



Appeal Decisor

APPENDIX 1

Site visit made on 30 April 2007

Temple Quay
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by **D L Burrows** DipTP MRTPI

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

Date: 3 May 2007

Appeal Ref: APP/V3120/A/06/2031913 3 High Street, Stanford in the Vale SN7 8LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by S R Munday against the decision of Vale of White Horse District Council.
- The application Ref STA/8763/4, dated 26 June 2006, was approved on 22 August 2006 and planning permission was granted subject to conditions.
- The development permitted is the erection of a small scale wind turbine.
- The condition in dispute is No.2 which states that: Prior to the commencement of the development hereby approved, details of noise emissions from the wind turbine shall be submitted to and approved by the District Planning Authority. If necessary, noise attenuation measures shall be carried out in accordance with details first submitted to and approved in writing by the District Planning Authority which shall not result in the background noise expressed as (LA90) being increased by more than 3 dB at the boundary of the property.
- The reason given for the condition is: In the interests of residential amenity. (Policy DC9 of the adopted Local Plan).

Decision

1. I allow the appeal, and vary the planning permission Ref STA/8763/4 for the erection of a small scale wind turbine at 3 High Street, Stanford in the Vale SN7 8LH granted on 22 August 2006 by Vale of White Horse District Council, by deleting condition 2 and substituting therefore the following condition:
 2. Before development commences a noise monitoring scheme, based on the prevailing background levels at agreed noise sensitive boundaries shall be submitted to and approved by the local planning authority. The wind turbine shall be operated so as to ensure, when measured in accordance with the approved scheme, the level of noise emission from the turbine shall not exceed 5dB above the prevailing background at any of the approved noise sensitive boundaries.

Preliminary matters

2. Neighbours are concerned about the lack of consultation from the Council prior to the grant of planning permission. However it is not for me to comment on the actions of the Council. A decision has been issued and a specific turbine has been permitted in a particular location. That is established and nothing I have seen or read in this case causes me to differ from the Council's view that
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such a development is acceptable in principle. The appeal is concerned with the necessity/appropriateness of condition 2 and I shall proceed on this basis.

3. Following my accompanied visit I took the opportunity to look at the surroundings of the appeal site from various public vantage points. During this time I was approached by a resident of 25 Horsecroft and asked if I would like to view the appeal site from her property. I declined and explained I could not unless I was accompanied by all parties. For the avoidance of doubt I note here that from the combination of accompanied/unaccompanied inspection of the site and its surroundings I am satisfied that I was able to see sufficient of the site and adjacent properties' characteristics to enable me to reach an informed decision on the appeal.

Reasons

4. The turbine would be erected in a field/paddock to the rear of 3 High Street which lies behind properties fronting the High Street itself. Its southern boundary abuts a public footpath which is bounded by a tall wall and when the footpath turns south the boundary is contiguous with 25 Horsecroft. The boundary between No.25 and the appeal site is marked by an assortment of vegetation and a rather dilapidated fence. The house is built close to the boundary and although its northern facade contains a number of openings, it does not appear to be a principal elevation, as the area between the house and the boundary is used for casual storage and the openings are obscured by the vegetation. The eastern boundary of the site abuts open fields as does the majority of the northern boundary, although I saw at my visit that what appears as a single field on the site plan has now been divided into two and the western part of it is subject to a different mowing regime.
5. I am told policy EG1 of the adopted Structure Plan encourages renewable energy developments, subject to amongst other things their impact on local communities. In the adopted Vale of White Horse Local Plan 2011 policy DC9 seeks to restrict developments which would unacceptably harm the amenities of neighbouring properties. It is common to the parties that the development should not harm the living conditions of neighbours and this is what condition 2 seeks to do.
6. The appellant suggests that the condition as written, has in any event been complied with and should be discharged. Whilst this may be the case and I have no reason to doubt the veracity of the appellant, I have seen no substantive evidence which justifies this assertion. Full details of the measurements and/or correspondence between the main parties have not been submitted as appeal documents. In these circumstances, given the proximity of the turbine to 25 Horsecroft, it seems to me that it is necessary to establish site background and turbine noise levels in order to protect neighbours' living conditions.
7. National policy on renewable energy is to be found in *PPS22: Renewable Energy* and its companion guide. PPS22 para 22 and the companion guide in its technical annex on wind (para 44) make it clear that ETSU-R-97 *The Assessment and Rating of Noise from Wind Farms* is the appropriate document to use when assessing noise from wind energy developments. Para 2 of the annex goes on to say that the information given is equally valid for smaller

turbines. ETSU-R-97 says that the application of noise limits at the nearest noise sensitive properties is the most appropriate approach and that controlling wind farm noise from a development should be limited to 5 dB(A) above background for both day and night time noise.

8. Condition 2 as written refers to an increase of 3 dB at any boundary. There is no substantive explanation why the condition relates to all boundaries rather than only noise sensitive ones or why a lower figure than is advocated by national policy was included. Consequently it has not been demonstrated why the condition is necessary. It does not therefore meet the requirements of Circular 11/95. However it seems to me that given the proximity of housing, in particular 25 Horsecroft, to the proposed turbine that a condition should be imposed to ensure that noise from the development would not materially harm living conditions. Without site specific evidence to the contrary I consider the 5dB(A) referred to in ETSU-R-97 would be appropriate and offer a reasonable degree of protection for neighbours.
9. Turning now to the boundaries. I see no justifiable reason why the condition should relate to all boundaries as there would be no neighbours' amenities to protect on borders with the open countryside. I have looked at the suggestion that Priors Farm at 4 Chapel Road shares a noise sensitive boundary with the appeal site, but from the openness and appearance of the land together with its apparent separation from the dwelling and its more obvious domestic curtilage, it does not seem to me that the land is an external location which is frequently used for relaxation or activities for which a quiet environment is highly desirable.
10. I note here that whilst the manufacturer's web site says ideally between 75-100m from the neighbour's property will avoid noise disturbance, this seems to be based on the general premise that wind turbine noise less than 10dB(A) below background noise levels will not cause nuisance to neighbours and that on a typical countryside site this can be met at distances greater than about 100m from the turbine. It is not site specific and does not relate to PPS22/ESTU-R-97.
11. It follows from the above that I consider it necessary in the interests of residential amenity that a noise condition should be imposed, albeit one which is in line with national policy.

D L Burrows

INSPECTOR