



Appeal Decision

Hearing held on 22 February 2011

Site visit made on 22 February 2011

by **Elizabeth C Ord LLB(Hons) LLM MA DipTUS**

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

Decision date: 1 March 2011

Appeal Ref: APP/H0738/A/10/2141783

Land to the north side of Seamer Road, Hilton.

- 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. Danny Maher of Broadview Energy Developments Ltd. against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 10/2463/FUL, dated 21 September 2010, was refused by notice dated 17 November 2010.
 - The development proposed is the relocation of the Seamer wind farm control building.
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Decision

1. I allow the appeal, and grant planning permission for the relocation of the Seamer wind farm control building on land to the north side of Seamer Road, Hilton in accordance with the terms of the application, Ref 10/2463/FUL, dated 21 September 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans referenced: 5396B-04-N-088, 5396B-04-N-090, and D131125-170.
 - 3) Notwithstanding the terms of planning permission 09/0736/EIS, at no time shall there be more than one control building in existence associated with the wind farm granted thereunder.
 - 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 5) No development shall take place until the precise shape, style and colour of the external doors of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 6) No development shall take place until a scheme of soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall give details of species, numbers, locations of planting, timescales for implementation, a long term maintenance

schedule and a management plan, if required. Landscaping shall be carried out and maintained in accordance with the approved details.

- 7) No development shall take place until a specification for the hardstanding hereby permitted has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) Prior to first use of the building hereby permitted, works for the disposal of foul drainage should be completed, in accordance with details submitted to and approved in writing by the local planning authority.
- 9) The development hereby permitted shall be demolished and removed in its entirety and the site restored to agricultural land within 12 months of the Seamer wind farm becoming inoperable following its 25 year life span.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

3. The appeal site lies in open countryside between the villages of Hilton and Seamer, some distance from the highway, which links the two villages. It is surrounded by gently undulating open fields, generally bordered by low lying hedges and interspersed with occasional coppicing. Currently there is little built development between the villages, which is visible from the road.
4. The appeal site is part of the larger Seamer wind farm site for which there are permissions for five wind turbines of about 125m in height, and through which a 400kv electricity transmission line runs, supported by substantial pylons. Permission ref: 09/0736/EIS already provides for a control building subject to a condition requiring a scheme to be agreed with the Council for its siting, dimensions and external finishes, amongst other things. The main differences between the approved building and the proposal are its dimensions and siting, which are thought to be too great to be considered by way of discharge of condition.
5. The amendments are requested by the appellant as a result of consultations with the Distribution Network Operator. I understand that the reason for the change in size is based on functionality and the scale of equipment to be installed, and that the change in location relates to the proximity of a preferred underground 33kv grid connection corridor, connecting to an existing 33kv overhead line. These reasons weigh in the planning balance.
6. Both buildings would have an appropriate traditional, agricultural appearance, being clad in stone with a mock slate, pitched roof. Apart from the Hilton to Seamer Road, which runs through the wind farm site, there are no public vantage points from where either building would be visible. Nor are there any nearby dwellings from where the buildings would be readily seen.
7. The indicative dimensions of the approved building are 14.7m (width), 5.7m (depth), 3m (height to eaves) and 4m (height to ridge). The proposal's

dimensions are 13.74 (width), 7.8m (depth), 3.1m (height to eaves) and 5.6m (height to ridge). This represents a moderate but material increase in size.

8. The indicative site of the approved building is on the south side, and adjacent to Seamer Road at a contour level of 60m. It would be behind a hedge that borders the highway, which would provide partial screening. Although in this location it would generally be hidden from long distance views, its close proximity to the road would render it conspicuous from the nearby public domain.
9. The proposed site is in the region of 220m to the north of the Seamer Road, at a contour level of 70m. It would be within a large field, set away from existing hedging with no screening immediately surrounding it. When approaching from Hilton it would be partly hidden from some public views by the topography of the land and vegetation. However, it would be quite prominent from closer vantage points on the highway. Along the approach from Seamer, within the Hambleton district, there would be some clear views, which might extend some distance.
10. However, the building's significant distance from the road would considerably reduce its prominence, and although its upper part would break the skyline, this could be mitigated by sympathetic planting, allowing it to blend in with the existing nearby vegetation. Seen in the context of the very substantial permitted turbines and pylons, the proposed building would not appear obtrusive, and would satisfactorily integrate with its surroundings.
11. There would be an increased area of hard standing around the appeal building, although in its proposed location, this is unlikely to be visible from the public domain. In any event, its appearance could be adequately controlled by condition. The proposed site would also have the advantage of being adjacent to a track leading to one of the turbines. Therefore, it would not require its own access, unlike the indicative site, which would require the construction of a 50m stretch of spur track.
12. Overall, for the reasons given, and taking account of the fallback position of the approved indicative building, I find that the proposal would not have an unduly harmful impact on the character and appearance of the area.

Policy

13. The Council has considered the proposal against the relevant parts of the development plan, including saved Policy EN13 of the Stockton-on-Tees Local Plan, which restricts development in open countryside, and Policies CS3 and CS10 of the Stockton-on-Tees Core Strategy, which respectively relate to climate change and environmental protection. However it has not indicated that there are any breaches of development plan policy and I have no good reason to differ from this. Furthermore, there is nothing about the proposal which gives me reason to believe that it conflicts with national policy. I am, therefore, satisfied that it is policy compliant.

Other matters

14. I note the criticisms made by interested parties about the manner in which the appellant has dealt with the control building. However, this is not for my consideration. This appeal has been validly made and, therefore, I must consider it on its planning merits.

15. Whilst I understand the references made to localism, and although I have fully considered all local residents' opinions in full, I must determine this appeal in accordance with the development plan unless material considerations indicate to the contrary. The proposal accords with the development plan and there are insufficient material considerations to override this. Therefore, the proposal is acceptable.

Conclusion

16. For the reasons given and having regard to all other matters raised, I conclude that the appeal should succeed subject to conditions. I have imposed all of the conditions suggested by the Council and agreed by the appellant, as well as additional conditions discussed at the hearing. Although third parties suggested other conditions similar to those imposed for the wind farm, I find these to be unnecessary as they would be disproportionate to the scale of the control building.
17. The imposed conditions extend the commencement period to five years to be consistent with the wind farm, list the plans to define the development, and provide for foul water drainage for reasons of health. They also restrict development to one building overall, provide for eventual demolition, control materials, openings and landscaping, all in the interests of appearance.

Elizabeth C. Ord

INSPECTOR

