



Appeal Decision

Site visit made on 4 November 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2025

Appeal Ref: APP/W0734/W/25/3369618

Land on the southeast side of the A19, Middlesbrough TS5 4QL

Grid Ref Easting: 447238, Grid Ref Northing: 517730

- 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 Ms Ashleigh Boyce (AMP Clean Energy) against the decision of Middlesbrough Council.
 - The application Ref is 24/0382/FUL.
 - The development proposed is the 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 Land on the southeast side of the A19, Middlesbrough TS5 4QL Grid Ref Easting: 447238, Grid Ref Northing: 517730 in accordance with the terms of the application, Ref 24/0382/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application form, the appeal form, and the Council's decision notice each refer to the appeal site relating to land on both the southeast and northwest sides of the A19. However, I find the reference to the land being to the northwest of the A19 misleading, as it suggests that the appeal site lies on the opposite side of the A19 than is actually the case. Therefore, in my banner heading and decision above, I have referred only to the site being to the southeast side of the A19. For clarity, I have also included the postcode and the site's grid coordinates.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises of a small parcel of land within a much larger area of green space to the north of Ashford Avenue which is designated by the development plan as both Green Wedge and Primary Open Space. This Green Wedge/Primary Open Space land contains the likes of grassland, shrubland and trees, and it forms one part of a network of other green spaces which are positioned beside the A19 within this part of Middlesbrough.
5. The appeal site is situated within a peripheral part of the Green Wedge/Primary Open Space. Consequently, existing built development is nearby. This includes houses, an electrical substation, various forms of enclosures and barriers,

including high fencing beside the A19, tarmacked paths and other access routes, and lampposts. The presence of this built development means that this particular part of the Green Wedge/Primary Open Space does not convey the same sense of openness and verdancy as some other parts of it.

6. The proposed micro energy storage facility would have a quite utilitarian design. Nevertheless, given the abundance of enclosures and hard surfacing in the area, its fencing, access gate and plinth would be congruous features, whilst the electrical and battery equipment cabinets themselves would adopt a simple, box-like design which would be quite unassuming. Furthermore, through the imposition of a condition, the precise material and colour finish of the facility can be controlled. The micro energy storage facility would only cover a small area whilst the tallest feature would be the fencing enclosure, but that would not be very high.
7. Consequently, the proposed development would be modestly scaled, and even though it would by its nature be a functional installation, it would be well-designed. Given the proposal's scale, the amount of the green space land which would be built-upon would be very modest, and the vast majority of it would remain. The land which would be developed would principally be grassland, and some shrubbery may also be lost, but no mature trees are within or on the immediate fringes of the site and, therefore, none would require felling.
8. For these reasons, the proposed micro energy storage facility would not erode the green space it would be sited within to any meaningful extent, it would not create unacceptable clutter, nor detract from the local area. The proposed development would contribute to the various forms of built development nearby but only in a modest way and, as a result, it would appropriately assimilate into its surroundings. Overall, the green space would not be harmed, instead, its verdant character would be overwhelmingly preserved.
9. Therefore, in conclusion on this main issue, I find that the effects of the proposed development on the character and appearance of the area would be acceptable. As a result, the proposal complies with Policies E2 and E7 of the Middlesbrough Local Plan 1999. Policy E2 sets out that planning permission will not be granted for development which would, amongst other things, affect the predominantly open and green character of a Green Wedge, harm a Green Wedge's visual amenity or reduce the separation between existing development. Policy E7 seeks to safeguard Primary Open Space, requiring development to be complimentary to it or to be of over-riding community benefit.
10. The proposal also complies with Policies DC1, CS5 and CS20 of the Middlesbrough Local Development Framework Core Strategy 2008. Altogether, in summary and amongst other matters, these Policies seek to limit the effects of development upon protected open space and resist the loss of such space where it contributes to Middlesbrough's network of green infrastructure. They also seek to ensure developments are of high quality and integrate well into their immediate and wider contexts.

Other Matters

11. The siting of the proposed development means that it would benefit from being partly overlooked by neighbouring properties and from light provided by the lampposts which line the path adjacent to the appeal site. Upon completion of the proposed development open land would remain in the immediate surroundings of

the appeal site. These factors would assist in maintaining surveillance around the site. In combination, the proposed fencing and the electrical and battery equipment cabinets themselves would protect the development and, whilst I have had regard to the comments received, including those of Cleveland Police, I have no good reason to conclude additional or altered enclosures would be necessary. Overall, I have no firm basis on which to conclude that the proposed development would be likely to give rise to a level of anti-social behaviour, crime or fear of them which warrants planning permission being withheld.

12. Although the appeal site is near paths and access routes, the proposed development would not be sited on, or abut, any of them. As a result, upon completion, I have no reason to conclude that the proposed development would hinder or obstruct any maintenance or emergency service vehicles or the passage of pedestrians or cyclists. Furthermore, once operational, I have no compelling evidence that the proposed development would require a level of maintenance which would result in any undue disruption for local residents.
13. Submissions have been made to me which assert that some further works would likely be necessary in order for the proposed micro energy storage facility to operate and for it to be connected to the electrical substation. However, I must determine the appeal on the basis of the plans before me and, through the imposition of a condition, the planning permission can stipulate that the development must be carried out in accordance with those plans. Should any other development be sought, it would be a matter for the local planning authority to determine whether permission would also be required for that development.
14. Since the submitted plans show that approximately 24m² of land would be developed, in determining the planning application, the Council was satisfied that the proposal benefits from the de minimis exemption under the statutory framework for biodiversity net gain. I have no substantive evidence before me which leads me to a different conclusion. Furthermore, given the limited scale of the development proposed, and the character of the land involved, I have no reason to conclude that it would cause ecological harm.
15. As a form of electricity storage, the proposal would contribute towards enabling energy to be used more flexibly and assist in de-carbonising the energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation, and limiting the need for costly network upgrades and new generation capacity. For this reason, although it is not a form of renewable energy generation, the proposal would play a beneficial role in supporting a low-carbon, net-zero future and enhancing the resilience of energy supply. Although submissions have been made to me which assert that problems are associated with electricity storage facilities, such as complexities in relation to their end-of-life disposal, it has not been demonstrated to me that such factors outweigh the benefits associated with the proposal.
16. Representations before me raise objection to matters relating to the appropriateness of the development being proposed on Council-owned land and the adequacy of the consultation on the disposal of the land to enable the development's delivery. However, these considerations have little bearing on the planning merits that form the basis of my decision.

17. Representations before me also refer to a medieval ditch located in the site's vicinity. However, the evidence before me concerning the ditch is very limited, and I have no reason to conclude that the proposal would result in any harm in relation to it.
18. I have had regard to the submissions made to me that more suitable locations for a micro energy storage facility may exist. I also note the Council's point that it has approved a similar facility in a more industrial setting. However, I am required to determine the proposal before me, at the appeal site, on its own merits. In coming to my decision, I have not identified that the proposal would result in any harmful effects of any note or, in turn, any conflict with the development plan. Accordingly, whether or not the proposal could be delivered at other sites is a matter of limited weight in my decision, and it provides me with no reason to withhold planning permission.
19. Finally, I have made my decision based upon the evidence before me, my own experience and the particular circumstances of the case. As a result, it should not be seen as setting a precedent for other developments at other sites.

Conditions

20. The Council has provided a schedule of suggested conditions that it considers would be appropriate. I have considered these conditions in the light of the tests for the imposition of conditions set out within the National Planning Policy Framework (the Framework) and the content of the Planning Practice Guidance (the PPG). The Framework and the PPG make clear that planning conditions should be kept to a minimum and only imposed where they would satisfy all 6 tests for their imposition. Having regard to the Framework and the PPG, and in the interests of clarity or precision, I have made some amendments to the conditions suggested to me.
21. Condition 1 sets out the standard time limitation. Condition 2 is necessary to ensure that the proposed development is carried out in accordance with the approved plans for the reason of certainty.
22. I have imposed a condition requiring a battery safety management plan to be devised and adhered to (condition 3). This is necessary in order to ensure that the proposed development incorporates measures to minimise the risks of, and address the consequences of, any thermal runaway event or other fire event. With this condition imposed, I am satisfied that the proposed development would be acceptable from a health and safety perspective with foreseeable hazards associated with it adequately addressed.
23. Condition 4 is necessary in order for the proposal's final material finishes to be controlled in the interests of the character and appearance of the area.
24. Despite the presence of landscaping and fencing along its boundary, during my visit, noise emanating from vehicles travelling along the A19 was noticeable. Although the noise levels arising from this will fluctuate depending on the traffic, the character of the A19 and its proximity to the appeal site leads me to conclude that the existing background noise levels in the vicinity of the appeal site will be generally quite high. Given this existing noise environment, I have no substantive reason to conclude that any noise emitted by the proposed development would be noticeable or intrusive. Furthermore, I noted that the rear garden boundaries of

those houses nearest to the appeal site benefit from fencing and landscaping. This would likely assist in limiting the effects of any noise deriving from the proposal. For these reasons, despite the Council's suggestion, I am not satisfied that a condition requiring the submission of a noise assessment would meet all the tests for condition imposition. Therefore, such a condition does not feature in my schedule.

25. I have already set out that the proposed development would be modestly scaled whilst the plinth would be surrounded by grass. Therefore, I have no reason to believe that the proposal would give rise to any problematic surface water flooding. Consequently, the Council's suggested condition relating to drainage is not necessary, and I have not imposed it.
26. Finally, I note that the comments of the Highways Officer which refer to a requirement to impose a method of works condition. However, given the scale of the proposed development, the effects arising from the construction process would be limited, and for a short duration only, whilst arrangements to facilitate access during construction are principally private matters. Moreover, the Council's final schedule of suggested conditions does not include a method of works condition. In the circumstances, I see no need to impose a condition to this end.

Conclusion

27. The proposed development accords with the development plan as a whole, and there are no material considerations which indicate a decision should be made other than one in accordance with it. Therefore, I conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

H Jones

INSPECTOR

Schedule of 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 the following plans:

Plan 1 Rev 1 Location Plan
Plan 2 Rev 1 Site Layout Plan
Plan 4 Plans and Elevations
Plan 5 Plans and Elevations
Plan 6 Paladin Fence Elevations
- 3) No development above ground level shall take place until a Battery Safety Management Plan has been submitted to, and approved in writing by, the local planning authority. The Battery Safety Management Plan shall detail the measures to be deployed to minimise the risks of, and address the consequences of, any thermal runaway event or other fire event. The development shall be carried out, and operated, in accordance with the approved Battery Safety Management Plan.
- 4) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted, including their colour finish, have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.