



Appeal Decision

Site visit made on 30 May 2025

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 July 2025

Appeal Ref: APP/W1145/W/24/3358116

On lands near Lower Hopworthy, Pyworthy, Torridge District, Devon EX22 6LA

- 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 RES Ltd. against the decision of Torridge District Council.
- The application Ref is 1/0514/2024/FULM.
- The development proposed is described as Stoneworthy Energy Storage System is a proposed battery energy storage system (BESS) comprising approximately 32no. battery enclosures, 16no. PCS (power conversion systems), 16no. MV skids (PCS transformer and switchgear), a 33kV substation building with a high voltage area containing auxiliary transformer and grid compliance equipment, a 132kV grid transformer with associated equipment and a grid connection to a National Grid Electricity Distribution (NGED) overhead line.

Decision

1. The appeal is allowed and planning permission is granted for a battery energy storage system (BESS) comprising approximately 32no. battery enclosures, 16no. PCS (power conversion systems), 16no. MV skids (PCS transformer and switchgear), a 33kV substation building with a high voltage area containing auxiliary transformer and grid compliance equipment, a 132kV grid transformer with associated equipment and a grid connection to a National Grid Electricity Distribution (NGED) overhead line in accordance with the terms of the application, Ref 1/0514/2024/FULM, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. An additional landscaping plan was submitted with the appeal, along with an arboricultural report. Amongst other aspects, these provide further detail on the effect of the development on trees and hedges and include some additional proposed soft landscaping. To account for this, updated ecology and biodiversity net gain details were also provided.
3. These documents clearly include some changes and new details compared to the scheme that was considered by the Council and by interested parties at the application stage. However, the changes are not so significant that they would fundamentally change the development proposed or result in a substantial difference from that originally applied for. The plan is also only illustrative and includes additional landscaping envisaged in the Council's Committee Report as being secured by condition. Accordingly, considering the appeal with regards the additional details and amendments would neither cause procedural unfairness nor prejudice third parties' interests, and I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding landscape, with particular regard to its countryside location.

Reasons

5. Situated in the countryside, the undulating appeal site forms part of a relatively large field bounded by trees and hedges. The surrounding landscape is dominated by fields and includes hedges, numerous trees and some woodland. However, despite its rural character, the locality also contains various development. This includes relatively conspicuous electricity infrastructure such as overhead power lines, pylons and a sub-station; and some solar farms, including in adjoining fields.
6. The area's rural character and site's undeveloped nature mean that the site and local landscape is sensitive to such development; and whilst it would not be particularly discernible in longer distance views, the proposed development would be visible from some points in the site's vicinity. This includes via the proposed entrance (where a section of hedge and some trees would be removed) and in glimpses above the hedge with the highway and through trees from the access track to the nearby solar farm. The development would also add to the change from agriculture to energy development in the local landscape.
7. However, significantly set back into the site, the proposed BESS and sub-station would be positioned some distance from the public highway. Combined with its footprint and scale, soft landscaping (existing and proposed) and topography, it would therefore not appear as a prominent feature in the local landscape. Given the nature of the development proposed and existing development in the surrounding area, it would also not read as an uncharacteristic feature in the locality. Accordingly, whilst the industrial-esque development would change the character of the site and its immediate surroundings, the visual impact and landscape harm, both alone and cumulatively with existing energy developments in the vicinity, would be localised and not significant. Although the development would be in place for some 40 years, the harm would also be temporary and reversible; and it would reduce over time as the proposed additional soft landscaping establishes.
8. This leads me to concur with the appellant's Landscape and Visual Appeal Statement that, overall, the development would lead to a minor adverse cumulative effect upon the landscape; with the harm being greatest on the site and reducing with distance from it, to the point that it would be negligible in the wider landscape. In coming to this view, I have taken into account the valued landscape attributes and the landscape character area's key characteristics that my attention has been drawn to.
9. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding landscape. Notwithstanding that the harm would be localised and not significant, I find that the appeal proposal therefore conflicts with Policy DM08A of the North Devon and Torridge Local Plan 2011-2031 (LP). Amongst other aspects, this expects development to avoid adverse landscape impacts.

10. However, the available evidence indicates that the development is necessarily restricted to its countryside location given, in this instance, its specific locational requirements and the options available. This includes, amongst other aspects, needing to be outside of a settlement and proximity to an available grid connection with capacity. I therefore find no conflict with LP Policy ST07.

Other matters

11. The appeal proposal is subject to statutory biodiversity net gain (BNG). The submitted details indicate that BNG beyond the minimum required can be achieved subject to further details. However, it is not necessary to impose a condition requiring the submission of a biodiversity gain plan (BGP) because the deemed biodiversity gain condition, under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended), ensures that the development cannot commence until a BGP has been submitted to and approved by the local planning authority. Further details on BNG and the applicable deemed biodiversity gain condition are in informative 01 of the Council's Committee Report and the Planning Practice Guidance on BNG.
12. A number of other matters have been raised by various parties and I have taken them all into account. This includes: the Council's consultation on the planning application; the adequacy and accuracy of the information submitted by the appellant; other (brownfield) sites being more suitable for the appeal proposal; the need for smaller schemes which provide a more equitable return and diversification for multiple farms; fire safety, including the adequacy of the access and water supply should a fire/explosion occur, the air and/or ground pollution that would arise and the effect on the environment (including local watercourses) and existing residents in the area from such an event and how it was tackled, the risk of such an incident, and the lack of regulations or standards in relation to this matter; flood risk; harm to wildlife; the effect on residents' living conditions, including with regards to noise; the transport assessment not taking account of the need to replace the batteries; and loss of farmland.
13. 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 proposal would result in unacceptable effects 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 fire safety, noise and biodiversity can also be covered by conditions.

Planning Balance

14. The proposed development would harm the character and appearance of the surrounding landscape. The resulting policy conflict I have identified policy leads me to conclude that the proposed development, despite its accordance with various other local plan policies, conflicts with the development plan as a whole.
15. However, 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 intermittent low carbon generation. By allowing excess electricity from the grid to be stored at times of low demand/high generation and exported at times of higher demand/system stress, the proposed development would do this. The available evidence indicates that, by providing a

flexible back-up to the grid, it would also contribute to maintaining the reliability and security of the local and national power supply and thus reduce the risks of power interruptions; reduce electricity system costs; support the balance of energy production and consumption; maximise the amount of energy which can be utilised from renewable sources; and help to offset the fluctuations of renewable energy sources. In turn, the appeal proposal would support the further use and supply of renewable and low-carbon energy generation. This is consistent with the Framework's provisions on planning for climate change and also critical to meeting local and national targets on renewable energy and carbon emissions, and ultimately achieving net zero.

16. With a stated power capacity of just under 50 megawatts, the proposed battery energy storage facility would therefore make a small but important contribution to moving towards a low carbon economy and ensuring local and national energy security and supply. With the existing overhead line having capacity to accommodate the development proposed and a grid connection offer being in place, these benefits could also be delivered relatively quickly. In addition, the proposed development would provide substantial biodiversity net gain and some construction employment opportunities. The appeal proposal would therefore provide substantial economic, social and environmental benefits.
17. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the above material considerations outweigh the localised and limited harm that would arise and the resulting conflict with the development plan. Consequently, material considerations indicate that the proposed development should be permitted notwithstanding the conflict with the development plan as a whole.

Conditions

18. 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.
19. 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 character and appearance.
20. Given the nature of the development proposed and its location, a pre-commencement condition requiring a construction management plan is necessary in relation to highway safety. However, with hours of construction covered by this condition, it is not necessary to impose the Council's separate suggested condition covering construction hours.
21. A pre-commencement condition securing a waste management plan covering construction and operational periods is necessary in the interests of waste reduction. A pre-commencement condition covering drainage is necessary in the interests of flood risk. For brevity, this condition combines two of the Council's suggested conditions.

22. A pre-commencement condition covering landscaping and ecological management is necessary with respect to the area's character and ecology. I have amended this condition to include reference to ecological management given the Council's Committee Report refers to the need for a management plan covering both aspects. However, as the last condition I have imposed secures the compliance with the submitted Ecological Appraisal, which is necessary in the interests of ecology and protected species, I have removed reference to pre-construction surveys from the former condition. A pre-commencement condition covering soil management is necessary in the interests of agricultural land quality.
23. Conditions covering fire safety and the access route (the latter of which has been amended to cover two of the Council's suggested conditions) are necessary to ensure that suitable fire safety management procedures and access are in place in the interests of health and safety. However, as the details are not needed in relation to all construction works (such as site clearance and ground preparation), I have amended the wording so that neither are pre-commencement conditions.
24. The external lighting condition is necessary in the interests of protected species. The condition covering visibility splays is necessary for highway safety. The condition covering noise is necessary in the interests of the living conditions of existing residents. In the interests of the area's character and ecology, a condition requiring compliance with the arboricultural report is necessary to protect retained trees. Because an arboricultural report was submitted with the appeal, this condition is in an amended form from that originally suggested by the Council.

Conclusion

25. 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: 05197-RES-MAP-DR-XX-001 Rev 4; 05197-RES-ACC-DR-PT-003 Rev 1; 05197-RES-LAY-DR-PT-001 Rev 6; 05197-RES-ERW-DR-PT-001 Rev 1; NEO01389_019I_A; P24-2337_EN_01C; 05197-RES-PRO-DR-PT-001 Rev 1; 05197-RES-SEC-DR-PT-004 Rev 1; 05197-RES-BAT-DR-PT-001 Rev 2; 05197-RES-BLD-DR-PT-001 Rev 2; 05197-RES-LAY-DR-PT-002 Rev 3; 05197-RES-ACC-DR-PT-006 Rev 1; 05197-RES-ERW-DR-PT-002 Rev 1; 05197-RES-SEC-DR-PT-002 Rev 2; 05197-RES-SEC-DR-PT-003 Rev 2; 05197-RES-SUB-DR-PT-001 Rev 2; 05197-RES-SUB-DR-PT-002 Rev 2; 05197-RES-SUB-DR-PT-004 Rev 2; 05197-RES-SUB-DR-PT-005 Rev 2; 05197-RES-SUB-DR-PT-006 Rev 2; 05197-RES-SUB-DR-PT-007 Rev 3; 05197-RES-SUB-DR-PT-003 Rev 2; 05197-RES-SUB-DR-PT-008 Rev 1; 05197-RES-PCS-DR-PT-001 Rev 2.
- 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 6 months of the expiry of this permission or within 6 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 to a condition suitable for agricultural use.
- 4) No development shall commence until a detailed construction management plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include: (a) the timetable of the works; (b) daily hours of construction; (c) any road closure; (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9:00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance; (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits; (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases; (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority; (h) hours during which no construction traffic will be present at the site; (i) the means of enclosure of the site during construction works; (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site; (k) details of wheel washing facilities and obligations; (l) The proposed route of all construction traffic exceeding 7.5 tonnes; (m) Details of the amount and location of construction worker parking; and (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work. The development shall only be carried out in accordance with the approved CMP.

- 5) No development shall commence until a site waste management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document and shall also address the following: demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy; the amount of construction, demolition and excavation waste in tonnes, set out by the type of material; identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs; the predicted annual amount of waste, in tonnes, that will be generated once the development is occupied; identify the main types of waste generated when development is occupied; the details of the waste disposal methods likely to be used, including the name and location of the waste disposal site; and identify measures taken to avoid all waste occurring. The development shall be carried out in accordance with the approved plan.
- 6) No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority: (a) A detailed drainage design based upon the submitted Flood Risk Screening and Drainage Management Plan (Ref 05197-7792937, Rev 04, dated 16 August 2024); (b) Detailed proposals for the management of surface water and silt runoff from the site during construction and operation of the development, including to ensure that none drains on to the Highway; (c) A plan indicating how exceedance flows will be safely managed at the site. The development shall be carried out in accordance with the approved details, which shall be implemented prior to electricity first being stored from or distributed to the electricity network.
- 7) No development shall commence until a detailed Landscape Scheme and Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority and which provides the following: notwithstanding the details hereby permitted, details including the siting of all proposed soft landscaping, plant type, size, planting numbers and distances, and a programme detailing the timing of the landscaping works in relation to the phasing of construction together with express confirmation that any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with plants of the same size and species; and details of the long term landscape and ecological management of the site which includes details for the watering of the new hedgerow plants and trees which will be managed and maintained at a minimum height of 3 metres when established and confirmation of the maintenance regime to ensure that all the identified landscaping and ecological measures on the site are appropriately managed for the lifetime of the development. The development shall be carried out and the landscaping and ecological measures thereafter maintained in accordance with the approved details.
- 8) No development shall commence until a soil management plan, which provides measures to improve soil quality and ensure that there will be no loss of soil quality within the operational lifetime of the site, has been submitted to and approved in writing by the Local Planning Authority. The soil management plan shall thereafter be implemented as approved.

- 9) No development above ground level shall take place until a detailed Fire Safety Management Plan, incorporating a risk reduction strategy covering the construction, operation and decommissioning phases of the project and an Emergency Response Plan, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 10) No development above ground level shall take place until full details of the access route, including its composition, section drawings and evidence demonstrating that it accords with the requirements within Table 15.2 of the Fire Safety Approved Document B, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the site access road shall also be hardened, surfaced, drained and maintained thereafter for a distance of at least 10 metres back from its junction with the public highway.
- 11) No external lighting shall be installed on site until a lighting strategy, including a plan showing the proposed location of any external lighting, frequency of use and a lighting assessment indicating the impact on surrounding hedgerows/foraging locations and any mitigation necessary, has been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed and maintained in accordance with the approved strategy and no additional external lighting shall be installed without further details being submitted to and approved in writing by the Local Planning Authority.
- 12) Visibility splays at the site access shall be provided and maintained for that purpose in accordance with the submitted Site Entrance Visibility Splay (Drawing No 5197-RES-ACC-DR-PT-003, Rev 1) where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 1.05 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.
- 13) The rating level of noise emitted from the plant and equipment serving the battery storage facility shall not exceed 30dB L_{Ar,Tr} (as defined in BS 4142:2014+A1:2019) at any time when evaluated at the boundary of noise sensitive receptors. Noise levels shall be measured and rated in accordance with BS 4142:2014+A1:2019.
- 14) The development hereby permitted shall be carried out in accordance with the Tree Protection Plan and Arboricultural Method Statement detailed in the Arboricultural Impact Assessment (by Bowland Tree Consultancy Ltd, dated December 2024).
- 15) The development hereby permitted shall be carried out in accordance with the recommendations of the Ecological Appraisal (by Neo-Environmental, dated 29 May 2024) and the subsequent addendums (also by Neo-Environmental, dated 21 August 2024 and 20 December 2024).

END OF SCHEDULE