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## Appeal Decision

Site visit made on 8<sup>th</sup> February 2016

**by Anne Jordan BA(Hons) MRTPI**

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

Decision date: 13 April 2016

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**Appeal Ref: APP/K2420/W/15/3129673**

**Little Markfield Farm, Forest Road, Markfield, Leicestershire, LE67 9UN**

- 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 Mrs Brenda Featherstone against the decision of Hinckley and Bosworth Borough Council.
  - The application Ref 14/01258/FUL, dated 16 December 2014, was refused by notice dated 1<sup>st</sup> April 2015.
  - The development proposed is erection of a single wind turbine (hub height of 76m with a rotor diameter of 48m) with associated equipment, crane hardstanding, access road and substation.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council refused permission for the proposal on the grounds of its impact on the landscape and the visual character of the area, including the cumulative effect of the proposal in combination with other existing and permitted turbines. The concerns of some local residents also relate to the visual impact of proposal on the wider local area.

### Main Issues

3. Accordingly, the main issues are the effects of the proposed turbine on the character and appearance of the area.

### Policy Background

4. The development plan for the area is made up of the *Hinckley and Bosworth Local Plan* (Local Plan) which was adopted in 2001, and the *Hinckley and Bosworth Core Strategy* which was adopted in 2009. Both predate the *National Planning Policy Framework* (The Framework). The policies within it therefore have to be considered in accordance with their degree of consistency with the Framework.
  5. Saved Policy BE1 of the Local Plan seeks to safeguard and enhance the existing environment by seeking development which complements or enhances the character of the surrounding area. Saved Policy NE5 seeks to protect the countryside for its own sake. Development which is important to the local economy, or which cannot be provided within or adjacent to a settlement will be supported provided it does not have an adverse effect on the appearance or
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- character of the landscape. The Framework also requires account to be taken of the different roles and character of areas and to recognise the intrinsic character and beauty of the countryside.
6. Saved Policy BE5 reflects the duty in Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which states that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to preserving the building or its setting. Saved Policy BE7 similarly seeks to ensure that new development preserves or enhances the character or appearance of conservation areas. Saved Policy BE12 seeks to ensure that the archaeological importance of sites is taken into account in assessing the impact of development proposals.
  7. Saved Policy BE27 seeks to approve individual wind turbines where, amongst other things, they are sensitively located in relation to the existing landform and landscape features, where their visual impact is minimised and where they are not unduly prominent from important viewpoints. Spatial Objective 12 of the Core Strategy seeks to minimise the impacts of climate change through the use of renewable energy technologies. The Framework encourages local planning authorities to provide a positive strategy to promote energy from renewable and low carbon sources and to increase its use and supply. In this regard it seeks to support the transition to a low carbon future in a changing climate in part by encouraging the use of renewable resources. It advises decision makers that when determining planning applications, applicants should not be required to demonstrate the need for renewable energy.
  8. Footnote 17 of the Framework also advises that in assessing the likely impact of potential wind energy development, regard should be had to *the National Policy Statement for Renewable Energy Infrastructure*. Amongst other things, this, in effect, emphasises the role onshore wind generation can play in the Government's strategy for meeting the legally binding target of reducing UK emissions by at least 34% by 2020 and 80% by 2050, as well as achieving the UK's obligation of 15% of energy consumption from renewable energy resources by 2020.
  9. The Council are currently preparing the *Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document*. The plan has not yet reached a stage where I can be sure that the policies within it are likely to be adopted in their current form, and this limits the weight which I can attribute to them. As part of the evidence base for this plan the Council commissioned the *Hinckley and Bosworth Renewable Energy Capacity Study* which aimed to assess the potential for renewable energy within the Borough for the plan period by providing a broad assessment of areas of future suitability for wind turbine development. The study does not intend to replace detailed studies for specific siting and does not form part of an adopted plan. Therefore, whilst I have had regard to it I can attribute it only very limited weight as a material consideration.
  10. I have also taken into account the Ministerial Statements (WMS) of 6 June 2013 and the 18<sup>th</sup> of June 2015 and the *Planning Practice Guidance* (PPG). These advise that the cumulative impact of wind turbines should be taken into account and the need for renewable energy does not automatically override environmental protection or the planning concerns of local communities.
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## Reasons

### *The Benefits*

11. The appellant advises that the installed capacity of the turbine would be around 500KW and would generate electricity to be fed into the National Grid. The Framework advises that small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The proposal would assist in tackling climate change<sup>1</sup> and help meet national and local targets and ambitions for reducing greenhouse gas emissions. It would also assist in security of supply.

### *Visual Impact in Landscape Character*

12. The *Hinckley and Bosworth Landscape Character Assessment* shows that the application site is located within the "Charnwood Fringe Character Area". This comprises a gently undulating arable landscape with some plateaus of higher ground. Hedgerows are well established with some tree cover along field edges. Individual farming operations are visible in the landscape, along with individual dwellings. The M1 motorway is prominent in some views, but as it sits partly in a cutting it is not always a visible presence, being absent from many viewpoints. Existing turbines of varying sizes are notable features, particularly from higher ground to the east, and from the south. Along with smaller pylons and power lines, these provide a strong manmade presence in the landscape. The site also lies close to an area defined in the Landscape Character Assessment as the "Forest Hills Landscape Character Area". This varies from the "Charnwood Fringe" as it appears to flatten out towards the west, and has a larger field pattern, however in relation to the area around the appeal site it does not appear to be significantly different in character.
13. The gently rolling nature of the landscape would provide open views of large new structures, the effect of which would be only partly offset by the presence of other manmade features. I therefore consider that the landscape has moderate sensitivity to change and some capacity for modest development.
14. The turbine would measure 76m to the hub and 100m to the blade tip. It would have three blades and be finished in an off-white matt colour. It would be located in an open field with an associated access track and concrete base and substation. As part of the proposal the appellant provided a LVIA which contained views from 10 viewpoints in the local area and an assessment of the zone of theoretical visibility, which I have dealt with in turn below.
15. In close range views the turbine would appear as a prominent feature, due to its substantial height. From viewpoint 2 (from Thornton Road motorway bridge), the turbine would be seen as a large and dominant structure which would not be offset by the lower trees and telegraph poles visible in the landscape. From viewpoint 1, (from the motorway bridge on Forest Road), it would also appear very prominent and would be visible in shared views with 2 other turbines. Although the motorway is itself a significant built intrusion from these selected points, it is also in a cutting for parts of the route and so has a much less intrusive effect in a range of other nearby views. In this regard its presence does not significantly diminish the urbanising effect of the turbine on the surrounding landscape. From both viewpoints sustained views of the turbine would also be available to drivers on the motorway. In these close

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<sup>1</sup> Including 'in combination' effects with other renewable and low carbon energy schemes.

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- range views the proposal would have a significantly harmful effect on the local landscape.
16. From further afield other natural and built features would become more notable and would reduce the visual prominence of the turbine. In viewpoint 3, (from London Road), it would be a notable moving feature on the skyline, the effect of which would be partially off-set by the residential development, telephone lines and the motorway visible in the foreground. From viewpoint 8, (from Stanton under Bardon), it would also be prominently visible above the treeline and would be seen in shared views with the solar farm in the foreground.
  17. From viewpoint 6, the turbine would appear as a starkly prominent feature on the ridge which would not be mitigated by tree cover in the foreground. I noted on site that it would be visible in sustained views from the Leicestershire Round Footpath and from a number of residential properties in Thornton, which would have direct views of the structure. In the vicinity of viewpoint 6, from Merrylees to Botcheston, a number of other turbines are visible, and the spread of these structures across the landscape, together with the disparity in their heights accentuates their intrusive visual effect on the wider landscape. The proposed turbine would add to this, and would have a further erosive effect on rural character. Taking this range of views into account, I consider that in mid-range views the turbine would form a moderately intrusive element in the landscape which would lead to moderate harm.
  18. In longer range views the effect of the proposal would vary with the effect of the local topography. In views from the west from viewpoint 7, Bagworth, clear and open views of the turbine would be available across the gently undulating landscape. This effect would be less marked from the north, as noted from viewpoint 9, and from Beacon Hill, due to intervening higher ground and the increased distance from the site. From the south and east, from viewpoint 4 – Kirkby Muxloe and from viewpoint 5, Groby, it would be screened by trees and rising land. In these wider vistas other turbines and power lines are also visible as prominent features. As such, in longer range views the turbine would have only a slightly intrusive effect on the wider landscape.

#### *Conclusion On Visual Impact*

19. In local views the visual impact of a turbine of the scale and location proposed, would have a significant harmful effect on the local area. In medium range views it would have only a moderate impact upon the wider landscape, although this would be less significant effect in long ranging views. It would, in addition, have a moderately harmful cumulative effect when viewed in association with existing turbines in the landscape. The effect of the proposal would be reversible, nevertheless its effects would be significant for the duration of the development, when it would have an adverse impact on the appearance of the countryside in this location. It would therefore conflict with Local Plan policies BE1 and BE27 and with guidance in the Framework which seeks to recognise the intrinsic character and beauty of the countryside. This weighs against an approval in the planning balance.

#### *Other Matters*

20. Some residents have expressed concerns relating to the effect of the proposal on the safety of road users on the M1. Although the turbine would be a prominently visible feature to vehicles travelling in both directions, I have no
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reason to consider that it would form a distraction which would be prejudicial to the safety of road users. I note the comments of NATS<sup>2</sup> and the Ministry of Defence who have confirmed they have no objections to the proposal. I therefore do not consider the proposal a threat to aviation safety. The appellant's ecological survey found that no significant wildlife populations would be likely to be harmed by the proposal. I therefore share the view of the County Ecologist that harm to local wildlife would be unlikely to arise.

21. A number of residents have expressed concerns in relation to noise arising from the operation of the turbine. I share the view of the Council's Environmental Health Officer who considers that as the proposal would fall within the limits defined in the ETSU<sup>3</sup> guidance, then a condition limiting noise to this level is considered sufficient to provide an adequate level of protection against noise. I also note concerns in relation to shadow flicker but consider that the proposal could be conditioned to mitigate against the effects of this. I also have no substantive evidence that the proposal would cause harm to health due to infra-noise or vibration. Furthermore, I have no evidence before me that the proposal would harm television reception. I note the concerns of some residents that the proposal would be harmful to the operation of South Charnwood Academy, however, I have been provided with no evidence as to the nature of this harm or how this would occur.
22. I also concur with the findings of the submitted heritage statement, and the comments of the Council's Conservation Officer, that the proposal would have a neutral impact on the setting of the majority of the designated heritage assets located within a 5km radius. In relation to the Grade II\* listed Church of St Peter, the tips of the turbine blades would be visible in some limited views within the churchyard. However, as this would have a very limited impact upon the church's wider setting and no impact on the church's historic and architectural interest its effect would be negligible.
23. The turbine would be clearly visible in views of the Grade II Listed Little Markfield Farmhouse. It would be located within a view which already features the M1 Motorway. This view does not contribute to the importance of the heritage asset, which instead is derived from its fabric and its relationship to the surrounding farmland. The turbine would also be visible in some views into and out of the Markfield Conservation Area, however, as this would affect only limited parts of the asset, and would not detract from its historic or architectural interest, this effect would also be negligible. In this regard I am satisfied that the proposal would not harm the significance of identified heritage assets.
24. The proposal gave rise to around 140 objections from members of the public along with around 80 letters of support. A significant proportion of those who objected expressed concern in relation to the impact on landscape and local views. Whilst local opposition is not itself sufficient grounds for withholding permission, in relation to the effect of the proposal on the character and appearance of the area, it is an issue where I have also found harm, and which has not been addressed by the proposal. Having regard to the most recent expression of Government policy in respect of wind energy development (the

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<sup>2</sup> National Air Traffic Control Services

<sup>3</sup> Guidelines for the environmental assessment of wind turbine related noise are given in the report entitled ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms' (ETSU), based on the findings of the Working Group on Noise from Wind Turbines.

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June 2015 WMS), to which the Secretary of State attaches substantial weight, it could not reasonably be argued that the proposal has the backing of the affected local community. An approval would conflict with and undermine the objective of this WMS. This would be a further adverse impact of the appeal scheme.

*The Balancing Exercise*

25. The proposal would provide energy from a renewable source, contributing towards national and local targets for reducing greenhouse gas emissions. The reduction in greenhouse emissions and delivery of renewable energy infrastructure is identified in paragraph 93 the Framework as being central to the economic, social and environmental dimensions of sustainable development. Small-scale projects are also recognised as providing a valuable contribution to cutting greenhouse gas emissions. These are considerations to which I attribute significant weight.
26. Against this I weigh the significant harmful impact upon visual amenity in local views, and the more moderate harm to the wider landscape. This harm would be reversible and its more significant effects would be localised. However, this planning impact was identified by the local community and has not been addressed. Accordingly, the proposal would not comply with the transitional arrangements set out in the WMS, tipping the balance against the proposal.

**Conclusion**

27. Accordingly, although the benefits of the scheme carry significant weight, they would not outweigh the harm identified and so the balance weighs against the development. I therefore conclude that the appeal should be dismissed.

*Anne Jordan*

INSPECTOR

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