



Appeal Decision

Hearing held on 18 June 2025

Site visit made on 18 June 2025

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2025

Appeal Ref: APP/Z2260/W/25/3361310

Land North of Sackett's Hill Farm, Sackett's Hill, Broadstairs, Kent, CT10 2QS

- 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 Greenfield Co against the decision of Thanet District Council.
 - The application Ref is F/TH/24/0575.
 - The development proposed is Erection of a 22 MW Battery Energy Storage System (BESS) together with access, hard and soft landscaping and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for Erection of a 22 MW Battery Energy Storage System (BESS) together with access, hard and soft landscaping and associated infrastructure at Land North of Sackett's Hill Farm, Broadstairs, CT10 2QS in accordance with the terms of the application, Ref F/TH/24/0575, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Greenfield Co against the decision of Thanet District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. As part of the appeal the appellant has submitted amended plans which include a reduction in the height of the acoustic fence from 4m in height to 2.5m in height; increasing the separation distances on the long end of the BESS containers from 0.7cm to 0.95cm to conform with fire regulation standards (NFPA 855); revising the location of the indicative Skylark compensation area; revisions to the landscape strategy which includes moving the proposed hedgerow away from the fence line of the BESS facility, adding an additional stretch of proposed hedgerow on the northwestern boundary along the PROW and incorporation of tree planting within the proposed hedgerow.
4. These drawings and the accompanying technical reports, which have been submitted to address the second and third reason for refusal, have been subject to consultation during the appeal process, I have therefore considered them as part of this appeal. I consider that my consideration of them would not prejudice the interests of interested parties.

Main Issues

5. The council have confirmed that the submitted evidence addresses matters pertaining to the second and third reasons for refusal. Therefore, the main issues in this appeal are:
 - whether it is essential for the development to be located within the Green Wedge; and
 - the effect of the development on the character and appearance of the area.

Reasons

6. The coastal towns of Thanet are separated by three important areas of open countryside known as Green Wedges, which are indicated on the policies map of the Thanet Local Plan, July 2020 (LP). The appeal site is located within the largest of the three Green Wedges which separates Margate and Broadstairs.
7. Policy SP25 of the LP sets out that within the Green Wedge, new developments will only be permitted if, of relevance to this main issue, it can be demonstrated that it is essential for the development to be located within the Green Wedge.
8. Policy BSP1 of the Broadstairs and St Peters Neighbourhood Plan (NP) takes a more stringent approach to the protection of the Green Wedge, by setting out that within the Green Wedge, priority will be given to protecting the countryside from built development. Any new development, except open sports facilities, recreational uses and agricultural uses, will not be supported. The parties agree that there is a conflict with the NP policy in this regard.
9. The development of a BESS has one key locational requirement. That is the availability of and proximity to a grid connection. Access to the local grid is the biggest constraint facing the alternative energy supply and associated infrastructure industries. As well as viability factors, sites need to be located close to a point of connection to the grid, so as to minimise the loss of energy during transmission and the grid must have capacity to absorb the electricity discharged at times of peak demand.
10. The parties agree that the Thanet Bulk Supply Point (BSP) is the only available point of connection and is the starting point for the site selection process. An addendum to the Green Wedge Sequential Site Selection Report, (February 2025) was submitted with the appeal.
11. This report considers 11 sites within 2km of the BSP which are outside of the Green Wedge, and of these the Council have suggested 7 may be suitable for the proposed development. However, these sites have been discounted by the appellant due to incidents of surface water flooding, poor connectivity to the highway network, lack of existing landscaping to provide mitigation, cumulative visual impact from other planned development and proximity to residential development.

12. There is no requirement either in the National Planning Policy Framework (the Framework) or the development plan for a developer to undertake an alternative or sequential site assessment. The Courts have held, that the task of a decision maker is to consider the planning merits of any particular planning application and as such planning law does not require the decision maker to consider whether the proposed development would be more appropriately located at an alternative site. That said, the Courts have held that there may be exceptional circumstances such that a potential alternative is a material consideration which the decision maker either must have regard to, or may have regard to, in the exercise of planning judgment.
13. I have limited evidence before me to suggest that any of the 7 sites the Council have suggested would be likely to go onto secure planning permission for the development proposed and as the appellant has detailed, each has its own constraints which may make them less suitable for the development proposed.
14. The Council have suggested that the SSR should have also considered other sites within the Green Wedge, however this would not take the evidence further in terms of whether it was essential for the proposal to be located within the Green Wedge and as such I am satisfied that the SSR has taken a robust approach to considering whether it is essential for the proposal to be located within the Green Wedge given the siting constraints I outline above.
15. Therefore, I conclude that based on the evidence before me, it is essential for the BESS to be located within the Green Wedge. Consequently, it complies with policy SP25 of the LP, however given the policies limited exceptions the proposal conflicts with policy BSP1 of the NP.

Character and appearance

16. The appeal site is agricultural land within the open countryside. The proposal involves the provision of 22 containerised battery units, 3 containerised BESS transformers, 6 DC combiner boxes, 6 power conversion systems, 1 customer substation and 1 storage container, 1 fire water pumphouse, 27 fire water storage tanks, 6 CCTV cameras, acoustic fencing, surface water attenuation pond, access track and vehicle parking gates with 2 entry gates. The proposal also includes landscaping and biodiversity enhancements.
17. The main compound would occupy approximately 0.33ha of the site and would be secured by an acoustic fence, anticipated at a maximum height of 2.5m.
18. The appeal site is located within an area of rolling countryside intersected by transport and electricity infrastructure, there are hedgerows marking two of the site boundaries and despite the presence of St Peters Road has a predominately rural feel.
19. Given the nature of the equipment to be erected on the site, the development would inevitably change the existing agricultural nature of the appeal site and whilst it would be partly contained within the existing landscaped boundaries, it would be visible from the local footpath network.

20. The site, according to the Thanet District Council Landscape Character Assessment 2017 (LCA), is within the St Peters Undulating Chalk Farmland, where the guidelines for the area set out that the aim is to conserve the open arable farmland with target intervention, including hedgerow planting and management of arable margins and that opportunities exist for a strategic programme of hedgerow and woodland creation in relation to main roads
21. Furthermore, whilst 40 years is a long time, the BESS would be a temporary feature, after which, the site would be restored, and the mature boundary planting would be retained. In this context, it could not be said that the land would be completely restored to its original state of openness. That said, it is an overarching landscape/biodiversity objective that existing hedgerows are retained, and new hedgerows planted. Moreover, there is nothing to prevent the landowner/occupier undertaking similar boundary planting.
22. The Landscape and Visual Impact Statement of Case concludes that the development would have a moderate adverse residual effect on the site and a minor adverse effect on the wider LCA. This is mitigated by the proposed landscaping and planting proposal leading overall to a moderate-minor adverse effect.
23. However, it is clear that the proposal will have an impact and the resultant change from open farmland to an enclosed compound will fail to respect and respond to the character, key sensitivities, qualities and guidelines of the LCA, contrary to policies SP24 and SP26 of the LP.

Other Matters

24. Battery energy storage is a Critical National Priority as set out in NPS EN-1 and it is agreed that the proposal falls within this category.
25. The Planning Practice Guidance (PPG) recognises that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.
26. It also sets out that electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.
27. The Framework at paragraph 168 is clear that for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposals contribution to a net zero future.
28. The Government has set out in its British Energy Security Strategy 2022 its support to ensure a more flexible, efficient energy system by encouraging all forms of flexibility with sufficient large-scale, long-duration electricity storage to balance the overall renewable energy system.

29. Battery storage sites, such as that proposed in this case, form a key part of the systems and infrastructure which utilise renewable energy and improve the efficiency of supply. Furthermore, such facilities provide a means to reduce waste arising from losses between demand and supply. Accordingly, support for such energy storage development is clearly set out by the Government's energy strategy and the Framework.
30. The proposed development would provide infrastructure to support and increase the capacity for the supply and storage of low carbon and renewable related energy. I have had regard to the Government's intentions to move away from a fossil fuels centred energy network to more low carbon and renewable energy sources.
31. This requires an increase in not only the infrastructure to supply such energy but also to provide storage facilities to even out energy supply to meet demand more flexibly and efficiently. This proposal would provide some of that required infrastructure and therefore, in accordance with national policy, I attribute significant weight to this.

Conditions

32. The suggested conditions were discussed at the Hearing and some were revised based on that discussion. I have had regard to the agreed list of conditions and considered them against the tests in the Framework and the advice in the PPG, making such amendments as necessary to comply with those documents.
33. The standard conditions relating to timescale for commencement and accordance with plans are imposed for certainty. Conditions have been imposed to ensure that the site is restored in an acceptable manner once the 40 year life of the development is over, or after the cessation of the use, in the interests of the character and appearance of the area.
34. Conditions requiring hard and soft landscaping, ecological enhancements and the protection of existing trees and hedgerows, along with a timescale of implementation are imposed to protect the character and appearance of the area.
35. The submission of a noise impact assessment, to accurately demonstrate the need for an acoustic barrier and to give details of the proposed height of any such mitigation is required in order to both protect the living conditions of nearby residents and ensure any mitigation is appropriate within the landscape. A condition limiting decibel levels is also required to protect nearby residents.
36. A construction management plan is required to be submitted to ensure that necessary protocols are in place before the commencement of development.
37. Details of a drainage strategy are required to ensure that the movement of water on site is appropriately managed prior to work commencing.
38. Conditions to protect and enhance biodiversity and habitats are required to ensure Biodiversity Net Gain is achieved and the development does not adversely affect protected species.
39. A condition requiring details of site levels is necessary due to the sloping nature of the site. Finally a condition require a Fire Safety Management Plan and

Emergency Response Plan to be submitted is required to ensure the safe operation of the site during its lifetime.

Conclusion

40. I have given moderate weight to the harm I have identified to the character and appearance of the area and had regard to the sites location within the Green Wedge and the resultant conflict with the NP, but this harm does not outweigh the benefits that I have outlined above.
41. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it.
42. For the reasons given above the appeal should be allowed.

G Pannell

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mrs Katie Brown – MRTPI – Head of Planning at Greenfield Co.
Mr Tom de Grey – MRICS – Head of Development at Greenfield Co.
Mr Jonathan Boateng – Meng, MIET – Grid Manager at Greenfield Co.
Mr Jay Saggerson – MPlan, MRTPI - Principal Planning Consultant at Enzygo Ltd.
Mr Kenny Dhillon - BSc (Hons) Pg.Cert TP, MRTPI – Director of Planning at Enzygo Ltd.
Mr Paul W Beswick - BA(Hons) Dip LA – Director at Enzygo Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Emma Fibbens, Principal Planning Officer, MSc RTPI

Duncan Fitt, Planning Officer, MA

Schedule of Conditions

1. The development hereby permitted shall begin not later than five 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. PL.003, Gate, Fence & Road Construction Details - Drawing no. PL.008, Fire Water Tanks – Drawing No. PL.023, Fire Water Pumphouse – Drawing No. PL.022, DC Combiner Box (DCB) – Drawing No. PL.010A, Power Conversion System (PCS) – Drawing No. PL.010B, BESS Transformer – Drawing No. PL.010A, BESS Units – Drawing No. PL.009, Storage Container – Drawing No. PL.007, Customer Substation – Drawing No. PL.006, Fire Strategy Plan – Drawing No. FS-01 Rev. 04, Elevation Plan – Drawing No. PL.020b Rev 1, Site Design Plan – Drawing No. PL.001 Rev.7, Gate, Fence & Road Construction Details – Drawing No. PL.008
3. Planning permission is granted for a temporary period only and shall cease to have effect 40 years following the date of receipt of the Final Operational Notification (FON) from the District Network Operator (DNO) (or equivalent organisation). The FON shall be submitted to the local planning authority within 14 working days of the date of its receipt from the DNO.
4. In the event the development ceases to export electricity to the grid for a continuous period of 12 months, a scheme of restoration for the removal of the Battery Energy Storage Facility and any associated equipment, shall be submitted to and approved in writing by the local planning authority within 3 months from the end of the 12-month period. The restoration scheme shall include details of the retention of any approved boundary treatment(s) and planting. The approved scheme of restoration shall then be fully implemented within 6 months of written approval being given.
5. Eighteen months before the end of the 40-year period taken from the FON date submitted under condition 3, a scheme of restoration shall be submitted to and approved in writing by the local planning authority including:
 1. details of the retention of any approved boundary treatment(s), landscape planting, and biodiversity enhancements to remain in perpetuity; and,
 2. a written scheme of restoration for returning the site to an arable field on cessation of energy storage at the site.

The approved scheme of restoration shall be implemented and completed within 12 months of the end of the 40-year period taken from the date submitted under condition 3.
6. Prior to any above ground works, full details of both hard and soft landscape works, to include:
 - species, size and location of new trees, shrubs, hedges and grassed areas to be planted;
 - the treatment proposed for all hard surfaced areas beyond the limits of the highway;

- ecological enhancements to be provided within the site

shall be submitted to, and approved in writing by, the Local Planning Authority.

7. Notwithstanding the details contained within the approved plans listed in Condition 2 of this Decision Notice and notwithstanding the findings contained within the approved Noise Impact Assessment prepared by Professional Consultant Limited (Dated 22nd January 2025), no development shall take place until a detailed specification of an acoustic barrier and/or security fence has been submitted to and approved in writing by the Local Planning Authority.

To justify the need for the acoustic barrier and/or security fence, those specifications must be supported by an up-to-date Noise Impact Assessment, which must also be submitted to and approved in writing by the Local Planning Authority.

The acoustic barrier and/or security fencing must be erected prior to the first use (taken from the date submitted under condition 3) of the development hereby approved and thereafter maintained.

8. The development shall meet the following external acoustic criteria at any occupied premises used for residential purposes, determined by measurements, calculations and/or procedures agreed in writing by the local planning authority.

Between the hours 23.00 and 07.00 at a position 1 metre from any façade, excluding corrections for facade reflection effects –

- LAeq,15 minutes 45 dB
- Noise Rating NR 40 over any 15-minute period

Within 4 months of the development being brought into operational use, compliance with the stated criteria shall be verified to the local planning authority in writing and compliance shall be maintained thereafter

9. All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme of works submitted to and agreed in writing by the Local Planning Authority prior to any above ground works.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

10. Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 using the following protective fence specification

- Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority.

The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

11. No development shall take place until details of the means of surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems and containment in the event of a fire, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

12. The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved biodiversity gain plan and including: (a) a non-technical summary; (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP; (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan; (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

13. Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding

sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

14. Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures
- (h) Access arrangements

15. No development shall take place until the following information has been submitted to and approved in writing by the local planning authority:

- a full site survey showing: o the datum used to calibrate the site levels
- levels along all site boundaries
- levels across the site at regular intervals and floor levels of adjoining buildings
- full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details.

16. The development shall not be brought into use until an updated Fire Safety Management Plan and Emergency Response Plan has been submitted to and approved by the local planning authority. The updated plan shall be prepared in accordance with the approved Outline Battery Fire Safety Management Plan and Emergency Response Plan dated January 2025. The development shall be implemented in accordance with the approved updated Fire Safety Management Plan and Emergency Response Plan

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