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# Appeal Decision

Site visit made on 28 February 2022

**by Robin Buchanan BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 March 2022**

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**Appeal Ref: APP/N0410/W/21/3279143**

**BP Service Station, Oxford Road, Denham, Uxbridge UB9 4DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by BP Oil UK Limited against the decision of Buckinghamshire Council.
  - The application Ref PL/20/3268/FA, dated 30 September 2020, was refused by notice dated 11 June 2021.
  - The development proposed is an electric vehicle charging hub.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this case are:
  - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies; and
  - if inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

## Reasons

3. The proposal is to extend an established service station site on the A40 to provide an electric vehicle (EV) charging hub for 6 vehicles, enclosed by a 1.8m high fence (the hub). The service station and the appeal site, which lies to its rear, are in the Green Belt.
4. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Certain forms of development, set out in Framework paragraph 150, are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The most relevant to this case is c) 'local transport infrastructure which can demonstrate a requirement for a Green Belt location'.
5. Saved Policy GB1 of the South Bucks District Local Plan, consolidated 2011, predates publication of the Framework. Although it does not specifically refer to

local transport infrastructure, the list of acceptable development includes at (g) 'other uses of land and essential facilities for them which would not compromise the purposes of including land in the Green Belt and which would permanently retain its open and undeveloped character'. The development plan is therefore broadly consistent with the Framework.

*Whether inappropriate development*

6. The Framework does not define local transport infrastructure. However, provision of EV charging points is necessary to support the use of EVs in accordance with the government's aim of reducing carbon emissions. The hub would enable EVs to be recharged by drivers undertaking either local or longer journeys. The main parties agree that the proposal is promoted on this basis.
7. However, while the service station happens to be in the Green Belt, the hub is not itself a form of development that inherently requires a Green Belt location. Notwithstanding this, there is no evidence before me of any particular quantitative or qualitative deficiency in EV charging facilities in a relevant catchment area or network. There is also no apparent reason why any such existing facilities elsewhere within EV range of the appeal site are inadequate and would be remedied by the hub. It is also not clear whether there are any other places beyond the Green Belt where the same or similar EV facilities could be provided, or why (albeit still in the Green Belt) some provision could not be made within the confines of the service station site.
8. Even if a requirement for a Green Belt location had been demonstrated, it is also necessary to consider the effect of the proposal on openness, which has a spatial and visual aspect. The appeal site is a strip of rough grassland and part of a field which are presently undeveloped. Consequently, it is innately 'open'.
9. The proposal would increase the area of forecourt hardstanding by approximately 1,043m<sup>2</sup> (from 1,546m<sup>2</sup> to 2,607m<sup>2</sup>) or about 67%. It would also increase the depth of the forecourt behind the road, excluding the entry/exit access points, by approximately 18m (from 21m to 39m) or about 85%. The equipment cabinets, power cabinets and charge posts would stretch across a large part of the appeal site, some distance from the forecourt canopy and sales building and the hardstanding would be used for parking or manoeuvring vehicles. These parts of the hub would add appreciably to the spread, clutter and presence of development including by its purpose and use. The appeal site would not, therefore, be 'open' in any equivalent or comparative sense to its present condition.
10. The hub would be viewed mainly against commercial and transport related development and activity at the service station and nearby. It would not look out of place amongst such features and taken in that context the appeal site would be relatively small.
11. The proposal includes some individual engineering operations but these are part of a single composite development, including change of use of land and building operations. Accordingly, it must be assessed as a whole. On this basis, the hub is not an engineering operation within the provisions of Framework paragraph 150 b). Permitted development rights<sup>1</sup> to erect EV upstand charging points only apply within areas lawfully used for off-street parking.

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<sup>1</sup> Schedule 2, Part 2, Class E - The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

These provisions, in isolation, do not therefore provide a realistic fall-back position in this case.

12. The Council has previously permitted redevelopment of the service station site within its existing boundaries<sup>2</sup>. However, proposals to enlarge the site were dismissed at appeal<sup>3</sup> due to conflict with national and local Green Belt policies. EV charging facilities were permitted by the Council at the Beaconsfield motorway service station<sup>4</sup>. However, even though it is in the Green Belt the large scale of that existing facility and the effects of a small scale proposal are not directly comparable with the current appeal proposal. I have also been referred to 3 other decisions where roadside facilities including EV charging points have been allowed on appeal<sup>5</sup>. However, none were in the Green Belt so are not directly relevant to my assessment of the current appeal proposal, which I have considered on its individual planning merits.
13. The hub would result in an outward spread of built-form, jutting out behind the service station and into the field with a commensurate loss of openness. This would be at odds with the aim of the Green Belt to keep land permanently open and the purposes of including land within it, in particular, to restrict sprawl and safeguard the countryside from encroachment. I acknowledge the influence of the nearby development, particularly to the south, on how this part of the Green Belt (and the Green Belt overall) is experienced. Nonetheless, the proposal would fail to preserve the openness of the Green Belt. While the extent of permanent Green Belt loss would be moderate in this case, this does not diminish the intrinsic harm to the openness of the Green Belt that would be caused.
14. As no requirement to place the hub in the Green Belt has been demonstrated and openness would not be preserved, the proposal would not comply with LP Policy GB1 or Framework paragraph 150. Accordingly, it would be inappropriate development in the Green Belt and a matter which the Framework requires me to give substantial weight to.

#### *Other considerations*

15. The Government is promoting the use of EVs as part of a commitment to tackle climate change. Providing EV charging points as part of a service station is one means of delivering the Government's objectives. It is therefore a factor in the scheme's favour. However, the suitability of any particular site will depend on its location and the planning policies that pertain to it.
16. The service station has a small shop but no customer toilets or seating area. It is most suitable for motorists wishing to obtain fuel, purchase a snack and/or drink and continue with their journey. The additional car parking spaces might encourage some drivers to stay a little longer than they would do otherwise. Those seeking to charge EVs would have to wait for the requisite period necessary for this. However, the absence of other facilities on the site would not be very conducive to either and there would be few incentives to take a longer rest. Any benefits to the safety and wellbeing of motorists would be minimal and this matter therefore carries little weight in my assessment.

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<sup>2</sup> 97/00919/FUL and 12/02030/FUL

<sup>3</sup> APP/N0410/A/12/2171677 and APP/N0410/A/12/2172475

<sup>4</sup> 17/02370/FUL, PL/19/2341/FA and PL/20/00568/FA

<sup>5</sup> APP/W1525/W/14/3001905, APP/C3105/W/16/3151655 and APP/F1610/W/20/3248674

17. It is common ground that the hub would have no significant adverse effect on the character or appearance of the area. The absence of harm and compliance with the Council's development plan and relevant objectives of the Framework in this regard, is a neutral factor in my decision.

### **Green Belt Balance**

18. I have found that the proposal would be inappropriate development in the Green Belt because notwithstanding that a requirement for a Green Belt location has not been demonstrated, even if it had, it would fail to preserve openness and conflict with the purposes of including land in the Green Belt, contrary to local and national policy to protect the Green Belt.
19. The other considerations outlined above in support of the proposal would not individually or collectively clearly outweigh the significant harm that I have identified due to inappropriateness and loss of openness in the Green Belt. Consequently, the very special circumstances to justify the proposal do not exist.

### **Conclusion**

20. The proposed development would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
21. For the reasons given above, I therefore conclude that the appeal should not succeed.

*Robin Buchanan*

INSPECTOR