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**2016/0960**

**Applicant:** Mr Robert Barraclough, Co Agent T. J. Coates Ltd

**Description:** Installation of a 50kw wind turbine on a 24m monopole mast (34m to blade tip)

**Site Address:** Westfield Farm, Royd Moor Road, Thurlstone, Sheffield, S36 7RD

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**Councillor Millner Supports the application and has requested that the application is brought to the Planning Regulatory Board for decision  
Penistone Town Council have objected to the application**

### **Background**

2012/1380 – Installation of 1no 50kW wind turbine on a 24m monopole mast (34.2m to blade tip) – refused for the following reasons:-

1. The site is within Green Belt on the adopted Barnsley Unitary Development Plan. In the opinion of the Local Planning Authority, the proposed wind turbine is sited in an exposed and open landscape where it would appear as incongruous and visually intrusive feature, harming landscape character and the visual amenities of the Green Belt, and the openness and appearance of the area. There would be significant visual impacts on local receptors including footpaths. The proposed development is neither well designed nor inclusive or in keeping and scale with its location, and is not sensitive to the character of the locality which comprises an open, rolling countryside which is relatively free from vertical features. The proposed development does not retain and enhance the character and distinctiveness of the individual Landscape Character Area in which it is situated. The Council considers that no very special circumstances have been demonstrated in this case which clearly outweighs identified harm and harm by reason of inappropriateness. Accordingly the proposal conflicts with policies CSP6, CSP29, CSP34 and CSP37 and the National Planning Policy Framework.

2. The proposed development would have a detrimental impact on air traffic control systems and would therefore present a hazard to aircraft safety. The proposal is therefore contrary to CSP6 of the Barnsley Core Strategy.”

The applicant appealed the decision and on the 21<sup>st</sup> July 2014, the appeal was dismissed by the Planning Inspectorate. The Planning Inspector concluded:-

‘The turbine represents inappropriate development in the Green Belt which is, by definition, harmful. There would also be some loss of openness, albeit modest, and the proposal would be harmful to the visual amenity of the area. These harms attract substantial weight.

The benefits focus on the provision of renewable energy and resultant reduction in CO2 emissions which attracts substantial weight; security of supply which attracts moderate weight; and more modest economic and environmental benefits.

In coming to the Green Belt and planning balance, I conclude that the benefits do not clearly outweigh the totality of harm that would arise as a result of the development, and the very special circumstances necessary to justify the proposal do not therefore exist.’

In addition, in terms of the second reason for refusal, the Inspector stated that 'the Council advises that following the determination of the planning application, the National Air Traffic Services confirmed that it will make provisions to operationally manage the proposed development in relation to the Claxby radar installation. As a consequence, the issue of air safety is not to be pursued.'

## **Description**

The site lies just beyond the edge of the settlement of Thurlstone, on open agricultural land approximately 225m from Westfield Farm which lies to the east. To the north of the site the land falls slightly towards Royd Moor Road before rising slightly towards a ridge. To the west the land rises towards Royd Moor wind farm.

In context, the site comprises open countryside set in the foothills of more elevated land to the north which include a number of wind farms. The land is mainly open and largely devoid of tree cover or other vertical elements. There is a footpath and bridleway within the local area.

## **Proposed Development**

It is proposed to erect an Endurance 50, 3 bladed monopole wind turbine on a 24m monopole mast with a height to blade tip of 34m. The three turbine blades would each be 9.6m in length, with a diameter of 19.2m. The blades would be mounted onto a hub and nacelle at a height of 24.6m above ground.

A trench of approximately 275m would be required to be dug at a depth of 0.6m to allow for the laying of a cable to connect the turbine to a meter point situated within the barn at Westfield Farm and would provide a connection to the National Grid. The proposal includes the creation of a permanent small concrete pad measuring 36sqm upon which the turbine would be sited.

The proposed turbine would be sited approximately 180m to the south west of Royd Moor Road and approximately 225m to the north west of Westfield Farm. This differs from the previous refused application 2012/1380, where the turbine was sited approximately 75m away from Westfield Farm and at a lower level within the landscape. The turbine now proposed as part of this application is a further 150m away from the farm.

It is anticipated that the turbine would generate approximately 170,000 kWh of renewable electricity per annum and approximately 90% of this would be fed into the grid, with the remainder providing electricity to the farm.

As well as the environmental benefits, in support of the application the applicant's agent has put forward the following justification, which was not included with the previously refused application, which they consider should be considered as very special circumstances:-

'This project is essential to help diversify and provide long term financial security for the farm. If the applicant is unsuccessful in obtaining consent for the proposed turbine he intends to expand his road haulage business as an alternative to diversify the farm in order to generate the additional income required. The applicant has planning consent to operate up to 25 HGV vehicles from the site (by way of an Established Use Certificate Ref: B/92/0051/PU/EU dated 12th March 1992). The road haulage business currently operates on an ad hoc basis with one or two vehicles making deliveries two or three times per week. However, if this business expands it will inevitably lead to a significant increase in heavy traffic running through the village, particularly at peak times, leading to congestion, pollution and an increase in hazards (in particular conflicts between vehicles and pedestrians).

In comparison, the proposed turbine will bring environmental benefits to the wider community as well as produce green energy for the farm and help to support it financially for the long term. The applicant feels this is a more sustainable business model which clearly demonstrates the very special circumstances required to justify such a development in Green Belt and outweigh any harm. If the Council is mindful to grant consent for the proposed turbine the applicant would be willing to consider submitting a unilateral undertaking limiting the number of HGV's operating from the site to the current level of use (i.e. in effect surrendering the permission granted under the existing certificate of lawfulness).'

## **Policy Context**

The site is allocated as Green Belt on the Barnsley Unitary Development Plan Proposals Map.

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The adopted development plan consists of the Core Strategy, saved Unitary Development Plan policies and the Joint Waste Plan.

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

## Core Strategy

CSP6 - Development that Produces Renewable Energy - we will allow development that produces renewable energy as long as there is no significantly harmful effect on;

- The character of the landscape and appearance of the area
- Living conditions
- Biodiversity, Geodiversity and water quality
- Heritage assets, their settings and cultural features and areas
- Highway safety and
- Infrastructure including radar.

Proposals must be accompanied by information that shows how the local environment will be protected, and that the site will be restored when production ends.

The Core Strategy recognises that undulating landscapes, such as those in the west of the borough, can increase the prominence of turbines. Careful consideration will need to be given to the capacity of the landscape to accommodate turbines, the ability to mitigate visual intrusion and cumulative impacts of individual sites when they are grouped rather than dispersed. We will use the Character Assessment and Policy CSP37 to assess the effect of development proposals.

CSP21 – Rural Economy – aims at encouraging a viable rural economy by allowing development in rural areas if it supports the sustainable diversification and development of the rural economy or results in the growth of existing businesses or is related to tourism/recreation or improves the range and quality of rural services.

However, development in rural areas will be expected to:

- Be of a scale proportionate to the size and role of the settlement;
- Be directly related, where appropriate, to the needs of the settlement;
- Not have a harmful impact on the countryside, biodiversity, Green Belt, landscape or local character of the area; and
- Protect the best quality of agricultural land.

CSP29 - Design - states that high quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley, including (amongst other things):

- Topography, important habitats, woodlands and other natural features
- Views and vistas to key buildings, landmarks, skylines and gateways
- Heritage, townscape and landscape character including the scale, layout, building styles and materials of the built form particularly in and around (amongst other things), Penistone and the rural villages in the west of the Borough.

The policy is aimed at ensuring that development is appropriate to its context.

CSP30 – states that development will be expected to protect the character and/or appearance of listed buildings and Conservation Areas

CSP34 – covers the protection of the Green Belt which is to be safeguarded and remain unchanged.

CSP36 – Biodiversity and Geodiversity – development will be expected to conserve and enhance the biodiversity and geological features of the borough. Development which may harm such features will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

CSP37 - Landscape Character - development will be expected to retain and enhance the character and distinctiveness of the individual Landscape Character Assessment in which it is located.

CSP40 – Pollution Control and Protection – development will be expected to demonstrate that it is not likely to result in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

There are no relevant saved policies in the UDP, however, the site lies within the Green Belt.

#### National Planning Policy Framework

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development.

Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts

of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise. In respect of this application, paragraphs of particular significance include:

- 80, 87, 88 and 91 in respect of development in the Green Belt
- 98 for applications for renewable energy
- 128 & 132 relating to the historic environment
- 58 & 65, which relate to good design

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Supporting a prosperous rural economy (NPPF Section 3)

A positive approach should be taken to sustainable new development.

Conserving and enhancing the natural environment (NPPF Section 12)

The planning system should contribute to and enhance the natural and local environment by (amongst other things), protecting and enhancing valued landscapes.

Requiring good design (NPPF Section 7)

Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, respond to local character and history and are visually attractive.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Para 7 of the NPPF states that

- The need for renewable or low carbon energy does not automatically override environmental protection
- Cumulative impacts require particular attention, especially the increasing impact that wind turbines... have on landscape and local amenity...
- Local topography is an important factor in assessing whether wind turbines... could have a damaging effect on landscape...
- Great care should be taken to ensure heritage assets are conserved... including impact of proposals on views important to their setting
- Proposals in National Parks... and areas close to them where there could be an adverse impact on the protected area, will need careful consideration
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions

Written Ministerial Statement

House of Commons: Written Statement (HCWS42) Secretary of State for Communities and Local Government (Greg Clark) on 18 Jun 2015. "Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by local communities and therefore has their backing".

## **Consultations**

Penistone Town Council - Objections were raised as it was considered inappropriate development in the Green Belt

Regulatory Services – The noise assessment is based on ETSU-R-97 guidance and indicates that noise from the turbine should not be an issue to neighbouring properties when based on the ETSU-R-97 guidance subject to conditions

Yorkshire Water – No objection.

Ministry of Defence – No objections

Civil Aviation Authority – Advice given with regard to procedures for consulting

National Air Traffic Service – No objections

Highways – It has been confirmed that the proposed development will not require an abnormal load delivery of parts, consequently, there are no objections to the proposed development in a highway context subject to conditions

SYMAS – No objection subject to an informative.

Conservation Officer – No objections

Tree Officer – No objections

Legal Officer – The Legal Officer is not satisfied that a legal agreement can be drawn up as the applicant has not provided sufficient evidence that the haulage activities have not been abandoned, and on the evidence presented to date, the Established Use Certificate cannot be relied upon as justification for the turbine.

## **Representations**

Councillor Millner – Support this application given the size of the applicant's farm and the proximity of other similar wind turbines within 2kms of the farm and requests that the application is taken to the Planning Regulatory Board for decision.

The following representations have been received to the Local Planning Authority planning application consultation:-

- 3 representations stating no objection with support for the turbine
- 1 support petition (sent in by the agent) with 18 signatures

The following responses were received to the proposal as part of the applicant's Community Consultation Exercise:-

2 letter of objection/concern which state:-

- Impact upon the view/visual amenity
- Noise impact to adjacent dwellings
- Potential issue with regard to sun glare from the turbine blades

6 letters of support (which include a letter from the Headteacher of Thurlstone Primary School and Daisy Chains Pre-School) which state:-

- The turbine will generate green energy
- The turbine would not harm visual amenity
- The turbine would be of great benefit to Westfield Farm and would make the farm financially viable
- A large number of HGV's will be detrimental to highway safety and residents would rather have a wind turbine than busier roads
- One more turbine would not make a difference
- If the farmer reverted back to haulage use then this would increase heavy traffic and parking problems into the village and would be a danger to parents and children

## **Principle of Development**

The proposed turbine is located within the Green Belt. As such it is considered that the proposed development would affect openness and that it constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and such development should not be approved, except in very special circumstances. Such very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The proposal is therefore, potentially in conflict with CSP34.

Very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable resources whatever their scale, and this should be given significant weight in determining proposals. The NPPF also reiterates the importance of Green Belts and in particular, their openness and permanence and local

planning authorities should plan to retain and enhance landscapes, visual amenity and biodiversity. Substantial weight is given to any harm to the Green Belt.

In maximising renewable and low carbon energy, any adverse impacts should be satisfactorily addressed including cumulative landscape and visual impacts and good design is a key aspect of sustainable development. The NPPF also emphasises the importance of supporting renewable and low carbon energy sources and the proposal would provide a small contribution (170,000KwH – 90% fed back to the grid) towards renewable energy generation which the applicant puts forwards as special circumstances, but this would need to be sufficient to clearly outweigh the harm to the Green Belt from the turbine and associated infrastructure. Along with the renewable energy provided by the proposal, the applicant has also offered the following which they believe should be considered to form part of the justification and very special circumstances which would support the proposal and allow for an exception to Green Belt policy:-

‘The applicant is prepared to concede the deemed planning consent that he has for operating up to 25 HGV’S from Westfield Farm which has operated since the late 1950’S. This use was formalised under an established use certificate. Mr Barraclough is prepared to enter into a legal agreement to surrender his consent to 25 HGV’s and limit the use to a maximum of 2 vehicles operating from the site. However, if Mr Barraclough is not successful in obtaining planning consent for a wind turbine to help diversify his business he will look to expand his haulage operation from 1-2 vehicles to several vehicles in order to generate the additional income required to support his farm.

Mr Barraclough would prefer if this could be done by way of condition requiring Mr Barraclough to enter into such agreement prior to commencement. However, if the LPA would like some form of Unilateral Agreement completed prior to determination, then this document should be worded in such a way so that it does not come into effect until the wind turbine has been erected. i.e. Mr Barraclough is not prepared to surrender his HGV consent until the wind turbine consent is operational.’

The applicant has stated that the project is essential to help diversify and provide long term financial security for the farm and that should the turbine be refused that the applicant would have no option but to increase the haulage use on the site. In terms of the above and the possibility of ‘surrendering’ the Established Use Certificate that the applicant is relying on as part of the justification, the Council’s Legal Officer has been consulted and makes the following comments:-

#### *The Established Use Certificate*

The Established Use Certificate is for ‘a mixed use for haulage contracting and agriculture’. It relates to land on Westfield Farm that is identified on a plan edged red. The applicant’s agent states that 25 vehicles were being used at the time of the certificate. The fact that the land may have benefitted from an established use certificate in 1992, unfortunately does not mean it still has effect now. If there has been a material change of use or abandonment of the established use since that date, then any current use as a haulage yard particularly at the levels suggested by the applicant, the use may not be lawful and would not be immune from enforcement action.

The statement in the email has come from the agent rather than the owner as to the history of the use and it is not signed or to be given more weight in the form of a Statutory Declaration. There is little or no evidence submitted to support the contents of that statement. A certificate of professional competence has been submitted for Robert Barraclough; however this does not inform us about the use of the land at Westfield Farm. There are two operator’s numbers which have been submitted however when these have



been entered into VOSA's website, nothing is found. A further search on the VOSA website also reveals that there are no names of Barraclough or Barraclough Haulage either as a person or as an operator's trading name; no "Tucker" under operator licence or trading name. A postcode search only reveals Far Royds farm as having an operator's licence, however this was discontinued in 2004 but a restricted licence appears to be in operation for A Dickinson in 2016

The suggestion in the statement by the agent is that the use permanently ceased in around 2000/2001 but has been rented out for special contracts and as an overspill. No evidence has been submitted to support this.

On the evidence submitted, the Established Use Certificate cannot be relied upon for the following reasons:-

There is no evidence (other than the hearsay evidence of the agent) that the land has continuously been used since the date of the established use certificate was issued and even the hearsay evidence possibly indicates an abandonment of permanent mixed use. The evidence from the VOSA website suggests that no operator centre or operator licence has been registered with VOSA

The applicant would need to provide sufficient evidence or apply for a Lawful Development Certificate. Despite requests, the applicant has not provided any further evidence. If the applicant now starts up a haulage business as stated (particularly of the numbers suggested) then the Council could potentially take appropriate enforcement action. It is therefore considered that an offer to limit haulage or surrender the Established Use Certificate by way of a Section 106 agreement as justification for the turbine is not of value, particularly if the owner is applying to licence the farm as haulage centre by the Traffic Commissioner. One of the factors that the Traffic Commissioners would have to take into account is environmental ones, as well as safety and parking. In those circumstances the Traffic Commissioner may not approve Westfield Farm as an operating centre for 25 HGVs, given the nature of the roads and parking issues in Thurlstone, irrespective of the planning position. The Legal Officer suggests that the guide is that set by the neighbouring farm of Far Royd's which has a licence as a centre for 1 vehicle and 2 trailers. This would indicate the Section 106 would be of little or no value if an Operator's Licence for a significant number of vehicles to operate at the site were not likely to be forthcoming. Therefore given the above, the justification put forward by the applicant cannot be considered as very special circumstances to justify the erection of a turbine on the site.

#### Landscape and Visual Impact

Turning to the landscape and visual impact of the proposed turbine, the turbine would be located within Green Belt and as such it is considered that the proposed development would affect openness and that it constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. As a man-made feature in the Green Belt the proposed wind turbine would result in some loss of openness.

The site occupies agricultural land in open countryside beyond the built up limits of Thurlstone and within the 'Ingbirchworth Upland Farmland Landscape Character Area' (LCA) as designated in the Barnsley Borough Landscape Character Assessment, where policy CSP 37 of the Core Strategy expects development to retain and enhance the character and distinctiveness of the LCA in which it is located. Policy CSP 29 expects high quality development that respects, takes advantage of and enhances the distinctive features of Barnsley, including topography, green infrastructure assets and other natural features. In relation to renewable energy development, policy CSP 6 permits proposals that do not have

a significantly harmful effect on the character of the landscape and the appearance of the area.

As stated in the previous appeal decision, the Inspector noted that the key characteristics of the landscape, as identified in the LCA, include a stepped landform comprising fields of pasture strongly defined by distinctive stone walls, scattered farmsteads and single lane rural roads. It also refers to panoramic views over adjacent river valleys and identifies the wind farm at Spicer Hill as visually prominent on the skyline. It describes the landscape sensitivity to built development as high and landscape capacity as low.

The proposed wind turbine would be located in a similar location as the previous refused turbine, beyond the north-western confines of the village, where the landscape is characterised by gently sloping, undulating pastures criss-crossed by drystone walls and punctuated by sporadic trees and well defined parcels of deciduous woodland, most notably near to High Bank Lane and Royd Moor Road. The landform falls gradually from north-west to south-east towards the village and rather more steeply from the north in the vicinity of Folly Lane down to Royd Moor Road.

Within the wider landscape there are a number of wind turbine developments, including large wind farms at Spicer Hill, Royd Moor and Blackstone Edge and a single turbine installation at Scout Dike Reservoir. The larger turbine developments are highly prominent and readily visible from numerous elevated vantage points in the area. Although the character of the landscape essentially remains open and exposed it is accepted that its appearance has been affected by them.

The main concerns raised by the Planning Inspector within the previous appeal decision relate to the effect of the proposal on the local landscape. The Inspector did not raise any significant concerns with regard to the cumulative effect of the proposed turbine on the wider landscape, given that it would remain a modest element when viewed in the context of the larger turbine developments. It is agreed that the amended siting would not significantly alter this view; however the impact of the turbine on the local landscape remains a concern.

The amended siting of the turbine results in it being located on higher ground, approximately 225m away from the farm, within open fields further away from the village and the road and close to a former tree covered quarry. The amended siting results in the turbine being further detached from the farm unit by approx 150m. In order to show the amended siting of the turbine and its impact upon the landscape, the applicant has submitted a number of photomontages. The photomontages show the previous viewpoints and location of the previous submitted turbine in comparison to the amended turbine siting. The views of the turbine would be most significant from the immediate viewpoints, from various points along Royd Moor Road, the Bridleway to the south and from the footpath to the east adjacent to Windsor Avenue.

The main viewpoints have been assessed below.

#### *Royd Moor Road*

As can be seen on the photomontages VP1 and VP2 along Royd Moor Road, the landscape is devoid of any linear features. The turbine is clearly not closely associated to the farm being a significant distance of 225m from it. There are few vertical elements within this local landscape and none directly comparable with the proposed turbine with very little tree cover in the area. Given the size of the turbine, at 24m to the hub and 34m to the blade tip it would be a tall structure and its presence would be compounded by the movement of the blades against the skyline.

The siting to VP1 is improved from the previous submission, however has a more significant presence at VP2. As seen on the additional viewpoint along Royd Moor Road dated 8<sup>th</sup> January 2016, the proposed turbine is set at a higher level and its impact compounded where the turbine appears above the backdrop of the landscape and where it would significantly breach the skyline. Whilst the impact upon VP1 is slightly improved from the previous siting, it is felt that the harm is still significant and would have a greater impact upon the VP2 and the additional viewpoint along Royd Moor Road. From this viewpoint it would have a significant presence.

#### *Bridleway to the south*

The turbine has been moved further away from the well used public bridleway, one of the more important viewpoints noted by the Inspector. Due to the turbine being located further away from the bridleway, the impact is reduced from the previous submission and the turbine would appear less imposing, however at this point there is little to screen the turbine from view and would still appear as a very tall structure, set at a slightly higher level than previously submitted.

#### *Footpath to the east close to Windsor Avenue*

The turbine would also be prominent from the public footpath that connects Royd Moor Road with the housing estate, Windsor Avenue to the east, and would be visible from a number of dwellings on the estate. As the turbine is situated further away from the footpath this would result in the turbine appearing as a smaller structure, however as it is at a higher level this would draw the eye towards it. It is also clear from this location that the turbine is not closely associated with the farm itself and would appear as an incongruous and isolated feature within the landscape.

The Inspector stated when dismissing the appeal for the previous location: 'Although I have found that the visual impact of the appeal proposal on the wider landscape would not be significant, I conclude that it would introduce an incongruous element that would harm the visual amenity of the local landscape for those using the routes I have described. It would therefore harm the character and appearance of the area contrary to the aims of policies CSP 6, CSP 29 and CSP 37 of the Core Strategy.' The change in location would not significantly affect this statement as the turbine would still be seen as a large stand-alone structure.

A turbine of this scale in this prominent location, at a high elevation and physically detached from the farm it is intended to serve, it would inevitably have a significant presence and would dominate the local landscape. The utilitarian form the turbine would appear incongruous and intrusive in contrast to the relatively unspoilt agricultural landscape and its moving rotors set above the skyline would draw the eye and attract significant attention which would not be mitigated by further tree planting. It would therefore significantly harm the openness and visual amenity of the Green Belt and have an adverse impact upon the visual amenity of the local landscape for both local residents and visitors to the area. Overall it is considered that the turbine whilst in an amended location would still have a significant impact upon the openness and visual amenity of the Green Belt and as a result would be contrary to policy CSP6, CSP29, CSP34 and CSP37 of the Core Strategy.

#### Residential Amenity

A number of letters of support have been received to the applicant's own consultation exercise and the Councils separate consultations. Support has been received from neighbouring residents and the head teacher of the nearby Thurlstone Primary school. The comments include 'the turbine would be of great benefit to Westfield Farm and would make

the farm financially viable. A large number of HGV's will be detrimental to highway safety and residents would rather have a wind turbine than busier roads and if the farmer reverted back to haulage use then this would increase heavy traffic and parking problems into the village and would be a danger to parents and children at the school.'

The applicant has stated that the project is essential to help diversify and provide long term financial security for the farm and that should the turbine be resisted, that the applicant would have no option but to increase the haulage use on the site. In terms of any proposed haulage use of the site, as stated previously, an offer by the applicant to limit haulage or surrender the Established Use Certificate by way of a Section 106 agreement as justification for the turbine does not amount to very special circumstances as the applicant has not provided sufficient evidence that the haulage activities have not been abandoned, and on the evidence presented to date, the Established Use Certificate cannot be relied upon as justification for the turbine. The Council could therefore potentially take enforcement action should the haulage use be intensified on the site should the turbine be refused permission.

In terms of other residential amenity issues, the nearest residential dwelling lies approximately 370m from the site on the western edge of Westfield Avenue, there are also dwellings located approximately 430m on a higher level to the north east. Whilst concerns have been raised by local residents regarding potential noise from the turbine; Regulatory Services have assessed the application and raise no objections, subject to the imposition of a planning condition. The proposal is considered to comply with CSP40.

### Ecology

The application includes a submitted ecological assessment. The assessment includes an appraisal of the ecological value of the turbine site and concludes that the impact is likely to be low. The site lies within a species poor, improved pasture field and no protected species were identified within or close to the site. Furthermore, the turbine would be sited over 50m from potential bat roosts and foraging grounds which is in excess of the guidance issued by Natural England. Overall the proposal is considered to comply with CSP36.

### Highway Safety

Highways Development Control have been consulted and raise no objections to the proposed turbine. The proposed development would not result in any significant highway safety impacts either through construction deliveries or the operation of the turbine. A condition could be applied regarding delivery and construction times. Overall therefore, the proposal is not considered detrimental to highway safety.

### **Other Issues**

Concerns have been raised by local residents regarding the impact on individual views from properties. It is a planning principle that there is no right to a view beyond the curtilage of individual properties. There may be occasions where a development is of such a magnitude that it would overbear nearby properties, resulting in an uneasy feeling to an extent that the outlook of a property or garden may be harmed to an unreasonable degree. However, this is not considered to be the case with this particular application. Whilst there would be views from some local properties it is considered that the distance between the site and dwellings is sufficient to ensure that living conditions would be maintained to a reasonable degree.

## **Conclusion**

The application constitutes inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF requires that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicants have put forward an amended scheme which shows a change in location of the turbine, however whilst there is less impact upon some of the viewpoints, the turbine is more remote and isolated from the farm. Additional justification was also put forward to potentially reduce the small haulage use on the site, however we are unable to consider this as justification as the applicants have not proven that this use has not been abandoned and is still lawful, therefore we are unable to draw up any Legal Agreement on that basis.

The NPPF guides that substantial weight should be attributed to the harm brought about by reason of inappropriateness. In addition to this harm, the proposal would bring about significant harm to the visual amenities of the locality and significant harm to the character and appearance of the local area. The turbine would appear out of scale and proportion with its surroundings and would be separated from the farm. There would be harm to the visual amenities and openness of this Green Belt site which is located within a sensitive landscape character, with a low capacity for change. When balanced, it is not considered that the benefits of the scheme clearly outweigh identified harm and there are, no very special circumstances in this case.

Balanced against all the harms detailed above, the Local Planning Authority must weigh the benefits of the proposal. The Government requires that the balance of benefits should be clear and obviously evident when set against the perceived harm. The generation of renewable energy is a material consideration in this proposal; very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The support of the rural economy is also a factor in favour. However, the turbine is relatively small, and whilst acknowledging that even a small project can provide a contribution to cutting greenhouse gases, other material considerations override this small benefit. Added to the substantial harm caused by inappropriateness, it is considered that the development would significantly harm the openness and visual amenity of the Green Belt and have an adverse impact on visual amenity for both local residents and visitors to the area.

In the absence of the very special circumstances, it is felt that there are sufficient grounds to refuse the application, given the previous appeal decision, and due to the impact upon the visual amenity and openness of the Green Belt contrary to policies CSP6, CSP29, CSP34 and CSP37 and the National Planning Policy Framework.

## **Recommendation**

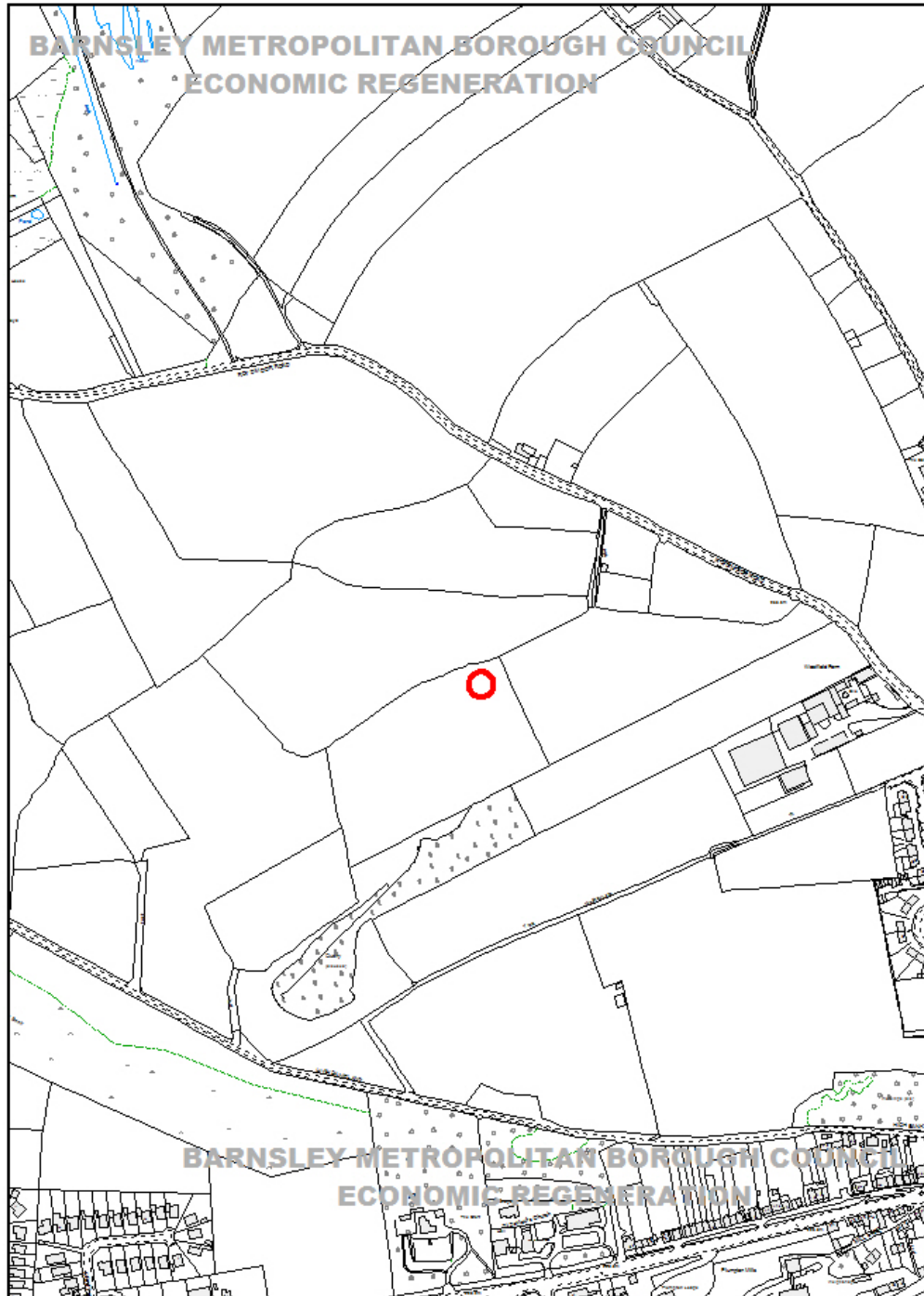
**Refuse** for the following reason:-

The site is within Green Belt on the adopted Barnsley Unitary Development Plan. In the opinion of the Local Planning Authority, the proposed wind turbine would appear as an incongruous and visually intrusive feature, divorced from the farm and in a location which would adversely affect the openness and visual amenities of the Green Belt. Furthermore, the development, due to its scale and siting would not retain and enhance the character of the Landscape Character Area in which it would be located. The Council considers that no very special circumstances have been demonstrated in this case which clearly outweighs identified harm and harm by reason of inappropriateness. Accordingly the proposal conflicts with policies CSP6, CSP29, CSP34 and CSP37 and the National Planning Policy Framework.

PA Reference:-

2015/0960

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**BARNSELY MBC - Economic Regeneration**



Scale 1: \_\_\_\_\_