



## Appeal Decision

Site visit made on 2 October 2018

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

an Inspector appointed by the Secretary of State

Decision date: **1<sup>st</sup> November 2018**

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**Appeal Ref: APP/F4410/W/17/3177084**

**Greengate Road, Norton, Doncaster WF8 3LT**

- 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 Origin Energy against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref: 12/02140/FULA, dated 13 August 2012, was refused by notice dated 9 March 2017.
  - The development proposed is the erection of 1 No 2.5MW wind turbine (80m to hub, 120m to blade tip) and construction of associated access tracks.
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### Preliminary Matters

1. This proposal is now of some age. The original scheme proposed 2 wind turbines but was amended during the course of 2016 to the scheme described above. It was on this proposal that the Council made its decision in March 2017. Following the appeal being submitted further information was required in relation to the submitted Environmental Statement. I have taken the revised information into account in reaching my decision.
2. The parties have had the opportunity to comment on the revised National Planning Policy Framework (NPPF) which was published in July 2018.
3. The appeal site lies within the Green Belt. Although this location does not form part of the Council's reasons for refusing planning permission it is material to my decision, which must assess the proposal anew. The Appellant's appeal statement acknowledges the Green Belt location.

### Decision

4. The appeal is dismissed.

### Main Issues

5. The main issues in the appeal are:
  - (a) Whether the proposal constitutes inappropriate development in the Green Belt, and the effect on the openness and purposes of the Green Belt;
  - (b) The impact of the proposed development on the character and appearance of the area;
  - (c) The impact of the proposal on heritage assets;

- (d) If the development is inappropriate, whether the harm by inappropriateness, and any other harm, is clearly outweighed by other considerations put forward in favour of the proposal so as to amount to the very special circumstances necessary to justify development (the planning balance).

## **Reasons**

### ***Whether inappropriate, openness and purposes***

6. Paragraph 147 of the NPPF indicates that elements of many renewable energy projects will comprise inappropriate development when in the Green Belt and that developers will need to demonstrate very special circumstances if projects are to proceed. This proposal could be regarded as either a building or engineering operations. In either case there is no suggestion in the NPPF that such development should be regarded as anything but inappropriate in the Green Belt. As a new building it would be inappropriate as indicated in NPPF paragraph 145.
7. If regarded as an engineering operation (which at least some of the development would be) then it would only be 'not inappropriate' if the openness of the Green Belt was preserved and there was no conflict with the purposes of including land within the Green Belt. It seems to me that there can be no doubt that the proposal reduces the openness of the Green Belt and leads to some encroachment into the Green Belt. The reduction in openness would, despite the largely open nature of the area being generally capable of being understood, be of a magnitude which would be significant because of the scale of the development. In effect it would introduce a large man made structure which would lead to a perceived loss of openness. I am therefore satisfied that the proposal is correctly regarded as inappropriate development, would significantly reduce openness and would be in conflict with one of the purposes of the Green Belt. This leads to harm to the Green Belt by definition, and the NPPF requires that substantial weight attaches to that harm.
8. The Development Plan includes saved policies of the Doncaster Unitary Development Plan (UDP). Policy ENV3 largely follows the NPPF and requires very special circumstances to be demonstrated if inappropriate development is to be permitted. I deal with that matter later.

### ***Character and Appearance***

9. I do not agree that the baseline quality of the landscape hereabouts is poor. This seems to have been suggested because of the presence of the nearby quarry. The quarry has a localised impact, but in a wider sense my observations revealed distinct characteristics which in my judgement bring the quality of the landscape to a moderate to high level.
10. In particular the undulating nature of the well wooded rural landscape is largely free of man-made structures with the exception of scattered farms and houses, and nearby villages. From the higher land on which the turbine would be located there are long distance views from a number of locations. These views take in distant power stations, wind farms and pylons. However none of these features exert significant influence on the character around the appeal site. Character close to the site reflects those matters set out above but also includes the medium to large scale field pattern, largely arable but with some

pasture, and the presence of narrow but well used lanes. Given its proximity to the A1, Doncaster and other urban locations the locality around the proposed turbine location seems to me to exhibit a remarkable degree of tranquillity. As such I consider that it has a moderate to high degree of sensitivity to development of this type.

11. The wind turbine itself would be located in a prominent location, with little to mitigate its scale and impact at close quarters. Put simply it would add a significant adverse characteristic to the area. In my judgement this would lead to a medium to high adverse effect on landscape character and quality.
12. Visually the development would be of greatest concern to sensitive receptors such as local householders and recreational users of the footpath network. I visited a large number of the viewpoints set out in the submitted visualisations and they give an accurate representation of the proposal. But I disagree with the conclusions reached in relation to the impact of the turbine.
13. The visual exposure of the turbine from public rights of way and some nearby properties would be significant and inescapable. That is perhaps not surprising for a development of this scale, but in this instance the effect seems to me to be particularly conspicuous because of the isolation of the development and its lack of apparent reason for it being at this location. It would just appear as a randomly located wind turbine which would impart little sense that the location had been given great thought. Hence it is my judgement that the visual impact would be high when relatively close to the appeal site, and the overall effect would also be high and adverse.
14. As the viewer moves away from the turbine it would of course reduce in significance, and there are locations reasonably close by where it would not be seen at all because of intervening landform or vegetation. Nonetheless I regard the overall effect on the character and appearance of the area to be significantly harmful.
15. The Development Plan also includes the Doncaster Council Core Strategy (CS) of 2012. Policy CS3(C) requires (amongst other things) that development is not visually detrimental to the countryside by reason of siting, materials or design. This proposal is in conflict with the policy for the reasons set out above.

### ***Heritage Assets***

16. There are 2 heritage assets nearby which give concern to the Council. These are Summer House Farm and Norton Windmill.
17. Summer Hose Farm is located quite close to the appeal site but over the crest of the plateau. As such there appears to be little or no intervisibility between them at ground level. Whilst I do not doubt that parts of the turbine would be visible from the environs of Summer House Farm and be within its wider agricultural setting I agree that any impact on the significance of the farm would be of little substance.
18. Similar observations apply to Norton Windmill, though because of the public right of way which passes the windmill there would be an opportunity to see the turbine in sequence with it. Hence there would be a greater propensity to observe the turbine from public vantage points as being of some impact on the significance of the listed building. That said the relationship between the

windmill and its agricultural setting would be readily understood and any impact on the setting would be less than significant.

19. Saved UDP Policy ENV34 normally seeks to avoid any development which would adversely affect the setting of a listed building, and in this respect is rather more prescriptive than the balance suggested in the NPPF. There is limited weight attached to the conflict with this policy as a result. However, as pointed out in the NPPF great weight should be given to the conservation of a designated heritage asset irrespective of the degree of harm. This is a matter I deal with later.

### **Other Matters**

20. Before turning to the final main issue I deal here with some of the other concerns expressed in relation to this proposal. These include noise, shadow flicker, radar interference and wind resource.
21. I am satisfied that the evidence relating to noise shows that the impact at the nearest dwellings would be acceptable and in line with the nationally accepted standards. Because of the distance to the nearest dwellings shadow flicker would be unlikely, but in any case could be controlled by condition.
22. The matter of radar interference for air movements has been dealt with in some depth. Suffice to say that a technical solution would be available in the event of the appeal being allowed, and any permission could be conditioned appropriately. So far as the wind resource is concerned there is simply no tenable evidence that this location would be anything other than suitable.
23. None of these matters, or any other outside of the main issues in the appeal brought to my attention, provides sufficient evidence to weigh for or against the proposed development.

### ***Very Special Circumstances and the Planning Balance***

24. The NPPF states that the wider environmental benefits associated with increased energy from renewable sources may be included in the demonstration of very special circumstances in Green Belt cases. Renewable energy is, in principle, to be welcomed at whatever scale. Where impacts are (or can be made) acceptable the NPPF expects applications to be approved. In this regard any impacts identified by the local community are expected to be addressed.
25. In this instance there are many objections to the proposal from the local community, but also a good measure of support. The amendment of the application (reducing from 2 turbines to 1 turbine) was in part driven by local concerns. In addition other concerns, such as that relating to noise, have been addressed. As pointed out in the appeal decision<sup>1</sup> put before me a literal interpretation of the NPPF to mean that addressing community concerns to the extent that there would be no adverse impact would be likely to result in no scheme ever being permitted. The NPPF requires decision makers to reach a balanced view whilst giving appropriate weight to the concerns of the community on the identified material considerations.

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<sup>1</sup> APP/E2001/W/17/3187387

26. Policy CS19 from the Core Strategy is generally supportive of renewable energy and sets out a number of considerations. Overall it requires a balance to be struck between development and adverse effects. As I have found significant adverse impact on landscape character and appearance the proposal cannot benefit from the general support set out in this policy.
27. Taking my conclusions on the main issues together with the other considerations advanced in favour of the proposal the planning balance can be outlined as follows:
- The proposal would be inappropriate development in the Green Belt, would reduce openness and conflict with the purposes of Green Belt designation. This attracts substantial weight against the proposal;
  - The development would be harmful to the character and appearance of the area to a degree greater than suggested by the Appellant. This would conflict with the development plan and attracts significant weight;
  - There would be less than substantial harm to the significance of 2 heritage assets. The minor harm in this case weighs minimally against the proposal.
  - On the positive side of the balance the proposal would provide renewable energy from a project which would be reversible (albeit that reversibility would be about a generation away). This is a matter of significant weight in favour of the proposal.
28. It is my judgement that the positive considerations here fall short of the necessary level to enable the proposal to be permitted. The contribution of the development to the production of renewable energy and combatting climate change do not outweigh the substantial and significant negative impacts I have identified. As such they do not amount to the very special circumstances required to grant planning permission. There is consequently further conflict with the development plan under saved Policy ENV3 of the UDP.
29. For the reasons given above I conclude that the appeal should be dismissed.

*Philip Major*

INSPECTOR