



Appeal Decision

Site visit made on 24 January 2012

by **D L Burrows DipTP MRTPI**

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

Decision date: 30 January 2012

Appeal Ref: APP/B2355/A/11/2162027

Thorn House Farm, Pinch Clough Road, Whitewell Bottom, Rossendale BB4 9RT

- 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 A Molyneau against the decision of Rossendale Borough Council.
 - The application Ref 2011/0353, dated 19 July 2011, was refused by notice dated 27 September 2011.
 - The development proposed is a wind turbine.
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Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effect of the proposed turbine on the character and appearance of the locality and the living conditions of neighbours.

Reasons

3. Whitewell Bottom is a linear settlement in a narrow steep sided valley to the north of Rawtenstall. Thorn House Farm is in an elevated position at the top of the eastern valley side. It lies on the edge of a generally flat upland area characterised by scattered farmsteads with the land divided by stone walls/fences and crossed by numerous footpaths. There is little tree cover and the impression is of an exposed upland area. The turbine would be located in a field about 80m to the east of the farmhouse. The turbine would measure 45m to blade tip, with 2 x 30m blades mounted on a 30m high column.
4. In the Landscape Capacity Study for Wind Energy Developments in the South Pennines 2010 – a report commissioned by a number of local authorities including Rossendale, the appeal site lies in the *enclosed uplands* which are categorised as of moderate to low sensitivity to wind energy developments, whilst the sensitivity in the valley (*settled valley*) is moderate to high. In the immediate vicinity of the elevated location of the appeal site there are very few vertical structures and those that there are, such as the power lines and turbines are significantly lower in height than the proposal. Their scale relates well to the linear topography of the upland area. The elevation of the site and its proximity to the edge of the upland area and the valley below would serve to emphasise the height of the structure and its stark industrial appearance.

5. Given the above factors, the particular siting of the proposed turbine is more sensitive than the broad categories of the study suggests. It would have more than the predicated moderate to low effects. I appreciate that there is a tall telecommunication mast across the valley to the west and acknowledge it is also very prominent. However that structure has a lattice mast and no moving parts. The turbine would be a solid column with moving blades which would emphasise its presence.
6. The appeal site is in a particularly prominent location. Along the western side of the appeal field is a bridleway called the Mary Towneley Loop which in part coincides with the Pennine Bridleway National Trail. On the south eastern boundary of the field the footpath is on the same level and even closer.
7. I acknowledge that from the valley floor when travelling both north and south on the B6238 some views of the turbine would be partly screened by buildings and trees on the valley slopes. However from most aspects it would break the skyline and there would be a number of clear uninterrupted views of it from the valley floor. It would be a significant dominating feature harmful to the character and appearance of a locality in a sensitive location on the fringe between the *settled valley* and *enclosed uplands*.
8. In reaching the above conclusions I have been mindful of the other turbines in upland locations, but it is the close views of the turbine and its proximity to the valley which would seriously harm the character and appearance of the area not the long views of the turbine. I have also taken account of the survey of the local paths provided by the appellant, but walker/rider numbers are likely to vary and the B6283 is the main road into, out of and through the village.

Effects on neighbours

9. Looking first at noise. *Planning for Renewable Energy A Companion Guide to PPS22* recommends ETSU-R-97 *The Assessment and Rating of Noise from Wind Farms* as the basis for the assessment of noise from on-shore wind developments. It says that for single turbines a condition limiting noise emissions to an $L_{A90,10min}$ of 35dB(A) may be appropriate or a fixed limit of 43dB(A) for night time or a limit of 5dB(A) above background.
10. Apart from the appellant's house, the nearest dwellings are some 200m or so from the proposed siting of the turbine. No noise recordings have been taken on site nor at the nearest properties. Although the appellant has provided some technical information for a WES 30 turbine it does not include sound levels. However, in the design and access statement there is a table and a graph relating to noise. The table says that sound levels relate to a hub height of 50m whereas the appeal proposed hub height would be 30m. It is not clear from the representations if the difference in hub height would affect the figures in the table which provide for a sound level of about 50dB(A) at about 200m. A similar noise level is shown on the graph.
11. This is somewhat at odds with the statement in the appellant's final comments which say *...the graph indicates that noise levels at 200m will be 43dB(A)*. I appreciate that the comments go on to say that in any event the turbine speed can be calibrated to ensure 43dB(A) was not exceeded at dwellings within 200m. But, from the information supplied, given the proximity of the appellant's house and neighbours to both the north and south, I am not certain how this would be achieved or what effect it would have on the

efficiency/output of the turbine. In these circumstances it would not be appropriate to impose a noise condition. This matter has therefore added some but not determining weight to my conclusions. I note that the Council's environmental health officer did not object to the proposal.

12. The shadow flicker report indicates that it could be a potential problem in some dwellings generally to the north of the appeal site. However it is possible to ensure the turbine does not operate when conditions are likely to create a problem. The matter could therefore be addressed by a suitable planning condition.
13. From the properties at the same altitude as the appeal site the turbine would be seen as a large incongruous feature in the landscape, but given the separation distances from the houses, although it would dominate their outlook, the impact would not be so overbearing that it would materially harm living conditions. Similarly for most nearby residents in the valley there would be a foreground of trees and steep slopes with Thorn House Farm and its associated buildings at the top of the slope. Because the turbine would be seen at some distance behind these high features, its impact on living conditions would be reduced. It would not result in material harm or justify refusal of the proposal on this ground.
14. The British Horse Society has suggested a 200m exclusion zone around bridleways to avoid wind turbines frightening horses. Whilst this could be deemed desirable, it is not a statutory requirement. In the present case the bridleway would be significantly closer to the proposed turbine. However for part of the time the bridleway is in cutting and from other aspects the approach to it would be gradual. In these circumstances the impact of the turbines would be likely to be reduced. And on balance I do not consider in the location proposed it would result in unacceptable risks to riders. Like people horses have varying degrees of tolerance of events and it is likely that the horses that would be frightened by a turbine are those that would be spooked by other sudden events. Horses can and do build up a tolerance to turbines.
15. The Council has concerns about the potential hazard for drivers when approaching Whitewell Bottom from the north, but there is no substantive evidence to suggest that this approach to the village is at present problematical. Drivers are routinely faced with varied and competing distractions during a normal journey. There are now a large number of turbines adjoining or close to roads and so far as I am aware there has been no history of accidents at any of them.
16. With regard to ecological matters, even though the field is in agricultural use, it could potentially provide a habitat for wildlife. I appreciate that the appellant has looked at Natural England records, but information has not been sought from more local sources such as the local records centre or wildlife groups. Therefore whilst I appreciate that it may be the national records provide sufficient information, it cannot be guaranteed if local sources have not been checked. Given this circumstance it is not possible to say that nature conservation interests would be safeguarded. This matter therefore weighs against the proposal.
17. There are considerations in support of the proposal. There is a clear commitment at national, regional and local level to provide electricity from renewable resources. At national level NPS EN-1 para 3.4.5 recognises that to

reach the national target of saving 15% of energy from renewable sources by 2020 it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for them is described as urgent. Similar objectives are to be found at local level including the Council's recently adopted Core Strategy (CS) which recognises the value of and encourages the provision of renewable energy.

18. In the current case the proposal would provide for the domestic energy needs of Thorn House Farm reducing energy costs. The surplus energy would be exported to the national grid. The representations say that the nominal annual output would be about 620 Mwh. Using the average household consumption figures of 4100kWh a year (to be found in the companion guide to PPS22) indicates that most of the energy produced by the turbine would be exported to the grid. Even though there is an acknowledged need for renewable energy generally, the electricity would supply only one local property, the bulk of it would be sold to the national grid. The location appears to have been chosen because the appellant owns the land. There do not appear to be any site specific reasons why a turbine of the size proposed needs to be constructed in the location shown.
19. I have taken into account the approvals for other turbines which have been brought to my attention, but when looking at them they appear to be different to the appeal proposal in either location or scale. It should be noted that, although not specifically referred to, all interested persons' and appellant's concerns have been evaluated in coming to an overall conclusion.
20. The turbine would be located in a sensitive location and harm the character and appearance of the locality, without evidence to the contrary there is also the potential for further harm because of noise and impact on ecological interests. In these respects the proposal would be contrary to policies 1, 14, 18, 19, 20, 23 and 24 of the Council's Core Strategy (CS) and policies RDF2 and EM1 of the North West of England Plan Regional Spatial Strategy in so far as they reflect the principles of the CS policies. Whilst there is an acknowledged need to provide energy from renewable sources at national regional and local level, the benefits from the proposal are not in this case sufficient to overcome the identified objections. For these reasons, I shall dismiss the appeal.

D L Burrows

INSPECTOR