

PLANNING COMMITTEE – 6th June 2023

REFERENCE NUMBER: 23/00365/FL Application Expiry Date: 13th June 2023

Application Type: Full Planning Permission

Proposal Description: Installation of domestic vertical wind turbine (Resubmission of previously refused 22/00871/FL) (Amended Plans)

At: Overholme Farm, Main Road, Cutthorpe

For: Mr. John Robinson

Third Party Parish: Brampton
Reps:

Ward Name: Brampton and Walton

Author of Colin Wilson Date of 23.05.2023
Report: Report:

MAIN RECOMMENDATION: Refuse Planning Permission

1.0 Reason for Report

1.1 The Local Ward Member (Cllr Thacker) formally requested that the application be determined by Planning Committee, on the basis that the proposals accord with the objectives of the Brampton Neighbourhood Plan, which supports small scale proposals for renewable and low-carbon installations (whether they require planning permission or not). The Ward Member also advised that Paragraph 156 of NPPF states that local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.

2.0 Proposal and Background

Site Description

2.1 The application site comprises a farm complex situated within countryside, designated as North East Derbyshire Green Belt, to the north of the defined settlement of Cutthorpe. (See Fig.1 below)

- 2.2 The proposed position for the turbine is situated at the north-eastern gable elevation of a large agricultural building within the farm complex.
- 2.3 The application site is situated within a Development High Risk Area relating to coal mining legacy.

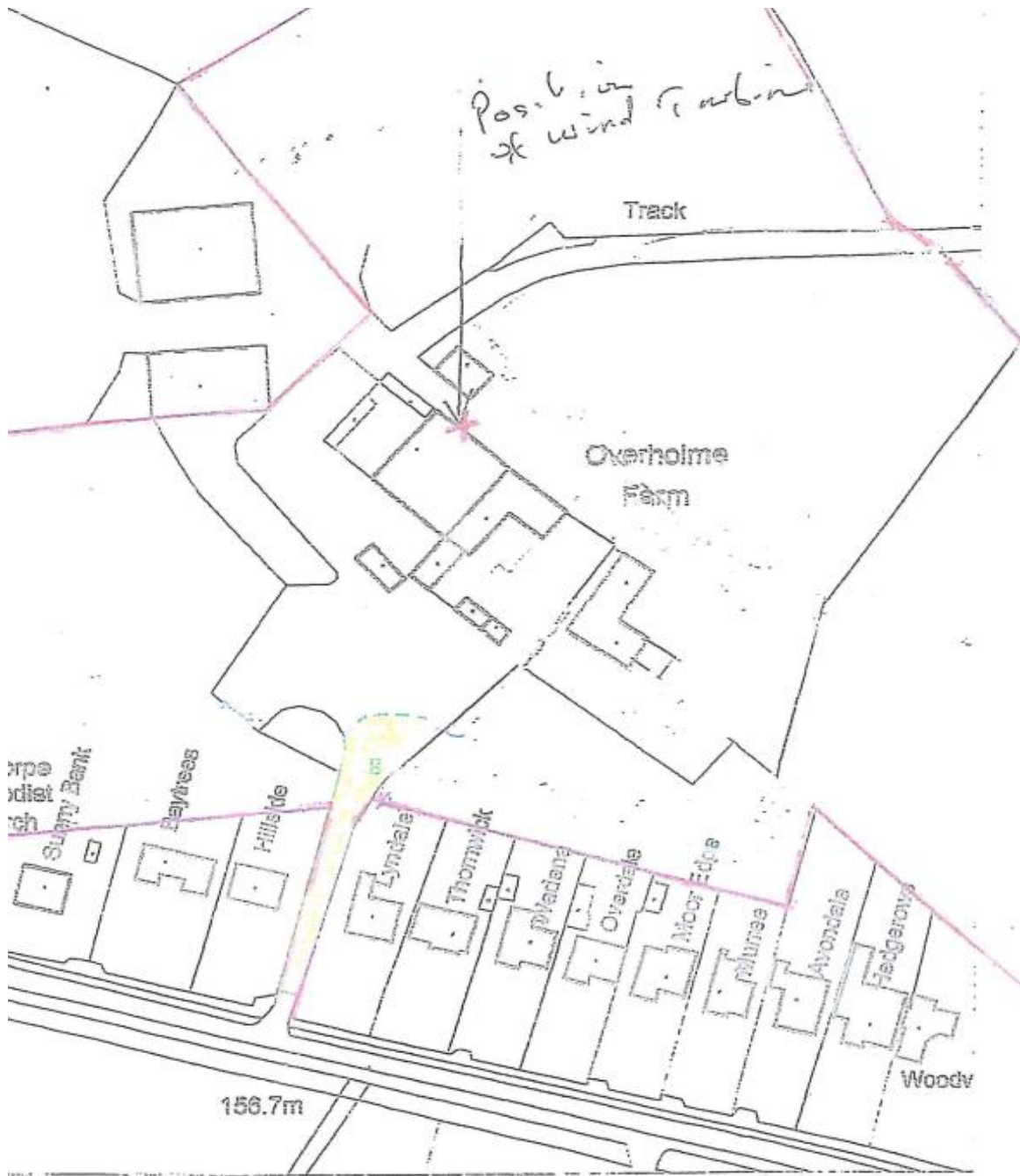


Figure 1: Location Plan

Proposals

- 2.3 Full planning permission is sought for the installation of a 7KW wind turbine on the north-eastern elevation of an agricultural building within the farm complex. A product specification for the proposed 'Atlas 7' turbine has been submitted to be read in conjunction with the application, in addition to scale drawings and photo montages detailing the appearance of turbine in the context of the site (see computer generated image below).



3.0 Relevant Planning History

- 3.1 The application site has a lengthy planning history. Of relevance in this case is application reference number NED/22/00871/FL which sought full planning permission for installation of a 4Kw vertical wind turbine. The application was refused under delegated powers on 24.02.2023 for the following reasons:

- 1 *Footnote 54 of the National Planning Policy Framework (NPPF) states that except for applications for the repowering of existing*

wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing. Footnote 54 effectively precludes the installation of wind turbines in areas which are not identified in the development plan as being suitable for wind energy development. In this case the development plan is the adopted North East Derbyshire Local Plan (2014-2034). The application site does not fall within an area identified as being suitable for wind energy development in the adopted North East Derbyshire Local Plan. Therefore, to grant permission for the proposed wind turbine would be contrary to the aims of the NPPF, specifically the requirements of Footnote 54.

- 2 *The application site is located within the North East Derbyshire Green Belt. The construction of a wind turbine represents inappropriate development which is, by definition, harmful and it should not be approved except in very special circumstances. The turbine would impact on the openness of the Green Belt and it is not considered there are any very special circumstances that outweigh the harm caused. As such the application is considered unacceptable and contrary to policy SS10 of the North East Derbyshire Local Plan and the policies of the National Planning Policy Framework when read as a whole.*

4.0 Consultation Responses

4.1 The **Ward Member** and **Parish Council** were consulted on the application:

The **Ward Member** requested that the application be determined by Planning Committee rather than under delegated powers (see Reason for Report section above for details).

The **Parish Council** raised no comments.

4.2 **Derbyshire Wildlife Trust (DWT)** were consulted on the application, raising no comments.

4.3 **The Coal Authority** were consulted on the application raising no objections to the proposed development from a coal mining legacy perspective.

5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of a site notice; 11 letters of representation were received. The comments raised are summarised below and can be viewed in full via the application documents on the Council's website:

- Support for the proposed development on the basis of its environmental benefits, small scale and unobtrusive nature.
- Support for the application on the basis that it is in accord with Action 3 Brampton Parish Neighbourhood Plan, which supports small scale community initiatives for renewable energy and low carbon energy to meet local need and provide local benefits.
- Support for the application on the basis of its limited impacts in neighbouring amenity terms.

6.0 Relevant Policy and Strategic Context

North East Derbyshire District Local Plan 2014-2034

6.1 The North East Derbyshire Local Plan (2014 - 2034) forms the Development Plan for the area. The Local Plan policies most relevant to the proposals are set out below:

- SS1 Sustainable Development
- SS9 Development in the Countryside
- SS10 North East Derbyshire Green Belt
- SDC3 Landscape Character
- SDC4 Biodiversity and Geodiversity
- SDC10 Decentralised, Renewable and Low Carbon Energy Generation.
- SDC13 Environmental Quality
- SDC14 Land potentially affected by Contamination or Instability

National Planning Policy Framework

6.2 The overarching aims of the National Planning Policy Framework (NPPF) are also material in the assessment of this application and have been considered.

Brampton Parish Neighbourhood Plan 2017-2034

6.3 The Brampton Parish Neighbourhood Plan is applicable in the assessment of this application. The Plan is unadopted but has been submitted for examination. It is for the decision maker to determine what weight to be given carries some weight in the assessment of this application. Factors to

be taken into account include the stages of preparation of the plan, the extent to which unresolved objections remain to relevant policies and the degree of consistency of the plan to the National Planning Policy Framework (NPPF).

7.0 Planning Issues

Principle of Development

- 7.1 Policy SDC10 of the North East Derbyshire Local Plan relates to decentralised, renewable and low carbon energy generation. The Policy sets out the circumstances in which proposals for the generation of renewable energy, including biomass power generation, combined heat and power, and other micro generation systems will be permitted.
- 7.2 Paragraph 158 of the National Planning Policy Framework (NPPF) states that when determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable (*Footnote 54*). Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
- 7.3 NPPF Footnote 54, referred to in Paragraph 158, states that except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines **should not be considered** (Officer emphasis) acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.
- 7.4 In this case, the North East Derbyshire Local Plan (2014 - 2034) forms the development plan for the area. It is set out in the Local Plan that, based upon The North East Derbyshire Low Carbon & Renewable Energy Study (2011), the Plan **does not** (Officer emphasis) identify any suitable areas for wind energy development. As such, proposals for wind energy development will be considered against the Government's latest policy guidance.
- 7.5 In this case, the NPPF is considered to set out the latest Government Policy position relating to wind energy development, and Footnote 54 effectively precludes the installation of wind turbines in areas which are

not identified in the Local Plan as being suitable for wind energy development.

- 7.6 In this case, the application site does not fall within an area identified as suitable for wind energy development in the adopted North East Derbyshire Local Plan (2014-2033). Therefore, to grant permission for the proposed wind turbine would be contrary to the specified aims of the NPPF, set out under Footnote 54.

Neighbourhood Plan Considerations

- 7.7 The Brampton Parish Neighbourhood Plan (2017-2034) (NP) is applicable in the assessment of this application. The Plan is unadopted but has been submitted for examination and therefore carries weight in the assessment of this application. The degree of weight to be given to the NP is a matter for the decision maker.
- 7.8 Paragraph 40 of the NP states that it is important to note that when using the (neighbourhood) plan to form a view on a proposed development, all the policies contained in it must be considered together with the Local Plan and national planning policies.
- 7.9 There are no policies in the NP that relate specifically to renewable energy development. The NP identifies a number of Parish Actions. Parish Action 3 sets out that the Parish Council will progress and encourage appropriate small scale community initiatives for renewable energy and low carbon energy to meet local need and provide local benefits.
- 7.10 The Parish Action identified above is considered to carry no weight in the assessment of this application, given that the application does not comprise a community initiative but rather a private enterprise, applied for by the land owner.
- 7.11 In addition, to carry weight the NP should conform to the policies of the NPPF. In this case the NP does not, as it is at odds with the NPPF and the Local Plan. The NPPF and the Local Plan take precedence, therefore.

Green Belt Considerations

- 7.12 Paragraph 137 of the NPPF states that 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.
- 7.13 Paragraph 151 of the NPPF states that 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.

- 7.14 In the Green Belt, new buildings/structures are considered inappropriate, except for a few specific exclusions.
- 7.15 Wind turbines do not fall within the defined exceptions and so represent inappropriate development, which is harmful by definition as set out in the NPPF. Moreover, Officers are of the view that the proposed wind turbine will impact visually on the openness of the Green Belt due to its height and design.
- 7.16 There would be some environmental benefits of the proposed turbine, by the creation of renewable energy, but they would be limited and probably and primarily personal to the applicant. The environmental benefits arising are not considered to amount to the very special circumstances that would clearly outweigh the Green Belt harm identified.

Other matters

- 7.17 The support expressed for the proposal is noted. It is accepted there would be no adverse impact on neighbouring amenity due to the distance of the turbine from any neighbouring property and the other two matters raised are addressed above. None of the issue raised are considered to outweigh the fundamental issues identified above.

Conclusion

- 7.18 In summary, the NPPF states that wind turbines are only acceptable in identified areas defined in the Development Plan. There are no such areas identified in North East Derbyshire. The erection of a wind turbine should not therefore be considered acceptable.
- 7.19 The site is in the Green Belt. The proposed turbine represents an inappropriate form of development in the Green Belt, which is harmful by definition. The turbine is considered to impact visually on the openness of the Green Belt and Officers are of the view that the identified harm is not offset in this case by any very special circumstances as those put forward are limited and personal in nature. In planning terms therefore, the wind turbine is considered to be contrary to the Development Plan and there are no material matters that outweigh that conclusion.
- 7.20 Accordingly, Officers recommend that the application is refused.

8.0 Recommendation

8.1 On the basis of the above considerations, the proposed development is considered to represent an unacceptable form of development. It is therefore recommended that the application be **REFUSED** for the following two reasons:

- 1 Footnote 54 of the National Planning Policy Framework (NPPF) states that except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.

Footnote 54 effectively precludes the installation of wind turbines in areas which are not identified in the development plan as being suitable for wind energy development.

In this case the development plan is the adopted North East Derbyshire Local Plan (2014-2034). The application site does not fall within an area identified as being suitable for wind energy development in the adopted North East Derbyshire Local Plan. Therefore, to grant permission for the proposed wind turbine would be contrary to the aims of the NPPF, specifically the requirements of Footnote 54.

- 2 The application site is located within the North East Derbyshire Green Belt. The construction of a wind turbine represents inappropriate development which is, by definition, harmful and it should not be approved except in very special circumstances.

The turbine would impact on the openness of the Green Belt and it is not considered there are any very special circumstances that outweigh the harm caused.

As such the application is considered unacceptable and contrary to policy SS10 of the North East Derbyshire Local Plan and the policies of the National Planning Policy Framework when read as a whole.