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# Appeal Decision

Site visit made on 18 September 2012

**by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS**

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

**Decision date: 25 October 2012**

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**Appeal Ref: APP/X1118/A/12/2171663**

**Stapleton Farm, Berry Down, Combe Martin EX34 0NY**

- 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 A B Stanbury against the decision of North Devon District Council.
  - The application Ref 52968, dated 12 October 2011, was refused by notice dated 19 January 2012.
  - The development proposed is the erection of 2 Evoco 10KW turbines on 15m towers.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - The effect on the character and appearance of the surrounding area, including the North Devon Area of Outstanding Natural Beauty, Heritage Coast and Coastal Preservation Area.
  - The effect on nearby heritage assets.

## Reasons

### *Policy*

3. The development plan includes the Devon Structure Plan 2001-2016 [SP] and the North Devon Local Plan [LP]. SP Policy ST1 relates to sustainable development and conserving resources, including protecting environmental assets. SP Policy C03 and LP Policy ENV2 indicate that conservation and enhancement of an Area of Outstanding Natural Beauty will be given priority over other considerations. Care will be taken to ensure that development adjacent to such areas does not damage their natural beauty. SP Policy C05 and LP Policy ENV5 indicate that within Coastal Preservation Areas development, other than that of a minor nature, will not be provided for except where it is required for the benefit of the community at large or for the purposes of agriculture and forestry. SP Policy C08 aims to preserve scheduled monuments. Where a lack of information precludes the proper assessment of a site or area with archaeological potential, developers will be required to arrange appropriate prior evaluation in advance on any decision. LP Policy ENV13 notes development will not be permitted where it harms a nationally important archaeological site, or its setting.

4. LP Policy ENV1 notes that development in the countryside will only be allowed where a rural location is required and there would be economic and social benefits to the local community and it protects or enhances its beauty, diversity of the landscape and historic character, including archaeological value. LP Policy ENV3 relates to The Heritage Coast and notes development will only be permitted where it is consistent with the conservation, protection and enhancement of its natural beauty or provides a social and economic benefit to the communities within the heritage coast.
5. The National Planning Policy Framework (The Framework), which provides government guidance, has similar objectives, noting that when considering the impact of development on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. It notes that significance can be harmed or lost through development within the setting of a heritage asset. Any loss should require clear and convincing justification. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
6. The Framework also has a substantial emphasis on sustainable development, of which energy is a significant element. It notes that planning plays an important role in helping to secure radical reductions in greenhouse gas emissions and that authorities must recognise the responsibility of all communities to contribute to energy generation from renewable sources. A Core Planning Principle in the Framework is continued support for the transition to a low carbon future in a changing climate, encouraging the use of renewable resources, for example by the development of renewable energy. It notes that planning plays a key role in helping shape places to secure reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impact of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure, noting that this is central to the economic, social and environmental dimensions of sustainable development.

### ***Character and Appearance***

7. The appeal site is within a grassed field, with the farmhouse and buildings associated with Stapleton Farm nearby. Hedges of various heights define some of the nearby field boundaries and there are some trees a short distance from the site. There are no nearby residences apart from Stapleton Farm. The A3123 forms the boundary to the North Devon Area of Outstanding Natural Beauty, the Heritage Coast and Coastal Preservation Area, with the appeal site being just outside these designated areas. This is a high status area worthy of protection and conservation. The appeal site is within the Downland Landscape Character Type (LCT) in the Landscape Character Assessment of North Devon and Torridge. This describes an area of high open farmland and broad, rounded ridges slowly dropping in altitude towards Barnstaple and the Taw-Torridge Estuary, with the northern part characterised by frequent coastal views. It is a simple landscape dominated by smooth rolling skylines with dramatic and far reaching views.
8. The land in general terms slopes up towards the appeal site from the north and west and continues to rise particularly to the east. So while this is a plateau area, it is not level and nor is it uninterrupted by vertical features. There are lattice towers on some distant hills and large turbines forming a distant backdrop. Nearer the site is a line of telegraph poles and a small 'tower' within

the farm complex. I accept that these should not form a precedent for the proposed development, but their presence forms part of the landscape into which the development is proposed and are a consideration.

9. The proposed turbines would be about 15.5m to the hub and just over 20m maximum height to the tip of the turning blades. These turbines are not of the same scale as the wind farm turbines to the south. They would be visible from the surrounding area, but views from the east, including when approaching the site along the main road, would be very limited as the turbines would be on the down slope. These are not particularly large turbines and from the east there would only generally be limited views of the tops of them. The turbines would be more visible when approaching from the west along the main road and from the minor road to the west. However, these views would be interrupted by hedgerows and because of the rising ground to the east the turbines would be seen partially against the backdrop of hedges and rising ground. Closer to the appeal site the turbines would be clearly visible from sections of the main road, but with some screening by the existing hedge.
10. The turbines would also be seen to some extent from the AONB and Heritage Coast assets from the north. However, in the near vicinity of the site local views would be mitigated to some extent by hedgerows. The rising land would also mean that the turbines would be seen in part against rising ground behind the turbines. There would be some distant views, but in these there would also be the existing turbines in the distance and the proposed turbines would be seen as relatively small features when seen at a distance and not be dominant features in the landscape. In my view, the impact on the North Devon Area of Outstanding Natural Beauty, Heritage Coast and Coastal Preservation Area would be limited.
11. Some objection is raised that not enough information has been provided to assess the impact that the turbines would have on the landscape. I disagree. Photomontages have been provided from a variety of locations and these give a good indication of the extent the turbines would impact on views. While I accept that the turbines would also be visible from other locations, including in distant views from hills, the impact of the turbines from these positions would be much less, as they would appear as relatively small objects in a wide vista. I consider the level of information is appropriate to the scale and number of turbines proposed.
12. The turbines would be fairly slender and would have relatively little physical impact on the surrounding countryside, allowing views of the countryside to remain in front of, between and beyond the turbines. The use of the surrounding land would also be little changed. The essential existing rural character of the countryside would be retained.
13. The turbines are reasonably located in relation to other features and would not have significant cumulative impact in conjunction with the nearby wind farm, that being a considerable distance away. While changing the appearance of the local landscape, the turbines would neither be unacceptable in terms of the changed appearance nor would they significantly change the overall rural character of the area that is based mainly on agricultural use. Nevertheless, I acknowledge that there would be some harm in relation to the effect on the appearance of the area with limited blending in and enhancement and this needs to be balanced against the potential benefits.

14. Overall I conclude that the proposed turbines would have an impact on the visual amenities of the area, but because of the topography of the area around the site that impact would be limited. There would be some conflict with SP Policies ST1, C03 and C05 and LP Policies ENV1, ENV2 and ENV5.

### ***Scheduled Ancient Monuments***

15. Just less than a 1 km from the site is a group of scheduled ancient monuments that form a major prehistoric barrow cemetery, known as Round Barrow Cemetery on Berry Down. Just less than 2 km are two further scheduled barrow cemeteries together with a nearby major Scheduled hill top enclosure. Although many of these are not tall or highly prominent features, their physical presence, visual contribution to the landscape and archaeological evidence within and around their remains are an important part of their significance. English Heritage is also concerned that there could be other archaeological remains in the area.
16. SP Policy C08 aims to preserve scheduled monuments. Where a lack of information precludes the proper assessment of a site or area with archaeological potential, developers will be required to arrange appropriate prior evaluation in advance of any decision. The Framework notes that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting, with the level of detail being proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
17. I accept that the proposal, which would be at some distance, would not have any direct physical effect on the identified sites and their immediate archaeological potential would not be harmed. However, the appeal site is located between the barrows and in the line of sight between them and because of the location and proximity clearly forms part of their setting. While, based on my assessment of the impact on the character and appearance of the area, I consider the visual impact of the proposal in the landscape generally is likely to be small, it is still necessary to have an assessment of these heritage assets in order to come to an informed view of the impact the proposal would have in relation to them.
18. I accept that this is not a large wind farm development, but very little prior evaluation of heritage assets has been undertaken on which to base a decision. I agree with the policies that indicate the scale of investigation needs to be appropriate, but that which has been done is not acceptable. I note that the Devon County Council archaeologist has suggested a condition relating to investigation and that foundations would not be extensive, but this approach was subject to the proviso that 'English Heritage have no objection to the siting of the turbines'.
19. English Heritage in its consultation response notes 'unfortunately the application contains no information upon the potential impacts of the development upon the setting of these monuments and as a result English Heritage is unable to provide informed advice upon the application'. English Heritage recommended the application be refused or deferred pending the production of an appropriate Heritage Impact Assessment. English Heritage also noted, given the concentration of prehistoric archaeology in this uplands location, it is highly likely that there will also be extensive undesignated

archaeological remains in the area, which could be directly impacted by the proposed development.

20. If there are any important remains at the site it is necessary to know about them, prior to confirming the position of the turbines through a planning permission. It is also necessary to have some understanding of the heritage assets in order to assess the importance of the setting and how the development would impact on the assets or setting. I conclude the proposal would not accord with the aims and objectives of SP Policy C08 or LP Policy ENV13.

### **Balance**

21. The two Evoco 10kW turbines would provide a considerable contribution to energy from a renewable source and this would be a substantial benefit to the community and environment generally and to the farm. This needs to be balanced against the impact that the development would have on the character and appearance of the surrounding area and heritage assets. In my view, the harm identified to the surrounding area in terms of character and appearance is limited, whereas the benefit in providing renewable energy is significant and in this respect I consider that the benefits to the community outweigh the small degree of harm identified. However, I am not able to fully assess this balance in relation to heritage assets, because of the limited information provided in relation to the heritage assets and potential impact on the scheduled monuments and for this reason conclude overall that the appeal should be dismissed.

*Graham Dudley*

**Inspector**

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