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# Appeal Decision

Site visit made on 11 June 2014

**by Paul Jackson B Arch (Hons) RIBA**

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

**Decision date: 29 July 2014**

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**Appeal Ref: APP/D2510/A/14/2214037**

**Calcethorpe House Cottage, Calcethorpe, Louth LN11 0SN**

- 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 Milligan Manby Farm Partners against the decision of East Lindsey District Council.
  - The application Ref N/093/01783/13, dated 11 September 2013, was refused by notice dated 2 December 2013
  - The development proposed is erection of a Tozzi Nord TN535 10kw wind turbine with a hub height of 15 metres and a tip height of 21.6 metres.
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## Preliminary matters

1. The above description is a shortened version of that on the application form. I have taken the whole description into account.
2. Planning Practice Guidance (planning guidance) was issued in March 2014 and replaces a raft of previous planning policy documents and Circulars. Comments were invited on the implications of the guidance on this case and these have been taken into account.

## Decision

3. The appeal is dismissed.

## Main Issues

4. The main issues in this appeal are as follows:
  - The effect of the proposed development on landscape character and visual amenity;
  - The effect on the setting of heritage assets;
  - The effect on the living conditions at nearby dwellings; and
  - Whether any harm caused would be outweighed by the production of renewable energy.

## Reasons

### *The site and its surroundings*

5. The appeal site consists of an arable field a short distance north west of Calcethorpe House Farm in the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). The farmstead lies in an elevated position and is associated

with a copse of trees, making it a point of reference in the landscape visible from some distance, but particularly from the A631 road which runs past about 370 metres (m) to the north. It is also at a high point seen from the south from the Viking Way, a long distance trail that starts at Barton on Humber and ends in Oakham.

6. The surrounding landscape consists mostly of open arable fields typical of the northern end of the AONB. Far reaching views are available from the area towards Louth and the coast. Houses and farms are sparsely located.

#### *Planning policy*

7. The development plan for the area consists of the saved policies of the East Lindsey Local Plan Alteration of 1999 (LP). A replacement Local Development Framework is in the course of preparation and a draft revised Core Strategy (CS) has been the subject of public consultation. The representations indicate that this is progressing but as it has not yet been examined in public, it cannot be given any significant weight. No CS policies have been referred to in the reasons for refusal but I have had regard to draft policies SP7, SP15 and SP19 referred to by the Council in its representations.
8. LP policy A4 seeks to protect the general amenities of people living near to new development. Policy A5 concerns the quality and design of development, advising that development will be permitted only, amongst other things, where its design does not detract from the distinctive character of the locality. The explanatory text says that the greatest attention will be paid to the design of development in statutorily designated areas such as the AONB. With respect to the AONB, LP policy C11 says in Part A that the Council will protect the natural beauty of the AONB by not permitting development which would harm the distinctive character, role or regional or local historic significance of the area or inhibit the quiet enjoyment of the AONB. Part B says that certain kinds of development will not be permitted in the AONB unless it is essential in the national or wider public interest and cannot be located elsewhere, such as exposed or 'skyline' development. As far as relevant to this application, small scale development will be permitted in the AONB if it does not harm the quiet enjoyment or the distinctive character of the AONB.
9. LP policy C2 is referred to in the reasons for refusal and concerns listed buildings. Development that affects the setting of a listed building will only be permitted where it preserves or enhances its special architectural or historic interest.
10. The National Planning Policy Framework of 2012 (the Framework) is a material consideration. Paragraph 115 says that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Chapter 10 draws attention to the need to secure radical reductions in greenhouse gas emissions and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy; which paragraph 98 indicates should be approved<sup>1</sup> if its impacts are (or can be made) acceptable. Paragraph 132 says 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

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<sup>1</sup> Unless material considerations indicate otherwise

important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

11. The planning guidance says that the need for renewable or low carbon energy does not automatically override environmental protections; and local topography is an important factor in assessing whether wind turbines could have a damaging effect on landscape and that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas. It also states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting; proposals in AONBs, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration; and protecting local amenity is an important consideration which should be given proper weight in planning decisions.
12. The planning guidance specifically states that as the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset.
13. I have also given significant weight to the Lincolnshire Wolds AONB Management Plan 2013-2018 which has been adopted by the Council and neighbouring Councils as well as the County Authority. This recognises the pressures for change within the AONB whilst maintaining the primary function of safeguarding its natural beauty. One policy particularly relevant to this application is PP7 which seeks to ensure a general presumption against wind energy schemes in any location which could cause significant and demonstrably detrimental effects on the natural beauty and intrinsic characteristics of the AONB.

*The effect on landscape character and visual amenity*

14. The site lies within National Landscape Character Area Profile 43 *Lincolnshire Wolds* and Local Landscape Character Area (LCA) G3 *Hainton to Toynton All Saints Wolds Farmland* as defined by the East Lindsey District Landscape Character Assessment (ELLCA) of 2009. It is also close to G1 *Binbrook to Tetford Wolds Farmland*. The NCA profile notes that the visual impact of expanding renewable energy developments is one of the biggest pressures on the NCA because of the impacts on the long rural undisturbed rural views which are characteristic of the area.
15. The ELLCA for G3 notes several relevant key characteristics including elevated undulating landscape of ridges, wide and narrow valleys, plateaux and scarp. The appeal site is located in an area of plateau. Views to and from open hilltops and some uncluttered skylines are identified as well a very tranquil rural landscape with few detractors. Under 'Landscape sensitivity' the ELLCA

advises that development on hill tops and along skylines should be avoided. A force for change identified in the ELLCA for G1 is windfarms visible in surrounding landscape character areas. These are mainly those visible towards the coast beyond Louth. However the likelihood that the appeal proposal would be visible from G1 is a material consideration.

16. The proposed turbine would be modest in size but would be sited in a very prominent position. Notwithstanding its modest size, it would be highly visible from the surrounding highly valued landscape and from the A631, from Kelstern Grange as well as the Viking Way long distance route. The moving blades and industrial appearance, even in galvanised finish, would be intrusive and would jar with the tranquil nature of the area and the ability to appreciate the distinctive character of the AONB in this locality which is notable for its open and unrestricted views; especially when illuminated in evening or morning sunlight. It would be particularly visible on the skyline seen from part of the Viking Way looking north. I note that the Ulceby Grange turbine, which the appellants advise is in a similar finish, is very noticeable seen against the sky in these conditions.
17. Moreover Calcethorpe House Farm and its accompanying trees form a strong defining element in the landscape on the top of a rise. The turbine would redefine this because of its prominent positioning and change the way in which the landscape is understood from 'distinctive farmstead' to 'farmstead with wind turbine'. As such it would undermine the unspoiled nature of this sensitive landscape and would conflict with the landscape and AONB protection aims of LP policies A4, A5 and C11 and emerging CS policies as well as the AONB protection objectives of the Framework and the AONB Management Plan.

#### *The setting of heritage assets*

18. The ELLCA identifies heritage features including archaeological earthworks and medieval ruins as a key characteristic of the area. Near to the appeal site are the deserted medieval villages (DMVs) of East and West Wykeham, Calcethorpe and South Cadeby, which are on the route of the Viking Way. Some earthworks are visible on the ground and their locations are identified on maps. No heritage statement accompanied the application. In my opinion their heritage significance stems from an appreciation of the way in which human settlement has evolved on the Lincolnshire Wolds, emphasised by their close proximity to each other. The surrounding landscape forms their setting and contributes to their significance because it is part of the experience of visiting the assets and would have supported the inhabitants (though possibly with a very different appearance). Due to distance, the proposed turbine would change only a very small part of the various settings and there would be a variable degree of screening, dependant on the season. However the moving blades would draw the eye and would be a distracting element. The amount of harm would be low, in the context of other modern influences such as electricity poles, telecommunication masts and traffic on the A631.
19. With regard to the settings of listed buildings, it is important to record that in accordance with the duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard needs to be paid to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess. Special attention must also be given to the desirability of preserving or enhancing the

character or appearance of conservation areas, as required by section 72(1) of the LBCA.

20. The Council identify the locations of listed buildings in a general sense but individual buildings are not identified. The appellant draws attention to the Grade II\* listed Church of St Faith 1.7 kilometres to the north east at Kelstern. However due to distance, vegetation screening and landform the proposed turbine would be very difficult to see from here. The church has its own graveyard which contributes most to the experience of its setting. There would be no impact of any significance.
21. A Grade II ruined church lies to the west in the DMV of East Wykeham. This is visible from the Viking Way along with the much larger Wykeham Hall. Insofar as the turbine would be part of the experience of travelling along the footpath shortly before or after the church, there would be an impact, but it would be less than substantial because of the distance and intervening vegetation.
22. I conclude that the impact on the settings of scheduled monuments and listed buildings would be of low significance and less than substantial. There would be a minor degree of conflict with LP policy C2 which needs to be placed into the balance.

#### *Living conditions*

23. The Council is concerned about shadow flicker and noise. The appellant's later submissions persuade me that shadow flicker is unlikely to be a difficulty and in any case it can be dealt with by imposing a planning condition restricting operation of the turbine at certain times. As for noise, I am satisfied that the short condition suggested in ETSU-R-97<sup>2</sup>, the Government's preferred method of assessing wind turbine noise, would be sufficient to prevent unacceptable noise nuisance. There would be no conflict with the amenity protection objectives of LP policy A4 if such conditions were imposed.

#### *Other matters*

24. I have taken into account all the other matters raised including the turbine granted permission at Ulceby Grange Farm in 2011, which is higher than that proposed in this scheme. However each proposal has to be considered on its own merits and that development is in a different part of the LCA and AONB.

#### *Renewable energy benefits*

25. There is no let up in the Government's drive to increase the amount of renewable energy and no cap on the amount that may be generated. The proposed turbine would provide a substantial proportion of the energy needed by 4 houses and for processing grain on the farm. I do not doubt that the chosen turbine would be suitable for the appellant's needs but I give very little weight to assertions about the sustainability of the business and job security; continuing activity and employment may depend on many other factors apart from the supply of energy. Nevertheless the production of renewable energy and reduction in CO<sub>2</sub> are very significant factors in favour. However the limited benefits fall well short of compensating for the disadvantages to the landscape

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<sup>2</sup> Government guidance set out in The Assessment and Rating of Noise from Wind Farms: Energy Technology Support Unit (ETSU) September 1996

quality of the AONB, the impact on visual amenity and the harm to heritage assets that would occur in a sensitive area due to this proposal.

**Conclusion**

26. The appeal must be dismissed.

*Paul Jackson*

INSPECTOR