



Appeal Decision

Site visit made on 12 May 2025

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Appeal Ref: APP/H1840/W/25/3360158

Kanes Foods Ltd, Cleeve Road, Middle Littleton, Evesham, WR11 8JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Kanes Foods Ltd against the decision of Wychavon District Council.
 - The application Ref W/24/00165/FUL was approved on 16 September 2024 and planning permission was granted subject to conditions.
 - The development proposed is the installation of an ambient warehouse and modular freezer.
 - The condition in dispute is No 3 which states that: Within six months of the date of this decision, details of renewable and/or low carbon energy generation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development. The details to be submitted shall include: the overall predicted energy requirements of the approved development; the predicted energy generation from the proposed renewable/low carbon energy measures; and an implementation timetable for the proposed measures. The development shall be carried out in accordance with the approved details.
 - The reason given for the condition is: To ensure the development supports the delivery of low carbon/renewable energy and safeguards natural resources in accordance with policy SWDP27 of the South Worcestershire Development Plan and the relevant aims and objectives of the National Planning Policy Framework.
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Decision

1. The appeal is allowed and the planning permission Ref W/24/00165/FUL for the installation of an ambient warehouse and modular freezer at Kanes Foods Ltd, Cleeve Road, Middle Littleton, Evesham, WR11 8JS granted on 16 September 2024 by Wychavon District Council, is varied by deleting condition 3.

Preliminary Matter

2. At the time of my site visit, I saw that the ambient warehouse and modular freezer had been installed, and the development was therefore complete. I have dealt with the appeal on that basis.

Main Issue

3. The main issue in the determination of this appeal is whether the condition is reasonable and necessary with regard to Development Plan policy on renewable energy, or whether this is outweighed by other material considerations.

Reasons

4. The appeal site relates to a large complex of buildings used for food processing, storage and distribution. Both elements of the development were in situ at the time of my visit. The ambient warehouse was partially located under the canopy of an

existing warehouse and the modular freezers were located on an area of yard opposite. All the units were placed on hard standing without foundations allowing their easy removal from the site.

5. Policy SWDP 27 requires that all new development over 100 sqm incorporate renewable energy generation, equivalent to at least 10% of predicted energy requirements, unless it has been demonstrated that this would make the development unviable. The development, at 750 sqm, substantially exceeds the policy threshold.
6. The energy statement submitted with the planning application sought to justify not installing renewable energy on the grounds that the buildings would not increase energy use because they would replace existing facilities, they were unsuitable because of structural issues and that the position of the freezer units within the site would limit the effectiveness of solar panels. Although it did not address issues of viability, the appellant's statement of case confirmed that the development was necessary as a matter of urgency due to a series of breakdowns which led to lost stock, and following a structural survey that raised concerns over the safety of existing racking, which was subsequently removed resulting in lost storage capacity.
7. Both elements of the scheme are described by the appellant as reversible and temporary until a more permanent solution to the storage and freezer problems is found, pending a companywide strategic energy and carbon plan which is at an early stage of preparation.
8. I accept that the ambient warehouse inflatable roof would not support solar panels, and that the freezer storage may not be suited to installation of air pumps. Also, the roof pitch, orientation and position of the freezer modules would limit the effectiveness of roof based solar panels. However, measures could be adopted on other buildings within the complex to meet the 10% predicted energy needs of the development, as noted by the council in its Officer Report.
9. Nonetheless, based on the evidence before me, it appears that the development was necessary to replace existing facilities to enable the business to continue to operate, rather than to expand the business and thus its energy requirements. The development is likely a temporary solution with the units to be replaced in future, in the context of which it does not seem reasonable to me to require 10% of energy requirements to be met by renewable or low carbon energy. Furthermore, calculations in the appellant's statement of case indicate that the development will enable substantial cuts in energy consumption, up to 40% for the new freezer unit and potentially over 50% for the ambient warehouse. This will lead to a significant reduction in carbon emissions which Policy SWDP 27 and the National Planning Policy Framework (2024) seek to achieve. These are significant material considerations which in my view outweigh the requirements of Policy SWD 27, with regard to its target for renewable energy in new development.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed and condition 3 deleted.

P D Sedgwick

INSPECTOR