



Appeal Decision

Site visit made on 9 July 2025

by **M Wiltshire CEng MICE**

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal Ref: APP/C3240/W/25/3358672

Part of Stafford Park 7, Telford TF3 3BQ

- 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 Telford and Wrekin Council.
 - The application reference is TWC/2024/0837.
 - The development proposed is the erection and operation of micro-energy storage facility with 2.4m high paladin fencing.
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Decision

1. The appeal is allowed and planning permission is granted for erection and operation of a micro-energy storage facility with 2.4m high paladin fencing at Stafford Park 7, Telford TF3 3BQ in accordance with the terms of the application, reference TWC/2024/0837, 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 numbers: plan 1 – location plan rev A; plan 2 – site layout plan rev B; plan 3 – battery box 3D image, paladin fencing; plan 4 – battery box battery equipment, plans and elevations; plan 5 – electrical cabinet equipment, plans and elevations; plan 6 – battery box plan depicting 2.4m high paladin fencing, paladin fence elevations; plan 7 – plans and elevations.
 - 3) No above ground works shall commence until details of the materials and colours of the battery boxes, electrical cabinet and paladin fence 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.

Preliminary Matters

2. The development description in the banner heading is taken from the decision notice as it tallies with the submitted plans and more accurately describes the proposal. At the appeal stage there was a minor discrepancy in terms of the submitted plans. Both the Council and the appellant have confirmed which plans the planning application decision was based on and I have determined the appeal on the same basis.

Main Issue

3. The main issue is the effect of the development on the safe and efficient use of the highway.

Reasons

Use of the Highway

4. The appeal site would occupy much of the depth of a highway verge within an industrial area. 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.
5. Access along the road would not be impeded by the siting of the proposal. Its location would ensure that visibility on the road and nearby accesses for road users would be maintained.
6. 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.
7. 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 regarding highway safety, maintenance, and integrity.
8. These are separate consenting regimes to that under the Town and Country Planning Act 1990 (as amended). As explained in the National Planning Policy 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 Policies SP4, ER1 and C3 of the 2018 adopted Telford and Wrekin Local Plan 2011 - 2031 (the LP). Amongst other matters, Policy SP4 is supportive of sustainable development proposals, which are those that accord with national and local plan policies, Policy ER1 supports renewable energy development where there is no significant effect on highway safety, while Policy C3 requires all development to mitigate site specific highway issues. The proposal would also accord with the highway safety objectives of the National Planning Policy Framework.
9. The Council has also referred to Policy SP1 of the LP 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, and this Policy does not alter my findings.

Conditions

10. 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. A condition to secure the use of appropriate external materials is necessary in the interests of the character and appearance of the area.

Conclusion

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

M Wiltshire

INSPECTOR