



Appeal Decision

Site visit made on 10 June 2025

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Appeal Ref: APP/G5180/C/24/3337202

Flamingo Park Club, Sidcup By Pass, Chislehurst BR7 6HL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Flamingo Park Developments Ltd against an enforcement notice issued by the Council of the London Borough of Bromley.
- The notice was issued on 18 December 2023.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of part of the land to a commercial car washing facility and associated paraphernalia in connection to the commercial car washing facility which includes storage of two containers at the above land.
- The requirements of the notice are to:
 - (a) Cease the use of the commercial car washing facility at the above Land and,
 - (b) Remove from the above Land all fixtures, fittings, any machinery, and the two containers appertaining to facilitate the use of the above Land as a commercial car washing facility and,
 - (c) Remove from the Land any resulting debris and,
 - (d) Restore the Land to its condition before the breach of planning control took place.
- The period for compliance with the requirements is: 1 month.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. Since the appeal was submitted, the Government has set out proposed reforms and other changes to the planning system, including a draft revised National Planning Policy Framework for consultation. While the revised draft is capable of being a material consideration, it is subject to change. I therefore afford it very limited weight.

Ground (a)

Main Issues

3. The main issues of the ground (a) appeal are:
 - Whether the appeal scheme is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (December 2024)(the Framework) and relevant development plan policies; and
 - The effect of the appeal scheme on highway and pedestrian safety.

Reasons

Whether inappropriate development in the Green Belt

4. The appeal site is located within an area washed over by the Metropolitan Green Belt (the Green Belt). During my visit, I saw that various paraphernalia has been located within the site, such as bins, cleaning products, tables, herras fencing, cones, cleaning equipment, chairs, buckets, a storage container and portakabins.
5. The Council raises concern regarding a structure made out of scaffolding and wooden 'housing', however, that structure had been removed by the time of my visit. There is no suggestion that the wooden hoarding has been erected to facilitate the car wash and, given the redevelopment of the wider site, it seems more likely it has been erected in conjunction with that development.
6. Policy G2 of the London Plan (2021)(the LP) seeks to protect the Green Belt from inappropriate development and policy 49 of the Bromley Local Plan 2019 (the BLP) sets out that within the Green Belt, permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. Policy 49 goes on to advise that the construction of new buildings on land falling within the Green Belt will be inappropriate, unless it is for certain purposes.
7. Paragraph 153 of the Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 sets out that development in the Green Belt is inappropriate unless certain exceptions apply, including g) the limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
8. Previously developed land is defined as land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.
9. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
10. Since the enforcement notice was issued, the revised National Planning Policy Framework has been published, which differs in terms of its definition of inappropriate development. The wording used in policy 49 of the BLP is consistent with the previous Framework but is not consistent with the current Framework, in particular in relation to the redevelopment of previously developed land. For the

avoidance of doubt, this limits the weight I afford any conflict with this part of the policy.

11. Planning permission has previously been granted at the site, reference 17/04478/FULL1, for the construction of new football ground comprising clubhouse and stands (max height approx. 8.4m) with floodlit artificial playing pitch, external grass sports pitches and 42 no dwellings (26x3 bed two storey terraced dwellings, 12x2 bed flats and 4x1 bed flats set within 4 two storey blocks) with associated access, parking and landscaping.
12. Although I do not have full details of the planning permission before me, from the evidence provided, it seems that the scheme includes the appeal site and comprises land which would be used for coach parking and landscaping and comprises a large area of hardstanding which is likely to have been lawfully developed. In my view, therefore, the appeal site meets the definition of previously developed land.
13. Notwithstanding the appellant's suggestion that they are seeking a temporary permission, an appeal under ground (a) is made on the basis that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharge. The starting point is therefore whether planning permission ought to be granted for the material change of use of part of the land to a commercial car washing facility.
14. Although planning permission has been granted for the redevelopment of the site, rights can be lost, for example, where there are mutually inconsistent permissions and the implementation of one renders the other impossible to implement. Were I to grant planning permission for the use of the land for a commercial car washing facility, this would be inconsistent with the planning permission granted for the redevelopment of the site. This is clearly not the appellant's intention. Given the provisions of section 57(2) of the Act¹, since it would be possible to limit the duration of the permission by condition to 18 months, I shall consider the appeal on this basis.
15. Since I have found that the appeal site comprises previously developed land, the question, therefore, is whether the development would cause substantial harm to the openness of the Green Belt.
16. The enforcement notice alleges the material change of use of part of the land to a commercial car washing facility and associated paraphernalia in connection to the commercial car washing facility which includes storage of two containers at the above land. The notice does not allege separate operational development and the requirements require the removal of fixtures, fittings, any machinery, and the two containers appertaining to facilitate the use of the land.
17. Although the appeal site has contained a 'scaffolding like canopy', as set out above, this structure had been removed by the time of my site visit. The appellant points out that the structures which have been located within the site are removeable and the land can be reinstated to its previous condition as an area of hardstanding.

¹ Section 57 provides that where planning permission to develop land has been granted for a limited period, planning permission is not required for the resumption, at the end of that period, of its use for the purpose for which it was normally used before the permission was granted.

18. The appellant has submitted a revised layout, which would move structures further to the south, resulting in less visual impact when viewed from the A20 to the north. While structures, paraphernalia, and vehicles using the site will have a spatial and visual effect on the openness of the Green Belt, their effect on the openness of the Green Belt is, in my view, moderate. Furthermore, it would be possible to limit the duration of the permission by condition.
19. In my judgement, the redevelopment of the site as a car wash does not cause substantial harm to the openness of the Green Belt and is not inappropriate development in the Green Belt. There is therefore no conflict with policy G2 of the LP and, whilst there is conflict with policy 49 of the BLP, I afford such conflict very limited weight.
20. While the Council disputes that the land comprises Grey Belt, given my finding that the development is not inappropriate, it is not necessary for me to consider whether it comprises Grey Belt in this instance.

Highway / pedestrian safety

21. The appeal site is accessed from the west bound carriageway of the A20, Sidcup Bypass, which forms part of the Transport for London Road Network. There is a slip road leading into the site and a footpath, which provides pedestrian access to the appeal site and the wider site, including football pitches. Concern has been raised by interested parties regarding the effect of the use of the site on the safety of pedestrians using the wider site. The absence of proper signage or health and safety measures has also been raised, as has queuing on the A20.
22. Policy 32 of the BLP seeks to ensure that road safety is not significantly adversely affected. The Framework advises that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. It goes on to advise that applications for development should create places that are safe and which minimise the scope for conflicts between pedestrians, cyclists and vehicles. The Council has referred to Policy 30 of the BLP, however, this appears to relate to residential development and is therefore not determinative in the appeal before me.
23. The appellant has drawn my attention to consultation responses from both TfL and the Highways Authority. To address points made by TfL, the appellant has provided a plan, which shows construction site access arrangements. However, this covers an area wider than the land covered by the enforcement notice. Furthermore, it is not clear from the plan, or from other documentation provided, how traffic and pedestrians will be managed. Pedestrians need to cross the car wash to access the football pitches and so the potential for conflict is significant.
24. The appellant suggests that overflow parking and reduced waiting spaces within the site itself will mitigate against any effect on the A20. However, as set out above, the proposed parking and circulation space is located outside the appeal site. I can only grant planning permission for the matters alleged, or part of the matters. I cannot grant planning permission for land outside the appeal site, even if it is within the appellant's control.
25. Given the potential for conflict between users of the car wash and users of the football pitches, I consider there is a real risk of harm arising from the use of the car wash. Furthermore, it has not been demonstrated that safe access to the site

can be achieved. I therefore find that the appeal scheme harms highway and pedestrian safety and is contrary to policy 32 of the BLP and the relevant expectations of the Framework.

Ground (a) planning balance and conclusion

26. While I have found the appeal scheme is not inappropriate in the Green Belt, I have found that it harms highway and pedestrian safety. Although the wider site is undergoing redevelopment, the appellant advises that there is a need to make effective use of the site to help cover holding costs and to provide an active use to aid security. However, I have no substantive evidence to show that the redevelopment of the wider site would be rendered unviable in the event the enforcement notice is upheld.
27. Furthermore, the car wash is unlikely to be the only means of providing security at the site. While the car wash provides a service to the local area and provides employment, in my view, the benefits are outweighed by the harm arising to pedestrian and highway safety. Thus, the appeal scheme conflicts with the development plan as a whole and there are no material considerations of sufficient weight to indicate the decision should be made otherwise.

Ground (g)

28. An appeal under ground (g) is made on the basis that any period specified in the notice falls short of what should reasonably be allowed. The appellant states that the time to comply is too short, and that 1 month is not sufficient to allow associated structures to be dismantled and removed and for the operations to seek alternative premises and/or lay off staff. However, the appellant has not provided details of employment contracts demonstrating a minimum notice period that would need to be given. One month, in my view, is likely to be sufficient time for the appellant to remove the various items and paraphernalia in the site.
29. I consider the potential conflict between pedestrians and users of the car wash and the loss of highway safety, is a compelling reason to not allow the appeal on ground (g). The appeal under ground (g) therefore fails.

Conclusion

30. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

M.Savage

INSPECTOR