

# Cornwall Council

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**Application number:** PA14/06447

**Agent:**

Clean Earth Energy Ltd  
Unit 2 Bess Park Road  
Trenant Industrial Estate  
Wadebridge  
PL27 6HB

**Applicant:**

Mr James Bolitho  
Wilton Farm Bungalow  
East Taphouse  
Liskeard  
Cornwall  
PL14 4RB

**Town And Country Planning Act 1990 (as amended)  
Town And Country Planning (Development Management Procedure) (England)  
Order 2010**

## Notice of Refusal of Planning Permission

**CORNWALL COUNCIL**, being the Local Planning Authority, **HEREBY REFUSES PERMISSION**, for the development proposed in the following application received on 10 July 2014 and accompanying plan(s), for the reasons set out on the attached schedule:

**Description of Development:** A single wind turbine of maximum 77m to tip, along with associated infrastructure including an access track and electrical housing

**Location of Development:** Wilton Farm Bungalow  
East Taphouse  
Liskeard  
Cornwall  
PL14 4RB

**Parish:** St. Pinnock

**YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.**

**Phil Mason**

**Head of Planning and Enterprise**

**DATED: 15 October 2014**

**REASON:**

The proposed turbine by reason of its location, height and moving blades would have an adverse dominating impact on the holiday business known as Woodlay Holidays and Woodlay Farm Liveries, located to the south of the site, being detrimental to the general amenities of patrons/guests of these facilities who would have the reasonable expectation of the enjoyment of a peaceful and tranquil environment. The proposal would therefore be contrary to paragraphs 123 of the National Planning Policy Framework and saved Policies REN1 and REN2 of the Caradon Local Plan First Alteration 2007

**RELEVANT PLANNING POLICIES:**

Policy considerations

International and European

There are a range of International and European policy drivers that are relevant to the consideration of renewable energy developments. Under the terms of the Copenhagen Accord (2010) the UK, as part of the EU, agreed to make emissions cuts of between 20 and 30% by 2020 on 1990 levels (the higher figure being subject to certain caveats). This agreement was based on achieving a reduction in global emissions to limit average increases in global temperature to no more than 2°C. The European Renewable Energy Directive 2009 committed member states to a binding target requiring 20% of the EU's energy (electricity, heat and transport) to come from renewable energy sources by 2020. In particular, this Directive commits the UK to meet 15 percent of its total energy from renewable sources by 2020.

National

At the National level there are a range of statutory and non statutory policy drivers and initiatives which are relevant to the consideration of this planning application. The 2008 UK Climate Change Bill committed the UK to realising an 80% target in greenhouse gas emissions by 2050 (based on 1990 levels). The UK Committee on Climate Change 2008 'Building a Low Carbon Economy' provides guidance in the form of recommendations in terms of meeting the 80% target set out in the Climate Change Bill, and also sets out five year carbon budgets for the UK.

In 2009 the UK Government published the UK Renewable Energy Strategy (RES) which provided a series of measures to meet the UK's obligations under the 2009 Renewable Energy Directive. The RES envisages more than 30% of the UK electricity generated from renewable sources.



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'Under section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions on applications for planning permission and appeals must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise.

The National Planning Policy Framework stresses the importance of having a planning system that is genuinely plan-led. Where a proposal accords with an up-to-date development plan it should be approved without delay, as required by the presumption in favour of sustainable development at paragraph 14 of the National Planning Policy Framework. Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

In Cornwall the development plan comprises the 'saved' policies from the adopted Local Plans, the Balancing Housing Markets DPD in the former Carrick area and those development plan documents that deal specifically with minerals and waste. Cornwall Council is able to demonstrate a five year supply of housing land when assessed against the requirement of 47,500 homes as set out in the proposed submission Local Plan and based on an objective assessment of need undertaken for the Strategic Housing Market Needs Assessment. Until our assessment is tested at an examination cogent arguments that are also untested will be promoted by others that support the same or a different conclusion on the 5 year land supply position in Cornwall. Therefore, in the absence of a fully tested objective assessment of housing need, it is not currently possible to conclude whether or not there is a five year supply and therefore in terms of paragraph 49 of the NPPF the relevant policies for the supply of housing in the saved local plans are not considered to be up to date."



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The policies in the emerging Cornwall Local Plan are not part of the development plan and have limited weight because of the early stage that the Local Plan has reached in the adoption process but the policy and explanatory text does give a clear indication of the Council's direction of travel. This Local Plan has been developed from an up to date evidence base. Cornwall Council (14/1/14) resolved to amend the draft local plan and carry out a further period of consultation on a proposed submission version before submitting the Plan to the Secretary of State (SoS) for Examination. The substantive change (resolution 1a) is that the overall housing number be agreed at 47,500 with the associated distribution being as previously agreed by Cabinet. A number of other changes to text and policy wording were also approved. This further consultation took place during March and April for 6 weeks and was reported to members during July 2014. As a result of the representations received the Portfolio Holder for Environment Heritage and Planning has authorised focused changes to the Cornwall Local Plan - Proposed Submission - March 2014 which are currently the subject of a further period of consultation ending in mid -October. The representations received will be considered by Cabinet (November) and Council (December) with a view to Council approval and submission to the SoS at end of 2014. The examination is likely to be in the Spring 2015.' "

**National Planning Policy Framework**

The NPPF is not part of the statutory Development Plan however it does provide an overarching guide to making planning decisions in the UK. In terms of renewable or low carbon energy the NPPF advises that Local Planning Authorities (LPAs) should have a positive strategy to promote energy from renewable and low carbon sources and recognise that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts. In terms of determining planning applications for these types of developments, LPAS should not require applicants for energy development 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. The NPPF advises LPAs to approve applications for energy developments if their impacts are (or can be) acceptable, unless material considerations indicate otherwise. The NPPF also provides further advice in terms of impacts such as noise, health, quality of life and relative tranquillity.



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In terms of historical impacts the NPPF states that LPAs should take such assessments into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. The NPPF advises that LPA's should take account of the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. In terms of considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a Grade II Listed Building, park or garden should be exceptional. Substantial harm or loss of designated heritage assets of the highest significance, notably Scheduled Monuments, protected wreck sites, battlefields, Grade I and Grade II\* Listed Buildings, Grade I and Grade II\* registered parks and gardens and World Heritage Sites, should be wholly exceptional.

In terms of the natural and local environment the NPPF seeks the protection and enhancement of valued landscapes and places great weight to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Reference within the NPPF is also made to Government Energy Policy, specifically the Overarching National Policy Statement for Energy (EN-1) and Renewable Energy Infrastructure (EN-3) both dated July 2011, both of which are generally supportive of reducing carbon emissions and securing energy supplies. In particular EN-3 looks at renewable energy schemes and in respect of landscape and visual matters advises there will always be significant impacts with large scale developments. The Statement indicates the need to balance this harm against the benefits of energy production. It also draws attention to the need to provide sufficient separation between the development and sensitive properties to ensure that noise issues do not arise, as well as the need to give due consideration to biodiversity issues and give appropriate weight to designated sites.

Cornwall Local Plan - Proposed Submission Document -Strategic Policies 2010-2030

Relevant Policies are:

- Policy 1 - Presumption in favour of sustainable development
- Policy 2 - Key targets and Spatial Strategy
- Policy 13 - Design
- Policy 14 - Development standards
- Policy 15 - Renewable and low carbon energy
- Policy 16 - Safeguarding renewable energy
- Policy 17 - Health and wellbeing
- Policy 22 - Best use of land and existing buildings



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Policy 23 - Natural environment  
Policy 24 - Historic environment  
Policy 27 - Transport and accessibility  
Policy 28 - Infrastructure

Caradon Local Plan First Alteration, 2007 (Saved Policies):

The following saved policies from the Caradon Local Plan First Alteration 2007 are still considered material to the consideration of this application:

Policy CL1 (Nature Conservation);  
Policy CL5 (Agricultural Land);  
Policy CL8 (Landscapes of County Importance);  
Policy CL9 (Areas of Great Landscape Value);  
Policy CL16 (Protected Species);  
Policy CL21 (Historic Parks and Gardens);  
Policy CL22 (Historic Battlefield);  
Policy EV3 (Listed Buildings & Redevelopment in Conservation Areas);  
Policy PU4 (Groundwater Protection);  
Policy ALT4 (management of Flood Risk);  
Policy REN1 (Non Fossil Fuel Sources);  
Policy REN2 (On Shore Wind Energy);

Other relevant information

As of June 2014, the County of Cornwall had achieved a collective total of 325.958 of installed electrical energy and 39.927 MW of installed heat energy from a range of renewable energy developments.

While a specific target for the provision of renewable energy in Cornwall has not been set for future years, the broad thrust of policy in both national and local planning policy provides a 'direction of travel' to secure, wherever appropriate and practicable, opportunities for additional renewable energy developments.

Other relevant planning guidance

The report 'Cornwall and Isles of Scilly Landscape Character Study 2005/2007' sets out the method in which Landscape Character Areas (LCAs) have been identified, and brings together the main findings of the study, in terms of landscape pressures and planning and development guidelines.



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The report 'An assessment of the Landscape Sensitivity to On-shore Wind Energy and Large Scale Photovoltaic Development in Cornwall' (April 2011), was prepared for Cornwall Council by Land Use Consultants (LUC), and provides guidance on the sensitivity of the landscape to wind and PV development throughout Cornwall. The assessment also sets out a 'landscape strategy' for the deployment of these technologies for each LCA. This document has yet to be adopted and therefore attracts proportionately less weight.

The adopted Economic Development Strategy for Cornwall and the Isles of Scilly 2007-2021, "Strategy & Action" is supportive of renewable energy schemes, including wind turbine developments. Extracts from 'Theme - Improve Competitiveness: Ensure Energy Sustainability' pp 44-47 of the policy focus on key priorities for economic development and identify objectives needed to achieve sustainable prosperity.

Other relevant guidance

'Circular 06/2005: Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system';

'Natural England Technical Information Notes; TIN051 - Bats and onshore wind turbines, TIN059 - Bats and single large turbines, TIN69 - Birds and onshore wind farms';

'UK Renewable Energy Roadmap - Jul 2011';

Cornwall Council renewable energy guidance notes

'Eurobats Agreement No 3 (2008) - Guidelines for consideration of bats in wind farm projects';

'Scottish Natural Heritage (2010) - 'Micro-renewables and Nature Conservation';

Bat Conservation Trust (2011) - 'Bat Survey Guidelines Draft wind farm guidance (consultation current)';

Natural England - 'Making space for renewable energy: assessing on-shore wind energy development';

English Heritage - 'Wind Energy and the Historic Environment'.

'Planning Practice Guidance for renewable and low carbon energy, DCLG dated July 2013'.

Cornwall Council Landscape (wind and solar) and cumulative impact guidance consultation document Nov 2013.



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On-line Planning Practice Guidance.



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**PLANS REFERRED TO IN CONSIDERATION OF THIS APPLICATION:**

Block Plan PR2821-PA-BP-01 received 10/07/14  
Proposed PR2821-PA-SH-01 received 10/07/14  
Site/location Plan PR2821-PA-LP-01 received 10/07/14  
Proposed 1000900 02 received 10/07/14  
Illustrative Purposes only PR2821-PA-TP-01 received 10/07/14  
Site/location Plan 01 received 25/07/14



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## **NOTES**

### **Appeals to the Secretary of State**

If the applicant is aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then they may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within 6 months of the date of this notice (or 12 weeks from the date of this notice in the case of householder appeals made in relation to applications submitted on or after 6 April 2009). Appeals must be made to the Planning Inspectorate using a form which can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). A copy of the completed appeal form must also be submitted to the Council.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

### **Purchase Notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on Cornwall Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice.