
Appeal Decision

Site visit made on 16 June 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th June 2025

Appeal Ref: APP/K0235/W/25/3363029

Land in Mowsbury Park at Wentworth Drive, Ravensden MK41 8BD

- 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 AMP Clean Energy against the decision of Bedford Borough Council.
 - The application Ref is 24/02429/FUL.
 - The development proposed is described as construction and operation of a micro energy storage project and surrounding fence and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of this appeal, amended plans have been advanced by the appellant. Procedural guidance¹ makes clear that appeals should not be used to evolve a scheme and should essentially be the same as what was considered at application stage. The amendments seek to revise the location of the battery boxes to a position not previously before the Council or interested parties. The changes could be perceived as being substantive and procedurally have not been subject to public consultation, an important part of the planning system. For these reasons, I proceed on the basis of the plans upon which the Council determined the scheme.

Main Issues

3. The main issues are the effect of the development on
 - the character and appearance of the area;
 - trees; and
 - biodiversity net gain.

Reasons

Character and appearance

4. The appeal site forms a rectangular parcel of flat, well-maintained grassland on Wentworth Drive in Ravensden. Abutting the back edge of the highway, the appeal site forms part of a wider grassed area that is part of Mowsbury Park, a recreational ground to the north. Established trees lie immediately adjacent to the site, forming a strong landscape belt between the highway and park. These trees

¹ Procedural Guide: Planning appeals – England, updated April 2025

are substantial specimens that make an important, positive contribution to the character and appearance of the area. Beyond the park in both directions, tree lined grass verges abut Wentworth Drive on either side of the highway, giving the area a spacious and pleasant verdant character and appearance. Aside from the park, the area is predominantly residential in character.

5. The proposed battery storage development would be located forward of the established trees on the currently open, grassed area close to the park entrance. The scale of the development is relatively modest. However, given its positioning on an open area currently devoid of development, it would appear as a prominent, incongruous feature in the public realm.
6. Attempts have been made to assimilate the functional, utilitarian appearance of the development into the surroundings with timber fencing. Landscaping immediately in front of the fencing is also proposed in an effort to mitigate the visual effects. However, the landscaping in itself would appear odd in an otherwise open flat landscape which only boasts large scale trees. Further, the timber fence would not be successful in disguising the stark form of the batteries. Acknowledging that the existing trees may offer some screening where they sweep around the development, this would not fully mitigate the harmful effects. Overall, the development would still form an incongruous feature in the street scene.
7. Consequently, the development would have a harmful effect on the character and appearance of the area. This would conflict with policies 28S, 29, and 30 of the Bedford Borough Local Plan 2030 (2020) (LP). Amongst other things, these policies expect high quality design that has a positive relationship with its surrounding area. It also conflicts with Policy 57 of the LP, which whilst supportive of renewable energy projects, still requires wider impacts, including context and visual appearance to be acceptable.

Trees

8. Policy 39 of the LP requires applicants to consider opportunities for retaining trees of high amenity value, taking into account their individual merit and contribution as part of a group or broader landscape feature. Further, it requires that existing trees on and immediately adjacent to sites, are recorded following guidance in the relevant British Standard, as well as details of how trees will be protected during construction.
9. No arboricultural survey or associated impact assessment has been submitted in support of the proposal, despite the site being immediately adjacent to established trees which make a positive contribution to the character and appearance of the area. The battery storage unit would be located on a concrete plinth foundation, close to established trees. No details of the excavations required have been submitted, either in respect of the concrete slab or in respect of any cabling that may be required to connect the development to the grid. It is therefore not clear that the scheme could be constructed without having a detrimental effect on the health of the adjacent trees through root damage.
10. My attention is drawn to a silver maple tree in particular, which the Council say has a root protection area (RPA) of 7.8m that the development may encroach within. The appellant has responded by submitting a Tree Protection Plan with the appeal. However, as that plan shows a revised location for the proposal, this relies on my acceptance of the amended plans, which I have not accepted for the reasons set

out above. Nevertheless, I note that it purports to show the RPA for the trees, which the scheme before me would encroach into.

11. The appellant suggests that a pre-commencement condition requiring the submission of a tree assessment would remedy concerns relating to the effects on the trees. However, without this information upfront, it is not possible to consider the full impact of the proposed development on trees. A condition would therefore be inappropriate in this instance.
12. Based on the evidence before me, I am not satisfied that the scheme would have an acceptable effect on adjacent trees. Rather, it risks undue harm to their health, which could in turn have further detrimental, consequential effects on the character and appearance of the area. For all of these reasons, the proposal conflicts with the expectations of Policy 39 of the LP.

Biodiversity net gain

13. No evidence is before me in respect of the biodiversity or ecological value of the appeal site. The appellant asserts development is exempt from mandatory BNG requirements as it is below the 25m² de minimis threshold. Whilst it is not for me to ascertain whether the proposal would qualify for an exemption, I cannot be certain that it would.
14. In that scenario, if allowing this appeal, the proposal would be subject to the statutory pre-commencement biodiversity gain condition ('the Condition') as set out in Schedule 7A to the Town and Country Planning Act 1990 (as amended) (the Act). The National Planning Policy Guidance (NPPG) states that it would generally be inappropriate, when determining a planning application for a development subject to biodiversity net gain, to be refused on the grounds that the biodiversity gain objective will not be met.
15. However, the NPPG advises that more broadly, consideration may be required as to whether 'the Condition' is capable of being successfully discharged. In this case the BNG metric would need to be undertaken to determine if the net gains could be provided on site, off-site or through the purchase of biodiversity credits as a last resort. It would be for the Council to consider the Biodiversity Gain Plan and development could not begin until this was approved. As such, I am as satisfied as I can be, that 'the condition' is capable of being discharged.
16. Therefore, the scheme is capable of meeting the mandatory requirements for BNG, in accordance with the statutory framework. I therefore find that it would not conflict with the requirements of the Act.

Planning Balance

17. Whilst I have concluded the scheme is capable of providing BNG, I have found that there is conflict with LP policies 28S, 29, 30 and 57 in respect of the adverse effect on the character and appearance of the area. Due to the absence of a suitably detailed arboricultural survey, the scheme also unnecessarily conflicts with Policy 39 of the LP.
18. I am mindful that paragraph 168 of the National Planning Policy Framework (the Framework) requires that significant weight should be given to the benefits associated with renewable and low carbon energy reduction and the proposal's contribution to net zero. As a battery storage scheme, I acknowledge the

environmental and sustainability benefits that this development would bring about, which weigh in its favour.

19. However, this should not be at the expense of other environmental objectives. Paragraph 136 of the Framework is also clear that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Additionally, achieving well-designed places is also an important strand of achieving sustainable development which this appeal compromises. Together, I attribute substantial weight to the combined adverse effects, which in the balance would outweigh the benefits of the scheme in this instance.

Conclusion

20. For the reasons set out above, the proposal would conflict with the development plan as a whole and there are no other considerations which outweigh the adverse effects on character and appearance and trees. Therefore, the appeal fails.

C Walker

INSPECTOR