

PLANNING APPEAL DECISION

Lead Officer Tony Pomfret – Development Control Manager

To inform Members of a recent appeal decision in respect of land near to 5, Ellerbeck Barns, 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 for the erection of a micro wind turbine to generate electricity on agricultural land near Ellerbeck Barns off the B5345 near Egremont was refused in May this year for the following reason:-

"The proposed siting of a 15 m high wind turbine in such a visually sensitive setting in open countryside designated 'Landscape of County Importance' would introduce an isolated and prominent feature incongruous in its surroundings which would have a materially harmful effect on the character and appearance of the surrounding rural landscape contrary to Policies EGY 1, EGY 2 and ENV 6 of the adopted Copeland Local plan 2001-2016 and the advice contained in PPS 22 'Renewable Energy'.

1.2 A subsequent appeal against the decision has been allowed.

1.3 In reaching his decision the Inspector was of the opinion that local topography would limit the extent the turbine would be visible in the wider landscape. This together with the slim profile of the monopole and its modest height would limit the visual impact of the proposed development to the extent that it would not have an adverse impact on the character and appearance of the area.

1.4 A copy of the Inspector's decision letter is appended to this report.

Contact Officer: Heather Morrison, Senior Planning Officer

Background Papers: Planning Application file ref 4/11/2111/0



Appeal Decision

Site visit made on 16 August 2011

by Mr A Thickett BA(Hons) BTP MRTPI DipRSA

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

Decision date: 9 September 2011

Appeal Ref: APP/Z0923/A/11/2154346

5 Ellerbeck Barns, Egremont, Cumbria, CA22 2UA

- 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 Antins against the decision of Copeland Borough Council.
 - The application Ref 4/11/2111/0F1, dated 15 March 2011, was refused by notice dated 13 May 2011.
 - The development proposed is the erection of a micro wind turbine to generate electricity.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a micro wind turbine to generate electricity at 5 Ellerbeck Barns, Egremont, Cumbria, CA22 2UA in accordance with the terms of the application, Ref 4/11/2111/0F1, dated 15 March 2011 and 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: 0130-AD-00174/D/01 and the site plan titled 5 Ellerbeck Barns, dated 15-3-2011.
 - 3) Within 6 months of the wind turbine hereby permitted ceasing to be used for the generation of electricity, the apparatus hereby permitted shall be permanently removed from the land and the site restored to its condition prior to the development taking place.

Main Issue

2. The main issue is the impact of the proposed wind turbine on the character and appearance of the area.

Reasons

3. The proposed turbine would be installed on a 12m monopole mast; it would have 3 blades with a rotor diameter of 5.5m giving an overall height of around 15m. The turbine would be sited in a long narrow field which borders the B5345 and would be around 100m to the north west of the group of buildings known as Ellerbeck Barns.
4. The site lies in a 'Landscape of County Importance' as designated by the Copeland Local Plan 2001-2016, adopted 2006 but Planning Policy Statement 22; Renewable Energy warns that local landscape designations should not be

used in themselves to refuse planning permission for renewable energy developments. Whilst the emerging National Planning Policy Framework (NPPF) advocates the protection and enhancement of the character of the undeveloped coast and its distinctive landscapes it does not preclude development in those areas. Further, as it is subject to change, I cannot be certain that the NPPF will be adopted as it stands and I afford it little weight.

5. The proposed turbine would be sited in a valley which falls from north west to south east. Approaching from St Bees, long distance views would be limited by the topography and the turbine would also be shielded by the hillsides rising to the to south west and north east. Approaching from Egremont, the cluster of buildings at Ellerbeck Barns and mature trees would mean that the turbine would be largely hidden until one nears the site. At that point it would be partly screened by the tall hedge which borders the road and seen against the rising hillside beyond.
6. Although there are no vertical features of a similar stature in the immediate vicinity, there is a line of electricity pylons to the east. The Council accept that the turbine would be set below the skyline and, as indicated above, local topography would limit the extent that it is visible in the wider landscape. This together with the slim profile of the monopole and its modest height would limit the visual impact of the proposed development to the extent that it would not have an adverse impact on the character and appearance of the area.

Other matters

7. The proposal before me is significantly different to the scheme dismissed by my colleague in January this year (APP/Z0923/A/10/2138140). In that case the turbine was proposed to be sited further up the hillside and was taller (25m overall). The turbine would be sited 5m from the shared boundary with the B5345. The Highway Authority considers that the turbine should be located 15m from the road. Reasons for refusal should be precise, specific and complete. Highway safety was not cited as a reason for refusal and I have read nothing to indicate that the turbine is likely to fall over and endanger users of the adjoining highway.

Conditions

8. I have considered the Council's suggested conditions in light of the advice in Circular 11/95. Given my conclusions regarding the impact of the proposal on the character and appearance of the area, I see no need to grant a temporary planning permission. I consider that it is necessary, in the interests of the visual amenity of the area, to require the removal of the turbine should it cease to be operational. However, given the likely limited works necessary to install and dismantle the turbine, I see no need to require a restoration scheme.

Conclusions

9. For the reasons given above and having regard to all matters raised, I conclude that the proposed development accords with Policies ENV 6, EGY 1 and EGY 2 of the Local Plan and that appeal should be allowed.

Anthony Thickett

Inspector