Planning Inspectorate

Appeal Decision

Site visit made on 22 July 2025

by D Ellis MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2025

Appeal Ref: APP/K0235/W/25/3365113
Verge at Hillgrounds Road, Kempston, Bedford MK42 8SZ
Easting: 503499, Northing: 248619

- 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 Bedford Borough Council.
- The application Ref is 25/00381/FUL.
- The development proposed is construction and operation of a micro energy storage project.

Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. In addition to the main issues below, the original application was also refused on the grounds that the proposal could cause unacceptable harm to trees and that, consequently, the biodiversity net gain requirements would not be achieved. The appellant has submitted a root protection plan (drawing 'Plan 7') with their appeal documents. The Council has consequently accepted that the proposed development would be outside of the root protection areas of the surrounding trees and that a condition could be used to secure the submission and approval of a Tree Protection Plan in the event that the appeal is allowed. Subject to this condition, the Council is satisfied that the second and third reasons for refusal have been addressed. Based on the evidence before me, I have no reason to disagree with the Council's conclusions on these matters.

3. Therefore, the main issues are:

    - the effect of the proposal on the character and appearance of the area; and
    - flood risk.

Reasons

Character and appearance

4. The appeal site forms part of a grassed area bordered with trees along the north side of Hillgrounds Road. Adjacent to the grassed area are a fitness centre, football ground, electrical substation and a water pumping station. Trees and hedges line the northern and western sides of the grassed area which screens views of the football ground, substation and pumping station from the appeal site. Overall, the site contributes positively to the open, green and pleasant appearance and character of the street.

5. The proposed energy storage unit and fence would have a moderately large footprint and would be approximately 2.4 metres in height. There are streetlights and a telegraph pole adjacent to the pavement, with no other street furniture or paraphernalia located in the grassed area. Due to its scale the energy storage unit and fence would fail to retain the open appearance and character of the street and, as a result, would be an obtrusive feature in the street scene. This would be exacerbated by the stark appearance of the wooden fence and the highly prominent and visible location of the site adjacent to the pavement and the road.

6. The adjacent substation consists of cabinets and paraphernalia of a smaller scale than the proposed micro energy storage units and which are surrounded by a lightweight green wire mesh fence, and the pumping station is surrounded by a wooden fence. However, these are separated from the appeal site by existing trees and shrubs which would prevent any significant views of them from the site. As such the presence of the substation and pumping station does not justify the appeal proposal.

7. For these reasons, the proposal would cause significant harm to the character and appearance of the area. As such the proposal would conflict with Policies 28S, 29, 30 and 57 of the Bedford Borough Council Local Plan 2030 (2020) (LP), insofar as they require development, including for renewable energy, to be of high-quality design which complements the character of the area and respects the context within which it will sit.

Flood risk

8. The appeal site falls within Flood Zone 2. The National Planning Policy Framework (the Framework) sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from highest risk. LP Policy 92 takes the same approach. Paragraph 174 of the Framework states that a Sequential Test would aim to steer new development to areas with the lowest risk of flooding from any source, and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

9. Paragraph 176 of the Framework states that some minor developments should no be subject to the Sequential Test. Footnote 62 sets out that minor development includes small non-residential extensions, however as no development currently exists at the appeal site the proposal could not be considered to be a non-residential extension. As such, the Sequential Test needs to be applied.

10. The PPG sets out that the area to apply the Sequential Test across will be governed by local circumstances relating to the catchment area for the type of development proposed and the needs it is proposing to address[1]. The proposal is for a micro energy storage project, which needs to be located within 50 metres of an electrical substation or a large 3 phase low voltage cable. It would therefore be reasonable for the catchment area for the Sequential Test to cover built-up areas in the borough.

11. Although the appeal site is within 50 metres of an existing electrical substation, this is only one criterion of a potential location of a micro energy storage project. Furthermore, no details of the locations of other substations and large 3 phase low

[1] Paragraph: 027a Reference ID: 7-027a-20220825

voltage cables in the local area have been provided. As such, although the micro energy storage project would import and export electricity locally, it has not been demonstrated that the proposed development has to be within 50 metres of the existing substation.

12. While the appellant states that over 500,000 sites across the UK have been reviewed, there is no evidence before me of these efforts in the borough area. Therefore, I cannot be certain that their search has identified all reasonably available sites in the borough. However, given the number of built-up areas in the borough, it is conceivable that there would be reasonably available sites in the borough which are at a lower flood risk than the appeal site. Therefore, the Sequential Test is not passed in respect of this proposal.

13. Consequently, the appeal site would not be a suitable location for the proposed development having regard to the risk of flooding. The proposal would therefore conflict with LP Policy 92 which seeks, amongst other things, to ensure that development is directed to areas at lowest risk of flooding.

Other Matters

14. No substantive details have been provided of any planning approval of similar energy storage units. It is therefore unclear whether the contexts of those other schemes are similar to that before me.

15. Although no objections were raised by consultees during the original application, this is a lack of harm and is a neutral matter which does not weigh in favour of the proposal.

Planning Balance and Conclusion

16. I am mindful that paragraph 168 of the National Planning Policy Framework states that significant weight should be given to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. I also note that the proposal would accord with LP Policy 51S which requires the development of land to address climate change. However, these considerations do not outweigh the more significant weight I assign to the harm which would be caused to the character and appearance of the area and the risk of flooding. It has also not been demonstrated that these benefits could be achieved in a way that does not cause the harm identified.

17. I therefore conclude that the proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

D Ellis

INSPECTOR