

The Planning Inspectorate

For official use only
(Date received)

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PLANNING APPEAL FORM (Online Version)

To help you fill in this form correctly, please refer to the guidance leaflet "How to complete your planning appeal form".

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time we will not accept the appeal.**

APPEAL REFERENCE: **APP/T2350/A/13/2193882**

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name Mr Matthew Tidmarsh (DC21 Ltd)

Address DC21 Ltd, Dene House
North Road, Kirkburton
HUDDERSFIELD

Phone no. 01484607808

Fax no.

Postcode HD8 0RW

E-mail matthew.tidmarsh@dc21group.com

Please confirm how you wish to correspond with us: Electronically, via the email address specified above ☒
On paper, by post. ☐

B. AGENT DETAILS FOR THE APPEAL (if any)

Name Ms Nicola Pugh (CWP Ltd)

Address 248 Burnley Road
TODMORDEN
Lancashire

Your reference 12013_CHGC

Phone no. 01706 815140

Fax no.

Postcode OL14 8EA

E-mail nicola@cwp-ltd.com

Please confirm how you wish to correspond with us: Electronically, via the email address specified above ☒
On paper, by post. ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA Ribble Valley Borough Council

LPA's reference number 3/2012/0539

Date of the planning application 19 May 2012

Date of the LPA's decision (if issued) 21 Dec 2012

D. APPEAL SITE ADDRESS

Address Carr Hall Home & Garden Centre, Whalley Road
Wilpshire
BLACKBURN

Postcode BB1 9LJ

Grid Reference: Easting 03699865

Northing 04331651

Is the appeal site within a Green Belt?

YES ☒

NO ☐

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

YES ☐

NO ☒

E. DESCRIPTION OF THE DEVELOPMENT

Size of the whole appeal site
(in hectares)

0.2

Area of floor space of proposed development
(in square metres)

Has the description of the development changed from that stated on the application form?
YES ☐ NO ☒

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

Installation of three Endurance 50kW wind turbines 46m in overall height (ie to blade tip)

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:-

Please tick **one** box only ☒

- 1 Refuse planning permission for the development described on the application form or in Section E. ☒
- 2 Grant planning permission for the development subject to conditions to which you object. ☐
- 3 Refuse approval of the matters reserved under an outline planning permission. ☐
- 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object. ☐
- 5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐

or

- 6 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. ☐

G. CHOICE OF PROCEDURE

There are 3 possible choices:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1. THE WRITTEN REPRESENTATIONS PROCEDURE ☒

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions or changes of use).

- a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? YES ☒ NO ☐
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES ☐ NO ☒

If so, please explain below or on a separate sheet.

2. THE HEARING PROCEDURE ☐

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate document why you think a hearing is necessary.

Please answer the question below.

- a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. YES ☐ NO ☐

3. THE INQUIRY PROCEDURE ☐

This is the most formal of procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or in a separate document why you think an inquiry is necessary.

- a) How long do you estimate the inquiry will last?
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)

No. of days

- b) How many witnesses do you intend to call?

No. of witnesses

- c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below.
Please continue on a separate sheet if necessary.

YES

☐

NO

☐

H. GROUNDS OF APPEAL

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

YES

☐

NO

☒

** See separate documents **

H. GROUNDS OF APPEAL (continued)

I. (part one) APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeals site. If you do not own the appeal site or only own a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal. **YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.**

If you are the sole owner of the whole appeal site, certificate A will apply:

Please tick **one** box only

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance Notes*) to every one else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name Address at which the notice was served Date the notice was served

Mr Andrew Richard Donela	Whalley New Road, Wilpshire, Ribble Valley, L	08 Feb 2013

CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form.

I (part two) AGRICULTURAL HOLDINGS CERTIFICATE

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b).

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding: ☒

OR

(b)(i) The appeal site is, or is part of an agricultural holding, and the appellant is the sole agricultural tenant: ☒

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below: ☐

Tenant's name Address at which the notice was served Date the notice was served

Details of additional tenants

J. ESSENTIAL SUPPORTING DOCUMENTS

You **must** send the documents listed 1-7 below with your appeal form.
Please tick the boxes to show which documents you are enclosing.

- | | | |
|---|---|-------------------------------------|
| 1 | A copy of the original planning application sent to the LPA. | ☒ |
| 2 | A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (this is usually part of the LPA's planning application form). | ☒ |
| 3 | A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. | ☒ |
| 4 | A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show <u>two named roads</u> so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. | ☒ |
| 5 | Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
Please number them clearly and list the numbers here or on a separate sheet: | ☒ |
| 6 | Copies of all additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
Please number them clearly and list the numbers here or on a separate sheet: | ☐ |
| 7 | A copy of the design and access statement sent to the LPA (if required) | ☒ |

You must send copies of the following, if appropriate:

- | | | |
|----|--|-------------------------------------|
| 8 | Additional plans, drawings or documents relating to the application but not previously seen by the LPA .
Please number them clearly and list the numbers here or on a separate sheet: | ☐ |
| 9 | Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. : | ☒ |
| 10 | If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission , please enclose:
(a) the relevant outline application;
(b) all plans sent at outline application stage;
(c) the original outline planning permission. | ☐ |
| 11 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the <u>original permission</u> with the condition attached. | ☐ |
| 12 | A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). | ☐ |

K OTHER APPEALS

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

APP/E2340/A/12/2184623/NWF - Hazelgrove Lodge, Black Lane End, Colne, Lancashire, BB8 7ES.
Proposal consists of a single Endurance E-3120 wind turbine

L CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (*if you do not your appeal will not normally be accepted*).

I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature

Date

28 February 2013

Name (in capitals) Ms Nicola Pugh

On behalf of (if applicable) Mr Matthew Tidmarsh

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found in the guidance leaflet.

M. NOW SEND

- **Send a copy to the LPA**

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **You may wish to keep a copy of the completed form for your records**

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 2606, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number:

APP/T2350/A/13/2193882

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

* The Documents Listed Below Were Uploaded With The Appeal Form *

===== GROUNDS OF APPEAL =====

TITLE: Grounds of Appeal 1
DESCRIPTION: Grounds of Appeal
FILENAME: Carr Hall Garden Centre Grounds of Appeal.pdf

===== ESSENTIAL SUPPORTING DOCUMENTS =====

TITLE: 01. A copy of the original planning application sent to the LPA.
DESCRIPTION: Original Planning Application
FILENAME: 12013_Application Form.pdf

TITLE: 02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).
DESCRIPTION: Certificates
FILENAME: 12013_Application Form.pdf

TITLE: 03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
DESCRIPTION: LPA Decision Notice
FILENAME: 12013_Decision Notice.pdf

TITLE: 04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the
DESCRIPTION: Site Plan (A4)
FILENAME: 12013_02_Site Plan.pdf

TITLE: 05. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
DESCRIPTION: Site Location (A4)
FILENAME: 12013_01_Site Location.pdf

TITLE: 05. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
DESCRIPTION: Turbine Elevation (A4)

Continued on Supplementary Sheet

SUPPLEMENTARY SHEET

Appeal Documents (continued)

FILENAME: 12013_04_Turbine Elevation.pdf

TITLE: 05. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.

DESCRIPTION: Foundation Detail (A4)

FILENAME: 12013_05_Foundation Detail.pdf

TITLE: 05. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.

DESCRIPTION: Additional Ecology Information

FILENAME: 12013_Carr Hall Garden Centre - Additional Ecology Information.pdf

TITLE: 05. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.

DESCRIPTION: Bat Raptor Survey Report

FILENAME: Carr Hall Wiltshire - Bat Raptor Survey Report Oct 2012a.pdf

TITLE: 05i. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.

DESCRIPTION: List of All Material Submitted

FILENAME: 12013_List of Plans, Drawings, Documents.pdf

TITLE: 07. A copy of the design and access statement sent to the LPA (if required).

DESCRIPTION: Design and Access Statement

FILENAME: 12013_Design and access Statement.pdf

TITLE: 09. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.

DESCRIPTION: Letter to LPA re MOD objection

FILENAME: 12013_20121017_MOD Objection Response.pdf

TITLE: 09. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.

DESCRIPTION: Letter to LPA re Warton object

FILENAME: 12013_20121004_Warton Objection Response.pdf

* The Documents Listed Below Will Follow By Post *

===== ESSENTIAL SUPPORTING DOCUMENTS =====

** 05. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.



GROUND OF APPEAL FOR A SMALL SCALE RENEWABLE ENERGY DEVELOPMENT

To aid the appeal for the installation of 3no. Endurance E-3120 36.4m nacelle height, 9.6m blade radius (50kW) wind turbine located at:

Carr Hall Home and Garden Centre
Whalley Road
Wilpshire
Ribble Valley
Lancashire
BB1 9LJ

Planning Application Ref: 3/2012/0539

INTRODUCTION

1. This appeal is made against the refusal of Ribble Valley Council of an application for planning permission for the erection of three Endurance E-3120 50kW wind turbines on land belonging to Carr Hall Home and Garden Centre.

REASONS FOR REFUSAL

2. The application was refused for the following reasons:

(i) The site subject to this application is within land designated as Green Belt, and by definition the proposed development of the land for the erection of three wind turbines is considered inappropriate development. The scheme will be harmful to the openness and permanence of the Green Belt, and the applicant has demonstrated no special circumstances that would outweigh the harm caused. For these reasons, approval of this application would be contrary to guidance contained within Policy ENV4 of the Districtwide Local Plan, Policies EMI and EM17 of the RSS, Key Statement EN1 of the Core Strategy (Regulation 22 Submission Draft) and guidance contained within the NPPF.

(ii) The proposed turbines will be 29.5 km from, in line of sight to, and will cause unacceptable interference to the Air Traffic Control (ATC) radar at Warton Airfield, which will have a detrimental impact on the performance of the MOD ATC and Range Control radars, specifically the desensitisation of radar and the creation of 'false' aircraft returns which air traffic controllers must treat as real. The proposal is therefore considered to be contrary to the requirements of National Planning Policy Framework and Planning for Renewable Energy: A Companion Guide to PPS22 and to all other material considerations.

(iii) Due to the excessive scale, scale, height and location of the proposed development so close to a number of Public Rights of Way, the approval of these three turbines would impact on the enjoyment of any users of these footpaths. For these reasons, approval of this scheme would be contrary to guidance contained within Policy GI of the Districtwide Local Plan, Policy DMG1 of the Core Strategy (Regulation 22 Submission Draft) and guidance contained within the NPPF.

(iv) Due to the number of turbines, their excessive scale, scale, height and location, approval of this application would result in a highly visible, incongruous, prominent industrialising ridgeline feature in the immediate and wider rural landscape, and its approval would be to the detriment of the visual amenity of the area. For these reasons approval of this proposal would therefore be contrary to guidance contained within Policies GI, G5, ENV4, ENV24, ENV25 and ENV26 of the Districtwide Local Plan, Policies EMI and EMI 7 of the RSS, Policies DMG1, DMG2, DME2 and DME5, and Key Statements DS1, EN 1, EN2 and EN3 of the Core Strategy (Regulation 22 Submission Draft), and guidance contained within the NPPF.

(v) The Ecological Appraisal & Bird Survey Report and the Bat and Bird Survey Report are considered to contain insufficient information and/or survey data to enable a full and thorough assessment of the potential impact of the development on European Protected Species, Species of Principal Importance and their habitats. The Bat and Bird Survey has not demonstrated that

the proposed development would not result in a breach of The Conservation of Habitats and Species Regulations 2010, and based on the results of the breeding birds surveys, breeding lapwing could potentially be disturbed/displaced by the proposed turbines and Curlew appear to nest within 500m of the site. Curlew and Lapwing are Species of Principal Importance and DEFRA Circular 01/2005 states that UK Biodiversity Action Plan Priority Species (Species of Principal Importance, NERC Act 2006). The proposal is therefore considered contrary to Local Plan Policy ENV7, Policy EMI of the RSS, Policy DME3 and Key Statement EN4 of the Core Strategy (Regulation 22 Submission Draft), guidance within the NPPF, and guidance contained within The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981, the NERC Act 2006 and guidance contained within Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System.

DISCUSSION

Green Belt

3. In the context of national and local policy the proposal is, by definition, inappropriate development in the Green Belt. The LPA's reason for refusal references this and states that the proposal would be harmful to the openness and permanence of the Green Belt. It also states that *'the applicant has demonstrated no special circumstances that would outweigh harm'*. It is considered however that the proposal will (a) constitute only a modest loss of openness in the Green Belt and (b) that the wider environmental, economic and social benefits of the proposal constitute *'very special circumstances'* that weigh substantially in its favour bring it in line with national and local policy.

Loss of Openness and Permanence

4. The proposed turbines are not large scale industrial machines. As discussed within the original submission, turbines of this height and power rating are considered by industry and landscape planning professionals to be of small/small-medium scale. These turbines have a relatively small footprint, they do not require the introduction of permanent access roads and following their decommissioning their impact on the fabric of the landscape can be readily remediated.
5. The Green Belt Area in which the turbines are located is drawn over a reasonably large area running east to west from Wilpshire to Dunkirk around 6km away. The ZVI prepared for the proposal shows some theoretical visibility across this Green Belt area; however the small scale of the proposal should in reality result in only a localised visual presence. In this localised setting the proposal would be viewed in the context of the Carr Hall Home and Garden Centre facility which itself lies within the Green Belt. The function of the proposal as a renewable energy device serving the Garden Centre would be readily appreciated and, in an age of increasing energy security and climate change concerns, it would be viewed as a rational extension to existing development within the Green Belt rather than isolated encroachment.

Very Special Circumstances

6. NPPF states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development and 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. Policy ENV4 also allows for the balancing of development considered inappropriate within the Green Belt against very special circumstances.
7. The original application set out the wider environmental, economic and social benefits of the proposal and it is considered that these substantially outweigh the modest level of harm to the openness and permanence of the Green Belt presented by the proposal, bringing it in line with NPPF and Policy ENV4. In essence these benefits are:
 - The annual generation of around 600,000kWh of low carbon electricity, approaching 18,000MWh over the potential 30 year lifetime of the proposal. 600,00kWh is roughly equivalent to the annual electricity consumption of 181¹ average UK dwellings over a 30 year period. The proposal would generate enough to electricity meet the demand of the Carr Hall Home and Garden Centre with excess generation flowing to the national grid. Since electricity always flows to the nearest point of demand, the excess generation is unlikely to leave the local district network thus providing green power in the immediate area.
 - Potential carbon dioxide emissions reductions of 314 tonnes per annum or around 9,420 tonnes over 30 years². Carbon Dioxide represents around 80% of the UK's total greenhouse gas emissions and the proposal will therefore make a contribution to our nation's legally binding emissions reduction targets.
 - Increased sustainability of the Garden Centre's operations. This will be achieved through a reduction in use of fossil fuel derived electricity, the corresponding reduction in annual energy costs and the improvement of the Centre's existing electricity supply connection. At present, the electricity connection to the Garden Centre is insufficient to meet the entire power demand of the site. The shortfall is currently met through the use of diesel generators. The proposal will necessitate the upgrade of the electricity connection and the costs of this will be offset by the project. The proposal will thus help to bring an essential service up to the required standard and entirely eradicate the use of diesel.
8. It is considered that these benefits constitute 'very special circumstances' that outweigh any harm to the openness and permanence of the Green Belt and that the proposal is therefore in line with NPPF and Policy ENV4.

Visual Amenity

9. The LPA states that due to the excessive scale, height and location of the proposed development it would constitute an incongruous, industrialising ridgeline feature in the immediate and wider

¹ Source: Ofgem Factsheet 96 'Typical Domestic Energy Consumption Figures' (2011)

² Calculated using energy conversion factor for grid electricity of 0.5246kg/CO₂e. Source: Carbon Trust

'rural' landscape which would adversely impact on the visual amenity of the area and on the enjoyment of any users of local footpaths.

An Incongruous, Industrialising Feature

10. The proposed turbine model, the Endurance E-3120, is considered, by both wind industry and landscape planning professionals to be of small-medium scale and turbines of this class are increasingly being approved for installation in areas that are far more rural and undeveloped than the proposal site. At only 46m to blade tip and with a power rating of 0.05MW, this turbine model is routinely specified for on-site generation in settings near to dwellings or settlements where a balance between efficiency of operation and visual intrusion must be struck. The Endurance E-3120 has been sensitively designed to present a sleek and recessive profile. The nacelle assembly is relatively small when compared to other 50kW turbine products and the blades are tapered presenting a less dominant rotor area. This turbine is not comparable in scale to utility scale turbines, which at 100m+ to blade tip could reasonably be described as industrial.
11. In comparison to industrial/utility scale turbines, the visual effects of which can extend over many kilometres, views of the proposal are likely to be well contained within a 2km radius of the site. Within this range the proposal would not be viewed as an isolated feature in a purely rural landscape. Although there are extensive open rural areas around the proposal, the landscape is strongly marked by human habitation. The proposal is surrounded by settlements; Great Harwood, Ramsgreave, Wilpshire and Langho are all within the 2km radius. The proposal lies between Wilpshire and Langho, both of which have been subject to modern expansion. These settlements are connected by a network of busy roads including the A666 which passes around 400m north of the proposal site. A further 600m north of the A666 runs the Ribble Valley Train Line, a commuter line which runs from Manchester to Clitheroe via Blackburn stopping at both Wilpshire and Langho. In this developed context the proposal would not appear unduly incongruous.
12. The ZVI shows greatest theoretical visibility in regions north of the proposal. In near distance views from these regions the proposal would be seen in the context of the Carr Hall Home and Garden Centre and its function as a renewable device serving this facility would be obvious to the observer. This again will help to minimise incongruity.
13. In light of the above, the proposal is not considered to be unduly incongruous or industrialising in the receiving landscape and its impact on visual amenity is not considered to be significantly detrimental. This reason for refusal is therefore not considered sustainable and the proposal is considered to be in line with NPPF, policies G1, G5, ENV4, ENV24, ENV25 and ENV26 of the Districtwide Local Plan, Policies EMI and EMI 7 of the RSS, Policies DMG1, DMG2, DME2 and DME5, and Key Statements DS1, EN 1, EN2 and EN3 of the Core Strategy (Regulation 22 Submission Draft).

Footpaths

14. With regard to visual impact of the proposal inhibiting the enjoyment of users of Public Rights of Way, a similar issue was addressed in a recently upheld appeal for two 50kW wind turbines of 46m in overall height at Hollin Raikes Farm, Keighley West Yorkshire (APP/E2340/A/12/2176103). In this case, the LPA cited visibility from footpaths as a reason for refusal. The Inspector concluded '*... there is an extensive network of public footpaths and national trails crossing the area The fact that the turbines could be seen from public vantage points is not, on its own, an indication that they would result in harm to the landscape or the use of these footpaths*'. It is considered that the Ribble Valley LPA's objection in this regard is subjective and does not consider that some footpath users may find the turbines at least an interesting addition to the field of view. In light of this and the comments of the Inspector in the Hollin Raikes Farm appeal, this reason for refusal is considered unsustainable and the proposal is not contrary to Policy G1 or DMG1.

Aviation

15. The MoD objection is for a site at BAE Systems Warton – a site neither owned nor operated by the MoD – and for which the MoD has recently stated it has no radar details. Yet its objection (itself absolutely standard and used for all MoD turbine objections) claims the turbines will cause "unacceptable interference", but provides absolutely no evidence to support that claim. In all its objections to turbines the MoD makes the same assertion, but rarely (if ever) provides specific, supporting analysis when challenged by the applicant.
16. Using research and evidence published by the MoD, the CAA and others it is considered that the turbines are not in an operationally significant area for the MoD or for Warton, and because of the design specification of ATC radars (designed to 'avoid' detecting objects on and close to the ground) there is doubt about whether the radar will even detect the small turbines at the proposed site. Aircraft controlled by ATC, after all, are not expected to be operating close to the ground (except at take-off and landing). If the objection is accepted the MoD would be able to prevent any turbine developments in an area of c5000sq km – a huge area for just one radar.
17. It is considered that the LPA accepted the MoD's objection without question and did not create an opportunity for these issues to be explored in more detail, possibly with the input of expert consultants. The Case Officer did not respond to written requests from DC21 Ltd suggesting this and requesting further information to substantiate the MoD's position. This reason for refusal is therefore considered unsustainable.

Ecology

18. A full and thorough ecological appraisal, prepared by Quants Environmental, was submitted as part of the original application. Additional bat and bird surveys were also undertaken by Quants in response to specific requests for information from LCC ecologists. Quants have concluded that the potential impact of the proposal upon protected and priority species, including Lapwing and Curlew, would not be significant. It is considered that all of the LPA/LCC requests for

ecological data were satisfactorily addressed and all surveys undertaken were sufficient to assess impact. The LPA's reason for refusal in this respect is therefore considered unsustainable.

Conclusion

19. In accordance with NPPF and ENV4 'very special circumstances' are required to determine this appeal in favour of the proposed development within the Green Belt. NPPF states that the wider environmental benefits of a renewable energy scheme can be considered as 'very special circumstances'. The wider benefits of the proposed development were established within the application and these weigh substantially in its favour, outweighing the modest level of harm the proposal represents within the Green Belt.
20. The LPA asserts that the proposal would result in an incongruous and industrialising feature in a rural landscape resulting in detrimental impact on visual amenity and on the enjoyment of users of footpaths. However, the proposed turbine model is not of small/medium scale, not to be confused with industrial/utility scale machines. Due to its modest scale, the proposed model of turbine is routinely specified for deployment close to dwellings and settlements where the protection of residential amenity is a priority. This area includes some openness and rural context but also a strong human presence of local settlements, commuter roads and rail links and the modern development of the Garden Centre itself all of which provide a more varied landscape character than suggested by the LPA in its refusal. Within this landscape setting the proposed turbine would not appear as an incongruous feature.
21. The impact of the proposal on the enjoyment of footpath users is a subjective matter and in line with the conclusions of the upheld Hollin Raikes Farm appeal, visibility from footpaths is not, on its own, an indication of harm.
22. The LPA has accepted the standard objection of the MoD as a reason for refusal without allowing for a more detailed site specific assessment of the matter. They have also disregarded the findings of the ecological appraisals and site surveys which are considered to sufficiently assess the potential impact of the proposal on protected and priority species in their habitats including Lapwing and Curlew.
23. In light of the above, it is concluded that the stated reasons for refusal are inherently unsustainable. The proposed development would therefore be consistent with policy and guidance and the Planning Inspector is respectfully requested to allow the appeal.

