

Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk



Decision by Dan Jackman, a Reporter appointed by the Scottish Ministers

- Planning Appeal reference: P/PPA/270/487
- Site Address: Oulu, Pitfure, Rogart, Sutherland, IV28 3UA
- Appeal by Mr J M Priddy against the decision by The Highland Council
- Application 07/00151/FULSU for planning permission dated 10 April 2007 refused by notice dated 13 June 2007
- The development proposed: erection of micro wind turbine on 10 metre mast
- Date of site visit by Reporter: 13 November 2007

Date of appeal decision: 3 January 2008

Decision

I allow the appeal and grant planning permission subject to the following conditions:

1. The development hereby permitted shall be commenced within five years of the date of this permission.

Reason: to accord with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The turbine blades and pole shall be finished in a dark non-reflective material

Reason: to minimise the contrast with the surrounding landscape in order to reduce the visual impact of the proposal.

Reasoning

1. The determining issue in this appeal is the visual impact of the proposal, bearing in mind policies G2 and E2 of the approved Highland Structure Plan and the guidance contained in Planning for Micro Renewables, an annex to Planning Advice Note 45 – Renewable Energy Technologies.

2. Policy G2 is a general policy, which lists 13 criteria against which all developments shall be assessed, this includes impact on amenity and the need to demonstrate sensitive siting. Policy E2 relates to wind energy developments and lists 6 general criteria to be considered, including visual impact. For both policies, developments should not be significantly detrimental. Planning for Micro Renewables, in paragraphs 10 – 41 provides guidance as to the planning issues to be considered in micro-wind turbines. In summary, the general



INVESTOR IN PEOPLE



approach is to strike a balance between maximising energy production and minimising visual impact. In terms of minimising visual impact, the colour chosen should avoid contrast with any background and if a tower is used, then the height should relate to existing vertical elements.

3. The only element of community and individual amenity that my attention has been drawn to is visual impact. The proposal would be clearly seen when travelling towards Lairg on the A839 road and could also be seen from the minor road on the south side of Strath Fleet. It would also be possible to see the proposal from within the curtilages of the 2 adjacent houses and when using the shared driveway.

4. However, I noted on my site visit that the main aspect of the neighbouring properties is facing south east and would not directly overlook the proposal. In addition, the hill and vegetation immediately to the north of the appeal site would provide a backdrop to the mast and turbine and its visual impact would be softened to an extent by the planting between the shared driveway and the A839. I also noted a number of vertical features, including electricity poles, trees and the house, which in my opinion were of a scale that would relate well to a 10 metre high mast.

5. During the processing of the planning application, the planning officer wrote to the appellant and suggested that a location closer to the house would allow for more backgrounding and a less visually intrusive solution. The appellant did not feel able to agree to this suggestion because it would be more sheltered, making the wind turbine less effective. I have been provided with no evidence concerning the difference in performance of differing locations but I am satisfied that the key elements that minimise visual impact, such as the backdrop and the presence of a number of vertical features would be similar in either location.

6. I therefore consider that in the circumstances of the proposal it has been demonstrated that a reasonable balance has been struck between minimising visual impact and maximising energy production and I do not consider that the proposal is significantly detrimental to the visual amenities of the area. I therefore consider that the proposal complies with the relevant policies of the development plan and the guidance contained within Planning for Micro Renewables.

7. The Council has suggested 2 conditions. I do not consider that condition 1, requiring the development to be in accordance with the approved plans to be necessary, as the grant of planning permission requires that a proposal comply with the approved plans. There is no information within the submission relating to the colour of the mast and turbine, which should be dark and use non-reflective materials in order to minimise the visual impact. I therefore consider the council's second condition to be necessary.

This is the version issued to parties 3 January 2008

Dan Jackman
Reporter