

**PLANNING APPEAL DECISION**

**Lead Officer:** John Groves – Head of Nuclear, Energy & Planning

To inform Members of a recent appeal decision in respect of a site at High House Farm, Wilton; 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 single 34.4m high wind turbine on agricultural land in an elevated location at Wilton and to the east of the applicant's farmstead was refused on 31 January 2013 for the following reason:-

"The proposed siting of a single turbine, some 34.4 metres in overall height, would introduce an isolated, prominent feature incongruous in its surroundings which would have a materially harmful effect on the character and appearance of this sensitive rural landscape which is designated 'Landscape of County Importance' and would lead to an unacceptable adverse visual impact on the immediate and wider rural landscape contrary to the National Planning Policy Framework and Policies EGY 1, EGY 2 and ENV 6 of the adopted Copeland Local Plan 2001-2016."

1.2 A subsequent appeal against the decision has been DISMISSED.

1.3 In summing up, whilst the Inspector notes that the proposed turbine would have the undoubted benefit of helping to meet the need for renewable energy, as is made clear in the Written Ministerial Statement of July 2013, this does not automatically override environmental protection. In this instance, the local landscape is a valued feature and the significant harm the proposed turbine would cause to its character and appearance outweighs the wider community benefits of that turbine.

**Contact Officer:** Rachel Wilcock – Planning Officer

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



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## Appeal Decision

Site visit made on 19 November 2013

by **R J Yuille MSc Dip TP MRTPI**

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

Decision date: 3 January 2014

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**Appeal Ref: APP/Z0923/A/13/2193292**

**High House, Wilton, Egremont, CA22 2PJ**

- 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 T Dixon against the decision of Copeland Borough Council.
  - The application Ref: 4/12/2547/OF1, dated 21/11/12, was refused by notice dated 31/01/13.
  - The development proposed is the erection of wind turbine (24.8m to hub; 34.4m to maximum blade tip height), resubmission.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this appeal is whether or not the proposed turbine would have a significantly harmful effect on the character and appearance of the landscape and, if it would, whether this would be outweighed by its wider community benefits.

### Reasons

#### *Policy*

3. Paragraph 215 of the National Planning Policy Framework (the Framework) allows weight to be given to relevant policies in plans, such as the Copeland Local Plan, according to their degree of consistency with the Framework. In this instance policies EGY 1 and EGY 2 of this plan, which deal with renewable energy in general and wind energy in particular, do not make explicit the need to balance any harm to the landscape against any wider community benefits that would flow from wind turbines. In this respect they are not consistent with the Framework which, when read as a whole, balances the requirement to protect and enhance valued landscapes (paragraph 109) with the requirement to secure radical reductions in greenhouse gas emissions and support the delivery of renewable energy infrastructure (paragraph 93). That being so I will give more weight to the Framework than to the quoted policies.
4. The Council also refers to Policy ENV 6 which seeks to protect Landscapes of County Importance. However, the appellant points out that this local landscape designation is no longer supported by the County Council which recommends that such landscape be looked at in the same way as it would for any application – an approach taken by the Council in determining other

planning applications. This is not disputed by the Council and consequently I will attach little weight to Policy ENV 6 in determining this appeal.

*Landscape*

5. The proposed turbine would be set in the rolling, Cumbrian foothills in an area of farmland where large fields are divided by hedges, fences and walls and interspersed with pockets of woodland and coniferous plantations. While this is a predominantly agricultural landscape, it contains a number of dwellings and large agricultural buildings. It is also possible, from elevated points, to look out from these foothills over the more heavily developed coastal strip, views that encompass the town of Egremont and the nuclear power station at Winscale. Nonetheless, taken as a whole, this is a secluded, intimate and extremely attractive landscape, albeit one that the Cumbria Wind Energy Supplementary Planning Document identifies as having a low to moderate landscape capacity – in other words a landscape in which there is no objection in principle to a single turbine of the size proposed.
6. However, in this instance the turbine would be set in an isolated position high on a prominent hillside. It would be intermittently visible from various positions on Limekiln Lane, the unclassified road that skirts the field in which the turbine would be placed. Because of its height and proximity the proposed turbine would be a dominant feature in such views. It would also be clearly visible from the road running in front of Grange Farm and the road which runs away from Grange Farm up the slope to the south. Although from most of these viewpoints the turbine would not break the skyline, it would be a prominent and intrusive feature that would clutter views of the hillside when seen from the south west. The proposed turbine would, therefore, have a significantly harmful effect on the character and appearance of the landscape in the area.

*Wider Community Benefits*

7. It is estimated that the proposed turbine would generate enough electricity to meet the needs of 40 houses without producing any carbon dioxide in the process. It has been suggested that this figure is an overestimate as it is based on rated output and does not take account of either the load factor or the availability factor. However, even if this were so, the Framework makes clear (paragraph 98) that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Consequently I attach considerable weight to the wider community benefits that would result from the cut in greenhouse gas emissions that this proposal would provide.

*Balancing Exercise*

8. The proposed turbine would have the undoubted benefit of helping to meet the need for renewable energy. However, as is made clear in the Written Ministerial Statement of June 2013, this does not automatically override environmental protection. In this instance, the local landscape, while not formally designated, is a valued feature and I consider that the significant harm the proposed turbine would cause to its character and appearance outweighs the wider community benefits of that turbine. In this respect the proposed turbine would run counter to the relevant aims of the Framework.

*Conclusion*

9. For the reasons set out above, and having regard to all other matters raised, including the fact that there was a measure of local support as well as

opposition to the proposed development, I conclude that the appeal should be dismissed.

*R J Yuille*

Inspector