
Appeal Decision

Site visit made on 15 August 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 31 August 2017

Appeal Ref: APP/X0415/W/17/3174634

**Land to the rear of substation, Lycrome Road, Lye Green, Chesham
HP5 3LD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Harmony Energy Storage against the decision of Chiltern District Council.
 - The application Ref CH/2017/0132/FA, dated 23 January 2017, was refused by notice dated 7 April 2017.
 - The development proposed is change of use of land and installation of a series of storage units and associated works to provide a battery energy storage facility, to provide balancing services to the National Grid.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Harmony Energy Storage against Chiltern District Council. This application is the subject of a separate Decision.

Preliminary matter

3. An amended plan was submitted with the appeal showing air conditioning units, measuring one metre in height, positioned on top of the batteries. There would be 60 of them in total. I consider their small size in relation to the scale of the rest of the development means they do not materially change the proposal or alter the effect of the development on the occupiers of neighbouring houses, which are distant from the site. As such I have accepted the amended plans and, though the neighbouring residents have not seen the amended drawings, I do not consider they are prejudiced by this.

Main Issues

4. The main parties have agreed that the development would be inappropriate development in the Green Belt as defined by saved Policy GB2 of the Chiltern District Local Plan and the Framework. I concur with that position. Accordingly the main issues are:
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and

- whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Openness

5. The appeal site comprises the southern corner of a field which is currently grazed by horses. It therefore presently has a very open and rural character. The development would inevitably reduce the spatial openness of the site.
6. A public footpath runs along the south east boundary of the field and would be flanked by the proposal on one side and vegetation screening an existing substation on the other. From this path the development would appear prominently and would interrupt the views across the rest of this field and the neighbouring fields further north. Also, from further east along the path, the proposal would disrupt the views across the field to the trees west of the site. Consequently from these positions the development would detract considerably from the visual openness of the area. The proposed landscaping along the north west and north east boundaries of the site would do little to mitigate for views of the development from this footpath. Likewise, although the equipment would be painted grey/green, this would not mitigate for its effect on openness.
7. The site is already crossed by low level electricity cables, and high level cables run near the western corner. Whilst these do detract slightly from the rural character of the site, they have very little impact on the openness of the area. Similarly whilst the existing substation does contribute to the setting of the appeal site, it is mostly screened behind trees and bushes. As such, whilst the existing substation appears discrete from the aforementioned footpath, the development would appear more conspicuous.
8. I conclude therefore that the development would considerably reduce the openness of the site and the vicinity and would therefore cause significant harm to the openness of the Green Belt. This impact on openness weighs against the development, and is in addition to the inappropriateness of the proposal in principle.

Character and appearance

9. The development would have an industrial appearance and would be behind palisade fencing. Though the proposed landscaping would assist in screening the development from some viewpoints, from the path along the south east boundary it would appear to conflict harshly with the rural and undeveloped nature of the wider landscape. In contrast, as identified above, the existing substation is well screened and detracts little from the overwhelmingly rural nature of the area. The development would therefore fail to accord with saved Policies GC1 and GB30 of the Local Plan which both aim to ensure development respects its surroundings.

Other considerations

10. The development would include 15 battery energy units which would be charged by renewable sources, such as wind or solar, at times of low network demand, store the electricity generated and then supply it to the National Grid

to help balance the supply of electricity and ensure a constant power supply. This would ensure that the power generated by these intermittent power sources is not wasted. Accordingly the technology would support the more efficient use of renewable energy sources and this reduces the reliance on electricity from non-renewable sources, which assists in reducing CO₂ emissions. Also the development itself would not generate any CO₂ emissions. This aligns with the support, in the Framework, for low carbon development.

11. To be effective the development must have a viable connection to the high voltage electricity network, the existing infrastructure must have sufficient capacity to accommodate the development, and there must capacity on the network in the area. From the evidence before me, the existing substation appears to be the only site in a fairly large area that meets these criteria. Consequently the appellant has then conducted a search for suitable sites within 1km of the substation. The majority of this search area is within the Green Belt and, as I recognise that it is desirable in terms of the cost effectiveness of the facility for it to be as close to the existing substation as possible, I consider that there are no other more suitable sites.
12. As such I accept that the technology supports the need for renewable energy, and that this location would be the most suitable for it. However there is little to justify this particular development. For instance there is no evidence to show how much electricity it would store, the likely CO₂ saving, or why this scale of development is necessary. Indeed I note the proposal represents a reduced scheme from that previously proposed, which indicates some flexibility in the proposal's scale. Overall, I give this matter moderate weight.
13. From the details I have of the case at Clay Tye Farm I am unable to judge if it is directly comparable to the case before me, notwithstanding the fact that each development must be considered on its own merits.

Planning Balance and Overall Conclusion

14. I consider that the development causes significant harm to the Green Belt by way of its inappropriateness and to its openness, and the Framework states that substantial weight should be given to these harms. The proposal would also harm the character and appearance of the area.
15. Balanced against that is the other consideration identified above. I recognise Paragraph 91 of the Framework advises that increased production of energy from renewable sources could be a very special circumstance. However as the development would not relate directly to an increase in renewable energy production, this paragraph is not directly applicable. Notwithstanding that, in this case I conclude that the weight of the other consideration does not clearly outweigh the totality of the harms and therefore there are no very special circumstances to justify the proposal.
16. As such, the development would conflict with Policy GB2 and the Framework which seek to protect the Green Belt from inappropriate development. Therefore, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR