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**Report of the Chief Planning Officer**

***PLANS PANEL WEST***

**Date: 31/03/2011**

**Subject: APPLICATION 10/03880/FU/MIN**

**Planning application for the erection of an 18.3m (to hub) wind turbine at Grange Farm, Arthington.**

**APPLICANT**

Grange Farm Livery Stables

**DATE VALID**

27 August 2010

**TARGET DATE**

22 October 2010

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**Electoral Wards Affected: Adel and Wharfedale**

No

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:**

1. Approved plans
2. Time limit on full permission
3. Colour scheme
4. Removal and restoration

**Reasons for approval:** Although the proposed development would constitute inappropriate development in the Green Belt, it is considered that there are very special circumstances that overcome the harm, by reason of inappropriateness, and any other harm. It is considered that the proposal would not have a significant adverse impact on the visual amenities of the Green Belt, the Special Landscape Area, or on the character of the wider rural landscape, and that it would have an acceptable impact on local amenity, ecology, and the settings of listed buildings. The proposed development is considered to be acceptable having had regard to Policies GP5, N32, N33, N37, N49, and N54 of the Leeds Unitary Development Plan Review and all other material considerations.

## **1.0 INTRODUCTION:**

1.1 This application is brought to Plans Panel West owing to the sensitive nature of the proposal, which has received 10 objections from Arthington residents.

## **2.0 PROPOSAL:**

2.1 This planning application proposes the erection of an 18.3m high (to hub), 11kw wind turbine associated with Grange Farm, Arthington. The proposal is intended to provide a source of electricity to Grange Farm, with any excess electricity being fed into the national grid.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The site is located within open agricultural land, approximately 365m to the south of the village of Arthington. The nearest neighbouring properties are located approximately 260m to the south. There are three listed buildings located to the north of the site, the nearest of which is located approximately 330m away, and comprises one of the buildings at the applicant's farm. There are additional listed buildings located in and around Arthington, which are located further away.

3.2 The site is designated as Green Belt and is located in a Special Landscape Area.

## **4.0 RELEVANT PLANNING HISTORY:**

4.1 There are no previous planning decisions of particular relevance to this application.

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 No negotiations have taken place between officers and the applicants.

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application was advertised by site notices posted on 10/09/2010, and by advertisements published in the local press on 16/09/10.

6.2 Objection letters have been received from ten the occupiers of ten neighbouring properties. The objections raised are as follows:

- There would be an unacceptable visual impact;
- The proposal could result in an unacceptable impact on residential amenity;
- The proposal could have an adverse impact on wildlife, especially Red Kites;
- The proposal will make the area less desirable as a place to live;
- The proposal is not acceptable in the Green Belt or a Special Landscape Area;
- There will be an adverse impact on the setting of listed buildings;
- Trees would need to be removed to enable the proposal to function properly.

## **7.0 CONSULTATIONS RESPONSES:**

### 7.1 Non-statutory:

#### Landscape Team

No objections; condition recommended.

#### Nature Conservation Team

No objections; conditions recommended.

#### Conservation Team

No objections; condition recommended.

#### Environmental Health

No objections.

#### Highways

No objections.

#### Leeds Bradford Airport

No objections.

## **8.0 PLANNING POLICIES:**

### 8.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". Following direction from the Secretary of State on 25<sup>th</sup> June 2010, the development plan for Leeds comprises of the Leeds Unitary Development Plan Review (July 2006), policies as saved by direction of the Secretary of State, dated September 2007 and any other locally adopted planning guidance, and the Yorkshire and Humber Plan, published in 2008.

### 8.2 Leeds Unitary Development Plan (Review):

Policy GP5 (Amenity and environmental considerations)  
Policy N32 (Green Belt and the Proposal Map)  
Policy N33 (Development in the Green Belt)  
Policy N37 (Special Landscape Areas)  
Policy N49 (Nature Conservation)  
Policy N54 (Development of Renewable Energy)

### 8.3 National planning policy guidance documents:

Planning Policy Statement 1 'Delivering Sustainable Development'

Planning Policy Guidance Note 2: 'Green belts'  
Planning Policy Statement 5 'Planning for the Historic Environment'  
Planning Policy Statement 7 'Sustainable Development in Rural Areas'  
Planning Policy Statement 22 'Renewable Energy'

## **9.0 MAIN ISSUES**

1. Principle of Development
2. Visual Impact
3. Amenity
4. Ecology
5. Historic Environment
6. Other Considerations

## **10.0 APPRAISAL**

### Principle of Development

- 10.1 The preliminary assessment when considering proposals for development in the Green Belt is as follows:-
- a) It must be determined whether or not the development is inappropriate development in the Green Belt. PPG2 and the Local Plan set out the categories of appropriate development.
  - b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
  - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.
- 10.2 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and "very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations" (PPG2, paragraph 3.2).
- 10.3 In terms of Green Belt policy, this application proposes the erection of a structure. Policy N33 of the Unitary Development Plan Review (UDPR) stipulates the instances in which new buildings/structures are not considered inappropriate in the Green Belt, in accordance with the guidance contained in PPG2. According to the submitted information, the proposed wind turbine is intended to power the applicants' on-site activities, which include a kennel business and veterinary activities. The proposed building is therefore considered to constitute inappropriate development in the Green Belt.
- 10.4 Very special circumstances have been submitted by the applicants, which state that the environmental benefits of the proposed renewable energy development outweigh the harm to the Green Belt, arising from its inappropriateness and any other harm. It is noted that the guidance contained in PPS22 states that, where proposed wind energy development is deemed to constitute inappropriate development in the Green Belt:

*“developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”* (Paragraph 13)

10.5 PPS22 also states 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.”* (Paragraph 1)

10.6 Given the guidance contained in PPS22, the very special circumstances submitted by the applicants are considered to clearly outweigh the harm that the proposal would cause to the Green Belt, by reason of inappropriateness. The proposed development is not considered to cause any other harm to the Green Belt, and this is discussed further on in this report.

10.7 Policy N54 of the UDPR states that proposals for the development of renewable energy resources will in general be supported, subject to the criteria contained in Policy GP5.

10.8 The proposal is considered to be acceptable in principle.

#### Visual Impact

10.9 Policy GP5 of the Leeds UDPR states that development proposals should avoid “problems of environmental intrusion”. Paragraph 3.15 of PPG2 states that the visual amenities of the Green Belt should not be harmed by development within or conspicuous from the Green Belt, by reason of their siting, materials or design. Policy N37 of the UDPR states that proposed development in special landscape areas will be acceptable providing it does not seriously harm the character and appearance of the landscape.

10.10 Objections have been raised by some Arthington residents regarding the visual impact of the proposal, particularly given the site’s Green Belt location and designation as a Special Landscape Area.

10.11 As discussed, the proposal would comprise of a relatively small scale, solid-mast wind turbine, with a hub height of 18.3m. The proposal would also include a concrete base and a cable linking the proposed turbine with nearby buildings, all of which would run underground.

10.12 The site occupies land that slopes down towards the village of Arthington, located to the north. There is relatively dense hedge and tree coverage immediately to the west running along the side of Blackhill Road. To the south there is an escarpment and woodland. There are numerous hedgerows and scattered clusters of trees beyond the site to the north and east, offering a moderate amount of screening from more distant perspectives. Overall, given the nature of the topography and surrounding tree cover, the site is considered to be reasonably well screened and it is considered that this would limit the visual impact of the proposal in the wider landscape.

- 10.13 The Council's Landscape Officer has raised no objections to the proposal subject to the imposition of a condition requiring the submission of a colour scheme, to ensure the proposal blends in effectively with its surroundings, which can be imposed should planning permission be granted. A condition can also be imposed requiring the removal of the turbine and the restoration of the site after a given period of time, to ensure the proposal is removed if it is not in use or when it comes to the end of its working life.
- 10.14 Subject to the aforementioned conditions, it is considered that the proposal, in terms of its siting, scale, materials and design would not be detrimental to the visual amenities of the Green Belt or the Special Landscape Area, and that it would be in accordance with Policies GP5, N32, N37, and N54 of the UDPR, and the guidance contained in PPG2.

#### Amenity

- 10.16 Policy GP5 of the Leeds UDPR states that development proposals should avoid a loss of amenity.
- 10.17 Objections were received from neighbouring occupiers stating that the proposal could have an adverse noise impact.
- 10.18 The proposal would be located in excess of 260m from any neighbouring residential properties.
- 10.19 The Council's Environmental Health officers were consulted about this application with no objections being raised. It is therefore considered that the proposal would not have any unacceptable impacts on local amenity, and that it is in accordance with Policy GP5 of the UDPR.

#### Ecology

- 10.20 Policy N49 of the UDPR state that proposed development should avoid causing adverse impacts to wildlife and nature resources.
- 10.21 Objections were received from neighbouring occupiers stating that the proposal could have an adverse impact on wildlife, particularly Red Kites, which are known to inhabit parts of the Harewood Estate.
- 10.22 The Council's Nature Conservation Officer has raised no objections to the proposal, subject to the imposition of conditions. One of the conditions would require that construction works do not take place in the period between March and July. The remaining conditions require the undertaking of post construction monitoring, to include the submission of a methodology and report, relating to the impacts of the proposal on wildlife. None of the monitoring-related conditions are considered to be sufficiently related to the development being undertaken, and it would therefore be unreasonable to expect the applicant to pay for any post construction survey work. Proposals should be considered on their own merits, and if it is considered that a proposal will not cause significant harm, which is the case in this instance, then post construction survey work would only be of use in informing future planning decisions for other sites.
- 10.23 Subject to the condition limiting construction works, it is considered that the proposal would not have a significant adverse impact on wildlife and nature resources, and would be in accordance with Policy N49 of the UDPR.

### Historic Environment

- 10.24 The guidance contained in PPS5 states that planning authorities should give consideration to the impact development proposals might have on historic assets, including their settings.
- 10.25 The proposed development would be located to the south of several listed buildings in Arthington village, the nearest of which would be located approximately 330m away. The Council's Conservation Team was consulted about this application and raised no objections, although it is suggested that a grey colour scheme should be employed to diminish the proposal's visual impact.
- 10.26 Given the nature of the proposal, including its siting, scale, design, materials and relationship to the existing complex of farm buildings, and providing a condition is imposed relating to the colour scheme, it is considered that the proposal would not have a significant adverse impact on the settings of the listed buildings.
- 10.27 The proposal is considered to be acceptable in terms of the impact it would have on historic assets.

### Other Considerations

- 10.28 One of the objections raised by a local resident states that the proposed wind turbine will not work effectively with the presence of trees located to the west, and that trees will need to be removed. The applicant's agents have stated that trees will not need to be removed, and this is not proposed as part of the application. Moreover, a number of the trees located immediately to the west of the proposal are protected by Tree Preservation Orders, and consent would be required in order to remove them.

## **11.0 Conclusion**

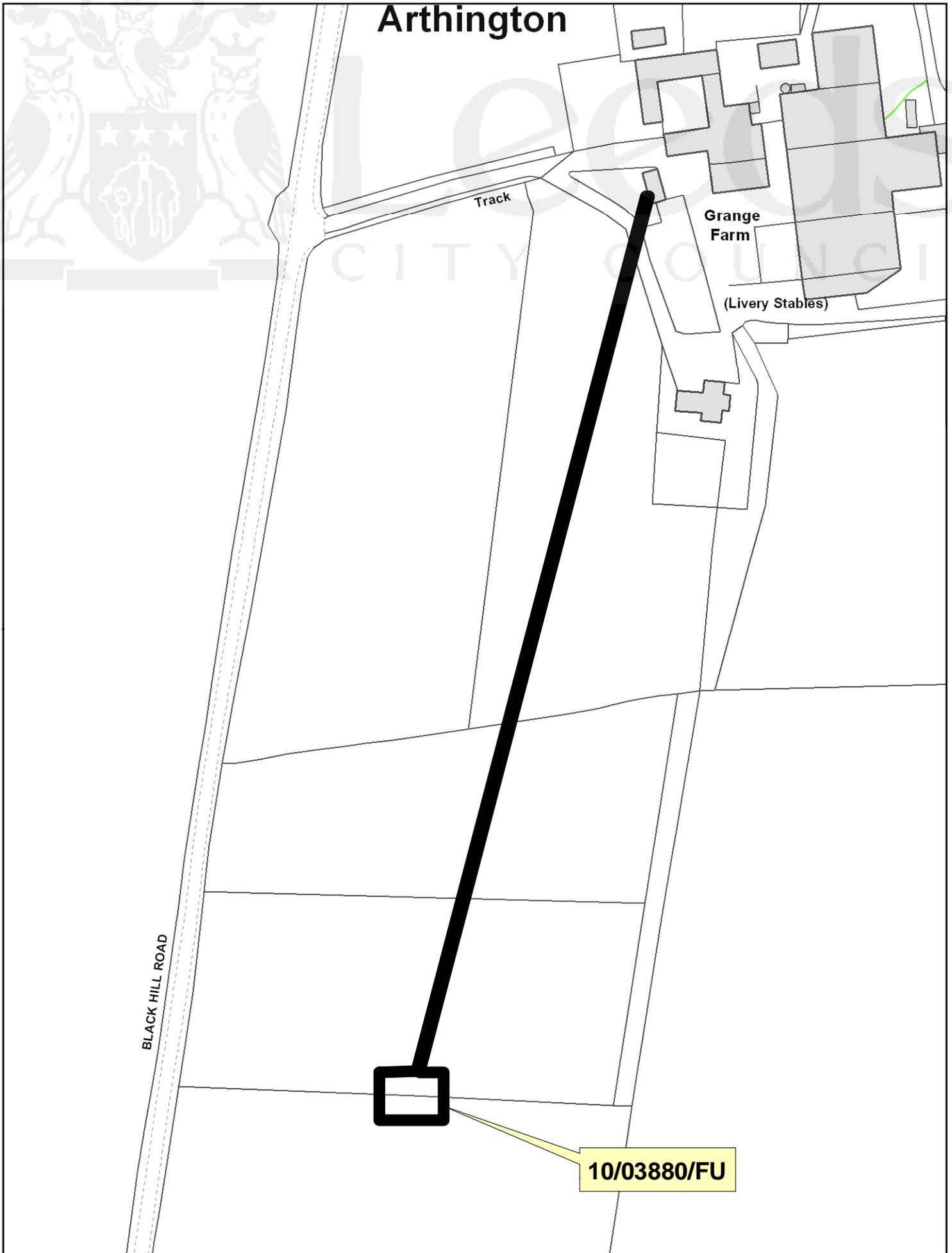
- 11.1 The proposed development is considered to be acceptable having regard to Policies GP5, N32, N33, N37, N49, and N54 of the UDPR and all other material considerations. The very special circumstances submitted by the applicants in support of the proposal are considered to outweigh any harm to the Green Belt, and any other harm.

### **Background Papers:**

Application file: 10/03880/FU/MIN

Certificate of Ownership: Grange Farm Livery Stables

# Arthington



## WEST PLANS PANEL

