

**THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) -
SECTION 78**

**FURTHER COMMENTS OF THE LOCAL PLANNING AUTHORITY IN
RELATION TO THE NATIONAL PLANNING POLICY FRAMEWORK 2024**

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

**IN RESPECT OF AN APPEAL AGAINST THE REFUSAL OF PLANNING
PERMISSION FOR:**

**THE 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**

AT

LAND OFF, BEMERSLEY ROAD, BROWN EDGE, STAFFORDSHIRE

LOCAL PLANNING AUTHORITY REF: SMD/2022/0076

**THE PLANNING INSPECTORATE REFERENCE:
APP/B3438/W/24/3351328**

1. Introduction

- 1.1 This statement is prepared by Declan Cleary MTCP MRTPI, Director of DC Planning Consultancy Limited, on behalf of Staffordshire Moorlands District Council (the Council), and provides further comments of the Council.
- 1.2 On 3rd February 2025 the Inspector invited views from both parties with regard to the implications of the changes to the National Planning Policy Framework (the Framework 24), which came into effect on 12th December 2024.
- 1.3 The Councils original Statement of Case (SoC) was prepared in the context of the Framework 24. Paragraphs 3.16 to 3.29 provide commentary on what the Council consider to be the relevant sections of the Framework 24.
- 1.4 At the time of the submission of the appeal, it was common ground between the parties that the scheme represented inappropriate development in the Green Belt. However, since the submission of the Councils SoC, it is understood through correspondence that the appellants may advance an argument, without prejudice, that the site could be considered to be not inappropriate in the Green Belt in light of changes to national policy within the Framework 24. Therefore, the Council welcome the opportunity to expand on their comments with respect of national planning policy for the Green Belt.

2. Further comments on the National Planning Policy Framework 2024

Section 13 – Green Belt

- 2.1 Section 13 relates to Protecting Green Belt land. Paragraph 142 confirms that the Government attaches great importance to Green Belts and that their fundamental aim is to prevent urban sprawl by keeping land permanently open. 142 also confirms that the essential characteristics of Green Belts are their openness and permanence. These fundamental aims, and essential characteristics have not altered from previous iterations of national Green Belt policy. It is the Councils firm stance that the appeal site contributes both towards the fundamental aims of the Green Belt and its essential characteristics.
- 2.2 Paragraph 143 confirms that the Green Belt serves 5 purposes. These are:
 - a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Again, these purposes have not altered from earlier Green Belt policy. For the reasons set out in the Councils SoC, it remains their view that the development would conflict with the purposes of including the land in the Green Belt i.e. purpose c) in failing to safeguard the countryside from encroachment.

- 2.3 Paragraphs 144 – 152 generally relate to plan making, establishing new Green Belt and amending existing Green Belt boundaries. These paragraphs are not directly relevant to decision making and, therefore, consideration of the appeal.
- 2.4 Paragraph 153 confirms that substantial weight should be given to any harm to the Green Belt. This remains consistent with previous Green Belt policy. 153 confirms that inappropriate development is harmful to the Green Belt, by definition. Again this remains consistent with previous policy.
- 2.5 Paragraph 153 goes on to state that inappropriate development should not be approved except in very special circumstances (VSC's) and that VSC's will not exist unless the potential harm to the Green Belt by reason of inappropriateness and other harm arising by the development is clearly outweighed by other considerations. Again, this context is identical to previous Green Belt policy.

Paragraph 154 - Exceptions

- 2.6 Paragraph 154 confirms that development in the Green Belt is inappropriate unless one of the exceptions set out applies. Paragraph 154 consolidates previous exceptions to a single paragraph, although the list of exceptions remain consistent.

- 2.7 The Paragraph 154 exceptions to Green Belt policy are:

a) buildings for agriculture and forestry;

The development does not relate to agriculture or forestry – Exception not applicable

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

The development does not relate to facilities for outdoor sport, recreation, cemeteries, burial grounds or allotments – Exception not applicable

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

The development does not relate to an extension or alteration to a building – Exception not applicable

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

The development does not relate to a replacement building – Exception not applicable

e) limited infilling in villages;

The development does not relate to limited infilling within a village – Exception not applicable

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites);

The development does not relate to affordable housing – Exception not applicable

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

The development does not relate to a site which is previously developed land – Exception not applicable

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

i. mineral extraction;

The development does not relate to mineral extraction – Exception not applicable

ii. engineering operations;

While there are some elements of engineering operations, such as significant reprofiling of the sloping valley side site, the development in its totality cannot be considered to be solely engineering operations due to the installation of energy related infrastructure and associated buildings – The development does not comply with this exception.

If it was suggested that the development was solely engineering operations. It is the Councils firm view that the development does not preserve openness and conflicts the purposes of including the land in the Green Belt (purpose c)) as confirmed in its SoC.

iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;

The development does not relate to local transport infrastructure – Exception not applicable

iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

The development does not relate to the re-use of a building – Exception not applicable

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);

While the development would result in a material change of use of land from its current agricultural use, it is considered that the development does not fall into this exception due to the extent of proposed related infrastructure and associated buildings – The development does not comply with this exception.

In any event, it is the Councils firm view that the development does not preserve openness and conflicts the purposes of including the land in the Green Belt (purpose c)) as confirmed in its SoC.

vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

The development does not relate to development brought forward by a Community Right to Build Order or Neighbourhood Development Order – Exception not applicable

- 2.8 For the reasons set out in the Councils SoC, and summarised above, the development does not meet any of the exceptions set out in paragraph 154 of the Framework 24.

Paragraph 155 - Overview

- 2.9 Paragraph 155 (updated 7th February 2025) provides for further instances where development may not be inappropriate. Paragraph 155 states:

The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.*

- 2.10 The appeal development is “other development” and therefore, it would be necessary to consider whether the development complies with any of the criteria set out. These are considered below.

a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

- 2.11 The glossary to the Framework 24 confirms the definition of “grey belt” as being:

For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. (our emphasis added)

- 2.12 As set out earlier, as an undeveloped agricultural field the appeal site is not previously developed land. Therefore, the land is not grey belt when considered against that criteria. However, the definition is not restricted to just previously developed land, but also includes “any other land”. The Council can confirm that the other areas or assets in footnote 7 do not apply to this appeal.
- 2.13 To be considered grey belt, it is therefore necessary to consider whether the site is located on land which does not strongly contribute to purposes (a), (b) or (d).
- 2.14 Firstly, it is important to highlight that any assessment is not an assessment of the effect of any development on that purpose. The absence of harm arising from a development in regard to a specific purpose is not indicative that the land does not strongly contribute to that purpose.
- 2.15 When assessing “land”, the Council are of the firm view that this should not solely be an assessment of the extents of an application/appeal site boundaries, but a more holistic approach should be applied considering the wider context. Indeed, the definition of grey belt does not restrict this to the extents of any one site but states “land” which can be reasonably considered to extend beyond the site boundaries. To conduct a mere assessment of the extents of a single site could lead to sporadic development within the Green Belt.

Purpose a) assessment

- 2.16 Purpose a) seeks to check the unrestricted sprawl of large built-up areas. The appeal site is located within the North Staffordshire Green Belt which surrounds the conurbation of the North Staffordshire conurbation (colloquially known as the Potteries). This is clearly a large built-up area.
- 2.17 The appeal site is located very close to the extents of this built-up area of the Potteries, being circa 180m from its boundary to the south. Between

the appeal site and the urban area are two fields of clear similar character to the appeal site. There are no intervening land uses between the appeal site and the edge of the urban area. The appeal site holds no characteristics which distinguish itself from other surrounding fields and is part and parcel of the rural agrarian character of the area.

- 2.18 In terms of establishing the contribution which the land in which the site is located makes to the purposes of the North Staffordshire Green Belt, the Council have undertaken a Green Belt Review – 2015 (the GBR). This is contained at Appendix 2 of the Councils SoC.

- 2.19 The GBR, at 4.1, provides a strategic overview of the Green Belt in Staffordshire Moorlands, confirming that *"The character of the Green Belt within Staffordshire Moorlands is diverse, reflecting the sharp gradient from the generally well-defined urban edge of Stoke-on-Trent to what are relatively remote rural areas. And in this respect the Green Belt serves its primary function of helping to contain the Stoke-on-Trent conurbation, in particular creating a clearly defined separation between town and country on its eastern fringes*

The maintenance of openness is the principal function of Green Belt policy and in this sense the Green Belt within Staffordshire Moorlands has been clearly successful, with a clear check made on urban sprawl and encroachment into open countryside which would undoubtedly occur in the absence of the policy."

The appeal site itself and adjoining countryside, with its clear rural characteristics being located very close to the eastern fringe of the Potteries, makes a clear and strong contribution to this overall function and the purpose of checking urban sprawl.

- 2.20 4.1 of the GBR confirms that the Green Belt in Staffordshire Moorlands is performing a clear function and that, *"A Significant Contribution made by land in the immediate fringe of the conurbation of Stoke-on Trent maintaining a clear distinction between town and country"* and at 4.2 analysing that the Green Belt is making a *"significant contribution to preventing the eastward sprawl of the Stoke-on-Trent conurbation"*. The GBR highlights the importance of land at the eastern fringe of the Potteries in restricting sprawl. Again, the appeal site forms part of the immediate fringe of the conurbation, on its eastern side, and along with the surrounding land is part and parcel in contributing towards the purpose of restricting sprawl.
- 2.21 The GBR breaks down the Green Belt into individual parcels. The appeal site falls within parcel N19. This is located to the east of Bemersley Road, northeast of Ball Green (adjoining the urban area), and to the northwest of Brown Edge. The appeal site is located at the southern tip of this parcel and, as noted above, is in very close proximity to the urban area.
- 2.22 The GBR categorises the contribution that each parcel has on each purpose. Where parcels are making a performing highly, these are

identified as making a "significant contribution". Other categories are identified as making a "contribution", and at the lower end against a purpose, a "limited contribution".

- 2.23 The GBR confirms at figure 4.2, and table 4.1, that parcel N19 makes a "significant contribution" towards checking the unrestricted sprawl of large built-up areas.
- 2.24 The detailed parcel analysis for N19 is contained in Appendix A of this statement. In respect of purpose a) this confirms that N19 is *"Complementing parcel N18 immediately to the north, N20 to the south, along with Green Belt within Stoke-on-Trent Council boundary, this parcel helps to contain the conurbation of Stoke-on Trent to the west, and a strong sense of separation provided by the highly visible, open countryside of this locality (as seen from Marshes Hill to the north of Brown Edge, for example)"*. Clearly, the land on which the appeal site is located performs the vital function in containing the conurbation. The change in character along Bemersley Road, from urban to intrinsically rural, is almost instant which as highlighted above, creates the sense of separation from the conurbation.
- 2.25 While it is noted that the GBR was conducted in 2015, it is considered that there have been no change in circumstances or the construction of development within the area which would altered the character. The conclusions of the GBR in respect of the function and purpose that this land is performing remain wholly applicable.
- 2.26 The close proximity of the appeal site to the urban area, the intrinsically rural characteristics of the site and intervening (and surrounding), endorsed by the analysis and conclusions of the GBR, are a significant indication that the land performs strongly in regard to checking the unrestricted sprawl of the urban area. The Council are of the firm view that there are no characteristics of the land, or technical evidence to suggest that the land does not strongly contribute to this purpose.
- 2.27 The Council therefore, consider wholeheartedly, that the site cannot be considered to be grey belt for this reason.

Purpose b) assessment

- 2.28 Purpose b) is to prevent neighbouring towns merging into one another. The GBR identifies that parcel N19 offers a limited contribution towards this purpose. The parcel assessment (Appendix 1) makes the observation that the parcel performs "no clear role".
- 2.29 While the evidence suggests that the land does not perform strongly in this regard it is noted that the commentary in Table 4.1 identifies that N19 is *"Part of an arc of parcels (N19, N20, N21 & N22) which prevent the absorption of Brown Edge and Endon by the Stoke-on-Trent conurbation immediately to the south west"*.

Purpose d) assessment

- 2.30 Purpose d) relates to preserving the setting and special character of historic towns. The appeal site and adjacent land does not lie adjacent to a historic town (or immediately adjacent to designated heritage assets). The GBR confirms that parcel N19 has no clear role in this regard and makes a limited contribution to the purpose. Therefore, it is considered that the land does not perform strongly in regard to this purpose.

Conclusions on purposes a), b) and d)

- 2.31 The Council are satisfied that the appeal site is not located on land which performs strongly with regard to purposes b) and d). However, the Council are of the firm view that the appeal site is located on land which makes a strong contribution towards checking the unrestricted sprawl of large built-up areas.
- 2.32 Therefore, the land on which the appeal site is located does not meet the definition of "grey belt" and cannot be considered to be a paragraph 155 exception of development which is not inappropriate.

Other Paragraph 155 Considerations

- 2.33 Notwithstanding the firm view of the Council, if the land were considered to be "grey belt", then it would be necessary to assess the development against the remaining criteria of paragraph 155. These are briefly considered below.

Whether the development would "fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan"

- 2.34 Clearly, the size of the site in the context of the remaining Green Belt across the plan area only represents a very small amount of Green Belt land. In this context, the Council could not reasonably advance an argument to suggest that the development, in isolation, would fundamentally undermine the purposes taken together across the whole of the plan area. However, to confirm, the Council do not agree that the development does not conflict with the purpose of safeguarding the countryside from encroachment.

There is a demonstrable unmet need for the type of development proposed

- 2.35 The Council agree that there are various documents which confirm that there is a national requirement to deliver battery storage facilities, as important associated infrastructure, to support the transition to net zero.
- 2.36 There are no targets at local level for the delivery of such developments, therefore a demonstrable need for the plan area cannot be determined. However, it should be noted that within the plan area there have been a number of approvals for such facilities close to Cellarhead substation with a storage capacity totally circa.1080MW (1.08GW). It is suggested therefore, that Staffordshire Moorlands is performing highly in achieving

national targets. Details of these approvals can be provided should the Inspector consider them to be of relevance.

Whether the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework

- 2.37 Paragraph 110 seeks to, inter alia, actively manage patterns of growth where significant development should be provided in locations which are or can be made sustainable and reducing the need to travel, while acknowledging the varying opportunities between urban and rural areas. Paragraph 115 also seeks to prioritise sustainable transport modes, while ensuring safe access and limiting the effects on the transport network or highway safety.
- 2.38 Notwithstanding the intrinsically rural character of the site, the appeal site is located close to the urban area of Stoke-on-Trent which offers a wide range of sustainable transport modes. In this instance, the nature of the use would not generate significant vehicular movements once operational. In the context of paragraphs 110 and 115 it is not considered that the site is not unsustainable.

Whether the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

- 2.39 It is considered that the "Golden Rules" are not relevant to this form of development.

3. Conclusions

- 3.1 Again, the Council welcome the opportunity to provide further comment on the Framework 24. The Councils SoC does not provide comment on "grey belt" simply because initial observations indicated that the site could not reasonably be considered to be "grey belt".
- 3.2 As detailed within this document, the Council are of the firm view that the land which the appeal site is located contributes very strongly in the Green Belt purpose of checking the unrestricted sprawl of the North Staffordshire conurbation. As such, the development could not be considered to be grey belt land and, therefore, not triggering development which is not inappropriate.
- 3.3 The Council maintain the view that the appeal scheme is inappropriate development in the Green Belt.
- 3.3 It is likely, in advance of the Hearing or a decision on the appeal being made, that Planning Practice Guidance relating to Green Belt and Grey Belt will be updated to reflect the Framework 24. We would therefore welcome the opportunity to provide further comment on the points raised above should the opportunity arise.

Appendix 1

PARCEL N19: Land to the north west of Brown Edge



Criteria	Assessment
NPPF Purposes of the Green Belt	
To check the unrestricted sprawl of large built-up areas	Complementing parcel N18 immediately to the north, N20 to the south, along with Green Belt within Stoke-on-Trent Council boundary, this parcel helps to contain the conurbation of Stoke-on-Trent to the west, and a strong sense of separation provided by the highly visible, open countryside of this locality (as seen from Marshes Hill to the north of Brown Edge, for example). SIGNIFICANT CONTRIBUTION
To prevent neighbouring towns merging into one another	No clear role. LIMITED CONTRIBUTION
To assist in safeguarding the countryside from encroachment	Part of a suite of parcels which fringe the Stoke-on-Trent conurbation and are integral to maintaining the rural character of the land within Staffordshire Moorlands District. SIGNIFICANT CONTRIBUTION
To preserve the setting and special character of historic towns	No clear role. LIMITED CONTRIBUTION
To assist in urban regeneration by encouraging the recycling of derelict and other urban land	Contributes to the broader role of the Green Belt in promoting re-use of brownfield land in Stoke, although the precise extent of the contribution to this role of the land in this location is difficult to determine. CONTRIBUTION
Permanence of Green Belt (NPPF paragraphs 83 & 85)	Yes through roads.
Sustainable patterns of development (NPPF paragraph 84)	Relatively remote rural location, although Brown Edge immediately to the south.
Local Role of the Green Belt	
Preserving the Character and setting of Villages	Westerly landscape setting for Brown Edge (see Landscape & Settlement Character Assessment 2008).
Defining Boundaries	Yes
Promoting Positive Use of the Green Belt	
Opportunities for Public Access or to provide access	Current access through PRoW and minor roads.
Opportunities for outdoor sport and recreation	No
Enhancing landscapes and visual amenity	No
Enhancing biodiversity	SBIs
Improving derelict and damaged land	No