



Appeal Decision

Hearing held on 6 August 2025

Site visit made on 5 and 6 August 2025

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2025

Appeal Ref: APP/Z2315/W/25/3363564

Land North of A6068, Padiham BB12 8UE

- 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 Energi Generation against the decision of Burnley Borough Council.
 - The application Ref is FUL/2024/0258.
 - The development proposed is erection of a 99.9 MW battery storage facility with boundary fencing, access track, landscaping, and associated infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal, the appellant submitted amended plans and information. This differs from that upon which the Council's decision was made. Hence, at the Hearing, I heard from the main parties regarding the 'Holborn Principles'¹, which require substantive and procedural tests to be considered separately.
3. Revisions to plans and visuals for the proposed development relate to raised areas (bunds) to the north and east edges of the site and alternative landscaping. Bunds could be expected as part of an overall scheme of mitigation for the proposal, but land would need to be raised to form them, which constitutes engineering operations requiring planning permission. Bunds were not listed in the description of development. The alternative landscaping would include tree planting to the slopes of the bunds, so neither aspect could be considered in isolation. Hence, the revised plans and visuals relate to a proposal that would ultimately result in a "fundamental change", so they should not be considered as part of the appeal. I also make the same finding in relation to the revised Biodiversity Metric submitted with the appeal, which took account of additional tree planting in the landscaping.
4. The application was supported by a *Landscape and Visual Appraisal* (LVA), but the appellant's *Landscape Hearing Statement* (LHS) refers to the revised plans and visuals. At the Hearing, the appellant's representative on landscape confirmed aspects of the LHS are relevant to the application proposal. However, the photo wirelines and montages therein would not represent the effect of mitigation from landscaping in the original scheme. As such, while I have determined the appeal in relation to its content, this is only in so far as it relates to the original scheme.

¹ Established in *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin).

5. As the substantive test has been failed, except where I have indicated above, I have determined the appeal based on the plans and information that were before the Council when it made its decision.

Main Issues

6. The main issues are:
- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - the effect of the proposal on purposes (a) and (c) that the Green Belt serves, as set out in paragraph 143 of the Framework;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the rural landscape character and appearance of the site and its surroundings; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Site and Surroundings

7. Padiham is a town, which extends southeast to meet other built-up areas beyond Burnley. To the northwest of the town up to the A6068 and the A671, is a distinct concentration of homes. Other residential development extends partially along and between the A671 and A678, and there is a large industrial development at Meadway south of the former railway line and up to the River Calder.
8. The appeal site is situated within *National Character Area 35: Lancashire Valleys*, which encompasses Burnley and is characterised by the broad valley of the River Calder and its tributaries running northeast and southwest between Pendle Hill and the South Pennines. This wider area is adjudged to be a visually contained landscape with a strong urban character informed by settlements such as Burnley. Farmland is fragmented and predominantly pasture for grazing livestock. At a more local level, the site is identified in *A Lancashire Landscape Strategy, Landscape Character Assessment* (2000) as being within the 'Industrial Foothills and Valleys Landscape Character Type (6a) – Calder Valley'. This repeats the analysis that the area is well-populated and that agricultural activity is on pastureland with dairy and sheep farming.
9. The site forms part of a larger field of pastureland to the west of Padiham. This is one of three similarly large areas of agricultural land that extend out west either side of the A6068 and the A678. Apart from the farmstead at Old Hey Farm, the site is free of existing development and separated from Padiham by the remainder of the field and land on the opposite side of the A6068.
10. The wider field is elevated above the A6068 to a varying extent, which increase to the southwest, and there are no footpaths abutting the field on the A6068 and A671. Land levels and hedgerow and tree planting therefore provide some

enclosure to the road. Along the site's west boundary is the Lower Dean Wood, with Dean Brook running through it. This marks the administrative boundary with Ribbles Valley Borough Council and provides a significant backdrop to the site.

11. The northeast corner of the field meets the crossroads of the A6068 and A671. While it is bordered by these roads, it shares common characteristics with the other agricultural land to its south that enclose the northwest of Padiham and bleed into the outskirts of the town. The wider field is therefore not visually distinct from that context, as the fields are enclosed by hedges, which differs from nearby built form. This does not alter the perception of the countryside in the Green Belt around Padiham.
12. Taken together the above factors, particularly the open and undeveloped nature of the site and its position within the wider field, give rise to a clear and distinct, pattern of development north and west of Padiham. The presence, or not, and the nature of built form also helps to distinguish between more urban and rural forms, including the countryside within the Green Belt. This aligns with the analysis in the national and local landscape assessments referred to above.
13. Hence, given the strong urban presence of Padiham, the open and undeveloped nature of the land beyond, the verdant hedge and tree-lined subdivisions therein, and the sylvan backdrop of Lower Dean Wood, all significantly contribute to the rural landscape character and appearance of the site and its surroundings and the openness of the Green Belt. The site is therefore reasonably sensitive to change.

Inappropriate Development

14. The Framework sets out the Government's planning policies for England and is the most up to date expression of national policy on development in the Green Belt. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. At the local level, Policy SP7 of Burnley's Local Plan (July 2018) (the BLP) repeats this aim and includes exceptions close to the wording of Framework paragraph 154 and further detail on how they should be interpreted in a local context.
15. The *Statement of Common Ground* (SoCG)² sets out that the proposal does not meet any of the exceptions in Framework paragraph 154. However, paragraph 155 states the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where several criteria are met. The first consideration under paragraph 155a is whether the development would utilise 'grey belt' land. If it would not, it is not necessary for the other criteria, including the remainder of 155a to be considered.
16. The SoCG also sets out that the site does not meet the definition of Previously Developed Land. This is contained in Annex 2 of the Framework. Nonetheless, the definition of grey belt in Annex 2 also defines it as land in the Green Belt that does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 of the Framework. Purpose (a) is to check the unrestricted sprawl of large built-up areas and I have had regard to the relevant guidance contained in the *National Planning Practice Guidance*³ regarding the assessment of the contribution land makes to the relevant Green Belt purposes. I am also mindful that the Council's *Green Belt*

² May 2025.

³ Paragraph: 005 Reference ID: 64-005-20250225

Review (2016) (GBR) split the Borough's Green Belt into land parcels, with each assessed to establish its importance to all five purposes the Green Belt serves. The wider field encompassing the site was identified as Parcel P17.

17. The dense mature planting in Lower Dean Wood, which runs parallel with the west site boundary, and south of the site next to the A6068, constitute physical features. While these would contain development of land in the southwest of the field, they would not restrict it from extending west, beyond Dean Brook. Landscaping would be added to the site's east and north edges, but the site only constitutes part of the wider field and does not presently include physical features to subdivide from the remainder of the field. It is therefore open to the roadside hedge and tree-lined boundaries with the A671 and the remainder of the A6068. Accordingly, the site does not include physical features to its eastern side to contain development of the land in that direction.
18. Even if I was to consider the presence of the A6068 more favourably, it is one of the principal routes through the Borough, north and west of Padiham, and adjoins fields and other parcels of undeveloped land on one or both sides. Development is also generally found to either side of roads locally, particularly west and southwest of Padiham. Such arrangements are therefore commonplace within Padiham and the surrounding countryside in the Green Belt. As such, the A6068 would not restrict and contain development in this location, as it could extend considerably further to the north and east beyond the remainder of Parcel P17, across the road, towards Padiham. Furthermore, and notwithstanding these points, as the site would be developed in isolation from the remainder of Parcel P17 and the land opposite adjoining the built-up area of Padiham, in general terms, it would result in an incongruous pattern of development.
19. For these reasons, the land within the site currently makes a strong contribution to purpose (a) of Framework paragraph 143. Hence, it is not necessary to consider the land in relation to purposes (b) and (d), as my finding in relation to purpose (a) means the land cannot be grey belt. Equally, in the context of this main issue, it is also not necessary to consider the other criteria in Framework paragraph 155, including whether it would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the Borough. However, as separate concerns were raised by the Council regarding two of the purposes, I return to those in the next main issue.
20. I conclude that the proposal would be inappropriate development in the Green Belt having regard to the Framework. The wording of BLP Policy SP7 is close to that of the Framework, in that it states within the Green Belt, planning permission will not be granted for 'inappropriate' development except in very special circumstances. However, until I reach a finding on this latter point in the Planning Balance, I am not able to conclude against this policy.

Purposes that the Green Belt Serves

21. The Council's Decision Notice focuses on purposes (a) and (c) that the Green Belt serves, which the GBR adjudged to be high scoring for Parcel P17. While one of the site accesses passes through the farmstead at Old Hey Farm, it does not include the built form within the farmstead. Like the remainder of the field forming Parcel P17, it is therefore free from urbanising development, and makes a strong contribution to checking the unrestricted sprawl of the built-up area of Padiham to

the Borough's administrative boundary. The existing undeveloped characteristics of the site and its prominent location, close to the town and the A6068, mean the contribution made by the site, and Parcel P17 as a whole, to safeguarding the countryside from encroachment would both be strong.

22. Planting in Lower Dean Wood and at the site's southern boundary mean it is partly contained, but it is not visually isolated from the countryside and its proportions and generally open and undeveloped nature means it has a closer relationship with other agricultural land west of Padiham. It is also currently perceptible nearby from and adjacent to the A6068 and from the town-side of the A671.
23. The proposal would be for development not intrinsically linked to the countryside. However, as the timeframe of the proposal would be up to 40 years and the site would be reinstated to its former open character upon decommissioning of the development, the effect on purposes (a) and (c) that the Green Belt serves would be temporary. The proposal would also not be extensive in terms of its overall footprint in the context of the field. Accordingly, while I conclude that the development of the site would conflict with purposes (a) and (c) that the Green Belt serves, as stated in the Framework, this harm would be of a moderate level. However, I have not found in relation to BLP Policies SP7, NE3 and CC1 as, in the context of this proposal, they do not refer to the purposes the Green Belt serves.

Openness of the Green Belt

24. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics thereof are their openness and permanence. The openness of the Green Belt has a spatial aspect as well as a visual aspect, so the physical and visual presence of built forms may affect this.
25. I have already established that the site is currently visible within its surroundings. The proposal would introduce development into the field, where it does not currently exist, away from buildings at Old Hey Farm and Padiham. The proposal's built form, particularly its taller elements, would be prominent within the locality. The development would be most evident from the busy A6068 and the footpath alongside it, and from the A671, west of the junction with the A6068.
26. The original scheme of landscaping, and its long-term future management identified in the *Landscape and Ecological Management Plan* (LEMP), would likely be integral to the layout of the development and generally reflect planting found in the locality. In combination with lowering of the land levels in the west of the site, this could partially mitigate against the visual presence of the development within the Green Belt, over the lifetime of the development. However, this would rely on planting being in leaf, so visual harm to the openness of the Green Belt would be more discernible, and therefore greater, when that is not the case. Nonetheless, this effect to Green Belt openness would be localised. The spatial implication of the loss of land within the Green Belt would also be eased by the development's timeframe, reinstatement of the land to its former character and its magnitude in relation to the wider field. Consequently, it would not lead to permanent loss of openness within the Green Belt.
27. The extent of harm to the openness of the Green Belt would therefore be moderate. Nevertheless, openness cannot be preserved if there is a finding that there would be an adverse effect to it, of any kind. Consequently, I conclude the proposal would have a harmful effect on the openness of the Green Belt in both

visual and spatial terms. This would be contrary to this main aim of the Green Belt policy set out in the Framework. However, I have not found in relation to BLP Policies SP7, NE3 and CC1 as they do not refer to effects on the openness of the Green Belt.

Rural Landscape Character and Appearance

28. The development of the site would stand alone as a distinct built incursion into the rural landscape surrounding the site and be spatially distinct from the established pattern of development to the northwest edge of Padiham. This would be more synonymous with built form to the south of the A678 and erode the site's qualities, including how the countryside currently bleeds into Padiham. Furthermore, it would harm established views out over the undeveloped field with the sylvan backdrop of the Lower Dean Wood, which are fundamental components of the countryside at the edge of the Borough.
29. There is a certain inevitability of landscape effects associated with schemes such as that proposed, particularly in the short- to medium-term of their operational life, when planting is establishing. Moreover, with the LEMP, proposed planting would eventually mature to be integral to the development's layout and correspond with nearby hedgerow and tree planting. In the long-term, planting would therefore soften the visual effect of the development's physical presence from most views nearby. Nevertheless, I have already established in the previous main issue that the proposal would remain discernible in close views from the A6068 and the footpath alongside it and those to the west at the A671, when the planting is not in leaf. While receptors may likely be transient, the footpaths and roads that pass it, and enable views from nearby, would be highly accessible to pedestrians or those driving in the area. By the appellant's own admission in the LHS, where suitable mitigation cannot be provided, the development would present as an incongruous feature within the site.
30. Accordingly, I cannot agree with the findings of the LVA and LHS regarding the magnitude of the impact of the proposal over the lifetime of the development. I therefore conclude that the proposal would have a significant and intrinsically harmful effect on the rural character and appearance of the site and its surroundings, which would endure for a considerable amount of time. This would be contrary to BLP Policies CC1 and NE3, in terms of their respective requirements regarding development not having a significant adverse impact on the character of the immediate and wider landscape; and that they relate well to local topography and built form and are of an appropriate siting, layout and design (amongst others) to minimise the impact on the landscape character of the site and its surroundings. However, I have not found in relation to BLP Policy SP7, as it only refers to Green Belt harms.

Other Considerations

31. In assessing and ascribing weight to the stated benefits of the appeal scheme, I have had regard to the appeal decisions referred to in the appellant's *Statement of Case*, including the weight attributed to each.

Climate Change and Energy

32. The UK Government declared a Climate Emergency in May 2019 and the Council followed suit in July 2019. It subsequently adopted the *Burnley Climate Change*

Strategy 2022-2026, a key theme of which was to implement BLP policies supporting stand-alone new renewable energy infrastructure. The proposal would therefore assist the Council in meeting its own Strategy.

33. The Climate Change Act 2008⁴ committed the Government to achieve net zero greenhouse gas emissions by 2050, from a 1990 baseline. The SoCG refers to numerous documents that support these aims, not least the *UK Net Zero Strategy: Build Back Greener*⁵ which sets a 78% reduction by 2035 and the Government's latest approach to energy contained in the *Powering Up Britain Strategy*⁶, along with *National Policy Statement EN-3*⁷. The latest version of *National Policy Statement EN-1*⁸ refers to the flexibility provided by energy storage, including to accommodate energy when there is excess production or to meet demand when it is higher than generation, thereby supporting security of supply. Furthermore, the *Clean Power 2030 Action Plan* refers to the shift to renewable and low carbon energy by 2030, which it states forms the backbone of the transition to net zero. The SoCG identifies this states a need to deliver between 23-27GW of Battery Storage by 2030. The proposal has capacity to store up to 99.9MW and a connection is available nearby to the national grid. While this would, relatively speaking, amount to a small step toward that provision, it is of national importance to mitigating climate change and transitioning to a low carbon economy. The provision of and availability of the storage capacity anticipated from the development, including from renewable sources, would be an environmental benefit, alongside the benefit of security that would be brought to energy supply. These would each warrant being afforded substantial weight in favour of the development.

Biodiversity Net Gains

34. The Biodiversity Net Gain associated with the original development expected to result in a net habitat unit change of 0.98 habitat units, including species rich grassland and tree and hedgerow planting around the compound. This represents a 14.63% net gain and a net linear unit change of 3.27 hedgerow units. This would be above the mandatory requirement expected by legislation but would, nevertheless, amount to a further environmental benefit of moderate weight, particularly as planting could endure beyond the lifetime of the development.

Economy

35. The proposal would enable the farm holding to diversify its income and help to secure the viability of the farming business in the long term, which would amount to an economic benefit of moderate weight.
36. The construction and decommissioning phases of the development would generate jobs, albeit over a relatively short period, but there are likely to be some benefits to the economy from the labour market and the procurement of materials and equipment, and some long-term employment through, amongst other things, management, and maintenance of the site. Given the scale of the development proposed these would be social and economic benefits of limited significance.

⁴ The (2050 Target Amendment) Order 2019.

⁵ October 2021, updated April 2022)

⁶ March 2023.

⁷ January 2024.

⁸ January 2024.

Other Matters

37. The appellant's *Planning, Design and Access Statement* refers specifically to two Grade II listed buildings, known as Workhouse Farm and Craggs Farmhouse. With cognisance of my statutory duty confirmed in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I passed near both as part of my site visit, and given the proximity and physical relationship of the proposal with these designated heritage assets, I am satisfied that their settings would be preserved, and the proposal would not detract from them. I note that the Council did not raise the presence of these assets as a concern in its evidence.

Planning Balance and Conclusion

Whether Very Special Circumstances Exist in the Context of the Green Belt

38. The development would constitute inappropriate development in the Green Belt, and result in moderate levels of harm through reduction of the Green Belt's openness and its effectiveness at checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment. This gives rise to additional harms in conflict with the Framework's aims in respect of the Green Belt. Framework Paragraph 153 advises substantial weight should be given to any harm to the Green Belt and 'very special circumstances' will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
39. The proposal would also result in significant harm to the rural character and appearance of the site and its surroundings, which also brings conflict with the development plan. The absence of harm in respect of the other agreed matters set out in the SoCG would neither weigh for nor against the appeal scheme.
40. Against these identified harms, while other considerations have been advanced including the stated benefits of the scheme that I have afforded substantial, moderate and limited weight, they would not be sufficient to clearly outweigh the harms to the Green Belt, and the other harms I have identified above. Consequently, the very special circumstances necessary to justify the development do not exist. As a result of this finding, the proposal would conflict with BLP Policy SP7, which therefore leads to further conflict with Policy CC1.

Development Plan Consistency with the Framework and Final Balancing

41. While the BLP predates the current Framework, this is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to policies according to their consistency with the Framework.
42. In the first main issue I explained that BLP Policy SP7 includes exceptions close to the wording of the Framework, but it does not repeat other forms of development that are not inappropriate development set out in Framework paragraph 155. However, as it is designed to guide development in the local Green Belt context, I find it to be reasonably consistent with the Framework and afford conflict of the proposal with the policy moderate weight in relation to the consideration of inappropriate development.
43. BLP Policy CC1 is generally consistent with the Framework in terms of its aims to meet the challenge of climate change, achieve well-designed places, and

conserve and enhance the natural environment. BLP Policy NE3 would also be consistent with the latter two aims. As such, I afford substantial weight to the conflict of the proposal with these policies.

Final Balancing and Conclusions

44. The appeal scheme would not accord with the development plan, when considered as a whole. Furthermore, the outcome of the above balancing exercise for the Green Belt is that the application of policies in the Framework that protect this provides a strong reason for refusing the development proposed.
45. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, and there are no other relevant material considerations, including the provisions of the Framework, that indicate the proposal should be determined otherwise than in accordance with it. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR

APPEARANCES

For the Appellant

Anthony Heslehurst	(Director, ADAS Planning)
Evan Williams	(Senior Planning Consultant, ADAS Planning)
Daniel Leaver	(Associate Director Halliday) (Landscape)
Roger Dickinson	(Technical Director, Energi Generation) (Developer)

For the Local Planning Authority

Laura Golledge	Planning Team Manager
Jonathan Evans	Principal Planner
Pete Milward	Principal Planner

Other Interested Parties

Ian Chapman	Resident
Peter Hornby	Resident

DOCUMENTS RECEIVED FOLLOWING THE CLOSE OF THE HEARING

Email dated 15 August 2025, confirming outcome of discussion between the main parties on the matter of noise disturbance on wildlife to nesting birds; and an updated list of agreed conditions.