
Appeal Decision

Site visit made on 16 February 2015

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 24 March 2015

Appeal Ref: APP/D2510/A/14/2219509

Site at Station Road, Legbourne, Louth

- 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 M Casswell against the decision of East Lindsey District Council.
 - The application Ref N/100/00209/13, dated 1 February 2013, was refused by notice dated 23 April 2014.
 - The development proposed is erection of a single 50kW 36.7 metres to hub, 46.3m to blade tip wind turbine plus associated works.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issues are; first, the effect of the proposed wind turbine on the character of the landscape; second, the effect of the wind turbine on the visual amenity of the area; third, the effect of the proposal on heritage assets; fourth, the benefits of the wind turbine; and fifth, the overall planning balance.

The first issue – the character of the landscape

3. The proposed turbine would be in a field about 360 metres to the north of the A157, and about 1.1 kilometres to the north-west of the centre of the village of Legbourne. The field and the immediate surrounding landscape are within the local character area I1 'Holton le Clay to Great Steeping Middle Marsh'. The East Lindsay Landscape Character Assessment describes area I1 as 'gently undulating foothills to the (Lincolnshire) Wolds. Predominantly arable farmland with medium to large scale fields, some pasture...A distinctive and tranquil landscape with few detractors...The overall landscape sensitivity is considered to be moderate to high'. The wind turbine would be located in an area that has these characteristics and is undulating farmland between a coastal plain and the inland higher ground of the Lincolnshire Wolds. The Wolds are an Area of Outstanding Natural Beauty (AONB), which is nearby to the west of the appeal site.

4. The Council claims that the proposed wind turbine would be the first turbine in local character area I1. The Appellant maintains, however, that there is a wind turbine, 67 metres high to blade tip, about 8.2 kms away in the same character area. There can be, at such a separating distance, no intervisibility between the existing and proposed turbines. The presence of another turbine in the same character area can be discounted as a material consideration.

5. The immediate area around the appeal site was found, during the lengthy site visit, to have all the characteristics of character area I1. It is not flat but gently undulating; Bracken Hill to the north-west of the site is an example of these undulations. It is a farmed landscape subdivided into medium to large fields, and is tranquil. Despite the nearby roundabout junction of the A157 and the B1200, and the town of Louth beyond, the vicinity of the site is, in fact, particularly tranquil. The introduction of a wind turbine into this tranquil landscape, even a relatively small turbine as proposed in this case, would have a detrimental effect on the character of the area. The turning blades would be particularly harmful to the tranquillity of the area.

6. The proposed development would have a significant adverse effect on the character of the landscape and would detract from the distinctive character of the locality. In this regard it would conflict with saved policy A5 of the East Lindsay Local Plan Alteration 1999 (LP), which is the Development Plan for the area.

The second issue – the visual amenity of the area

7. Public footpath 203 extends north-westwards from the centre of Legbourne, towards Louth. The footpath follows field boundaries and, at its closest, passes about 360 metres to the north-east of the location of the proposed turbine. Views south-westwards from the footpath are across the undulating landscape of the appeal site, with the higher ground of the Lincolnshire Wolds in the near background. The partly wooded Wolds, in these attractive views, contrast with the open undulating fields in the foreground. The introduction of a wind turbine in the open near foreground, particularly given its spinning blades, would be seriously intrusive in the views from the footpath towards the Wolds. The proposed wind turbine would have a significant adverse effect on the visual amenity of the area and, in this regard also, would conflict with saved LP policy A5.

8. The coastal plain of Lincolnshire has been a focus for wind energy developments in recent years. Some of the developments are visible in the distance from the chalk escarpments of the Lincolnshire Wolds AONB. Views from these escarpments are recognised as contributing to the special character of the AONB. Whilst the proposed turbine would probably not be visible from the higher escarpments of the Wolds it would be glimpsed from within the east fringes of the AONB. Further visual intrusion into the views eastwards out from the AONB would undermine the special character of this designated area, which is protected for its landscape and scenic beauty. Paragraph 115 of the National Planning Policy Framework (NPPF) states that great weight should be given to conserving the landscape and scenic beauty of AONB's.

The third issue – heritage assets

9. To the south of the A157 is Legbourne Priory, a Scheduled Ancient Monument (SAM) that was built around 1150. Whilst the area around the Priory would have once been associated with its function and influence, that association has been lost since the Priory fell into ruin, probably soon after its dissolution in 1536. The wind turbine would be about 900 metres to the north of the SAM and, given intervening woodland and vegetation, would not be visible from it even during winter months. Taking these factors into account the proposed development would have no effect, adverse or otherwise, on the setting of Legbourne Priory or on the significance of this heritage asset.

10. From public footpath 203 there are distant glimpses of the spire of St James' Church in the centre of Louth; the spire is the tallest spire of a medieval parish church in England. The spire does not become prominent in the view until the site of the proposed turbine has been passed and, in particular, until the footpath crosses the B1200. The proposed turbine would have no effect on the setting of St James' Church, a Grade I listed building, or on the setting of any other listed building in the vicinity of the appeal site. No harm would be caused to the setting of any heritage asset.

The third issue – benefits of the proposed turbine

11. No information has been provided on how much power would be generated by the turbine. It is only claimed that "The proposed development would be economically beneficial to the landowner, and is a good example of a small scale wind turbine development which will help to make a small but nonetheless meaningful contribution towards the achievement of renewable energy targets". It is also claimed that the turbine would contribute to farm diversification.

Other matters

12. All other matters mentioned in opposition to and support for the scheme have been taken into account but they do not, either individually or collectively, contribute to matters that must be considered in the overall planning balance.

The fourth issue – the overall planning balance

13. At the heart of the balancing exercise is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

14. The LP is out of step with national policy on renewable energy as set out in the NPPF because it does not include policies on renewable energy development. Full weight cannot therefore be afforded to it. The NPPF supports the provision of renewable energy if the impacts are, or can be made, acceptable. In paragraph 98 it is recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

15. The proposed turbine would have a significant adverse effect on the character of the landscape and the Lincolnshire Wolds AONB, and a significant adverse effect on the visual amenity of the area. The proposed development conflicts with saved LP policy A5 though this policy is afforded less than full weight.

16. The planning balance requires planning judgement to be exercised. The significant harm that would be caused by the proposed development, and the slight conflict with the development plan, is not significantly and demonstrably outweighed by the environmental and other benefits of the wind power scheme, and is therefore, in NPPF terms, not acceptable. Planning permission has thus been withheld for the erection of a single 50kW 36.7 metres to hub 46.3m to blade tip wind turbine plus associated works on a site at Station Road, Legbourne, Louth.

John Braithwaite

Inspector