



Appeal Decision

Site visit made on 11 January 2011

by **Philip Major BA(Hons) DipTP MRTPI**

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

Decision date: 21 February 2011

Appeal Ref: APP/H0738/A/10/2131898

Viewly Hill Farm, Norton, Stockton-on-Tees, Cleveland TS20 1PQ.

- 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 Colin Sudron against the decision of Stockton-on-Tees Borough Council.
 - The application Ref: 09/2974/FUL, dated 1 February 2010, was refused by notice dated 22 April 2010.
 - The development proposed is the erection of a wind turbine in a field adjacent to the house.
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Decision

1. I dismiss the appeal.

Main Issue

2. The main issue in the appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The proposed turbine would have a hub height of 12m and height to blade tip of 16m. The designed capacity is 10kW. It would be located on the top of the valley side of Billingham Beck, to the west of Viewly Hill Farm. Public rights of way pass to the east, west and south of the site.
4. The appellant points out that wind turbines by their nature are uncharacteristic in the open countryside, but need to be there to operate efficiently. Though not raised in detail by the parties national guidance, in the form of Planning Policy Statement 22 – *Renewable Energy* (PPS22) recognises that such developments should be capable of being accommodated in locations where environmental, economic and social impacts can be addressed satisfactorily. PPS22 goes on to say that small scale projects can provide a limited but valuable contribution to renewable energy. This guidance also recognises that turbines are likely to have the greatest visual and landscape impacts of any renewable technology.
5. The reason for refusing planning permission refers to 2 policies. These are Policy 40 from the Regional Spatial Strategy (RSS), and Policy CS3 from the Council's adopted Core Strategy. Policy 40 is broadly supportive of renewable energy developments subject to assessment against a number of criteria. These include the acceptability of the location, the scale of the proposal and its visual impact in relation to the character and sensitivity of the surrounding

landscape. Policy CS3, amongst other things, is supportive of small scale renewable energy which meets the criteria set out in RSS Policy 40. These 2 policies form part of the development plan. The assessment of whether this proposal conforms to development plan policy therefore turns principally on whether it accords with the criteria set out in RSS Policy 40.

6. The surrounding landscape is undulating open countryside. There are distant views of larger settlements such as Norton and Billingham, but for the most part the character is of a swathe of agricultural land intersected by valleys, principally the Billingham Beck. There are intermittent buildings and small farmsteads, notably to the south (within the valley) where much land appears to be dedicated to 'horsiculture'. Close to Norton the quality of the landscape deteriorates to a degree, largely because of the number and nature of sporadic developments, but this effect declines further to the north, towards the appeal site.
7. Despite the continual intrusion of the traffic noise from the A19 the area around the appeal site feels relatively remote. It is an attractive area of open countryside. There are no landscape designations covering the area, though it is apparent that it is highly valued by local people as a resource. In my judgement the net result is that the landscape should be considered to be of moderate sensitivity.
8. In that context I noted that the proposed turbine would be highly visible from a number of locations. In particular the 'hilltop' siting would result in strong visual detracting from views of the turbine when seen from footpaths to east and west, and from the valley bottom footpath. Though I acknowledge that some filtering of views by trees does occur in places, the turbine would nevertheless remain a dominant feature in middle range views.
9. Reference is made to nearby pylons as providing a degree of mitigation. I do not agree. Pylons in the area are located to north and south, and at sufficient distance for them to have limited influence on the area around the appeal site. Smaller distribution poles close to the site offer no practical mitigation because of their small scale. I also disagree that the turbine would be softened by a backdrop of trees or hedges when viewed from the south, and the same applies largely to views from the north. Indeed the suggestion that the turbine would be on land sloping to the south appears to be misconceived as the agreed location at my site visit was clearly at the top of the valley side, where it has levelled out onto the relatively flat plateau.
10. In relation to the effect of the proposed development on the character and appearance of the area I have no doubt that it would be harmful by reason of the introduction of a relatively tall structure (even if small by wind turbine standards) which would visually dominate the locality and which would be at odds with the unspoilt countryside around it.
11. On the other hand, significant weight must be given to the fact that the proposal would produce renewable energy, which gathers support from the objectives of PPS22 and from the RSS.
12. The balance between the harm I have identified and the benefits of renewable energy is a fine one. However, in this case the prominence of the proposed turbine, and the landscape harm which would result, is not justified by the relatively modest benefits of the development. As such the proposal conflicts with criterion b. of RSS Policy 40, and therefore with Core Strategy Policy CS3.

It follows that the environmental impact of the proposal has not been satisfactorily addressed here.

Other Matters

13. A number of other matters have been drawn to my attention and I deal with those briefly here. In relation to noise and residential amenity I am satisfied that there would be no unacceptable impact on the living conditions of nearby residents. The nearest dwellings are at a sufficient distance for noise generated by the turbine to be likely to be unnoticed. Although residents would see the turbine in going about their day to day activities the mere sight of the turbine would not, in itself, seriously detract from living conditions *per se*.
14. There is no information before me which provides substantive evidence that harm would arise to any wildlife, to highway safety, to safety more generally, or to aviation interests. In fact the evidence all indicates that there would be no such harm. Hence these other matters are not of sufficient weight to influence my decision.

Overall Conclusion

15. The proposal carries some support from national and regional policy (though I am aware of the government's stated intention to abolish regional strategies). However, this is outweighed by the harm to the character and appearance of the surrounding area which would result from the development. No other matters are sufficient to outweigh the resultant conflict with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR