



Appeal Decision

Site visit made on 8 May 2014

by Ron Boyd BSc (Hons) MICE

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

Decision date: 6 November 2014

Appeal Ref: APP/K2420/A/13/2210010

**Forest View Farm, Peckleton Lane, Desford, Leicester, Leicestershire
LE9 9JU**

- 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 Roger Neep against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 12/01121/FUL, dated 18 December 2012, was refused by notice dated 6 June 2013.
 - The development proposed is described as erection of 1 No. wind turbine measuring 24.6m to the hub and 34.2m to the tip.
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Decision

1. I dismiss the appeal.

Procedural matter

2. Since the appeal was received (5 December 2013) the Department of Communities and Local Government published its Planning Practice Guidance (PPG) on 6 March 2014. I have considered the content of the guidance but in light of the facts of this case it does not alter my conclusions.

Main issues

3. I consider these to be the effect the proposed turbine would have on:
 - the character and appearance of the surrounding area; and
 - the living conditions of the occupiers of neighbouring properties.

Policy context

4. The development plan comprises the saved policies of the Hinckley and Bosworth Local Plan (adopted February 2001). Saved Policy BE1 (i) states that planning permission will be granted where development does not adversely affect the occupiers of neighbouring properties. Saved Policy BE27 requires that wind power development be sensitively located in the landscape to minimise visual impact and should not have a detrimental impact on surrounding properties due to noise and other forms of nuisance. I consider both Policies to be consistent with the approach to renewable energy development set out in the National Planning Policy Framework (the Framework).
5. The Framework indicates that the role of planning in supporting the delivery of renewable energy is, amongst other matters, central to the economic, social

and environmental dimensions of sustainable development. Paragraph 98 states that applications for renewable or low carbon energy should be approved if the impacts are (or can be made) acceptable, unless material considerations indicate otherwise, and recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Nevertheless, the Governments' *Planning practice guidance for renewable and low carbon energy – July 2013* made it clear that the need for renewable or low carbon energy does not automatically override environmental protections and that protecting local amenity is an important consideration which should be given proper weight in planning decisions. Whilst the 2013 Guidance has now been superseded by the publication of the PPG referred to above the advice it contained is re-stated in the PPG.

Reasons

6. The proposed turbine with three 9.6m long blades would be sited in an area designated as countryside to the south-east of Desford. It would be in an agricultural field to the north-west of Forest View Farm and east of Peckleton Lane. At its closest Footpath R99 runs some 70m to the south of the site with footpath R98, running southwards from Forest View, around 120m to the north east. The nearest dwellings to the proposed turbine would be those in the residential estate along the south-east side of Desford, particularly in Peckleton View and Meadow Way, the closest being some 227m from the site, and two on the east side of Peckleton Lane adjoining the Sports Centre, Oak View and The Bungalow, these being around 240m and 265m to the south-west of the appeal site respectively.
7. The Council identifies the surrounding land as the Desford Vales landscape character type, a gently rolling, predominately arable, landscape with a good network of footpaths. Other than the residential properties referred to above notable local development includes the Caterpillar Factory on the west side of Peckleton Lane south-west of the proposed turbine site, with the Highfields Seeds factory opposite, and Bosworth Community College to the north on the eastern outskirts of Desford.
8. There would be clear views of the turbine from points along Peckleton Lane; Leicester Lane (the B582); Footpaths R98 and R99; and, in view of its prominent position, being significantly higher than the nearest residential development on the south east edge of Desford, from housing around Meadow Way and Forest Rise. The submitted Landscape and Visual Assessment (LVA) identifies that the proposed turbine, in itself, would have a high/moderate magnitude of change to the local landscape character resulting in an overall moderate effect upon the landscape character of the area within 400-500m of the turbine. The visual impact on the views from the various locations identified above is assessed as varying from slight to substantial.
9. I have no disagreement with the above assessments of the impacts of the proposed turbine on its own and have considered them in the light of the advice in the PPG and the arguments put forward in support of the proposal by the appellant. These include that the proposed turbine would generate sufficient electricity to offset the electricity consumption of Forest View Farm, diversify the Farm's sources of income, reduce its energy costs and future proof the business, and would contribute towards the UK and EU targets for renewable energy generation. I conclude that the impacts of the proposed

turbine by itself would not represent a level of harm sufficient to warrant dismissal of the proposal in view of its likely benefits.

10. However, the presence of the proposed single turbine would not be viewed in isolation but in the context, in particular, of the two 71m high turbines at Park House Farm, some 2km north-east of the appeal site, and the substantial overhead power lines beyond. The PPG, as did the 2013 Guidance, advises that cumulative impacts require particular attention, especially the increasing impact that wind turbines can have on landscape and local amenity as the number of turbines in an area increases. I note that the officer's report did not specifically address the matter of cumulative impact and that neither cumulative landscape nor visual impacts were reasons for refusal. However, these aspects were assessed in the appellant's LVA and Appeal Statements.
11. I have considered those assessments but am unable to agree with the appellant's contention that there would be no significant cumulative effects arising from the addition of the proposed turbine. To my mind the positioning of the proposed turbine in the centre of what is at present a relatively open undeveloped area of rural landscape between the B582 and Peckleton Lane would clearly have a cumulative impact in conjunction with the turbines and pylons north-east of the B582. This effect would be to extend south-westwards the influence that the existing industrial apparatus already has on the landscape, towards the factory development fronting Peckleton Lane. The coalescence of the turbines both north and south of the B582 would be a significant feature in the surrounding landscape. I conclude that this would result in a cumulative landscape impact which would be harmful by effectively negating the contribution the present open rural area south of the B582 has as a buffer to the development areas around the south-east of Desford.
12. Similarly the addition of the proposed turbine, in view of its height, the rotation of its blades and relatively elevated location, would exacerbate the extent to which turbines and overhead power lines feature in views of the area and impact on those experiencing those views. In particular these would include the users of the footpaths between the B582 and Peckleton Lane and the residents of the nearby housing, where the cumulative impact on outlook would be more harmful than views of the proposed single turbine in isolation. I conclude that there would be a significant cumulative visual impact harmful, in respect of outlook, to the living conditions of residents of the nearby housing around Meadow Way and Forest Rise.
13. I conclude that the above cumulative impacts would be harmful to both the character and appearance of the surrounding area and the living conditions of neighbouring residents, and, as such, in conflict with the development plan policies referred to above. As with my consideration above regarding the effect of the turbine on its own I have taken account of its likely benefits but conclude that these are insufficient to outweigh the cumulative harms I have identified in my conclusions in respect of the main issues which have led to my decision on this appeal. The proposed development would result in an unacceptable level of cumulative harm and would be contrary to both the development plan and the Framework. Accordingly I conclude that the appeal should fail.

R.T.Boyd

Inspector