
Appeal Decision

Site visit made on 24 November 2015

by Neil Pope BA (Hons) MRTPI

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

Decision date: 01 April 2016

Appeal Ref: APP/D0840/W/15/3129090

Trevorian Farm, Sennen, Cornwall, TR19 7BQ.

- 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 Richard Thomas of W J Thomas & Son against the decision of Cornwall Council.
 - The application Ref. PA15/01124, dated 4/2/15, was refused by notice dated 25/3/15.
 - The development proposed is the installation of an Endurance E4660 wind turbine, 24.8m hub height, 23.5m diameter rotor, total height to blade tip 36.6m.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within the St. Buryan Area of Great Landscape Value (AGLV) and the Penwith Moors Area of Great Historic Value (AGHV). The Cornwall Area of Outstanding Natural Beauty (AONB) is approximately 270m to the north west and the Heritage Coast is about 80m to the west.

Main Issue

3. The main issue is whether the benefits of the appeal scheme, including the production of electricity from a renewable source, outweigh any harmful impacts, having particular regard to the effects upon: the character and appearance of the area, including the setting of the Cornwall Area of Outstanding Natural Beauty (AONB); the settings of some nearby designated heritage assets and; air safety interests associated with Land's End Airport.

Reasons

4. The development plan includes the 'saved' policies of the Penwith Local Plan (LP) which was adopted in 2004. The most relevance policies to the determination of this appeal are CC-1 (landscape); CC-5 (AGLV); CC-15 (settings of Scheduled Ancient Monuments); CS-9 (renewable energy) and; CS-10 (wind turbines). These policies are broadly consistent with the provisions of the National Planning Policy Framework (the Framework).
5. My attention has been drawn to the emerging Cornwall Local Plan (eLP). A Proposed Submission Document was published in 2014 and an Examination commenced in 2015. However the Examination process has been suspended. The eLP has yet to reach the stage where it can be given significant weight. It is not relied upon by the LPA.

6. The AONB Management Plan (2011-2016) [MP] does not form part of the development plan but it is an important material consideration. Amongst other things, the MP identifies the special qualities of the AONB. For the West Penwith part of the AONB these include long range views and the wealth of ancient features. Policy PD8 includes a requirement for particular care to be taken to ensure that no development is permitted outside the AONB which would damage its natural beauty, character and special qualities or otherwise prejudice the achievement of the AONB purposes. The MP can be given moderate weight in determining this appeal.
7. I have also taken into account the Council's 2012 Technical Paper 'An assessment of the Landscape Sensitivity to Onshore Wind and Large Scale Solar Photovoltaic Development in Cornwall' (ALS). The proposal would comprise a 'small sized turbine' as defined in the ALS. It lies within the West Penwith North and West Coastal Strip Landscape Character Area¹ where there is a high overall landscape sensitivity to wind energy development. The landscape strategy is for a landscape without wind farms with the exception of very occasional very small single turbines associated with existing buildings. The ALS has yet to be adopted by the LPA. It can be given limited weight.
8. In determining planning applications for wind energy development, Footnote 17 of the Framework states that planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure (EN-3), which should be read with the relevant sections of the Overarching National Policy Statement for Energy (EN-1). Amongst other things, EN-1 states that the Government is committed to increasing dramatically the amount of renewable generation capacity and EN-3 states that onshore wind farms will continue to play an important role in meeting renewable energy targets.
9. I have also taken into account the Government's 'Planning practice guidance for renewable and low carbon energy' (PPG), as well as various Written Ministerial Statements (WMS) on renewable energy.

Other Documents

10. In determining this appeal I have taken into account the provisions of various Acts², Directives³, Strategies⁴ and Statements⁵ relating to renewable energy, including the 2007 energy white paper⁶. Amongst other things, these set out and identify progress towards achieving the legally binding target of reducing UK emissions by at least 34% by 2020 and 80% by 2050, as well as achieving the UK's obligation of 15% of energy consumption from renewable energy resources by 2020. They reflect the Government's commitment to renewable energy. These are important matters to also weigh in the planning balance. However, amongst other things, the PPG advises that the need for renewable energy does not automatically override environmental protection or the planning concerns of local communities.

¹ As defined in the Cornwall and Isles of Scilly Landscape Character Study (2007).

² The Climate Change Act 2008.

³ Renewable Energy Directive 2009/28/EC.

⁴ Including the UK Renewable Energy Strategy (2009) and the UK Renewable Energy Roadmap and its updates.

⁵ Department of Energy & Climate Change Annual Energy Statement (2013).

⁶ 'Meeting the Energy Challenge' DTI (May 2007).

Benefits

11. The proposed wind turbine is rated at 85kW. It would generate renewable electricity that would be used in the potato packing and cold storage facility on the appellant's 400ha family farm enterprise. The electricity would be used to convert the farm business to "green energy" and provide economic stability to a rural enterprise that provides employment for 7 full-time workers and 8-10 seasonal casual workers. Surplus electricity would be fed into the National Grid and would help diversify the farm business. The proposal would benefit the local rural economy.
12. The proposed development would reduce CO₂ emissions and, in combination with other renewable and low carbon energy schemes, would assist in tackling climate change. It would help meet Government targets and ambitions for renewable energy and would add to the security of supply.
13. The above noted benefits can be given considerable weight.

Character and Appearance

14. The appeal site comprises part of a medium-sized field on Trevorian Common. It lies within an area of attractive open countryside with stunning views across this coastal landscape. The area also contains numerous important heritage assets, such as the funerary monuments on the nearby hill at Carn Brea and prominent church towers such as those at St. Buryan and Sennen. Like much of Cornwall this area is popular with visitors. As noted above, the site forms part of a sensitive landscape. This landscape contains some existing wind turbines such as those at Little Bosanketh⁷ and Trevear Farm⁸
15. The proposed wind turbine would have a small 'footprint' and would not involve any harmful disturbance to any important landscape fabric. Whilst this 'small sized' turbine would be a similar height to the above noted turbines it would be a considerable distance from the nearest building or farm group. Up to about 1km the proposal, by virtue of its height, engineered form and movement of the turbine blades, would have a significant adverse effect upon the unspoilt open character of the area. With increasing distance the effect would diminish and beyond about 2.5km there would be negligible adverse effects upon the character of the landscape.
16. The proposal would be readily apparent from numerous sections of public roads and rights of way that cross the surrounding landscape. For those using the minor roads to the south and the public footpaths to the north and west of Trevorian Farm and the track to Carn Brea to the north east, the wind turbine would be a very prominent feature in the landscape. Its height and form would be at odds with the natural qualities of the landscape.
17. The wind turbine would intrude into the rural scene and disrupt views across the landscape, including those to and from Carn Brae. This would be exacerbated by the movement of the turbine blades which would 'draw the eye'. I concur with the Council, the AONB Partnership and The National Trust that the proposal would detract from the scenic qualities of the AONB. It would significantly harm the appearance of the area.

⁷ Approximately 1.4km south east and 34.4m to tip height.

⁸ Approximately 1km south and 34.6m to tip height.

18. The proposed wind turbine would be seen with other turbines in the wider landscape. These would be set apart so as not to result in a 'windfarm landscape'. Although no cumulative harm has been identified by the Council the proposal would further erode the character and appearance of this sensitive coastal area. Each case must be determined on its own merits and the existing wind turbines do not set a precedent for further wind energy development.
19. The proposed siting of the wind turbine and its height would be contrary to the landscape strategy in the ALS. Moreover, the harm that I have identified to the character and appearance of the area would be contrary to LP policies CC-1 and CC-5 and MP policy PD8. Wind turbines are not precluded within the countryside and some adverse landscape and visual impacts are an almost inevitable consequence of accommodating wind energy development in rural areas. The adverse effects that I have identified would also be limited to a 25 year period and would be reversible. Nevertheless, the proposal would result in harm to the setting of a nationally important landscape. I give considerable weight to the landscape and visual harm that I have identified above.

Settings of Designated Heritage Assets

20. One of the Core Principles of the Framework is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. In determining planning applications, paragraph 131 of the Framework includes a requirement for local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets.
21. Furthermore, paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
22. The LPA and Historic England have expressed concerns that insufficient information has been submitted to properly assess the impact upon heritage assets. I note the appellant's criticism that no heritage asset was identified. However, given the site's location within an AGHV and the remarks in the Screening Opinion that was provided by the LPA in June 2014 which state "The visual and landscape and heritage impacts are considered to be likely..." it is surprising that no heritage statement accompanied the application.
23. As I noted during my site visit, the appeal site forms part of the surroundings in which numerous designated heritage assets are experienced. These include the funerary monuments at Carn Brea (Scheduled Monuments), the Grade II* listed Church of St. Sennen and the Grade II listed mid-19th century farmhouse at Trevear Farm. Following my visit, the appellant's agent was alerted to a likely impact upon the significance of these assets and was given the opportunity of submitting a heritage statement. No such Statement has been forthcoming. Instead, the appellant's agent has drawn my attention to "other identical farm turbines in the vicinity."
24. The significance of the above noted Scheduled Monuments lies primarily in their inherent archaeological interest relating to the construction and funerary practices of prehistoric communities. The Monument on the summit of Carn Brea also has archaeological interest as the base for the medieval chapel of St. Michael, as well the remains of a Second World War radar station.

25. The surrounding landscape, including the appeal site, forms an integral part of the setting of these Monuments. The unspoilt open qualities of the appeal site make a small, but positive, contribution to the historic interest of these designated heritage assets. From the summit of Carn Brea, the site affords an appreciation / understanding of the historic landscape context of these assets.
26. The significance of the Church of St. Sennen and Trevear Farmhouse lie primarily in their inherent architectural qualities, historic fabric and historic associations with the surrounding countryside. The 15th century church tower is a prominent feature in the landscape. Both it and the church tower at St. Buryan represent 'beacons for worship' in the landscape and are important in understanding the spiritual significance of this part of the coast / countryside.
27. The unspoilt open qualities of the appeal site make a small but positive contribution to the historic interest of the Church of St. Sennen and Trevear Farmhouse. In views from the north east, including the summit of Carn Brea, the site forms part of the landscape setting of the church tower. In views of Trevear Farmhouse from the west, the site is an integral part of the historic countryside setting to a house that has close associations with this rural area.
28. The proposed wind turbine would be readily apparent in views from the Monuments on Carn Brea. The height and engineered form of the turbine, along with the movement of its blades, would comprise a discordant and distracting element in appreciating / understanding the historic landscape context / significance of these assets. The proposal would conflict with the provisions of LP policy CC-15. In the context of the Framework, it would result in less than substantial harm.
29. The height and form of the turbine would intrude into and disrupt views of the church tower of St. Sennen. This would include views from the summit of Carn Brea, when looking towards and beyond Land's End, where the turbine would be in direct line of sight of the church. Whilst not a designed view, this is an important vantage point for appreciating those assets which contribute to the spiritual qualities of the landscape. The proposal would diminish the primacy of the church tower in the landscape in views towards Land's End. It would result in less than substantial harm to the significance of the Church of St. Sennen.
30. Part of the turbine would be seen in views of the principal elevation of Trevear Farmhouse. It would be set back further from this asset than the existing wind turbine which appears to serve this farm. Nevertheless, the height and form of the proposal, including the motion of the turbine blades, would further erode the historic landscape setting of this listed farmhouse and have a small adverse effect upon an appreciation of its historic and architectural interest. In comparison to the impact upon the significance of the other assets that I have noted above, this would be a lower level of less than substantial harm.
31. From what I saw during my visit, some of the existing wind turbines, by virtue of their height, form and siting, do not have a positive or neutral effect upon the significance of some of the above noted heritage assets. However, I do not know the circumstances which led to these other wind energy developments being permitted. As I have found harm in respect of the appeal scheme and must have special regard⁹ to the desirability of preserving the settings of the Church of St. Sennen and Trevear Farmhouse, it would be unsound to grant

⁹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

permission on the basis that other similar developments exist nearby. The harmful impact of the appeal scheme must be weighed with the public benefits.

32. Less than substantial harm to the significance of designated heritage assets does not equate to a less than substantial planning objection. The harm that I have identified carries considerable weight in the planning balance.

Land's End Airport

33. I understand that the appellant undertook pre-application consultation with the operators of Land's End Airport and were informed that no objection would be raised. However, in commenting on the application the Airport operator expressed concerns over the height and location of the proposed wind turbine. I note that the proposal would not infringe the Airport's protected slopes but the blade tip height would come "relatively close". The turbine would also be "right under the approach / climb out route of the Passenger Scheduled Service to the Isles of Scilly". It is essential that air safety is not compromised by new development. I therefore appreciate the Council's concerns on this issue.
34. The Airport operator was notified of the appeal but no response appears to have been forthcoming. I understand that during inclement weather aircraft using the airport could be flying at lower heights and the surrounding terrain would be less distinct. It would have been helpful if further information had been submitted by the Airport operator and the appellant. This would have enabled a more detailed understanding of this matter and an informed assessment to be made of the likely risk to air safety interests.
35. In my experience, where a risk to air safety interests has been identified by a local planning authority and / or those with responsibility for air safety, wind energy developers obtain and submit aviation reports to quantify any risk. In this instance, no such report has been submitted. It would be ill-considered to contemplate granting permission in the absence of any cogent evidence to justify setting aside the concerns raised by Land's End Airport.
36. I have noted above that other wind turbines of a similar height have been permitted nearby. This matter may therefore be capable of being resolved. Whilst my decision does not turn on this issue, it would be unwise to grant permission where concerns have been expressed by those with responsibility for air safety and in the absence of technical evidence to demonstrate that there would be no significant risk to air safety interests.

Other Matters

37. There is no cogent evidence to support the fears and other concerns raised by some interested parties. Whilst I note the appeal decisions for other wind energy developments elsewhere, the circumstances of these other cases, such as the landscape character and the significance of heritage assets, are materially different to the situation before me. Each case must be determined on its own merits. These other decisions do not set a precedent.

Planning Balance / Overall Conclusion

38. Notwithstanding the general policy support for renewable energy schemes and the benefits of the proposed development, in this instance, this would be outweighed by the harm to the character and appearance of the area, including the setting of the AONB and to the significance of the above noted heritage

assets. As a consequence, the proposal would also be contrary to LP policies CS-9 and CS-10.

39. The appeal scheme conflicts with the provisions of the development plan and would not satisfy the environmental dimension of sustainable development. I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector