



Appeal Decision

Site visit made on 11 December 2024

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2025

Appeal Ref: APP/Q4625/W/24/3343977

Beechwood Farm, Hodgetts Lane, Berkswell, Solihull CV7 7DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Enso Green Holdings P Limited against the decision of Solihull Metropolitan Borough Council.
- The application Ref is PL/2023/00839/PPFL.
- The development proposed is Installation of a battery energy storage system with associated infrastructure.

Decision

1. The appeal is allowed and planning permission is granted for Installation of a battery energy storage system with associated infrastructure at Beechwood Farm, Hodgetts Lane, Berkswell, Solihull CV7 7DG in accordance with the terms of the application, Ref PL/2023/00839/PPFL, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The redline boundary of the appeal site extends from Hodgetts Lane along the existing access to the field where the battery energy storage system (BESS) and the associated above-ground infrastructure would be located, and from that field to the Berkswell sub-station for the underground cable. However, for the purposes of this decision, any reference to the 'site' or 'BESS site' relates to the field where the proposed BESS and its above-ground infrastructure would be located.

Main Issues

3. The main parties agree that the proposed development would represent inappropriate development in the Green Belt. Based on the evidence before me, and also having regard to the recently revised National Planning Policy Framework 2024 (Framework), I concur.
4. Accordingly, the main issues are:
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness

5. As set out in the Framework, the essential characteristics of Green Belts are their openness and their permanence; and a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has a spatial as well as a visual aspect and can be considered as the absence of buildings and development.
6. The BESS and associated above-ground infrastructure would be situated in a grass field (the site). With the exception of some fencing on and around the site, and a pylon and associated overhead powerlines in the far end, the lack of buildings and other structures means that it has a clear visual and spatial openness. The BESS site is bounded by hedges and trees and is thus not particularly visible in the surrounding area except in mainly fleeting, long-distance glimpses. However, its openness is readily appreciable in public views from the adjacent footpath that runs the length of the field. Whilst there are buildings in the surrounding area and the High Speed 2 (HS2) route (with its associated embankments, which would further reduce views of the field) to the south, the remaining openness of the Green Belt is also evident around the field and in the wider area.
7. The proposed installation of battery containers, auxiliary transformers, inverters, switch and control rooms, boundary treatments and other structures would cover much of the field. Whilst they would not be particularly tall, would be screened by existing and (once established) new planting, and there would be gaps between them, the proposed development would reduce the site's openness both spatially and visually.
8. This would result in an inevitable reduction in the openness of the Green Belt. However, the development's extent and scale would moderate the overall effect on openness, which would be relatively localised. The Council's concern that the open nature of the Green Belt towards the borough boundary is vulnerable to erosion does not lead me to a different conclusion. Whilst its proposed 40-year lifespan represents a not inconsiderable period, the development's effect on the openness of the Green Belt would also be temporary and reversible.
9. Nevertheless, for the above reasons, I conclude that the proposed development would reduce openness of the Green Belt to a moderate extent overall. I therefore find that it conflicts with Policy P17 of the Solihull Local Plan (SLP). Amongst other aspects, this sets out that the re-use of land should not conflict with or have a materially greater impact on the openness of the Green Belt and the purposes of including land in it.

Character and appearance

10. Forming part of the Meriden gap, the surrounding area contains various built form, including the existing railway and numerous residential, agricultural and commercial buildings. Although the Berkswell sub-station is a large, notable feature, the degree of separation to the field means that it does not form part of the site's immediate context. However, the existing pylon on the site and overhead powerlines are prominent features in the locality and HS2, once built, will also form a very notable part of the field's surroundings.

Nevertheless, the BESS site with its mature boundary hedges relates to other similarly undeveloped nearby fields and, including characteristics of the Arden landscape area, contributes positively to the area's overall rural character and verdant appearance. As set out above, due to the screening provided by existing planting, the main public views of the site are from the adjacent path.

11. With its industrial-esque character and utilitarian appearance, the proposed development would read as an urbanising, jarring feature in the rural area, particularly in the first few years after construction. The change from open field to a BESS and associated features would therefore adversely affect the character and appearance of the site and surrounding area. In coming to this view, I have taken account of the Landscape and Visual Assessment finding that the site and (in-line with the Solihull Borough Landscape Character Assessment) surrounding area have a medium landscape value, and the landform having a medium to low susceptibility to change.
12. However, the effect would be localised due to the height and scale of the development, the extensive screening provided by existing vegetation and, once established, the significant additional planting proposed. These aspects would also serve to significantly restrict long distance views of the development and, over time, views from the adjacent footpath. The reduced screening provided by deciduous plants in the winter does not lead me to a different conclusion. In addition, the development would read in the context of the other man-made structures in the locality, including the pylon on the site and the adjacent HS2 route. Once completed, the embankments and planting of the latter would also further reduce the visibility of the development – including from the Kenilworth Greenway, once re-opened – and its overall effect on the locality.
13. Accordingly, once the mitigation planting has established, the development would not be a prominent feature whilst the planting would also contribute to the locality's positive landscape features in the long term. Combined with its non-permanent nature, the harm to the surrounding landscape would therefore be limited. Nevertheless, for the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it conflicts with SLP Policies P10, P14 and P15. Amongst other aspects, these seek to protect the landscape and visual amenity and expect development to conserve and enhance local character and landscape quality.

Other considerations

14. As set out in the Planning Practice Guidance (PPG), electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively by, for example, helping balance the system at lower cost and maximising the usable output from renewables. By capturing and storing excess energy until needed, the proposed development would do this. Some of the main benefits in relation to this include supporting the balance of energy production and consumption; reducing the need for generators to curtail/cease generation at times of over-supply and the associated costs; reducing the amount of new (and imported) generation capacity needed as demand increases; contributing to reducing the costs of the electricity system and improving its reliability, security and efficiency; providing a flexible back-up power source; and offsetting the intermittency of renewable energy sources.

15. In turn, the proposed BESS would support the use and further deployment of renewable and low-carbon energy generation, and thus decarbonisation of the electricity network. Consistent with the Framework's provisions on planning for climate change, this is critical to meeting local and national targets and commitments on renewable energy and carbon emissions, and the critical need to achieve net zero.
16. Accordingly, the appeal proposal would make a small but nevertheless important contribution to ensuring local and national energy security and supply, serving increasing demand and moving towards a low carbon future. With the appellant having a signed grid connection agreement for the proposed development, these benefits could be delivered swiftly, while the existing capacity at the Berkswell sub-station would also be utilised. In addition, the available evidence indicates that there are no more feasible or suitable alternative sites for the size of the proposed BESS outwith the Green Belt. Furthermore, the proposal would provide a significant on-site net gain for biodiversity, and support farm diversification and, through the creation of some jobs, the rural economy.
17. The development proposed would therefore provide substantial economic, social and environmental benefits. The submitted evidence also demonstrates the clear need for energy storage facilities. Collectively, these are significant considerations which attract very substantial weight in favour of the proposal.

Green Belt and Planning balance

18. SLP Policy P17 and the Framework set out that inappropriate development should not be approved except in very special circumstances. The Framework also establishes that substantial weight should be given to any harm to the Green Belt, including harm to openness; that inappropriate development is, by definition, harmful; and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. In this instance, the appeal proposal is inappropriate development and would reduce the openness of the Green Belt. In addition, it would result in the encroachment of built development into the countryside, contrary to one of the Green Belt purposes identified in the Framework. Although the proposal's effect on openness would be moderate and relatively localised, the harm to the Green Belt arising from the proposed development and the resulting conflict with Green Belt policy is therefore afforded substantial weight.
20. In addition to the Green Belt harm, the development proposed would harm the character and appearance of the surrounding area. The appeal proposal is thus also contrary to relevant local policies and provisions in the Framework. Whilst the harm would be limited, this also attracts significant weight.
21. Although the proposed development would comply with various SLP policies (and parts of others), my findings on the main issues lead me to conclude that it would conflict with the development plan as a whole. However, there is a pressing need for the proposed BESS and it would provide extensive economic, social and environmental benefits. Taken together, the other considerations, which attract very substantial weight, clearly outweigh the totality of the harm to the Green Belt and the harm to the character and appearance of the surrounding area, and thus amount to very special circumstances. With very

special circumstances necessary to justify the proposal existing, material considerations indicate that it should be permitted notwithstanding the substantial and significant weight that the harm (respectively) attracts and the resulting conflict with the development plan.

Other matters

22. A number of other matters have been raised by various parties and I have taken them all into account. This includes: the limited local support of the proposed development; the pressure from other development on the surrounding Green Belt; the visibility of the development from surrounding properties, especially those on higher land; the availability of alternative brownfield locations which would be better than building in the countryside and near to residential properties; the adjacent well-used footpath being one of the Midlands' premier walking routes, and the insufficient space provided for mitigation planting alongside it; other (larger) BESS schemes with significant planting being approved and proposed in the locality; the noise and heat generated by the proposal would be significant, harm nearby residents' living conditions and mental health, and the noise mitigation proposed would be insufficient; light pollution; the potential for overheating, intense (self-sustaining, difficult-to-extinguish) fire and hazardous substances that could endanger the local community; access issues for the fire brigade and construction vehicles; insurance issues; the servicing of the BESS and the cabling required creating extensive pollution and adding to that from HS2; harm to the natural environment and wildlife habitat; battery schemes becoming redundant in the future due to the pace of technological change; the potential for EMF radiation; exploiting the area to make a profit; precedent setting and the effect on house prices; impact of construction works, including on the surrounding highway network and local residents' living conditions; impact on the land either side of the cable route; the previous proposal for a solar farm on the site being refused permission; and the extent of regulation and safeguards for battery storage schemes.
23. However, whilst I take these representations seriously and I recognise the strength of local concern, I have not been presented with compelling evidence to demonstrate that the appeal proposal would be unacceptable in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed. Some of the issues raised, such as regarding construction works, wildlife, and noise and light pollution can also be covered by planning conditions.

Conditions

24. I have had regard to the various suggested planning conditions and considered them against the tests in the Framework and the advice in the PPG. I have made such amendments as necessary to comply with those documents, for clarity and consistency, and to ensure that details are submitted for the Council's approval where relevant.
25. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. A condition setting out the time limit for the operational period of the development and its subsequent decommissioning is necessary in the interests of the green belt and character and appearance.

26. A pre-commencement condition requiring a construction management plan is necessary in relation to highway safety, the nearby High Speed 2 works and to ensure adequate environmental protection and mitigation for ecological receptors. The condition is in an amended form so that it covers two of the Council's suggested conditions (regarding both traffic and environmental management). Pre-commencement conditions requiring a landscape and ecological management plan and an arboricultural statement are necessary in relation to ecological matters, including habitats and protected species, and the character and appearance of the surrounding area. As the site has been identified as having archaeological potential, a pre-commencement condition covering this matter is also necessary in the interests of historic heritage.
27. A condition securing a drainage scheme is necessary to ensure adequate on-site drainage and avoid increasing flood risk in the locality. However, as the exact details could be agreed between the parties at the appropriate point, I have not included all the details in the Council's suggested condition. I have imposed a condition covering external materials in the interests of character and appearance. The noise-related condition is necessary to protect the living conditions of nearby residents.
28. Conditions 11 and 12 are necessary in the interests of character and appearance. The lighting condition is also necessary with regards to wildlife, including protected species, and character and appearance.

Conclusion

29. For the above reasons, the appeal is allowed.

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (Drawing No BL-02-P01, Rev 02); Proposed Site Plan (Drawing No BL-02-P02); Inverter (Drawing No BL-02-P03); Internal Access Road Detail (Drawing No BL-02-P04); Switchroom (Drawing No BL-02-P05); Control Room Elevations (Drawing No BL-02-P06); Auxiliary Transformer (Drawing No BL-02-P07); CCTV Elevations (Drawing No BL-02-P08); Battery Container Elevations (Drawing No BL-02-P09); Battery Fence and Gate Elevations (Drawing No BL-02-P10); Acoustic Fence Elevation (Drawing No BL-02-P26); and Detailed Landscape Proposals (Drawing No P22-2935_EN_003, Rev D).
- 3) The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first stored from or distributed to the electricity network (whichever is first) (First Use). Written confirmation of the First Use shall be given to the local planning authority within one month of the First Use. Within six months of the expiry of this permission or within six months of the development ceasing to store electricity and distribute it to the electricity network for a continuous period of six months (whichever is sooner), the development and associated infrastructure shall be dismantled and removed from the site and the land restored in accordance with a decommissioning and restoration scheme that shall first have been submitted to and approved in writing by the local planning authority.
- 4) No development (including site clearance) shall commence until a detailed construction management plan covering traffic and environmental management has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved management details.
- 5) No development (including site clearance) shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall be implemented in full in accordance with the approved details and shall include: short (1-5 years), medium (5-15 years) and long term (15-30 years) design objectives, management actions, responsibilities, future monitoring and maintenance schedules for all landscape, habitat and ecological mitigation and compensation works.
- 6) No development (including site clearance) shall commence until an Arboricultural Method Statement, providing comprehensive details of tree and hedge protection measures to the requirements of BS5837 and including a dimensioned tree protection plan, has been submitted to and approved in writing by the Local Planning Authority. All measures within the approved details shall be adhered to until all construction related activity has been completed.
- 7) No development shall take place until shall take place until: (i) An archaeological Written Scheme of Investigation (WSI) been submitted to and approved in writing by the local planning authority; and (ii) Any necessary safeguarding measures to ensure the preservation in situ of important

archaeological remains and/or further archaeological investigation and recording identified in the WSI have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority. The development should be carried out in full accordance with the approved details within the WSI.

- 8) No work above-ground shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall: i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; ii) include a timetable for its implementation; and, iii) provide, a management and maintenance plan for the lifetime of the development. The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 9) Prior to installation of above-ground structures, including battery containers, storage and utility containers, generators and transformers and fencing, details of the external finishing colour shall be submitted to and approved in writing by the Local Planning Authority. The structures shall thereafter be retained and maintained as approved.
- 10) The acoustic fencing and all other noise mitigation measures identified in section 5.1.4 of the submitted Noise Impact Assessment (by inacoustic, project number 22-548, dated April 2023) shall be provided prior to electricity first being stored from or distributed to the electricity network, and thereafter retained and maintained.
- 11) All hard and soft landscape works shall be carried out in accordance with the approved details, provided prior to the first use of the development (or in accordance with a programme agreed in writing with the Local Planning Authority), and thereafter maintained for the duration of the development. If any tree, hedge or shrub (or any tree, hedge or shrub planted in replacement for it) is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another of the same species and size as that originally planted shall be planted at the same place within the next planting season (October-March) unless the Local Planning Authority gives its written consent to any variation.
- 12) Any tree, hedge or shrub scheduled for retention which is lost for any reason during development works shall be replaced with a tree, hedge or shrub of a size and species to be agreed in writing with the Local Planning Authority and planted during the first planting season after its loss.
- 13) No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the local planning authority. The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

END OF SCHEDULE