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# Appeal Decision

Site visit made on 15 February 2016

**by Neil Pope BA (Hons) MRTPI**

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

**Decision date: 12 April 2016**

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**Appeal Ref: APP/Q1153/W/15/3136884**

**Land at Ridgcombe Farm, Lifton, Devon,**

- 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 Murex Energy Limited against the decision of West Devon Borough Council (the LPA).
  - The application Ref. 00336/2015, dated 6/3/15, was refused by notice dated 29/6/15.
  - The development proposed is the erection of a single wind turbine with maximum blade tip height of 67m, formation of new vehicular access, access track and associated infrastructure.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The application was accompanied by an Environmental Statement (ES) prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. I have taken the ES into account.
3. The ES includes reference to community benefits. These comprise: a local community benefit fund; a local share offer and investment opportunity and; a community service package. Even if these were matters that I could properly consider there is no mechanism in place for securing any such benefits. I have therefore not afforded these matters any weight in determining the appeal.
4. Some interested parties have expressed concerns regarding the pre-application consultation exercise that was undertaken on behalf of the appellant. Whilst there is always scope for improving community consultation, having regard to the provisions of section 61W of the above Act, the provisions of The Town and Country Planning (Development Management Procedure) (England) Order 2010<sup>1</sup> and the Statement of Community Involvement that was submitted with the application, I concur with the LPA that the necessary pre-application consultation requirements were met. The appeal is therefore valid.
5. During part of my visit a blimp was flown from an adjacent field. As this was not part of the appeal site and the height of the blimp could not be determined, I treated this only as an aid to assist in locating the appeal site during my visit.

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<sup>1</sup> This was the Order in force at the time the application was made.

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## **Main Issue**

6. The main issue is whether the benefits of the proposal, including the production of energy from a renewable resource, outweighs any harmful impacts, having particular regard to the effects upon: the character and appearance of the area; the settings of various heritage assets, including the Grade I listed Church of St. Mary at Lifton and the Lifton Conservation Area (LCA) and; the living conditions of neighbouring residents, having particular regard to outlook.

## **Reasons**

### *Planning Policy*

7. The development plan includes the West Devon Core Strategy (CS) adopted in 2011 and the 'saved' policies of the West Devon Borough Council Local Plan Review (LP) adopted in 2005 (amended in 2011 by the CS). My attention has been drawn to numerous policies. The most relevant policies to the determination of this appeal are CS SP3 (renewable energy schemes), CS SP17 (landscape character), CS SP18 and LP BE3 which relate to heritage assets.
8. The above policies are broadly consistent with the provisions of the National Planning Policy Framework ('the Framework'). However, there is some tension between the heritage assets policies and section 12 of 'the Framework' which advises that any harm should be weighed with any public benefits of a scheme. 'The Framework' is an important material consideration which carries considerable weight in this appeal. Amongst other things, it also advises that planning plays a key role in securing reductions in greenhouse gas emissions and supporting the delivery of renewable energy. This is central to the economic, social and environmental dimensions of sustainable development.
9. 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.
10. Whilst not planning policy, 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), including the WMS of 18 June 2015 entitled 'Local Planning'. The June 2015 WMS is the latest expression of Government policy in respect of wind energy developments to which the Secretary of State attaches substantial weight.

### *Other Documents*

11. I have taken into account the provisions of various Acts<sup>2</sup>, Directives<sup>3</sup>, Strategies<sup>4</sup> and Statements<sup>5</sup> relating to renewable energy, including the 2007 energy white paper<sup>6</sup>. Amongst other things, these set out and identify

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<sup>2</sup> The Climate Change Act 2008.

<sup>3</sup> Renewable Energy Directive 2009/28/EC.

<sup>4</sup> Including the UK Renewable Energy Strategy (2009) and the UK Renewable Energy Roadmap and its updates.

<sup>5</sup> Department of Energy & Climate Change Annual Energy Statement (2013).

<sup>6</sup> 'Meeting the Energy Challenge' DTI (May 2007).

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 weigh in the planning balance. However, I also note the advice in the PPG that the need for renewable energy does not automatically override environmental protection or the planning concerns of local communities.

### *Benefits*

12. On behalf of the appellant, it has been calculated that the proposal would generate approximately 1,818MWh of energy per annum. It has also been calculated that this would be equivalent to the electricity consumed by 447 average British households and would result in an offset of about 579 tonnes of carbon dioxide per annum. Whatever the actual figures the Framework recognises that even small-scale renewable energy projects provide a valuable contribution to cutting greenhouse gas emissions. With other renewable and low carbon energy projects the proposed wind turbine would help mitigate climate change and assist in meeting national targets and aspirations in respect of renewable energy. These important wider environmental benefits of the appeal scheme need to be weighed in the planning balance.
13. The proposed wind turbine would also assist in increasing the security and diversity of electricity supply. It would also generate additional income for the landowner affording him an opportunity to diversify his farm business and sustain his farm income. As noted in the supporting text to CS policy SP3, local generation of renewable energy would also reduce the net outward flow of wealth and improve the district's resilience to change by reducing the dependence on external energy supplies. This would accord with the Government's objective of supporting a prosperous rural economy. These economic benefits of the appeal scheme are also important considerations to be weighed in the balance.
14. The above noted environmental and economic benefits of the scheme carry considerable weight in the determination of this appeal.

### *Character and Appearance<sup>7</sup>*

15. The appeal site is situated 2km south east of Lifton at an elevation of 177m AOD. It lies on the northern slopes to Ridgecombe Hill<sup>8</sup> and forms part of the rolling open countryside that surrounds the settlement. This rural area is bisected by minor roads and public rights of way. These include the Lifton Link of the Tamar Valley Discovery Trail (TVDT) which runs to the west of the site near Turchington and the Two Castles Trail (TCT) which passes through Lifton. The Tamar Valley Area of Outstanding Natural Beauty (AONB) is 4.3km to the south and Dartmoor National Park (DNP) is 7.3km to east.
16. The nearest dwellings are at Lowley (460m south), Crosstown (460m east) and the Grade II listed Whiteley<sup>9</sup> (470m north east). Other listed buildings within the surrounding area include the Grade II listed farmhouse at Ashleigh (900m south west) and The Thatched House at Sprytown (1.6km north east) and the

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<sup>7</sup> All distances given below are approximations.

<sup>8</sup> The top of the hill is 190m AOD.

<sup>9</sup> This late 18<sup>th</sup> century farmhouse is listed as Whitely but appears as Whiteley on OS maps.

Grade I listed Church of St. Mary (2km north west). The Scheduled Monument which is the hilltop enclosure at Castle Farm is 1.6km north and the recently discovered hilltop enclosure at Lifton Wood is 1.75km north west.

17. The countryside around Lifton contains some existing wind turbines. These include the 77m high turbine at Lifton Farm Shop 3.1km to the north west, the 77m high turbine at Wortham Farm 3.7km to the north west and the 67m high turbine at Rixon Cross 6km to the north east. The appellant's Landscape and Visual Impact Assessment (LVIA) identifies numerous other wind turbines within the wider surroundings.
18. The appeal site lies within the 'Inland Undulating Uplands' landscape character type (LCT) as defined in the West Devon Borough and Tamar Valley AONB Landscape Character Assessment (2008). The key characteristics of this LCT include gently rolling upland with streams, mainly pastoral cultivation, wide low hedgebanks, little woodland, network of sinuous minor roads, high and open with extensive views where hedgebanks permit and sparse settlement pattern.
19. As I noted during my visit, the appeal site forms part of the attractive open rolling countryside that surrounds Lifton. It can be seen in public views across the landscape, including some views to and from the settlement. The unspoilt open qualities of the site make a small, but positive, contribution to the setting of Lifton and to the pleasing qualities of this part of the countryside. However, the site forms part of a working agricultural landscape. I also noted that this rural area includes road traffic noise from the A30 and industrial / commercial development such as the large Ambrosia Factory and the agricultural feed merchant at Tinhay. I concur with the findings in the LVIA that the site lies within a landscape that has a medium to high value and the site is of medium to high sensitivity to the proposed development.
20. The proposed development would have a small 'footprint'. In total, 20m of hedgerow would be removed of which 10m would be reinstated after the turbine had been constructed. If permission was granted a condition could also be used requiring new landscape planting to compensate for the limited loss of hedgerow. The development would not change the field pattern and the area around the base of the turbine would remain in agricultural use. There would be minimal disturbance to the fabric of the landscape.
21. However, within 1km of the site the wind turbine, by virtue of its height, engineered form and moving blades would become the defining feature of the local landscape and would result in a high magnitude of change. It would be at odds with the unspoilt open qualities of the area and would have a major adverse effect upon the character of the local landscape.
22. Landscape effects would reduce with distance from the site. Between 1-2km from the site the turbine would continue as an uncompromising addition to the local landscape. The magnitude of change would be medium to high and the height, form and dynamic nature of the turbine would result in moderate to major adverse effects on the character of the area. Between 2-5km the magnitude of change would be low, resulting in minor adverse effects. Beyond 5km the magnitude of change would be very low with negligible effects upon landscape character. The proposal would not result in any significant adverse effects upon the special landscape qualities of DNP or the AONB.

23. The proposed wind turbine would be visible from many sections of minor local roads and public rights of way. From many parts of the public realm the turbine would only be glimpsed and/or views would be filtered by the topography of the landscape and intervening woodland and vegetation. Seeing a wind turbine in the countryside does not by itself equate to a harmful visual impact and beyond 5km from the site the turbine would appear as a minor element in the landscape and would be likely to result in negligible adverse visual impact.
24. Within about 2.5km of the site and where topography and/or vegetation failed to adequately filter views of the proposed wind turbine, the magnitude of visual change would be high resulting in substantial adverse visual effects. This includes views from the adjacent lanes to the south and west of the site, the TVDT, TCT and the bridleway that runs through Castle Farm. From these parts of the public realm the proposal would be seen by high sensitivity receptors. The height of the proposed wind turbine, its engineered form and prominent location on the upper slopes of Ridgecombe Hill would appear as a very conspicuous addition to the countryside around Lifton. This would be accentuated by the movement of the turbine blades which would 'draw the eye' and markedly diminish the largely unspoilt rural scene. It would detract from the appearance of the area and the landscape setting of Lifton.
25. Between 2.5-5km the proposed wind turbine, when seen from the public realm, would appear prominent in the landscape. The magnitude of visual change would be medium and the siting, height, form of the turbine and the motion of its blades would result in moderate adverse visual impacts. Whilst the turbine would be apparent in some views to and from DNP, it would not harm any important views of this designated landscape or detract from its setting.
26. The LVIA also appropriately considers cumulative landscape and visual impacts with other operational and approved wind energy schemes. As I saw during my visit, the countryside around Lifton and Launceston includes numerous wind turbines. Whilst I understand the concerns of some interested parties that the area around the Devon / Cornwall border is becoming a wind farm landscape, this is perhaps unsurprising given that the area is not included as part of any nationally designated landscape, the high wind resource and the above noted national and local policy support for renewable energy development.
27. Due to topography and landform, including intervening vegetation and buildings, I concur with the findings in the LVIA that the proposal would not significantly combine with wind energy schemes to the south of Launceston to intensify their landscape effect. However, with the three existing turbines that I have noted above, the proposal would extend the influence of wind energy development to the east of the River Tamar and south of the A30 corridor.
28. The addition of another tall wind turbine in this part of the landscape would result in a medium to high magnitude of cumulative change to the character of the landscape around Lifton. When travelling through and around the settlement there would be simultaneous or sequential views of the proposal and the existing turbines at Lifton Farm Shop, Wortham Farm and Rexon Cross. The proposal, in combination with these other wind turbines, would result in a medium magnitude of change and moderate cumulative adverse landscape and visual impacts. There is some merit to the argument made by some interested

parties that the proposal would create the perception of a wind farm landscape around the settlement of Lifton.

29. The adverse landscape and visual impacts that I have found above would conflict with the provisions of CS policy SP17(c). This weighs against granting planning permission. However, these impacts would be limited to a twenty-five year period and would be reversible. There is no preclusion on wind energy development within this part of the borough and some adverse landscape and visual effects are an almost inevitable consequence of accommodating renewable energy schemes in the countryside. I attach moderate weight to these adverse effects.

### *Settings of Heritage Assets*

30. 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.
31. 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. In determining this appeal I have had special regard to the desirability of preserving the settings of listed buildings<sup>10</sup> and to the desirability of preserving or enhancing the character or appearance of conservation areas<sup>11</sup>.
32. As I noted during my visit, the appeal site forms part of the countryside/rural surroundings in which all of the above noted listed buildings are experienced and the two hilltop enclosures. The significance of the listed buildings lies primarily in their inherent architectural and historic qualities and the significance of the hilltop enclosures lies primarily in their archaeological interest and historic associations with the local area. However, the unspoilt open qualities of the appeal site are integral to an appreciation of the significance of these heritage assets within the landscape. The site makes a small but positive contribution to their settings.
33. The Church of St. Mary sits on an east-north-east facing slope within the LCA. The tall 15<sup>th</sup> century church tower is a prominent feature within the local landscape. It was intended to be landmark / 'beacon' for worship in this rural area and reflects the past cultural dominance of the Church. This association between the church and the surrounding countryside also contributes to the historic interest of the LCA.
34. The proposed wind turbine would be on higher ground to the south east of the church. Whilst it would be set apart from this listed building and the LCA, the height, engineered form and movement of the turbine blades would 'draw the eye' and distract from views of the church tower. The proposal would diminish the prominence of the church within the local landscape and, in so doing, erode its significance and that of the LCA. I note that Historic England expressed concerns over the impact upon the setting of this Grade I listed building.

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<sup>10</sup> Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

<sup>11</sup> Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

35. As noted within the appellant's Historic Visual Impact Assessment (HVIA), the proposal, in combination with the above noted existing wind turbines, would also result in a cumulative negative impact upon the significance of this listed building. In this regard, some views of the church have already been disrupted by the wind turbine at Lifton Farm Shop which appears on skyline behind the church tower. The proposal would further erode this historic landmark and symbol of spirituality.
36. The proposed development would be temporary and the adverse effect upon the historic interest of the Church of St. Mary and the LCA would be reversible. The effects would not reach the very high bar of 'substantial harm or total loss' to which paragraph 133 of the Framework applies. The proposal would comprise less than substantial harm to the significance of a building that is of exceptional interest. However, less than substantial harm to this important building and the LCA do not equate to a less than substantial planning objection. The harm that I have identified carries considerable weight.
37. The proposed wind turbine would be a tall, modern, dynamic structure on the hillside above Whiteley. It would be very prominent within the setting of this designated heritage asset. The height and form of the turbine would markedly detract from an appreciation of the historic landscape context of this asset and its past associations with the surrounding countryside. In views from the north, the movement of the blades would 'draw the eye' away from this listed building and focus the viewer's attention on the turbine. It would erode the experience of this listed building. The HVIA identifies a negative / moderate impact. The proposal would result in less than substantial harm to the significance of this designated heritage asset.
38. Ashleigh has a medieval core with circa early to mid 18<sup>th</sup> century and late 19<sup>th</sup> century alterations. Although there are some intervening buildings part of the proposed turbine would be visible above the top of Ridgecombe Hill. The height and form of the proposal would, to a limited extent, erode the experience of the historic landscape of this asset and detract from its significance. The HVIA identifies a negative / minor impact. This would comprise less than substantial harm to the historic interest of this asset.
39. The Thatched House is a circa 16<sup>th</sup> century building with substantial late 20<sup>th</sup> alterations. This thatched and whitewashed building sits on the opposite side of the valley. The experience of this asset is that of a traditional building within the rolling Devon countryside. From Sprytown, the proposed wind turbine would break the skyline above this listed building. It would intrude into the rural scene and the height, form and appearance of the turbine would contrast awkwardly with the traditional qualities of this vernacular building. As set out in the HVIA, the proposal would have a negative / minor impact. This would comprise less than substantial harm to the significance of this asset.
40. The proposed wind turbine would be a very conspicuous feature when viewed from the hilltop enclosure to the north east of Castle Farm. Whilst there is no public access to this SM there are commanding views across the surrounding countryside from this designated heritage asset. These afford an appreciation of the territorial significance for early communities and the landscape context of this important asset. Whilst some existing wind turbines are visible to the north, the proposal would further erode the largely unspoilt open qualities of

the setting of this SM and diminish the experience of this asset. The proposal would result in less than substantial harm to the significance of this asset.

41. During my visit I attempted to locate the hilltop enclosure in Lifton Wood. Although I came close to the top of the woods impenetrable vegetation caused me to abandon that part of my visit. Nevertheless, I noted the relationship between the Wood and the appeal site. Whilst I note the photograph provided on behalf of an interested party, there is no cogent evidence before me to demonstrate that the appeal site contributes to the significance of this hilltop enclosure. Views towards the appeal site are likely to be restricted and it is very far from clear how the proposal would adversely affect an appreciation of this non-designated heritage asset.
42. Whilst my attention has been drawn to numerous other heritage assets, on the basis of the information before me, the proposal would be unlikely to have any significant adverse effect upon the special qualities of these assets. The adverse effects that I have found above in respect of the named assets would conflict with the provisions of CS policy SP18(a) and (c). The harm to the settings of the listed buildings would also conflict with LP policy BE3.

#### *Living Conditions*

43. The proposed wind turbine would be seen from numerous properties in the surrounding area. The properties that would be most affected would be the dwellings at Lowley Farm, Whiteley and Crosstown. The turbine would be apparent in views from some rooms in these neighbouring dwellings as well as from some of the associated garden areas. By virtue of its siting and height the proposal would change the outlook for the occupiers of these properties.
44. The LVIA states that the main direction of views from Lowley Farm is to the south away from the proposed wind turbine. The evidence also indicates that only a third of the blade length would be visible from the north side of this property with the remainder of the development screened by topography. Trees and vegetation would also filter views. Whilst I was not requested to view the site from this property, the proposal would be unlikely to have any significant adverse impact upon the outlook of residents.
45. The proposed wind turbine would be visible in oblique views from numerous ground and first floor windows to habitable rooms in Whiteley Farmhouse. It would also be seen in direct views from the facing window in the gable end, as well as from the garden area. The height and siting of the turbine would loom large on the hillside above this neighbouring property and would be unavoidable from the garden and the facing bedroom window. It would be overbearing from these parts of this neighbouring property and would have a considerable adverse impact upon the outlook of residents. However, on balance, the impact would not be so great as to render this an unattractive place in which to live. Notwithstanding the temporary nature of the development, the adverse impact that I have identified weighs against granting permission and carries considerable weight in the overall planning balance.
46. The turbine would also be readily apparent from the facing windows in Orchard Barn, The Old Granary and Swallows Barn which sit alongside Whiteley but which are slightly further away from the appeal site. For the residents of these properties the turbine would be a dominant feature of their outlook and would



adversely affect their living conditions. This also carries much weight in the planning balance.

47. As set out in the LVIA, the proposed development would be prominent in views from the dwellings at Crosstown, especially those upper floor windows with a westerly aspect. For the residents of these properties the turbine would be a dominant feature of their outlook and would adversely affect their living conditions. This can also be given much weight in the planning balance.
48. Whilst the proposed wind turbine would be prominent in views from some other neighbouring properties and would be likely to adversely affect the outlook, it would not be so close as to significantly harm living conditions.

#### *Other Matters*

49. The proposed wind turbine has the potential to cause shadow flicker in a number of neighbouring dwellings for limited periods. However, the turbine could be programmed to ensure that it did not operate at those times of the year / day when climatic conditions could give rise to shadow flicker. A planning condition could be used to avoid harmful shadow flicker.
50. There is no cogent evidence to support the fears of some interested parties that the proposal would harm tourism interests, public health or cause harmful noise disturbance. The appellant's Noise Assessment demonstrates that the proposal would satisfy the requirements of ETSU-R-97 and the Council's environmental health officer did not object. Planning conditions could be used to safeguard the living conditions (noise) of neighbouring residents.
51. I note the ecological assessment undertaken on behalf of some interested parties and the proximity of an existing hedgerow. The turbine would be sited such that the arc of the blade sweep would be within 42 metres of the hedgerow to the west. This would be less than the 50m provided for in guidance issued by Natural England. However, the appellant's Ecological Impact Assessment, which includes bat surveys, reveals that the proposal would pose a low risk to local populations of bats. This Assessment is proportionate for assessing the proposed development. The proposal would be unlikely to comprise a significant risk to nature conservation interests and the submission / implementation of an approved Construction Environmental Management Plan to safeguard such interests could be addressed by way of a planning condition. I note that the Council was unconcerned by this matter.
52. Those acting on behalf of the local water company have advised that the proposal would be likely to interfere with microwave radio links to the company's strategic communications network. This could affect the safe and efficient operation of important infrastructure. Whilst the appellant has indicated that it is willing to enter into a section 106 planning obligation to mitigate any such harm there is no such obligation before me. Although my decision does not turn on this matter, in the absence of any mechanism to safeguard important infrastructure it would be unsound to grant permission.
53. Large numbers of representations from local residents opposing the proposal were made at both application and appeal stages. These include letters from the local Member of Parliament and the Borough Councillor, as well as Statements from Lifton Parish Council, Milton Abbot Grouped Parish Council,

the Lifton and Lyd Valley Action Group and the Milton Abbot, Bradstone, Kelly Environmental Action Group.

54. I have had regard to the June 2015 WMS and the long-established planning principle that public opposition or support for a proposal is not by itself adequate justification for refusing or granting planning permission. Nevertheless, it cannot reasonably be argued that the proposal has the backing of the affected local communities. An approval would be at odds with the objectives of this WMS.
55. My attention has been drawn to numerous appeal decisions. These include the 77m high turbine at Lifton Farm Shop (ref. APP/Q1153/A/13/2199259). Each case must be determined on its own merits and no two schemes are exactly the same. Although there are some common issues, the characteristics of the site at Ridgecombe Hill, the relationship to heritage assets, neighbouring properties and its landscape context are materially different to the other cases. In particular, unlike the Lifton Farm Shop appeal, the A30 does not pass nearby, there are no existing turbines on the site and this land at Ridgecombe is more sensitive to wind energy development. None of these other decisions set a precedent that I must follow.
56. The effect upon property values is not something that I am able to take into account in determining the appeal.

*Planning Balance / Overall Conclusion*

57. In this instance, the public benefits of the scheme, including addressing climate change and increasing the security of supply do not outweigh the harm to the significance of the designated heritage assets that I have identified above. Moreover, when the adverse impacts upon the character and appearance of the area are also weighed I find that the proposal would not satisfy the environmental dimension to sustainable development as defined in the Framework and would conflict with the provisions of CS policy SP3. The benefits of the scheme and the general policy support for renewable energy development do not outweigh the totality of the harm that I have identified.
58. Given all of the above and having regard to all other matters raised, I conclude that the appeal should not succeed.

*Neil Pope*

Inspector