The Planning Inspectorate

Appeal Decision

Site visit made on 15 February 2013

by Alan Novitzky BArch(Hons) MA(RCA) PhD RIBA

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

Decision date: 12 March 2013

Appeal Ref: APP/R4408/A/12/2185811
Land at Ringstone Hill Farm, Southmoor Road, Brierley, S72 9HF

- 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 Empirica Investments Ltd against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2012/0288, dated 1 March 2012, was refused by notice dated 26 September 2012.
- The development proposed is erection of a single wind turbine.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal comprises a turbine assembly of 55m maximum height from ground level to the tip of the blades and 37m to the hub, with 36m swept blade diameter. The original application, for an assembly of 67m maximum height to blade tip, 45m hub height, was amended in Knight Frank's letter to the Council dated 30 July 2012 following initial consultation responses.
3. The Order partially revoking the Yorkshire and Humber Regional Strategy (RSS) came into force on 22 February 2013. Consequently the RSS policies to which attention was drawn by the parties no longer apply to this case.

Main Issues

4. The main issues are:
   - Whether the proposal comprises inappropriate development in the Green Belt.
   - Its effect on the character and appearance of the countryside.
   - Its effect on heritage assets.
   - Whether any harm by reason of inappropriateness, or any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development

5. The development plan includes Barnsley MDC's Core Strategy (CS). Since it was adopted in September 2011, in accordance with the Planning and Compulsory Purchase Act 2004, paragraph 214 of the National Planning Policy

Framework (NPPF) is engaged. This states that decision-takers may continue to give full weight to relevant policies, even if there is a limited degree of conflict with the NPPF. CS Policy CSP 34 (Protection of the Greenbelt) tells us that the extent of the Green Belt will be safeguarded and remain unchanged. However, no policies have been supplied which define development which is not inappropriate in the Green Belt.

6. Paragraph 89 of the NPPF sets out the categories of new buildings in the Green Belt which are not inappropriate, none of which includes wind turbines. However, paragraph 90 tells us that certain other forms of development, including engineering operations, are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

7. Although a single, slim structure, the wind turbine assembly would exercise a presence within the Green Belt inevitably diminishing its openness. Further, it would conflict with one of the purposes of the Green Belt set out in paragraph 80 of the NPPF, that of assisting in safeguarding the countryside from encroachment. Therefore, the proposal comprises inappropriate development which, the NPPF notes at paragraph 87, is by definition harmful to the Green Belt and should not be approved except in very special circumstances

Character and Appearance

8. The site lies in Landscape Character Area (LCA) D1, North East Barnsley Settled Arable Slopes. Close by, to the south and west, is the LCA E3, Grimethorpe Settled Wooded Farmland, and to the east and north the Wakefield District South East Coalfield LCA.

9. The key characteristics of LCA D1, taken from the Barnsley Borough Landscape Character Assessment, include sloping/undulating landform with small valleys and ridges; arable farmland comprising medium to large field units; lack of tree cover providing little in terms of enclosure or interest in the vertical plane; pylons and power lines as visually striking elements across open farmland. Those of LCA E3 include, arable farmland relating to rolling land; recreational green space on urban edges merging with open farmland. The key characteristics of the South East Coalfield LCA include extensive remodelling by coal extraction and restoration to intensive agricultural use.

10. Although it does not occupy the highest point in the local landscape, the site lies in a raised, very open position. It is highly visible as a feature on the skyline from all directions, but especially from the south and the west. With quite large fields, and without substantial areas of continuous tree cover, the landscape cannot be described as enclosed or intimate, but instead gives the impression of great openness. Moreover, the settlements of Grimethorpe and South Kirkby on lower undulating land, or the urban areas further away, do not intrude to any extent.

11. There are small groups of trees, together with scattered farm and other buildings on various horizons, and transmission lines with pylons cross the landscape. However, the turbine assembly would be of a much greater scale, even reduced in height as now proposed. From many positions, the landscape has the qualities of a wide and open panorama, within which the turbine would occupy a dominating position and become a focus of attention.

12. Further, the extensive network of footpaths, bridleways and long distance trails, including a byway which might be oversailed by the blades of the turbine, add to concern over the effect of the proposal on public appreciation of the qualities of the landscape. However, whilst there may be opportunities to glimpse the proposed turbine in conjunction with the Marr turbine, some 10km to the south east of the site, the cumulative impact would be small.

13. In these circumstances, I find that the proposal would have a significantly harmful effect on the character and appearance of the landscape, in conflict with many of the positive key characteristics of the LCAs. This would be contrary to the aims of CS Policy CSP 37 (Landscape Character) and the landscape criterion of CS Policy CSP 6 (Development that Produces Renewable Energy). It would also fail to meet one of the core planning principles of the NPPF, of recognising the intrinsic character and beauty of the countryside,[1] and its policy of protecting and enhancing a valued landscape.[2]

Heritage Assets

14. I agree with the Council that views of the turbine from the Brierley and Clayton conservation areas would be very limited, because of the distances involved and the presence of intervening trees, topography and buildings. Consequently their character and appearance would be preserved. For similar reasons, I agree that the settings of various listed buildings in the area surrounding the site would not be harmed, but would be preserved.

15. The two most important heritage assets affected are South Kirkby Camp Scheduled Ancient Monument (SAM), on the western fringes of South Kirkby, some 900m east of the site, and Hallsteads Moated Site SAM, some 1km to the south. South Kirkby Camp contains the remains of a prehistoric enclosed settlement and comprises banks and ditches with a clear defining boundary within an uncultivated field. It is primarily of archaeological interest. However, appreciation of its significance depends to an extent on its setting, which allows imaginative reconstruction of how it may have operated within the landscape. Consequently, the setting is wide.

16. It is unlikely that appreciation of the significance of the heritage asset would be harmed by any simultaneous views of the turbine and SAM, whilst outside the boundaries of the SAM. However, viewed from within its boundaries, the blades of the turbine would be seen above the copse of trees in the middle distance to the west, adjacent to Brierley Gap. It would be seen in conjunction with a telecoms mast near the copse, and wooden poles with transmission lines which exert quite a strong presence in the foreground.

17. Despite the existing visual clutter, the turbine, especially with blades rotating, would attract attention and harm the significance of the heritage asset. In my view, this would comprise less than significant harm, engaging paragraph 134 of the NPPF, to be weighed against the public benefits of the proposal. It would also conflict with the aims of CS Policy CS 30 (The Historic Environment) and the heritage criterion of CS Policy CS 6.

18. Hallsteads Moated Site comprises cropmarkings and a ditch enclosing the site where buildings stood. As with South Kirkby Camp, it is of archaeological interest, and appreciation of its significance depends to an extent on its

[1] Paragraph 17, fifth bullet
[2] Paragraph 109, first bullet

landscape setting. The SAM is located on private land in a rural setting adjacent to a belt of mature trees. There may be glimpses of the turbine from the heritage asset and, beyond its boundaries, views towards the turbine would encompass the tree belt but the SAM would probably not be discernible. There would be some harm, but it would be less than substantial.

Very Special Circumstances

19. The harm by reason of inappropriateness and the other harm identified must be clearly outweighed by other considerations if the very special circumstances necessary to justify the development are to exist. As indicated in paragraph 91 of the NPPF, these other considerations may include the wider environmental benefits arising from the increased production of energy from renewable sources.

20. The Appellant also refers to the proposal's contribution to cleaner energy and cleaner air; its contribution to education and local understanding of renewable energy; increased security and reliability in the supply of electricity; and potential job creation.

21. Very many aspects of Government policy emphasise the importance of increasing renewable energy capacity and I appreciate the contribution the proposal would make to renewable energy resources. Paragraph 98 of the NPPF notes that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. However, the benefits of the proposal do not clearly outweigh the aggregate harm, nor could they do so by the impositions of the suggested conditions. Therefore, very special circumstances justifying the proposal are not present. The proposal does not accord with either the development plan or national policy guidance overall and is unacceptable.

Alan Novitzky

Inspector