
Appeal Decision

Site visit made on 17 August 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/N1730/W/21/3267460

Land at Rye Common Lane, Crondall, Farnham, GU10 5DE

- 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 Ltd against the decision of Hart District Council.
 - The application Ref 20/01180/FUL, dated 22 May 2020, was refused by notice dated 11 December 2020.
 - The development proposed is an energy storage facility.
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Decision

1. The appeal is allowed and planning permission is granted for an energy storage facility at land at Rye Common Lane, Crondall, Farnham, GU10 5DE in accordance with the terms of the application, Ref 20/01180/FUL, dated 22 May 2020, and the plans submitted with it, subject to the conditions in the annexe at the end of this decision.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site lies just off the busy A287 and close to Mill Lane hamlet. It is within the countryside, which is more open to the north and west, away from the hamlet. The site is not within an AONB and close by there are substantial power lines overhead and their supporting gantries.
4. The site is currently a large open grass field, which is slightly sloping. There is a hedge along the southern boundary over which there are several industrial looking buildings, a heavy machinery training area and the roofs of several houses. The eastern boundary is denser with tall trees and a hedge. It is open to the north, which provides an outward view including the dwelling Blue Bell Lodge. There is an existing access track virtually up to the appeal site.
5. The proposal involves the siting of a series of batteries along fairly uniform lines across much of the appeal site, together with various other equipment including an extensive transformer within a 2.4m high fence, metering room and control room. The appellants statement refers to the height of the transformer as 7.1m. The boundary would include a palisade fence and a 3m high acoustic fence. The submitted plans show tree planting around the site

- boundaries except to the north (due to power lines), including alder, hawthorn, holly and oak trees. Shrub planting would be around all four sides, albeit reduced to 3m height along the northern boundary, including dogwood, hawthorn, holly, blackthorn, blackberry and elder. This planting is envisaged as 6-8m wide in the appellant's submission.
6. The site is within the Dogmersfield character area in the Council's landscape assessment. This is notable for Dogmersfield Park and House, Basingstoke Canal, the A287, power lines and woods and hedgerows which provide a backdrop to open fields.
 7. The LVIA accepts that the facility would have an industrial appearance. However, the skyline in the area is dominated by the power lines and their gantries. Additionally, the southern boundary of the appeal site has adjoining uses which are not typical countryside activities. Consequently, the more sensitive aspects are to the east and north.
 8. The submitted LVIA provides photomontages from 7 viewpoints, which I saw on my site visit. Photomontages 1 and 2 are close to the site but woodland largely screens it from view, so the impact would be minor/moderate and less once planting matures. Points 4, 5 and 7 are very distant, 570m, 352m, and 1.8km according to the LVIA, so that the appeal site is a small component of the view and the appeal site is at a low point.
 9. Photomontage 3 is from a track which is a public byway. Through a gap in the boundary vegetation Bluebell Lodge is visible, but most of the appeal site would be obscured by some tall flanking trees. A very small part of the site would be discernible but insignificant at 382m away. I find that the landscape here has a high sensitivity to change due to its openness, however the impact would be limited, becoming even less so after shrub planting matures.
 10. Dogmersfield Park is distanced from the site as shown on the appellant's submitted plan EDP1. Due to the intervening woodland the appeal site would not be visible, and I have not been made aware of any historic or cultural association. The canal and its tranquil towpath are to the north (photomontage 6) but at a significant distance, 700m is indicated in the appellants submission. Moreover, the view is largely obscured by the canal bank and vegetation, so the proposal would not be harmful.
 11. The appeal proposal would be reasonably expected to lead to some movement of vehicles to serve the site, however there are other vehicle generating properties in the area, so such movements would not be obtrusive. The appellant's noise assessment shows that significant levels would be generated, including from cooling. However, an acoustic fence is proposed which would contain some of the emissions. Based on the noise assessment levels I find that from the public realm the noise would not be notable, and the tranquillity of the area would not be harmed.
 12. The appeal site is within the countryside wherein dark skies are expected. Some lighting would be necessary in the interests of security and maintenance. The fencing and planting should provide some screening, but approval of a lighting scheme would be necessary to ensure that lighting is focused within the appeal site and would be minimised.

13. I therefore conclude that the proposal would cause limited harm to the landscape, becoming very limited once landscaping matures. Policies SS1 NBE1, NBE2 and NBE9 of the Hart Local Plan (Strategy and Sites) 2032 (LP) and saved policy GEN1 of the Hart Local Plan (Replacement) and First Alterations to the Hart District Local Plan Replacement 1996-2006, favour development in settlements, restricting development in the countryside, protection of the quality of the landscape, development reflects the distinctive qualities of the surroundings and proposals are in keeping by virtue of their scale, design, massing, height, prominence, landscaping and siting. Policies 1 and 6 of the Crondall Neighbourhood Plan require consideration of the countryside location and respect for the landscape. The proposal would be in conflict.
14. The Dogmersfield Neighbourhood Plan has also been mentioned, although it does not feature in the decision notice. The access to the appeal site is within its area although not the battery storage area. The NP mentions the significance of the canal and the countryside. Policies DNP1, DNP6 and DNP11 seek to protect the countryside, require landscape assessment and planting and dark skies. The proposal would be in conflict.
15. Policy NBE10 of the LP is concerned with Renewable and Low Carbon Energy. This requires amongst other criteria, considerations of the visual amenity, the wider environmental, economic and social benefits and how any adverse impacts have been minimised. The proposal would not be in conflict with this policy.

Planning Balance

16. The proposal is intended to provide storage to balance out the climatic variations in peaks from energy produced by renewable sources. This ensures that energy production and supply can be balanced out, thereby helping provision. Also, by being efficient in having energy available when needed, it provides a significant carbon saving. Reasonably the Council recognise these benefits in their statement.
17. The facility needs to be close to an electricity network and to a strategic substation, which have capacity. With these constraints in mind the appellants have looked at alternative sites, but I find that this appeal site is appropriate and needed. The limited landscape impact would be minimised over time with the proposed landscaping maturing.
18. The Council quote two other appeal decisions for similar facilities at Chesterfield and Bolton. I note that they were dismissed on grounds that the landscape impact did not outweigh the planning benefits. However, such a balance is dependent upon the particular characteristics of the site and the landscaping proposal, which would be unlikely to be comparable to this particular site and proposal. Indeed, I note that the Chesterfield proposal involved the loss of a hedgerow and creation of a 200m access track. Moreover, these decisions were in 2017 and 2018, when the context of the energy and carbon emissions was different.
19. The proposal is contrary to Development Plan policies SS1, NBE1, NBE2, NBE9 and GEN1 as well as Crondall and Dogmersfield Neighbourhood Plans. However, the material considerations indicate otherwise.

20. Paragraph 8 of the Framework states the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The economic objective would be provided by the proposal's help to safeguard energy supplies, the social objective would also be reflected in maintaining uniform energy provision to households and the environmental objective would be met by the proposals support for renewable energy production and the new landscaping.
21. The limited harm to the landscape would conflict with the Development Plan, however this would be significantly and demonstrably outweighed by the benefits when assessed against the policies taken as a whole.

Conditions

22. Paragraph 56 of the Framework and the Planning Practice Guidance (PPG) provide the tests for the imposition of conditions. The appellant has suggested conditions.
23. The timing and approved plans provide certainty. The Construction Management Plan and acoustic fence help living conditions. The former is pre-commencement due to necessity of its purpose. The landscaping, lighting and biodiversity help the appearance and wider ecosystem. The flooding precaution is to protect staff.

Conclusion

24. I therefore conclude that the appeal should be allowed subject to the conditions in the annexe below.

John Longmuir

INSPECTOR

Conditions annexe

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission
- 2) The development hereby approved shall be carried out in accordance with the following plans:

Location Plan

Proposed Block Plan

General Arrangement Battery Container Layout Rev E

General Arrangement DNO Layout Rev A (two drawings)

General Arrangement DNO Switchroom Rev A

General Arrangement HV Container Rev A

General Arrangement Tesla Battery Rev A

- 3) No development shall commence until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The

Plan shall include details of: 1) A programme of construction work 2) Methods and phasing for construction works 3) Contractor parking 4) Arrangements for deliveries associated with all works 5) Access and egress arrangements for plant and machinery 6) Locations of temporary site buildings, compounds, construction material and plant storage areas 7) Protection of pedestrian routes during construction.

All works shall take place in accordance with the approved Construction Management Plan.

4) Notwithstanding Condition 2, no above ground works shall commence until a detailed Landscape Scheme has been submitted to, and approved in writing by, the Local Planning Authority. The Scheme shall include plans and details of species, location, supplied sizes and a timetable for planting. The development shall only be carried out in accordance with the approved Landscape Scheme. Any such vegetation removed without the Local Planning Authority's consent, or which die or become, in the Authority's opinion, seriously damaged or otherwise defective during a period of five years following occupation shall be replaced and/or shall receive remedial action as required by the Authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the authority in writing.

5) The development hereby approved shall not be brought into operation until a detailed Emergency Flood Plan for the site has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include details of: 1) A map of the identified safe access and egress route 2) Any signage that will be provided on site exits clearly identifying which routes should and should not be used in a flood event. 3) Any actions required to minimise the risk to site users 4) Any relevant flood warnings or heavy rainfall alerts. The approved Plan shall be made available for all site owners and managers and adhered to for the lifetime of the development.

6) The development hereby approved shall not be brought into operation until the acoustic barrier as shown on drawing General Arrangement Battery Container Layout Rev E has been installed. The acoustic barrier must be of robust construction, sufficient height of at least three meters and a minimum density above or equal to 11 kg per meter squared.

7) The development hereby approved shall be carried out in accordance with the measures in the Ecological Assessment Report (Avian Ecology, September 2019).

8) No development, working on the site or delivery of materials shall take place at the site except between 07:30 hours to 18:00 hours weekdays or 08:00 to 13:00 hours Saturdays. No development, working on the site or delivery of materials shall take place on Sundays, Bank Holidays or Public Holidays.

9) Prior to the site being used details of all external lighting shall be submitted to and approved by the Local Planning Authority. Thereafter the lighting shall be maintained and retained only in accordance with the approved details and no other lighting shall be installed.

END OF CONDITIONS ANNEXE