



Appeal Decision

Site visit made on 10 July 2025

by **P Burley BA(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th July 2025

Appeal Ref: APP/G5180/W/25/3362466

Scout Hut, Court Farm Road, Mottingham, London SE9 4JW

- 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 Mr Halil Ersunger against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/25/00081/FULL1.
 - The development proposed is the part demolition of assembly hall and renovation to create 1 dwelling and formation of vehicle access and car parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether it has been adequately demonstrated that there is no longer a need for the existing community facility;
 - the effect on biodiversity, protected species and the adjacent site of importance for nature conservation (SINC);
 - the effect on trees adjacent to the site; and
 - the effect on the character and appearance of the site and its surroundings.

Reasons

Community Facility

3. A number of parties have objected to the appeal scheme on the basis of the loss of a community facility which, as well as being a base for a local group of Scouts, has been used for activities such as charity events, weddings and meetings. Objectors have said that other facilities are too far away for many residents, particularly for those without cars.
4. Furthermore, a letter from local residents living on Court Farm Road states that there is a “*community-level undertaking*” in relation to the scout hut which it says is an essential material consideration in assessing whether a shift to permanent residential use and changes to the built form breach trust, visual integration and land use legacy. However, I have not been provided with any evidence to demonstrate the existence of any such agreement that could be a material consideration in my decision.

5. Policy S1 (G) of the London Plan (2021) (LP) states that redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless the loss is part of a wider public service transformation plan.
6. Policy 20 of the Bromley Local Plan (2019) (BLP) states that planning permission will not be granted for proposals that would lead to the loss of community facilities, unless alternative enhanced provision is to be made in an equally-accessible location for the community it serves, or it can be demonstrated that there is no longer a need for the facilities or other forms of social infrastructure. Where it is being argued that there is no longer a need, the supporting text to the policy explains that evidence of a six-month marketing period should be provided. It also says that Council departments and third-party providers should be consulted to establish whether any community groups or service providers have a need for the site and are interested in buying or leasing it.
7. Whilst, as explained by the appellant, the Scouts have found an alternative venue for their activities and there are other community facilities in the wider area, no evidence has been provided to demonstrate that there is still not a need for the community facility on the appeal site or that the discontinuation of the community use is part of a wider public service transformation plan. Similarly, no evidence has been provided to support the appellant's arguments that community use is no longer viable because the building is not suitable for occupation without significant upgrading, or that the lack of parking severely limits the range of potential users.
8. Therefore, I consider that the appeal scheme does not comply with LP Policy S1 (G) and BLP Policy 20.

Effect on Biodiversity, Protected Species and on the Adjacent SINC

9. Whilst there are no priority habitats on the site, Bromley Biodiversity Partnership (BBP) raised two issues in relation to the SINC which is adjacent to the site.
10. First, it noted that the trees which overhang the appeal site and which would be pruned are located in the SINC. However, it did not suggest that the pruning would have an adverse effect on the SINC.
11. Second, it said that given the very close proximity of the appeal scheme to the SINC it is essential that no invasive species are planted on the appeal site and it recommended that a detailed landscaping plan should be the subject of a planning condition.
12. The Council has stated that trees within the SINC provide bird nesting sites and habitats for mammals and invertebrates, and that residential occupation of the appeal site, accompanied by noise and disturbance from movements of residents and visitors and artificial light spillage, could impact the surrounding woodland species. However, it has not sought to quantify the extent of any such effects, even though BLP Policy 69 – which relates to SINC – is only engaged where there would be significant effects.
13. Therefore, I do not consider there to be any evidence to demonstrate that the appeal scheme conflicts with BLP Policy 69 which relates to proposals that will significantly affect the nature conservation interest or value of SINC, or with LP Policy G6 which says that SINC should be protected.

14. However, BPP also noted the potential for protected species on the appeal site and recommended that a Preliminary Environmental Assessment (PEA) be undertaken with specific regard to bats, birds, mammals and invertebrates.
15. The appellant has argued that “*no existing habitat has a value greater than zero*” and has not provided a PEA. Based on the justification set out by BBP I consider that a PEA is necessary to ensure compliance with BLP Policy 72 which states that planning permission will not be granted for development or the change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.

Trees

16. Vehicular access to the site would be via a dropped kerb which would be adjacent to a street tree. With reference to comments made in relation to a previous planning application, the Council’s highways officer has noted that the presence of the tree and its root protection area would prevent the construction of a crossover at any point on the property frontage. However, I consider this position to be at odds with the Council’s tree officer’s comments in relation to the appeal application which do not rule out a crossover but note that there is a risk to the longevity of trees from the creation of a dropped kerb as well as from soil compaction by machinery / materials and the spillage of toxic materials.
17. The appellant has stated that no excavations would be required that might damage tree roots. Therefore, risks associated with these matters could be reasonably minimised by the use of a planning condition relating to construction methodology.
18. The Council’s tree officer also suggested that there is a risk of deterioration of soil conditions in the long term if the ground is covered, even by materials with some degree of permeability, because this could impede the gaseous exchange between soil and the atmosphere and reduce rainwater infiltration. However, they have not explained whether or not they believe that the small changes to surfacing materials that are proposed in this application would, in fact, pose a risk to the wellbeing of trees.
19. In addition, the tree officer has said that the positioning of permanent “*targets*” under the canopy of trees increases the likelihood of the homeowners seeking to cut branches back to the boundary line and requesting permission from the tree owner to cut back branches and even to remove trees altogether. However, they have not explained why such requests would be any more likely than they would be from a community use occupier seeking to protect the integrity of the existing building.
20. Furthermore, they have argued that pruning works to 6 trees to facilitate the development are not necessary and would have an impact on tree health and appearance but they have not explained how the trees would be impacted or whether pruning would prejudice the wellbeing of the trees.
21. However, the appellant has not submitted any arboricultural evidence with its appeal to address these comments or to demonstrate that there would not be a harmful effect on trees.

22. Therefore, I consider that I have not been provided with sufficient evidence to enable me to conclude whether the appeal scheme complies with BLP Policy 73 and LP Policy G7, both of which seek to protect trees. Whilst the decision notice also cites BLP Policy 74, this relates to the improvement of the amenity and conservation value of trees and woodlands and I do not consider this policy to be directly relevant in this case.

Character and Appearance

23. The Council considers the immediate vicinity of the site to be essentially rural in character and that the design of the existing building is commensurate with a rural style or simple building form which is redolent of barns and rurally-related forms. It has said that the re-use of the existing building, albeit reduced in size, re-clad and re-roofed, would introduce an urban design form in terms of its residential use which would appear out of character with the surrounding informal leafy environment, and that the introduction of windows and doors, including at first floor level, would emphasise the scale and proportions of the building in the streetscene.
24. When I visited the site I saw a single-storey brick building with a large pitched roof which is covered with a corrugated sheet material. Overall, it is functional in appearance. The visibility of the building is limited by its set-back position on the site and the surrounding trees such that it is only readily apparent in relatively close-range views. I did not perceive the surrounding area to be a rural location. Rather, I saw a building that is surrounded by an area of woodland, close to which are some large areas of open space which are bordered by suburban housing.
25. The appeal scheme does not involve the removal of any trees and the proposed dwelling would be smaller than and located within the footprint of the existing building. Whilst the appeal scheme involves a different use of the site, the change of use and associated physical changes such as the introduction of windows and doors, a driveway, refuse bins and fences, would not be at odds with or materially affect the existing character of the locality, its identity, or its sense of place, not least given the proximity of other residential uses. I also do not consider that a single dwellinghouse would undermine how the area functions in terms of the movement of people and vehicles.
26. Furthermore, although the Council describes the design of the appeal scheme as 'utilitarian', I consider it to be an improvement when compared with the plain and functional appearance of the existing building.
27. An objector suggested that a Landscape Visual Impact Assessment is necessary for the consideration of the appeal scheme. However, I consider that such a requirement would be unnecessary and disproportionate given the size, nature and context of the proposed development, including the very limited visibility of the site from the surrounding area.
28. Taking account of all of these considerations, I do not consider that the appeal scheme conflicts with BLP Policies 4 and 37 and LP Policies D3, D4 and H2 which relate to design and the delivery of homes on small sites.

Planning Balance

29. The Council has stated, with regard to footnote 8 of the National Planning Policy Framework (the Framework), that the development plan policies which are most important for determining this application are out-of-date and consequently the presumption in favour of sustainable development as set out in Paragraph 11(d) of the Framework is engaged. It has also noted that the appeal proposal would provide one new dwelling, representing a minor contribution to the supply of housing.
30. Given that paragraph 11d (ii) of the Framework is engaged, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
31. The appeal scheme proposes the delivery of a single dwellinghouse and this is a benefit to which I attach significant weight.
32. I have concluded that the appeal scheme would not have an adverse impact on the character of the area. This is a neutral matter in the overall balance.
33. However, the appeal scheme would result in the loss of a community facility and the loss has not been justified within the clear terms set out in the development plan. Given that the Framework advises that decisions should guard against the unnecessary loss of valued facilities and services, this is a consideration to which I attach substantial weight.
34. Furthermore, sufficient information has not been provided to enable me to reach a conclusion that the appeal scheme would not have a harmful effect on trees and protected species. Given the importance that is accorded to such natural assets in the Framework, I attach significant weight to these issues.
35. Accordingly, I consider that the adverse impacts of the appeal scheme significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework and in the development plan when taken as a whole, and that there are no other material considerations which suggest that the appeal should be allowed.

Conclusion

36. For the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR