



Appeal Decision

Site visit made on 23 February 2011

by Elizabeth Fieldhouse DipTP DipUD MRTPI

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

Decision date: 7 April 2011

Appeal Ref: APP/F2415/A/10/2134781

Valley View Farm, Red Lodge Road, Tilton on the Hill, LE7 9LJ

- 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 Philip East against the decision of Harborough District Council.
 - The application Ref 10/00020/FUL, dated 23 December 2009, was refused by notice dated 14 April 2010.
 - The development proposed is erection and operation of wind turbine up to 100kW rated power and associated cables in land adjacent to Valley View Farm.
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Procedural matters

1. The application drawing shows a turbine 36.7m to the hub with a 20.9 diameter rotor but the appellant advises that the precise turbine available may be up to 50m to tip of blade. I shall consider the proposed turbine in the form shown on the appeal plans but appreciate that it may be slightly higher.

Decision

2. I dismiss the appeal.

Main Issues

3. The main issues in this appeal are;
 - Whether the amenities of neighbouring occupiers would be adversely affected by reason of noise; and
 - Whether the proposal would preserve the setting of historic assets within the immediate area.

Reasons

Neighbouring occupiers' amenities

4. The nearest residential property, other than the appellant's farm, is Red Lodge Farm that is some 450m away. Planning Policy Statement (PPS) 22 *Renewable Energy* and the Companion Guide provide that the 1997 report by ETSU should be used to assess and rate noise from wind energy development.
5. Information extracted from the manufacturer's measured noise level data for the proposed wind turbine was modelled and adjusted to recalculate the noise levels at Red Lodge Farm which would be 35dB(A)_{L_{A90},10 min} at wind speed of 8 m/s and at 10 m/s 33.9dB(A)_{L_{A90},10 min}. Such levels would comply with the ETSU guidelines as did the variety of earlier estimates provided. Nevertheless, there are no details of the sites used to validate the supplier's figures,

modelling calculations or acoustic data to backup these predictions. In the absence of the details, it has not been adequately demonstrated that there would not be harm to neighbouring occupiers by reason of noise and therefore Harborough District Local Plan 2001 (LP) policy IN/1(J) would be met.

Setting of historic assets

6. St Peter's Church at Tilton on the Hill is grade I listed with its spire a dominant feature on the hill particularly from the valley to the north on the north slope of which the proposed wind turbine would be sited. PPS 5 *Planning and the Historic Environment* provides in policy HE10 principles guiding the consideration of applications for development affecting the setting of a designated asset which annex 2 advises is the surroundings in which a heritage asset is experienced. Policy HE9.1 provides that the significance of a heritage asset can be harmed or lost through development within its setting with a presumption in favour of the conservation of designated heritage assets.
7. The landscape of the area provides the setting not only for the Church but for the historic settlement of Halstead and its grade II listed Halstead House some 700m to the south east, typical of 18th and 19th century farmsteads. The proposed wind turbine would not have a direct effect on the Church from within Tilton on the Hill or its conservation area but would result in the loss of prominence of the spire from the surrounding area. The proposed turbine would be dominant in views of the Church spire, particularly from the road through the valley from Halstead to Marefield along parts of which the church spire would be lost behind the turbine or at least dwarfed. In relation to Halstead House, the proposed turbine would be prominent in the outlook from the surrounds of that property but would be viewed in fairly close association with the farm buildings. As the historic farmstead is generally inward looking, its setting would not be unacceptably compromised.
8. Nevertheless, by virtue of its isolated location within the field away from any of the sizeable trees within the holding or the farm buildings, its vertical scale and blade sweep would have a harmful impact on, and fail to preserve the setting of the Church contrary to the general duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and LP policy EV/16.

Overall conclusions

9. The thrust of Government policy is to cut carbon dioxide emissions with the development of renewable energy a vital contributor to the aims in PPS 1 Supplement *Planning and Climate Change* and 22. The East Midlands Regional Plan (RSS) policy 40 provides that low carbon energy proposals in locations where environmental, economic and social impacts can be addressed satisfactorily should be supported. The Secretary of State has made clear that it is the Government's intention to revoke RSS and the provisions of the Localism Bill, which is now before Parliament, reflect this intention. But, having regard to the stage the Localism Bill has reached in the parliamentary process, the RSS is material and is part of the development plan.
10. Other radio masts and transmission pylons in the vicinity have been taken into account but rather than providing a justification they demonstrate the impact of such developments and/or are closely associated with other buildings, structures or planting. PPS 22 provides that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight

in determining proposals. Small scale projects can provide limited but valuable contribution to overall outputs of renewable energy.

11. The proposed turbine would be sited away from the farm buildings or other structures/features and would inevitably be prominent. It would fail to preserve the setting of the grade I listed Church added to which there is insufficient supporting evidence to confirm the noise levels from the operation of the turbine at Red Lodge Farm. These factors are such that they outweigh the significant benefit identified from a renewable energy project in Government advice. The identified harm could not be overcome by the imposition of conditions. For the above reasons and having regard to all other material considerations, the appeal should be dismissed.

Elizabeth Fieldhouse

INSPECTOR