing of the turbines would maintain the essential characteristics of the landscape.
5. The landscape type is recorded as being sensitive to change with a need to control tall structures so as to maintain views. However, no notable views are recorded and views within and across the landscape type have to be considered in the wider context of the industrial estate to the north and the more distant presence of the Sellafield nuclear reprocessing facility to the south.
6. In this regard the proposed turbines would not change the key characteristics of the landscape type and there is nothing to suggest that the landscape does not have the capacity to accommodate the proposal without impinging to a material degree on specific or general views.
7. Turning to the visual effects, the proposed turbines when viewed from the vicinity of Haile would be seen in a setting of strong built form with the dominant presence of the buildings of the industrial estate and a partial backdrop of rising ground and associated tree cover.
8. Moving south along the C4016 significant foreground hedgeline and tree cover would limit the impact of the proposed turbines and the hillside to the west, with its skyline trees, would provide a robust landscape framework. In turn, approaching the A595, the turbines would have a foreground of substantial farm sheds, woodland and the industrial estate buildings in the background.
9. Along the A595 itself, the tall roadside hedgerow would provide strong filtering; and in views from the public footpath to Haile the proposed turbines would, again, have a well-formed background.
10. All these factors combine to show that the proposed turbines would not be dominant or intrusive in the landscape. In addition, whilst they would stand alone between Yeorton Hall Farm and the industrial estate, it cannot be said that they would appear isolated or prominent given the presence of these nearby groups of buildings and the containing effect of the landscape when viewed from the east and the south.
11. I therefore conclude that the proposed turbines would not have an adverse effect on the character and appearance of the landscape and the development would be in accordance with Saved Policies EGY 1 and EGY 2 of the Copeland Local Plan 2001 - 2016.

12. I also find no material conflict with Planning Policy Statement 22: Renewable Energy in that the environmental effects have been addressed satisfactorily.
13. My attention has been drawn to several decisions where planning permission has recently been granted for wind turbines. However, these provide no meaningful support for this project as site specific characteristics form the basis for assessment.
14. As to the conditions suggested by the Council, the reason for seeking to limit the permission to a period not exceeding 20 years is 'to ensure that possible dereliction is avoided'. This appears to be an arbitrary period and there is nothing within the application to indicate that permission is sought for a time-limited period.
15. In any event the objective of avoiding dereliction could be achieved by imposing a condition requiring the removal of any turbine which ceases to be operational for a minimum period of six months. This would be consistent with Saved Policy EGY 2 of the Copeland Local Plan 2001 - 2016. The condition needs to define the period in which a scheme of restoration is to be submitted for precision and enforceability.
16. It is necessary to list the approved drawings for the avoidance of doubt and in the interests of proper planning; and also to impose a condition requiring agreement on the colour of the rotors as the Design and Access Statement and the turbine drawing, indicate these to be either black or white.
17. Having considered these and all other matters raised, I am satisfied that there is nothing of sufficient weight or materiality to change my decision to allow this appeal.

David MH Rose

Inspector