



Appeal Decision

Site visit made on 14 January 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/V1260/W/24/3343045

Chapel Gate Circuit, Chapel Gate, Christchurch BH23 6BL

- 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 Instavolt against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 8/24/0006/FUL.
 - The development proposed is change of use of land (from karting) and installation of eight rapid electric vehicle chargers with associated hardstanding and ancillary equipment housing.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land (from karting) and installation of eight rapid electric vehicle chargers with associated hardstanding and ancillary equipment housing at Chapel Gate Circuit, Chapel Gate, Christchurch, BH23 6BL in accordance with the terms of the application, Ref 8/24/0006/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). This included revisions to policies that are pertinent to the appeal, such as those relating to development in the Green Belt. During the appeal the parties were invited to comment on the relevance of the revised Framework to the appeal proposal. In my decision, I have had regard to the parties' written responses.
3. An appeal for a similar scheme on a site to the south of the appeal site was dismissed in November 2023 (reference APP/V1260/W/23/3318202). I have had regard to that decision where it is relevant to the appeal before me.

Main Issue

4. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, including any relevant effects on the openness of the Green Belt and the purposes of including land within it.

Reasons

5. The appeal site is within the South East Dorset Green Belt. The Framework attaches great importance to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and identifies the essential characteristics of Green Belts are their openness and their permanence.

6. Policy KS3 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (adopted April 2014) (CS) explains that the most important purposes of the Green Belt are to protect the separate physical identity of individual settlements in the area by maintaining wedges and corridors of open land between them and to maintain an area of open land around the conurbation. However, it does not otherwise address detailed Green Belt policy in the same way as the Framework.
7. More detailed guidance on development in the Green Belt is given in the Framework. In particular, Paragraph 154 of the Framework states that development in the Green Belt is inappropriate development. However, it lists certain forms of development that are not regarded to be inappropriate. This includes local transport infrastructure which can demonstrate a requirement for a Green Belt location, provided it preserves its openness and does not conflict with the purposes of including land within it (Paragraph 154(h)(iii)).
8. Paragraph 155 of the Framework identifies further circumstances where development is not inappropriate in the Green Belt. Paragraph 155 states that the development of homes, commercial and other development should not be regarded as inappropriate where (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 the Framework; and (d) where applicable the development proposed meets the 'Golden Rules' requirements set out in Framework Paragraphs 156 and 157.

Whether the proposal would comprise local transport infrastructure required in the Green Belt

9. The proposal is for the installation of eight rapid electric vehicle ('EV') charging stations with associated works comprising a feeder pillar, a substation, lamp posts, bollards, and fencing. The EV charging stations would constitute infrastructure and as they would be publicly accessible from the nearby public road for the charging of EVs, the proposed development is local transport infrastructure.
10. The appellant argues that there is an absence of rapid EV charging stations in the local area that are located in the Green Belt. However, the site is close to urban areas that are outside the Green Belt, such as the industrial estate adjacent to Bournemouth airport and the urban area of West Parley. I acknowledge that the existing rapid EV charging stations on the aforementioned industrial estate and in Bournemouth and Christchurch to the south east of the site have their issues with availability and quality. However, the apparent issues with those charging stations do not equate to a need to locate this proposal in the Green Belt. Furthermore, it is not clear whether there are any other places beyond the Green Belt where rapid EV charging facilities could be provided. It has therefore not been sufficiently demonstrated that a Green Belt location is required for the proposed development.
11. As it has not been demonstrated that the proposed local transport infrastructure is required in a Green Belt location, I find that the proposed development would not meet the exception set out in Paragraph 154(h)(iii) of the Framework.

Grey Belt

12. The Framework's glossary defines 'grey belt' 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.
13. The appeal site is within the red line area of the approved application for the kart circuit and the associated buildings, landscaping and parking¹. It occupies an area of grass adjacent to the access track to the kart circuit and is within the existing wider boundary of the facility. As such, I am satisfied that it meets the Framework's definition of previously developed land.
14. The site is near to Bournemouth airport and the adjoining industrial estate. However, there are other areas of Green Belt land that sit between the site and that urban area. Furthermore, whilst the appeal site itself is undeveloped it is part of the wider kart circuit site, which is predominantly developed. As such, the site makes a limited contribution towards the Green Belt purpose of preserving the setting and special character of Bournemouth and it also plays a limited part in checking the unrestricted sprawl of large built-up areas. Its position within the Green Belt is not in an area between two towns and it therefore also does not make a meaningful contribution towards preventing neighbouring towns merging into one another. The appeal site does not strongly contribute to purposes (a), (b), or (d) in Paragraph 143 of the Framework.
15. There is also a requirement in the Framework to consider whether policies relating to areas or assets in footnote 7 of the Framework (other than Green Belt) would provide a strong reason for refusal. The areas and assets identified in footnote 7 do not form part of the Council's reason for refusal and I do not have any basis to come to a different conclusion.
16. Given my findings above, the development would make use of grey belt land, in relation to which the exception set out within Paragraph 155 of the Framework is potentially applicable. Whether this is the case requires the proposal to be assessed against and to comply with four further criteria.

Paragraph 155

17. I have already found that the appeal site does not strongly contribute to purposes (a), (b), or (d) in Paragraph 143 of the Framework. Given that the site is part of the kart circuit facility and is therefore part of a developed site in the countryside, it makes a limited contribution towards Green Belt purpose (c), which is to assist in safeguarding the countryside from encroachment. As the appeal site is not urban land, Green Belt purpose (e), which seeks to assist in urban regeneration by encouraging the recycling of derelict and other urban land, is not a determinative matter in the appeal. The proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Criterion (a) of Paragraph 155 of the Framework is therefore met.

¹ Planning application reference 8/15/0508

18. I turn now to the matter of whether there is an unmet need for charging stations. The national background is that the Government has a strategy to expand EV charging infrastructure nationwide in order to lessen the reliance on fossil fuel powered vehicles, reduce greenhouse gas emissions and improve air quality. The Framework supports development that enables charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Whilst I have previously found that the proposed development does not require a Green Belt location, the evidence before me does indicate that there is a lack of easily accessible charging stations in strategically well-located sites in the local area. This site would be located close to a well-used part of the local road network, and it would help to meet the need for charging stations in the local area that is currently unmet by the existing infrastructure. There is therefore a demonstrable unmet need and criterion (b) of Paragraph 155 of the Framework is met.
19. The demand for the proposed development would be from people driving EVs and the site is easily accessible from the B3073, which seems to be a key arterial route through the local area and one of the main access roads to Bournemouth airport. Additionally, there is a bus stop on the road, opposite to the access that the proposed development would be constructed next to and there appears to be a cycle path linking the site with the urban area of West Parley. As such, the proposal would support the use of more environmentally friendly vehicles by siting the charging stations in a sustainable location that is well linked to the local highway network. The proposal would be in a sustainable location, with particular reference to Paragraphs 110 and 115 of the Framework. As such, criterion (c) of Paragraph 155 of the Framework is met.
20. In terms of whether the proposal would meet the 'Golden Rules' requirements set out in Paragraphs 156 – 157 of the Framework, the proposal is not major development involving the provision of housing. Paragraph 155(d) is therefore not relevant to my consideration of the appeal.
21. The proposed development would utilise grey belt land and would satisfy all criteria of Paragraph 155 of the Framework. For this reason, the proposed development would not be inappropriate development. Consequently, it is not necessary for me to go on to consider openness or whether very special circumstances exist.

Conclusion on inappropriateness

22. For these reasons, the site is determined as grey belt land, and the proposal is not inappropriate development in the Green Belt. Consequently, the proposal would comply with the Green Belt objectives of the Framework, and it would not conflict with the aims of Policy KS3 of the CS.

Other Matters

23. Hurn Parish Council raised that the proposed development is similar to the previously dismissed appeal scheme, with the only difference being that the siting has been changed. I have determined the appeal before me on its own individual merits.
24. The appeal site is not located in an existing urban area, but I have nothing before me to suggest that the location of the proposal would render it redundant from the outset or that it would result in safety concerns for users of the charging stations.

25. The Parish Council has also suggested that signage may be required to direct drivers from the road into the site. However, road signage does not form part of the proposal, and it is therefore not part of my consideration of the appeal.

Conditions

26. I have considered the Council's proposed conditions against the six tests set out in the Framework and Planning Practice Guidance and made changes to the wording to improve precision and enforceability as appropriate.
27. The standard time limit condition and a condition listing the approved plans are necessary for the purposes of clarity. A condition requiring the approval of the materials of the development and the carrying out of the development in accordance with the approved details is reasonable and necessary to protect the character and appearance of the area.
28. A landscaping condition is also reasonable and necessary to compensate for the loss of the kart circuit's existing boundary hedgerows and the provision of the visibility splays shown on the plans should be conditioned to protect the safety of the users of the development and people driving past the site. The lamp posts should be positioned, angled and shielded to protect drivers from dazzle and distraction, and these details can be secured through an appropriately worded condition.
29. The Council has suggested a condition that would require the developer to construct the parking and access to the parking prior to first use, and that the parking should not be occupied unless an EV is being charged. The access and parking spaces would be necessary to deliver the proposal in accordance with the approved plans and would be covered by the plans condition. Vehicles parking in a space but not charging is a management issue. As such, the condition would not be reasonable or necessary.

Conclusion

30. For the reasons given above, I conclude that the appeal should be allowed.

K Reeves

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 10488 - 0001_01-PL Rev F; 10488 - 0001_02 Rev D; 10488 - 0001_03 Rev D; 10488 - 0001_08 Rev B; 001_10 Rev A; 001_21 Rev C; 001_29 Rev A; and 001_43 Rev A.
- 3) Prior to their installation, details of the external finish of the charging stations, substation, feeder pillar, lamp posts and bollards shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include colours and, where appropriate, materials. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 4) Prior to installation of the charging stations hereby permitted, a scheme of landscaping shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the location, species and density of the hedgerows. The hedgerow planting shall be carried out in accordance with the approved details in the first planting season following the first use of the charging stations. Any plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced.
- 5) The visibility splays shown from 4 metres back from the highway's edge on plan no. 10488 - 0001_08 Rev B shall be implemented prior to first use of the development hereby permitted and maintained free of any obstruction exceeding 0.6 metres in height for as long as the development exists.
- 6) Prior to first use of the development hereby permitted, details of the lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the positions of the lamp posts, the angle of the lamps and any lamp shielding measures. The development shall be carried out in accordance with the approved details and retained as such thereafter.

End of Schedule