



Appeal Decision

No Site Visit Made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/G5180/C/25/3361255

Crystal Palace Football Club Academy, Copers Cope Road, Beckenham BR3 1NZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Crystal Palace Football Club against an enforcement notice ("EN") issued by the Council of the London Borough of Bromley.
 - The EN was issued on 23 January 2025.
 - The breach of planning control as alleged in the EN is: Without the required planning permission, the installation of an external fuel tank.
 - The requirement of the EN is to: Remove the external fuel tank from the land.
 - The period for compliance with the requirements is: Within 3 months after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the 1990 Act.
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Decision

1. It is directed that the EN is varied by:

- *the deletion of three months and its substitution with five months as the period for compliance.*

Subject to the variation, the EN is upheld.

Preliminary Matters

2. The appellant originally appealed under grounds (a), (f) and (g). However, ground (a) is barred because the EN was issued during the time allowed for determining a related planning application. The appeal is therefore proceeding under grounds (f) and (g) only.
3. Interested parties have raised concern regarding the planning merits of the external fuel tank. However, these matters can only be considered under a ground (a) appeal. Therefore, the objections to the development from interested parties have not had an influence upon my decision.
4. The planning merits of the development are not relevant to an appeal under grounds (f) and (g). My decision therefore rests on the facts of the case. A site visit was not necessary as it would not help me reach a decision. Therefore, both parties were advised of my intention to determine the appeal without a site visit.
5. The postcode of the appeal site contained within the EN and the appellant's appeal form differ. The postcode within the EN encompasses the appeal site. I have therefore included the postcode from the EN in the banner heading above.

Appeal on Ground (f)

6. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy any breach of planning control, or remedy any injury to amenity which has been caused by any such breach.
7. The breach of planning control is the installation of an external fuel tank and the EN seeks its removal. Therefore, the purpose of the EN is to remedy the breach of planning control.
8. The appellant asserts that the requirements are excessive and suggests that a trellis could be added to the top of the existing fence to screen the fuel tank; or the tank could be relocated within the yard to reduce its prominence. Drawings of both options have been submitted. A further suggestion to relocate the fuel tank to inside an existing building was subsequently withdrawn by the appellant.
9. There is no ground (a) appeal before me as it is barred. Therefore, I am unable to determine whether planning permission could be granted for an alternative scheme. Furthermore, the purpose of the EN is to remedy the breach of planning control. Therefore, any step lesser than the removal of the fuel tank would not remedy the breach.
10. Consequently, the step required by the EN is not excessive to remedy the breach of planning control. The appeal on ground (f) therefore fails.

Appeal on Ground (g)

11. An appeal under ground (g) is that the period specified for compliance within the EN falls short of what should reasonably be allowed. The period for compliance specified in the EN is three months.
12. The appellant asserts that the fuel tank is used in connection with the heating of pitches at the Crystal Palace Football Club Academy's training facility. It enables the pitches to operate throughout the year. Without the heating, the football club would not be able to utilise the outdoor pitches during the colder months due to a risk of injury to players and staff from hard/frozen surfaces. Consequently, the appellant states that the removal of the fuel tank could put the football club at risk of losing its Category 1 Academy status.
13. The appellant considers that five months (to a period where the weather is warmer and heating is not essential to the operation of the training facility) would provide the necessary time to consider and implement an alternative means of power and remove the fuel tank.
14. The Council state that the fuel tank has been an on-going issue dating back to September 2022 when planning permission¹ was refused for its retention. Given the importance the appellant places on the fuel tank for the operation of the football club, the Council believe that sufficient time has been available since 2022 for options to be considered and for a solution to be found. Furthermore, the Council assert that three months is sufficient time to execute an alternative solution and therefore, five months is unnecessary and excessive.

¹ Planning Ref 21/03379/FULL1

15. The evidence suggests that the appellant has submitted two planning applications to the Council since the 2022 planning application was refused that included the fuel tank: one in 2023² that was refused, and another in 2024³ which, the evidence before me suggests, is awaiting a decision. As such, it is my opinion, that the appellant has been seeking to secure an acceptable solution for the fuel tank since 2022. Furthermore, a compliance period of three months from the date of this decision would fall within the middle of winter when the fuel tank would be required to heat the outdoor pitches.
16. I consider that extending the time for compliance to five calendar months would strike a more appropriate balance between remedying the planning harm identified in the EN as soon as practicable and allowing the appellant a more appropriate timeframe in which to arrange for and have the fuel tank removed.
17. It would also provide adequate time for the appellant to appeal the 2024 planning application if it is subsequently refused by the Council, and/or explore with the Council whether an alternative scheme would overcome their objections and, if relevant, secure any necessary permissions. Furthermore, five months would fall at the beginning of spring when reliance on the heating system would be less likely.
18. The appeal on ground (g) therefore succeeds.

Conclusion

19. For the reasons given above, I conclude that the period for compliance with the EN falls short of what is reasonable. I shall vary the EN prior to upholding it. The appeal on ground (g) succeeds to that extent.

A Berry

INSPECTOR

² Planning Ref 23/01759/FULL1

³ Planning Ref 24/04744/FULL1