



Appeal Decision

Hearing opened on 6 March 2012

Site visits made on 6 and 7 March 2012

by Andrew Pykett BSc(Hons) PhD MRTPI

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

Decision date: 21 March 2012

Appeal Ref: APP/R3325/A/11/2162443

**Land at Moorhays Farm, Elm Lane, Charlton Musgrove, Wincanton,
Somerset BA9 8JR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Keens Cheddar Ltd against South Somerset District Council.
 - The application Ref: 11/00325/FUL, is dated 18 January 2011.
 - The development proposed is the erection of two wind turbines (24m hub height and 9m radius blades) with ancillary development.
 - The hearing sat for 2 days on 6 and 7 March 2012.
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Preliminaries

1. The details of the proposed development are as recorded above. The plans submitted with the application indicate that a specific potential turbine has already been identified – the Endurance E-3120 50kW model – with a hub height of 24.6m and a blade length of 9.2m. The appellant records that the turbine has a 30 year design life, and it was agreed at the hearing that, in the event of the appeal succeeding, a condition restraining the development to a temporary period of 25 years would be necessary and reasonable. I have considered the appeal on this basis.
2. The appeal is a failure case but the council has recorded that, notwithstanding the Planning Officer's positive recommendation, it would have refused planning permission on the grounds of an adverse impact on landscape, heritage assets, and the use of both local rights of way and Wincanton Racecourse. Although at the application stage the appellant had prepared some photomontages to assist in decision-making, it was agreed at the hearing that those prepared on behalf of the Moorhays Action Group were of greater utility. I have used these in the consideration of the case, though I remain conscious of their inevitable limitations.
3. It was suggested in evidence submitted to the hearing that the application ought to have been the subject of an Environmental Impact Assessment under the provisions of the 1999 Regulations. However, the proposals have been screened on behalf of the Secretary of State with the conclusion that the preparation of an Environmental Statement (ES) was not necessary. I agree with this assessment.
4. The appeal site is close to the racecourse and, during the processing of the appeal, a Unilateral Undertaking made under section 106 of the above Act was

submitted by the appellant. It made provision for the proposed turbines to be stationary during race days – some 17 days per year. This was superseded during the hearing by a second Undertaking including the same restriction but extending its effect to races and other equestrian meetings, subject to a total of 46 days per year¹. I consider this matter later in the decision.

Decision

5. The appeal is dismissed.

Main Issues

6. Taking account of the submissions made by the parties and my visits to the appeal site and the surrounding area, I consider there are four main issues in this case. These are:
- (i) the effect of the proposed development on the landscape character and visual appearance of the surrounding area, including its impact on the Cranborne Chase and West Wiltshire Area of Outstanding Natural Beauty (AONB);
 - (ii) the impact of the proposed development on nearby heritage assets, including the registered park at Redlynch;
 - (iii) the compatibility of the scheme with Wincanton Racecourse; and
 - (iv) whether the benefits of the proposal are sufficient to outweigh any harm resulting from the above issues.

Reasons

Landscape character and visual appearance

7. Paragraph 20 of Planning Policy Statement (PPS) 22: *Renewable Energy* acknowledges that of all the renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. It observes however that the impact of turbines on the landscape will vary according to their size and number and the type of landscape involved. Account should also be taken of the reversibility of such schemes. As far as national landscape designations are concerned, including AONBs, paragraph 11 records that projects should only be granted planning permission where it can be demonstrated that the objectives of designation of the area will not be compromised by the development. In this case the turbines would lie about 4kms from the north-west boundary of the Cranborne Chase and West Wiltshire AONB, but through the contents of paragraph 14, the potential impact on a designated area of projects close to their boundaries is identified as a material consideration.
8. I have considered the effect of the proposal on prospects looking both towards and away from the AONB. The relevant boundary of the AONB lies at the foot of a relatively steep escarpment which rises to about 260m AOD in the vicinity of King Alfred's Tower. The boundary follows the slope towards Penselwood (at about 200m AOD) some 3.5kms to the south. The appeal site lies to the south-west and west of these locations, but visibility in these directions is obscured by extensive areas of woodland. The turbines themselves would be at an altitude of about 120m AOD, so even at their maximum height their blade

¹ Document 13

tips would be well below the level of the ridge. The visibility of the turbines would be more readily achieved from the public rights of way on the scarp slope, including from parts of two long distance routes – Monarch’s Way and Macmillan Way. However, even at its closest I consider the turbines would form a limited part of an extensive panorama which would not be seriously compromised. I believe the character and appearance of the AONB would not be adversely affected.

9. At the foot of the scarp slope and in the vicinity of Charlton Musgrove the landscape adopts a more general level of 100-120m AOD with a relatively well-preserved pattern of fields and hedges, including significant numbers of hedgerow trees. The turbines would be about 2-3kms to the south-west or west and approximately on the same level. From many of the lanes in the area their impact would be curtailed by intervening vegetation, and I consider their visual effects would be correspondingly limited.
10. Closer to Wincanton the landscape adopts a more regular level of 115-120m AOD – an aspect of its relief which, no doubt, increased its attraction as the site for a racecourse. The course itself occupies land about 1km in length and some 0.5km in width just to the north of the town. A number of its attributes combine to accentuate its character as a small plateau. There are neither hedges nor trees within the course, which itself surrounds a golf course. The racecourse is surrounded by characteristic white rails with three grandstands on its eastern side. Two of the grandstands are substantial buildings with extensive additional areas for parking and ancillary buildings. I understand the course can attract up to about 12,000 spectators, and that its visual presence is complemented by a significant volume of noise and activity.
11. Although the course is close to the town, the two are not generally intervisible. An exception however is the prospect to the north from Dancing Lane as it leads towards the community hospital. There are about a dozen houses here with attractive views towards the course over a small valley including Verrington Lane (Viewpoint 8). From this location the turbines would appear on the horizon, effectively at the far end of the race course. To the north-east, King Alfred’s Tower and the escarpment within the AONB are also visible. The proposal would have some impact on the scene, but I consider the racecourse itself already detracts, to a degree, from the composition. I believe there would be little adverse effect on the AONB or the reasons for its designation.
12. The appeal site (and the racecourse) lie at the junction of two of the landscape character areas included in the former Countryside Agency’s assessment. To the east is character area 133 – Blackmoor Vale and the Vale of Wardour, and to the west is character area 140 – Yeovil Scarplands. On my visits I saw that the distinction is readily visible in the landscape. Within a distance of about 3kms of the appeal site to the south-west, west, north-west and north; the hills, valley sides and ridges referred as key characteristics of the Yeovil Scarplands become the dominant quality of the area. To the north, the land slopes steeply down to the valley of the River Pitt (at about 80m AOD) before rising to Knowle Rock (at about 130m AOD). The river flows to the north-west. To the south-west, the land falls to Moorhays Farm and Verrington Lane at 80m AOD, before rising again to the hill (at about 145m AOD) between Westleaze and Cuttlesham Farms. Thereafter the land falls and rises again to the settlement of Bratton Seymour. It lies on the east side of Bratton Hill above about 125m AOD. St Nicholas’ Church is notably higher at about 160m AOD.

13. From locations within the lower lying areas, for example on Verrington Lane travelling east, virtually the full height of the turbines would occupy the relevant length of the horizon. I do not dispute the appellant's contention that the structures would be relatively modest in comparison with the largest commercial turbines². However, at a maximum of 33.8m in height they would still be of a similar order to the height difference between the valley floor and the level of the racecourse plateau – some 45m. From some vantage points (on the Westleaze/Cuttlesham footpath for example at Viewpoint 3) the significance of this comparison would be lessened as the prospect becomes more extensive and the valley bottom is out of sight. At a rather lower altitude (at Viewpoint 6) on a steeper slope, the comparative size of the turbines within their landscape setting would again be evident.
14. The prospect to the east and north-east from Bratton Seymour is particularly attractive (Viewpoint 4). It includes some of the essential components of the best English landscapes including relatively steep slopes and valleys, with a patchwork of fields, hedgerows and woodlands, and a number of fairly large rural dwellings. To the north-east the designed landscape at Redlynch Park is clearly visible, whilst the eastern horizon is defined by the West Wiltshire component of the AONB with King Alfred's Tower at its northern end. Although the racecourse is also visible from the settlement, I fear the rotation of the turbines would render them a more prominent component of the scene than would be expected from their distance (of just over 2.5kms). According to their specification, the blades would rotate at 41 rpm – significantly faster and perhaps more restless than the leisurely speed of the larger commercial machines. I acknowledge that from this vantage point an appropriate colour (in relation to its surroundings) could reduce the impact of white turbines in the landscape, but such a colour choice would render their impact greater when seen from other locations where they would appear above the skyline.
15. From Knowle Rock to the north of the appeal site for example (Viewpoint 7), the turbines would be relatively close (at just over 900m) but they would be seen against the sky. Notwithstanding the proximity of the racecourse from this vantage point, it is hidden from view. The prospect to the south is that of a pleasant pastoral scene with arable and grazing fields, and a scatter of houses leading to the rather higher land at Bratton Seymour. From this location, I believe the size and motion of the turbines would render them a dominant component in the landscape.
16. As is implied by paragraph 20 of PPS22, it is almost inevitable that because of their size and motion wind turbines are virtually bound to dominate their immediate surroundings. At greater distances they become prominent components of the scene, and their impact can diminish quite rapidly with distance. In this case the principal parties agreed that the landscape effect of the scheme would be mainly experienced to the west and north. I agree with this assessment, and draw particular attention to the importance of the landforms which lend so much to the character and appearance of this area. By creating a depth to the landscape they have the effect of enhancing the middle-distance views into which the turbines would be inserted. For the reasons I have given above I do not consider the scheme would have a serious adverse effect on either the AONB or on land in the quadrant between north-east and south of the appeal site. However, to the west of the site (between

² I understand the proposed turbines at Silton, for example, would be 120m in height.

south-west and north) I consider for the reasons I have given that the scheme would result in significant harm to the landscape character and visual amenity of the area. As such it would conflict with the generally protective stance adopted in paragraph 4 on Policy ST5 and in paragraphs 2, 4 and 5 of Policy ST6 of the *South Somerset Local Plan*.

Heritage assets

17. Amongst the other national designations, paragraph 11 of PPS22 also refers to listed buildings and registered parks and gardens. In this context I have considered the impact of the proposed development on Moorhays Farmhouse (a Grade II listed building); on the Church of St Nicholas, Bratton Seymour (a Grade II* listed building); and on Redlynch Park (a Grade II registered park).
18. The farmhouse at Moorhays dates from c.1600. It is a large stone and clay tiled dwelling with an interesting turret at its north-east corner. It occupies a site on rising land to the north-east of Verrington Lane. The two fields to the rear rise steeply to the appeal site at the plateau level to which I have referred. The building is clearly and readily visible from Verrington Lane (Viewpoint 2). It is experienced within its landscape setting, and although it is surrounded by other buildings of more utilitarian and limited appeal, the outbuildings make their own contribution to the continuity of its function. Partly because it is a farmhouse, I consider the setting of the building extends well into the surrounding undeveloped fields and landscape, and it would be in this area that the turbines would be sited.
19. Experienced in association with the farmhouse, the turbines would, of course, have a completely different appearance and character from either the farmhouse itself or its outbuildings, and I do not believe machines of the size proposed should necessarily be regarded as not being complementary. Functioning farms may be characterised as small to medium businesses in a rural setting with ready access to land, and, in general, I consider the deployment of farm scale wind turbines should be regarded as an expression of the self-sufficiency and continuity of the enterprise. In this respect they would be in conformity with the general thrust of paragraph 18 of PPS22. I recognise and acknowledge however that from some vantage points the turbines would appear directly above the roof of the farmhouse, and that multiple machines have a disproportionately greater impact than single turbines. On balance, I consider that although, like the modern farm outbuildings, the turbines may appear incongruous, this effect is ameliorated by their being an expression of historic continuity. I consider the resultant harm would be limited.
20. Although the distances are greater, I am more concerned about the effect of the scheme on the setting of the church at Bratton Seymour. It has an elevated location above most of the dwellings in the settlement and it is approached from the south via a narrow lane – Church Walk. As explained in paragraph 114 of the *Historic Environment Planning Practice Guide*, views from an asset can assist in defining its setting as well as views of the asset. On my visits I found the views of the church to be rather limited; indeed, it is obscured by trees. From the opposite direction, the view to the east from the pedestrian approach to the south porch is particularly attractive.
21. The view is defined by the south elevation of the building to one side and a Yew tree to the other, with the land dropping rapidly before rising to Cuttlesham Farm, followed by the appeal site and the racecourse and on to the wooded

escarpment of the AONB. It is a particularly attractive rural prospect including many of the characteristics of the understated English countryside. I fear the turbines would be sited in the centre of the composition, and that their motion would render them the single most important component. Even though they would be some 2.5kms away, I consider their impact would be disproportionately severe. As such I consider they would harm the setting of the church.

22. The church itself is small but precisely proportioned, and the east window faces the scene I have described. Although visibility through the window is obscured by stone mullions and leaded glazing bars and the age of the glass itself, I saw on my visit that the turbines would be visible from some locations on the south side of the chancel and nave. I acknowledge this could have some effect on the experience of the building, but I do not believe it would be as harmful as the impact of the turbines on the appreciation and experience of churchgoing as described above.
23. Redlynch Park covers an extensive area to the north of the appeal site beyond Knowle Rock. Most of the designated area of the park lies between Knowle Rock and the collection of buildings around Redlynch to the north. According to the details of its historic development, it has been through various different stages with significant alterations being made in the middle of the eighteenth century. However, by the turn of the century the park returned to agrarian use and the mansion was demolished just before the First World War. At the same time, Edwin Lutyens remodelled the former ancillary buildings and the formal gardens within which they are set.
24. Today, the area of the park is mainly in mixed agricultural use, but many parkland trees survive, and, as I saw on my visit, new trees have been planted at scenic locations. Park Wood, to the south-east of the former mansion survives, as does Redlynch Pond in the lowland at the centre of the designated area. Notwithstanding the reversion of much of the area to agriculture in the last two centuries, the prospect to the south from the formal gardens still retains much of the character and appearance of parkland – with major contributions being made by the woodland to the east and the lake in the centre. The land rises behind the lake with the higher land around Knowle Rock readily defining the southern extremity of the park.
25. A proportion of the turbines would be visible above the horizon almost due south of the formal gardens (Viewpoint 5). At the site visit the parties agreed that the full extent of the blades would be visible, but significant lower parts of the towers would be hidden. The moving parts of the structures would therefore be visible at a location where the setting of the park is most critical. Although the content and appearance of the park must be much diminished from its heyday, many of the landscape qualities of the prospect are still visible. The land falls and rises on either side of a centrally located body of water with the higher land at Knowle Rock forming the southern backdrop to the park. As is recorded in *Wind Energy and the Historic Environment*³, designed landscapes invariably involve key vistas, prospects, panoramas and sight-lines, or the use of topography to add drama. It goes on to advise that the location of turbines within key views, which may often extend beyond designated areas, should be avoided. I conclude in relation to this matter that,

³ Published by English Heritage

notwithstanding their distance from the principal viewpoint (of just over 2.6kms), the turbines would harm the setting of the registered park.

26. I consider in relation to this issue overall that serious harm would result from the development of the turbines in relation to the setting of the Church of St Nicholas at Bratton Seymour, with more limited harm to the setting of Redlynch Park. The effect on the setting of Moorhays Farmhouse would be more limited again. It follows nevertheless that I consider the proposal conflicts with Policies 9 and 10 of the Somerset and Exmoor National Park Joint Structure Plan Review, and with local plan Policies EH5 and EH8. I defer consideration of the compliance or otherwise of the scheme with Policy HE10.1 of PPS5 *Planning and the Historic Environment* as this requires a balanced judgement taking account of the wider benefits of the proposal.

Racecourse

27. As is recorded above, the appeal site is close to Wincanton Racecourse. I visited the course during my site visits, and, taking account of the existence of the usual paraphernalia associated with racing, I raise no objection to the scheme on visual amenity grounds. I understand there are 17 race days per year and the races follow a clockwise direction. As the horses approach the north-west corner of the course they would be running and jumping directly in line with the turbines at a distance of about 250m. The appellant recognises and agrees with the racecourse authorities that the turbines could be a distraction in such circumstances, and this could have a direct and unacceptable consequence in health and safety terms.
28. In an attempt to seek to resolve this matter, the appellant has submitted the section 106 obligation referred to in paragraph 4 above. The racecourse authorities have two concerns. First, the obligation does not include a provision to ensure the blades could not result in reflected sunlight affecting the horses. The use of a matt finish may assist in avoiding such a difficulty, although if the blades are wet this may not be as effective. More importantly however, there remains concern that the racecourse authorities are not a party to the obligation, nor would they be included in its enforcement.
29. In order to be entirely secure, the racecourse authorities contended at the hearing that they should be legally and physically able to ensure the turbines are stationary. No adverse intent was suggested or implied, but it is feared, for example, that ensuring the turbines are stationary on a race day might simply be forgotten. In such circumstances it might also be impossible to find the right person in the time available. The consequence of an accident at speed could be catastrophic, and enforcement by the council after the event would be of little benefit. In any event, many of the race days are at the weekend when the council's services are more limited. Finally, the racecourse authorities had not been aware of the obligation until late in the appeal process and they have had no time to seek legal advice on the matter.
30. For its part, the council acknowledged the concerns of the racecourse authorities and the limitations of seeking to regulate the matter by means of an obligation. In the circumstances its primary concern is to ensure that the turbines would not amount to a perverse or unintended threat to the viability of the course. Attention was drawn in this context to other activities for which the racecourse is a host, including events organised by local pony clubs. I gather these events involve horses and young riders, but they are mainly confined to

the land between the course and the B3081. Any incompatibility between the proposed turbines and these activities would therefore be more limited.

31. Paragraphs B3 and B15 of ODPM Circular 05/2005 *Planning Obligations* records that one of the purposes of an obligation can be to mitigate the impact of prospective development. By this means an obligation can render a scheme acceptable which would have otherwise been unacceptable. I have no reason to doubt the appellant's intentions in this regard, but I share the misgivings of the racecourse as to the efficacy of the Undertaking. I understand that when horses are familiar with turbines the possibility of an adverse reaction is lessened, but this is unlikely to apply to race horses which travel from afar. In addition, horses which are racing are likely to be under a degree of stress, and the need for a completely secure means of ensuring the turbines are not working at critical times is essential. I fear however that the obligation does not provide this level of security. Nor would a condition to the same effect be any more appropriate. I have taken account of the appellant's reference to Hexham Racecourse (where, I understand, two turbines have been sited close to the course), but I am unaware of their precise location. It would also appear in that case that the turbines are in the direct control of the racecourse authorities. I conclude that, although I do not consider the obligation conflicts with either the three tests included in Regulation 122 of the Community Infrastructure Regulations 2010, or the additional two tests included in Circular 05/2005, it remains inadequate to successfully resolve its ostensible purpose.
32. I saw on my visit that the whole area is popular with riders. There is a right of way between Elm Lane and Knowle Rock marked on the OS map as a road used as a public path (RUPP). I gather it has recently been diverted to follow a more convenient route adjoining an existing fence. This renders the route closer to the sites of the proposed turbines, and (in relation to the more easterly site) in conflict with the 200m exclusion zone cited in paragraph 56 of the wind annex to *Planning for Renewable Energy – the Companion Guide to PPS22*. This adds to my concern.
33. I conclude in relation to this matter that, as constituted, the scheme would be incompatible with Wincanton Racecourse.

Other matters

34. A number of additional matters were raised both in written representations and at the hearing.
35. Concern was expressed that the scheme would give rise to unacceptable noise disturbance. Paragraph 22 of PPS22 recognises the renewable technologies may give rise to increases in noise levels. Further details of the possibility are considered in *Planning for Renewable Energy*, and reference is made to the 1997 report⁴ by the Energy Technology Support Unit of the former DTI. It includes limits the purpose of which are to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development or adding unduly to the costs and administrative burdens on developers or local authorities.
36. In the current case the make and model of the proposed turbines are known together with details of its noise characteristics. Nor do I have any reason to question the appellant's assessment that the site lies in a low-noise

⁴ ETSU-R-97 *The Assessment and Rating of Noise from Windfarms*

environment where the imposition of a limit above background noise would be inappropriate. On this basis the council has indicated that a maximum limit of 35dB(A) $L_{A90, 10min}$ would be acceptable, and the appellant raises no objection. In the circumstances I agree with the parties and consider the possibility of noise disturbance at any near-by dwellings would be remote. This does not mean that the turbines would be inaudible, at the closest parts of Elm Lane for example, but the loss to amenity involved would be confined to a limited number of receptors for relatively short periods.

37. Paragraph 45 of the wind annex to *Planning for Renewable Energy* records that there is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health. The possibility that the turbines could result in greater than expected amplitude modulation (AM) was raised at the hearing. I recognise that understanding of this phenomenon is limited, but it does appear to be associated with the characteristics of wind shear – especially with the larger machines. In the circumstances I believe it would be unlikely with the current case, and in any event, the noise limits included in ETSU-R-97 already take account of a degree of AM.
38. It is a characteristic of wind turbines that intermittent shadows are created at blade turning frequency. This can be disturbing when the shadow flicker occurs within a room, and it, of course, varies according to the latitude of the site, the time of the year, and the time of day. In the latitudes occupied by the UK the effect is confined to 130° either side of north. The appellant has submitted a drawing⁵ showing the area affected at hourly intervals during the winter solstice. I recognise that the sun is at its lowest in the sky at mid-day at this time, but at sunrise and sunset the sun can be equally low in the sky on any day of the year. I do acknowledge nevertheless that the shadow is substantially weakened with distance, and the effect does not occur at a distance in excess of 10 rotor diameters⁶ – 184m in this case. There are no dwellings in the affected area, and I conclude the scheme would result in no such phenomenon.
39. The possibility that the turbines could have an adverse effect on tourism in the area has been raised. I recognise that south Somerset is an attractive area with significant tourist destinations near-by, and I have already concluded the scheme would have a harmful effect on the character and appearance of the countryside. However, I do not believe the accommodation decisions of prospective tourists are frequently made exclusively on the basis of outlook. It follows that I think it is unlikely this would have an appreciable adverse impact on either bookings or return bookings.
40. The attraction and possibilities of alternative forms of renewable energy was mentioned at the hearing. I saw on my visit to the farm that the appellant is not averse to the installation and use of alternatives, and for larger schemes requiring the preparation of an ES, the relevant legislation requires that consideration is given to this possibility. However, it is rarely relevant as far as smaller schemes are concerned, and in any event, a decision has to be made on the basis of the scheme as submitted.

⁵ Document 15

⁶ As recorded in paragraph 76 of the wind annex to *Planning for Renewable Energy*

41. Reference was also made at the hearing to the principles of localism and the contents of the draft National Planning Policy Framework. The latter document is still in draft form and it is therefore not possible to allocate significant weight to its contents. Nevertheless, I note that paragraphs 152 and 153 are generally favourably disposed towards the delivery of renewable and low-carbon energy schemes. There is a presumption in favour of sustainable development, and a recognition that even small-scale projects can provide a valuable contribution to cutting greenhouse gas emissions. Applications should be approved if their impacts are acceptable.
42. I have taken account of the additional matters raised, but I have identified no further harm above and beyond that to which I have already referred.

Benefits

43. There is no dispute between the principal parties that there is both a national and a local predisposition in favour of renewable energy schemes. Indeed, the first of the key principles of PPS22 is that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily. As recorded above however, it is recognised that there are particular difficulties associated with wind turbines; derived essentially from their size and visual impact.
44. Against this, key principle (iv) requires 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 whether proposals should be granted planning permission. Paragraphs 2 to 5 of PPS22 make much of the need to progress towards the achievement of the regional targets for renewable energy, expressed as the minimum amount of installed capacity. I have received limited information on the targets for the South West, and I note that in any event the latest available document is in draft form. It does not therefore form part of the development plan, and in view of the contents of the Localism Act 2011 its status as emerging policy is distinctly questionable.
45. The strategic framework is perhaps more usefully now included in Policy 64 (Renewable Energy) of the structure plan, and in Policy EQ1 (Addressing Climate Change in South Somerset) of the council's emerging Core Strategy. The former does not include a target however. It simply records that provision for the development renewable energy should be made where it would be environmentally acceptable. The latter policy is rather more positive. It records that the development of decentralised and renewable or low carbon energy generation will be encouraged and permitted. It is subject to the proviso however that there should be no adverse effects on residential amenity, the landscape, townscape, historic features, and biodiversity interests.
46. At the hearing the appellant drew my attention to national targets for the production of renewable energy of 15% by 2015 and 30% by 2050. It is acknowledged that small scale projects can make valuable contributions and that any excess would be supplied to the national grid, but it is more appropriate to consider the benefit of two 50kW machines at the level of the enterprise itself.

47. The scheme is envisaged as an instance of diversification and an attempt to reduce the carbon footprint of the farm. It would in effect provide an additional income to the enterprise and it would place the farm in an advantageous position in relation to the milk wholesalers and supermarkets. There is concern that without an adjustment of the type proposed the enterprise could be frozen out of the milk market if the wholesalers and retailers require guarantees concerning low carbon credentials. In addition, the council has signed the Nottingham Declaration. Amongst other matters, this includes encouragement for small scale renewable projects.

48. I have sought to take these benefits into account in arriving at a conclusion.

Conclusion

49. At both national and development plan levels this case falls to be considered against policies which seek to promote the deployment of renewable energy schemes without losing sight of the harm which, it is recognised, can result. It is an especial feature of wind energy schemes that, other than in heavily industrialised or commercialised landscapes, an adverse visual effect is almost inevitable. Notwithstanding the wind mills and wind pumps of the past, the current technology is still of relatively recent origin, and turbines are difficult to accommodate in attractive and valued countryside landscapes.

50. I have considered this case on the basis of its effect on the landscape character and visual appearance of the surrounding area and although I consider the impact of the scheme would be manageable from the south and east, I fear it would be much more harmful from the north and west. The harm I have identified would be aggravated as a result of the damage to specific heritage assets at the Church of St Nicholas, Bratton Seymour, and at Redlynch Park. In addition, I consider the potential effect of the project on Wincanton Racecourse would not be adequately mitigated by the completed obligation submitted during the hearing.

51. Although the benefit if the scheme was largely expressed in terms of the enterprise of which it would form a part, there would be some benefit to the wider community. All power generated by the renewable technologies inevitably involves some saving in greenhouse gas emissions quite apart from the security of a local supply. The benefits are notoriously difficult to weigh against the harm, but in this case I consider the damage I have identified to be considerable objections. I conclude the benefits would be insufficient to outweigh the harm. It follows that I further conclude the project fails the tests implicit in structure plan Policy 64 and in Policy EQ1 of the emerging Core Strategy. For similar reasons, and notwithstanding the thrust of Policy HE1, I also conclude the scheme is in conflict with the purpose of Policy HE10.1 of PPS5.

52. It is for the reasons given above that I have concluded the appeal should be dismissed.

Andrew Pykett

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr David Holmes	Adams Holmes Associates
Mr Bill Jackson	Aeolus Power
Mr Nick Keen	Keens Cheddar Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Adrian Noon	South Somerset District Council
Mr Andrew Tucker	South Somerset District Council
Mr John Clark	The Garden History Society

INTERESTED PERSONS:

Mr David Posnett	Local resident and Chairman, Moorhays Action Group (MAG)
Mr Jonathan Billingsley	The Landscape Partnership, for MAG
Mr John Shaw	Shaw Planning, for Sir Cameron Mackintosh and MAG
Mr Peter Reynolds	Local resident
Mr Mike White	Local resident
Mr Brian Ashford-Russell	Local resident
Ms Susan Brayne	Local resident
Mr Nigel Case	Local resident
Ms Sue Dainty	Local resident
Mr Bernard Home	Local resident
Mr Stephen Nathan	Local resident
Ms Sally Amery	Local resident
Mr Guy Thomas	Local resident
Mr Nick Walkinshaw	Bratton Seymore Parish Council
Mr Robin Bastable	Charlton Musgrave Parish Council
Mr Charles Dowding	Shepton Montague Parish Council
Ms Jenny Steadman	Penselwood Parish Council
Mr Stephen Parlett	Wincanton Racecourse
Ms Anna Groskop	Member, Somerset County Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Council's notice of hearing and circulation list
- 2 Letters of support, submitted by the appellant
- 3 Distribution of objectors
- 4 CPRE tranquillity map – Somerset, submitted by the appellant
- 5 Objection by Ms Steadman for Penselwood Parish Council
- 6 Note by Mr Thomas
- 7 Local plan Policy EH8
- 8 Notice of listing, Moorhays Farm
- 9 Structure plan Policies 3, 5, 9, 10 and 64
- 10 Draft Core Strategy South Somerset, Policy EQ1
- 11 Distribution of supporters, 1-15

- 12 *Farming the historic landscape*, by English Heritage
- 13 Unilateral Undertaking dated 7 March 2012
- 14 Draft Regional Spatial Strategy, Policy RE5
- 15 Email dated 7 April 2011, and plan – turbine shadow plot
- 16 ZTV for proposed Silton Wind Park (Environmental Statement)

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