



Appeal Decision

Site visit made on 27 October 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2025

Appeal Ref: APP/W0734/W/25/3369616

Land at The Vale, Middlesbrough TS5 6RX

- 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, on behalf of AMP Clean Energy, against the decision of Middlesbrough Council.
 - The application Ref is 24/0386/FUL.
 - The development proposed is construction and operation of a micro energy storage facility.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site comprises a parcel of grassland within a public open space that extends northwards from Keith Road and sits between several existing residential areas. The open space is crossed by footpaths and a cycle path, and remains primarily open, with only sporadic tree planting. The area to the north around the adjacent beck features more dense vegetation. The public open space gives this stretch of Keith Road a spacious and verdant character. It has a positive effect on the setting of the residential areas and provides a break in the built development.
4. The Middlesbrough Urban Design Supplementary Planning Document (SPD) Adopted January 2013 emphasises the need for public space to be uncluttered and warns that over cluttering should be avoided at all costs.
5. The existing open space already features a brick substation building, set back from the road, close to the beck. Alongside the road is a collection of metal utility cabinets, of varying size and colour, and a tall telecommunications mast. On the opposite side of the road is another large metal utility building, surrounded by a tall palisade fence. This existing accumulation of utility cabinets, buildings and other structures does not contribute to the prevailing open and verdant character of the area and taken cumulatively are detracting features.
6. The proposed development would place a 200kW Energy Storage System (ESS) alongside the existing substation building, with a modest gap between the two. The 4 battery units would have a functional appearance. They would be laid out in a line between the substation and the footpath. The eastern side of the ESS would

be enclosed by a 2.4-metre-high wire mesh fence, further adding to the somewhat industrial character of the development.

7. Given the openness of the area, the siting of the substation itself is not particularly discrete, though it is set back from the road. The proposed ESS would sit further to the south than the substation, while its orientation would extend it even further toward the road and the footpath immediately adjacent. It would thus be more prominent in the street scene. The site is also currently occupied by a small tree, which would likely require removal to facilitate the development.
8. I recognise that the modest scale of the ESS system proposed is better suited to urban, suburban, and industrial areas than large scale ESS or renewable energy generation schemes. However, for the reasons set out in detail above, the size, siting, orientation and appearance of the development in this case would contribute to the creeping urbanisation of the public open space and would further erode the verdant appearance and spacious character of the area.
9. The appellant has suggested that the mesh panel fencing could be infilled with timber slats. However, this would do little to mitigate the obtrusive appearance of the development, and the battery units themselves would remain largely exposed. While this could lessen the industrial appearance of the development, it would still contribute to the urbanisation of the area and detract from its existing openness.
10. Soft landscaping could be used to provide a degree of screening of the development. However, no details of landscaping have been provided, and it has not been demonstrated that there is sufficient space between the development and the adjacent footpaths to accommodate adequate tree and shrub planting for this purpose. A planning condition to secure details of soft landscaping would therefore not be appropriate in this instance.
11. The proposed development would have a harmful effect on the character and appearance of the area. It would thus conflict with Policies DC1 and CS5 of the Middlesbrough Local Development Framework Core Strategy Adopted February 2008. These policies, among other provisions, seek to ensure that development proposals demonstrate a high quality of design in terms of layout, form and contribution to the character of the area, including by enhancing the best characteristics of Middlesbrough and the built and natural environment, and being well integrated with the immediate and wider context.

Other Matters

12. I recognise that finding suitable locations within the existing built environment, where this type of ESS is best suited, presents considerable challenges. The appellant advises that the site must be flat, of sufficient size and have a willing landlord. To enable a viable connection, it must also be within 50m of an existing substation or a large 3 phase low voltage cable.
13. The Framework and the PPG do not require the consideration of alternatives for renewable energy scheme site selection, but a lack of alternatives can be a material consideration in support. Nonetheless, while an alternative location to the east of the substation was originally proposed and then changed following concerns raised by the Council, a more detailed assessment of other alternatives is not before me, and the rarity of suitable sites in the vicinity is not clear from the evidence. As such, this only provides very limited weight in favour of the proposal.

14. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.

Planning Balance and Conclusion

15. The Planning Practice Guidance¹ highlights that electricity storage can enable more flexible energy use and de-carbonise the energy system cost-effectively. Paragraph 161 of the National Planning Policy Framework identifies that the planning system should support the transition to net zero by 2050, and support renewable and low carbon energy and associated infrastructure. An ESS would be such associated infrastructure. Likewise, paragraph 163 requires planning applications to consider the need to mitigate and adapt to climate change. This is reflective of the wider UK strategy and associated legislation to address climate change and achieve net zero emissions.
16. The ESS would allow renewable electricity to be stored and used later when low carbon sources are unable to generate enough electricity. The scheme could thus displace some demand for fossil fuels, though would import electricity from the local electricity network and not directly from existing renewable energy sources. Nevertheless, the appellant estimates that it could save 160 tonnes of carbon each year and approximately 5000 tonnes of carbon over the project lifespan.
17. The ESS would connect into the local Low Voltage network, and the stored electricity would be consumed locally. It has the potential to power 200 homes for 4 hours where there is disruption to local supply. The scheme may help reduce the need to upgrade and reinforce the local electricity network as demand grows, eliminating the associated disruption and increased costs involved in this. It may also reduce reliance on imported natural gas and provide better energy security.
18. The proposal's contribution to a net zero future attracts significant weight and I recognise that it would provide a valuable contribution to cutting greenhouse gas emissions. Nevertheless, based on the evidence before me, the cumulative benefits of the scheme remain relatively modest given its size and context and insufficient to outweigh the identified harm and development plan conflict.
19. The proposed development would conflict with the development plan, taken as a whole. As set out above, I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR

¹ Paragraph: 032 Reference ID: 5-032-20230814