



Appeal Decision

Site visit made on 17 June 2025

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/C3240/W/25/3358642

Highway verge fronting Veolia I W M F, Hortonwood 60, Hortonwood, Telford, Shropshire

- 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 Miss Ashleigh Boyce of AMP Clean Energy against the decision of Telford and Wrekin Co-operative Council.
 - The application reference is TWC/2024/0835.
 - The development proposed is construction and operation of a micro-energy storage facility.
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Decision

1. The appeal is allowed and planning permission is granted for the construction and operation of a micro-energy storage facility at highway verge fronting Veolia I W M F, Hortonwood 60, Hortonwood, Telford, Shropshire in accordance with the terms of the application, reference TWC/2024/0835, subject to the following 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 drawing nos: plan 1 – location plan; plan 2 – site layout; plan 4 – battery box and battery equipment plans and elevations; plan 5 – electrical cabinet equipment plans and elevations; plan 6 – paladin fence elevations.
 - 3) Prior to their installation, details of the materials and colours of the battery boxes, electrical cabinet and paladin fence shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Preliminary Matters

2. The address in the banner heading is taken from the decision notice as it tallies with the submitted plans and more accurately describes the site location.

Main Issues

3. The main issues are the effects of the proposal on the character and appearance of the area and the safe and efficient use of the highway.

Reasons

Character and Appearance

4. The appeal site comprises part of a highway verge within an industrial area. The surrounding area is mainly characterised by large buildings of an industrial or

commercial appearance located behind vegetation or set back from the road, interspersed with areas of vehicle parking. There is a pavement and grassed highway verges on both sides of the road. Although not extensive, the area has existing street furniture paraphernalia such as street lighting, slim bus stop poles, business signage and roadside cabinets albeit smaller than that proposed. Overall, these characteristics result in a relatively open and spacious streetscape.

5. The proposed development would occupy much of the depth of the grass verge at the back edge of the pavement and would sit beyond the relatively consistent line of development within the streetscape. However, the pavement itself would remain open as would the narrower strip of verge between the pavement and the road. Additionally, the proposed development would only take up a small part of what is an extensive length of highway verge. Consequently, the sense of openness in the area would not be diminished.
6. The proposed facility would have a simple utilitarian appearance and would be viewed in the context of large industrial and commercial buildings. The equipment would be enclosed by a paladin fence which would be similar in type and height to the fence that runs along the back of the highway verge in this location. The proposed development would therefore assimilate with the surrounding built form.
7. The proposal would be clearly visible in views along the road and from nearby pavements. However, for the reasons given, it would not appear as a dominant or incongruous feature, nor would it unacceptably add street clutter.
8. I therefore conclude that the proposal would not adversely affect the character and appearance of the area. Accordingly, it would accord with the requirements of Policies BE1 and ER1 of the 2018 adopted Telford and Wrekin Local Plan 2011 - 2031 (the Local Plan). Amongst other matters, Policy BE1 supports development which respects and responds positively to its context and enhances the quality of the local built and natural environment, while Policy ER1 is supportive of low carbon development and supports renewable energy development where there is no significant adverse effect on landscape or townscape. The proposal would also accord with the National Planning Policy Framework (the Framework) which seeks to ensure that developments are sympathetic to local character.
9. It follows that I find no conflict with Policy SP4 of the Local Plan which is supportive of sustainable development proposals, which are those that accord with national and local plan policies.
10. The Council has also referred to Policy SP1 of the Local Plan in its reason for refusal. This policy identifies Telford as the principal focus for growth to meet the borough's housing and employment development needs during the plan period. I am not convinced about its relevance to the main issue, although this does not alter my findings.

Use of the Highway

11. The roads in the vicinity serve industrial and commercial uses and are of a commensurate width and alignment with good visibility for much of their length including near to the site. Consequently, I am satisfied that the number of vehicle trips required for the construction of the proposal would not result in an unacceptable impact on highway safety or a severe residual impact on the road network.

12. Although the proposed development would be on the highway verge, it would not encroach onto the pavement, even with the cabinet doors open. As such, there would be no reduction in the width of the pavement and consequently no displacement of pedestrians. Access along the road would not be impeded by the siting of the proposal. Its location would ensure that visibility on the road, pavement, and nearby accesses for road users and pedestrians would be maintained.
13. As with other roadside installations and infrastructure, maintenance of the facility would be required. It would be controlled remotely and so road traffic to the site during the operational phase would be limited. I have no clear evidence before me to demonstrate that the proposal would present unique safety and maintenance risks such that there would be an unacceptable impact on the safe and efficient use of the highway.
14. No substantive evidence has been presented to support the concern that the proposal would risk impairing the future flexibility and effectiveness of the highway network, or future maintenance needs. I therefore have no reason to conclude that the proposal would be any different to other roadside infrastructure in terms of relocation if alterations or improvements to the highway become necessary.
15. The Council's view is that the proposal would prevent the rights of the public to the use and enjoyment of the highway under the provision of section 130 of the Highways Act 1980. The Council's position is that a licence under section 50 of the New Roads and Street Works Act 1991 would not address concerns about obstructing the highway and creating risks to highway safety.
16. These are separate consenting regimes to that under the Town and Country Planning Act 1990 (as amended). As explained in the Framework, the focus of planning decisions should be on whether the proposed development is an acceptable use of land. Within this context, for the reasons given above, I find that the proposal would be acceptable with regard to its effect on the safe and efficient use of the highway. Consequently, the proposal would accord with Policy C3 of the Local Plan, which requires all development to mitigate site specific highway issues, and the transport objectives of the Framework.

Conditions

17. I have considered the conditions suggested by the Council. In the interests of certainty, the relevant conditions concerning the commencement of development, and the approved plans are necessary. No details of colour or materials are shown on the submitted plans or application form. Consequently, in the interests of the character and appearance of the area, a condition is necessary to secure such details for the battery boxes, electrical cabinet and paladin fence.

Conclusion

18. For the reasons given above the appeal should be allowed.

F Wilkinson

INSPECTOR