

Mr Chris Atkinson  
Barton Willmore  
1st Floor 14 King Street  
Leeds  
West Yorkshire  
LS1 2HL

Application no: SMD/2022/0076

Determined on: 5<sup>th</sup> March 2024

**Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) (England) Order 2015**

**REFUSAL OF PLANNING PERMISSION**

**Location of Development:**

Land Off Bemersley Road Brown Edge Staffordshire

**Description of Development:**

Construction of a temporary 49.35MW battery storage facility, to include a compound, a DNO control room, a customer substation, security fencing, landscaping and other associated infrastructure.

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref:

Location and Block plan C0002462\_03 Rev C  
Site Layout C0002462\_02\_PL Rev F  
Single line diagram C0002462\_07 Rev B  
ESS Container and LV Substation plans and elevations C0002462\_04 Rev B  
Access track sections M0002308\_04 Rev A  
Ground levelling elevation C0002462\_10 Rev B  
132kw Substation plan and section and fence detail C0002462\_06 Rev C  
Customer substation plan C0002462\_08 Rev A  
Typical fence detail C0002462\_09 Rev C  
Landscape Strategy Plan 33489 Rev D

for the reason(s) specified below:-

1. This site consists of agricultural land. It is greenfield and lies within the Green Belt. The proposal represents inappropriate development in the Green Belt which is harmful by definition. The development would, in addition compromise openness by replacing open fields with a development of industrial character and appearance. Openness and

permanence are, the NPPF confirms, the essential characteristics of the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore there would be conflict with one of the main purposes of including land within the Green Belt namely that of safeguarding the countryside from encroachment. The totality of the Green Belt harm is significant and Local Planning Authorities are required to give substantial weight to any harm to the Green Belt. It is not considered that the other considerations put forward by the applicant amount to the very special circumstances to clearly outweigh the harm to the Green Belt and other harm. It is for these reasons that the proposal is contrary to Policy SS10 of the Staffordshire Moorlands Local Plan and advice in the National Planning Policy Framework.

2. There are a number of residential properties close to the site. The predicted night time noise levels set out in the updated Noise Assessment would exceed current night time background noise levels in this rural area. It is considered that this has the potential to adversely impact on the amenity of nearby residents in conflict with Policy SD4 of the Staffordshire Moorlands Local Plan and advice in the NPPF
3. The site lies outside a settlement boundary in the open countryside. It is within the Landscape character type of Ancient slope and valley farmlands and part of the undeveloped Head of Trent river valley. The overall landscape character is of open rural pastoral fields. It is considered that introducing what is effectively an industrial compound into this landscape would result in a significant and harmful landscape and visual change. It would neither respect nor enhance local landscape character and would result in a prominent intrusion into the countryside. It would result in significant harm to the character and appearance of the area. For these reasons there is conflict with Policy DC3 of the Staffordshire Moorlands Local Plan and the NPPF which says that planning decisions should contribute to and enhance the natural and local environment by amongst other matters recognising the intrinsic character and beauty of the countryside.

### **Informatives**

It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. Prior to the determination of the application the Council advised the applicant that the principle of the development on this site was unsustainable and did not conform with the provisions of the NPPF. It is considered that the applicant is unable to overcome such principle concerns and thus no amendments to the application were requested.

X *B.J. Haywood*

---

Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**

## NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
1. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
2. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
3. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
4. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
5. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- 1.