



# Appeal Decision

Site visit made on 18 January 2010

by **Paul Griffiths** BSc(Hons) BArch IHBC

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
3 February 2010

**Appeal Ref: APP/C3430/A/09/2111073**

**Deans Hall, Hyde Mill Lane, Brewood, Stafford ST19 9DJ**

- 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 John Goodreid against the decision of South Staffordshire Council.
- The application Ref.08/01234/FUL, dated 24 December 2008, was refused by notice dated 24 February 2009.
- The development proposed is the siting of a wind turbine for domestic use.

## Preliminary Matter

1. Drawing PL/02A was submitted with the appeal correcting the scale of the drawing. I have taken this drawing into account in determining the appeal.

## Decision

2. I allow the appeal, and grant planning permission for the siting of a wind turbine for domestic use at Deans Hall, Hyde Mill Lane, Brewood, Stafford ST19 9DJ in accordance with the terms of the application, Ref.08/01234/FUL, dated 24 December 2008, and the plans submitted with it, and after it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) Notwithstanding Plan No.PL01, and condition No.5, no development shall take place until design details of the wind turbine hereby permitted, including coloured finish(es), have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
  - 3) No development shall take place until a scheme of landscaping, which shall include indications of all existing trees, shrubs and hedgerows on the land and details of those to be retained, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 4) A landscape management plan for the curtilage of Deans Hall, and the area to the south-east of the fish pond, including details of proposals for replacement of any trees, shrubs or hedgerows that are removed or die, including programming, shall be submitted to and approved in writing by the local planning authority before the wind turbine is first brought into use. The landscape management plan shall be implemented in accordance with the approved details.

8. Views of the wind turbine from Brewood, the footpaths and the canal towpath, would also take in Deans Hall and its ancillary buildings. The presence of the canal, as a structure in the landscape, would also be prominent. The wind turbine would therefore be seen in the context of other man-made impositions on the landscape, and in the case of the canal, one with a similar functional, engineering-based origin. The wind turbine would resonate with the canal, in my view, and as such it would not appear particularly incongruous.
9. On top of that, from what I saw the curtilage of Deans Hall, and the area beyond it where the wind turbine would be located, is well blessed with trees, some of which are very tall specimens. Clearly, trees are natural and the wind turbine man-made, but it seems to me that the presence of the trees would not only offer some screening but also a common verticality of form. Again, this would aid in assimilating the wind turbine in the landscape.
10. The details of the wind turbine that have been submitted are rather sketchy. However, in my experience, properly designed, proportioned and with a sensible choice of coloured finish, wind turbines can attain a degree of elegance as functional objects that seek to harvest the power of the wind. These factors could be addressed by a condition. If the wind turbine is properly designed, this would reduce the harm that would be caused by its visible presence.
11. On this basis, while I agree that the wind turbine would cause some harm because it would be a man-made imposition on the landscape, the degree of harm would be reduced by the factors I have set out to the point where it would not be significant. In this context, I see no departure from the terms of LP Policy BE26 that sets out general design criteria.
12. The site of the proposed wind turbine is close to the boundary of, but outside, the Shropshire Union Canal Conservation Area and further away from the boundary of, and outside, the Brewood Conservation Area. The proposed wind turbine would have no direct effect on the intrinsic character or appearance of these conservation areas, therefore. Nevertheless, the proposed wind turbine would have an impact on the setting of both. Paragraph 4.14 of Planning Policy Guidance: *Planning and the Historic Environment* (PPG15) notes that the desirability of preserving or enhancing the character or appearance of a conservation area should be a material consideration in the handling of development proposals which are outside a conservation area but would affect its setting or views into or out of the area.
13. As I have set out, the functional nature of the proposed wind turbine, and its design would have a resonance with the engineering-based origins of the canal itself and the features, like bridges, that punctuate it. As a consequence of that, the visible presence of the wind turbine would have no harmful impact on the setting of the Shropshire Union Canal Conservation Area or views into or out of it, in my view.
14. The wind turbine would be some way removed from the Brewood Conservation Area and as such it would not directly impact upon the areas around the boundary that define it. Clearly, the wind turbine would be visible from points within the conservation area. However, I do not conflate visibility with harm. As I have set out, the proposed wind turbine would not cause any significant harm to the character or appearance of the surrounding landscape. That coupled with

22. At the time of the original application, the annual usage of electricity at Deans Hall was put at about 21,000 KWh, equating to 24.29 tonnes of carbon release. Subsequent commissioning of an Energy Performance Certificate calculated an annual carbon release of about 50 tonnes. At 60% utilisation, the proposed wind turbine would produce 23,760 KWh from a renewable resource. This would significantly reduce the degree of carbon release. I see this as a very significant benefit especially when one considers the inherent difficulties in making historic buildings more energy efficient.
23. The Council considers that the provision of renewable energy for one dwelling is insufficient to outweigh the harm caused. I disagree because as key principle (vi) of PPS22 notes small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small.
24. In summary, the proposal would be an inappropriate form of development in the Green Belt, conflict with the purposes of designation, reduce openness and would cause a degree of harm to the character and appearance of the Green Belt. While I have found the latter to be insignificant, overall, this equates to a substantial degree of harm in Green Belt terms. Against that, the proposal would provide very significant benefits in relation to the production of energy from a renewable source. Bearing in mind the advice in paragraph 13 of PPS22, I consider these benefits to be a consideration that clearly outweighs the harm by reason of inappropriateness, and the other harm identified. In my view, looking at the case as a whole, very special circumstances exist which justify the development. The proposal complies, therefore with PPG2, PPS22 and LP Policy RE1 that deals with renewable energy.
25. I have considered conditions in the light of advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. A condition is necessary to secure details of the design and finishes of the wind turbine. Drawing PL01 shows two different colours but it seems to me that one, recessive colour would be better. The Council has also suggested a condition to deal with the retention of trees, shrubs and hedges. As I have set out, the continued presence of this planting is important in assimilation terms but I find the condition put forward imprecise. I have redrafted the condition to first of all secure a scheme showing trees, shrubs and hedgerows to be retained and, secondly, proposals for their future management. For the avoidance of doubt, a condition is also required to set out the plans upon which this decision is based.
26. For the reasons given above I conclude that the appeal should be allowed.

*Paul Griffiths*

INSPECTOR