



Appeal Decisions

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 A Ref: APP/G5180/W/24/3341221

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

- 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 Fastned UK Ltd against the decision of the Council of the London Borough of Bromley.
- The application Ref is 22/02064/FULL1.
- The development proposed is Formation of 16x electric vehicle charging spaces, with associated 8x chargers, substation and switchboard, and canopies.

Appeal B Ref: APP/G5180/W/24/3346608

Flamingo Park Club, Sidcup-by-pass Road, Chislehurst BR7 6HL

- 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 Fastned UK Ltd against the decision of the Council of the London Borough of Bromley.
- The application Ref is 24/00134/FULL1.
- The development proposed is Formation of 16x electric vehicle charging spaces, with associated 8x chargers, substation and switchboard, and post mounted wing structures.

Decision: Appeal A

1. The appeal is allowed and planning permission is granted for Formation of 16x electric vehicle charging spaces, with associated 8x chargers, substation and switchboard, and canopies at Flamingo Park Club, Chislehurst, BR7 6HL in accordance with the terms of the application, Ref 22/02064/FULL1, and the plans submitted with it, subject to the conditions attached in Schedule 1.

Decision: Appeal B

2. The appeal is allowed and planning permission is granted for Formation of 16x electric vehicle charging spaces, with associated 8x chargers, substation and switchboard, and post mounted wing structures at Flamingo Park Club, Chislehurst, BR7 6HL in accordance with the terms of the application, Ref 24/00134/FULL1, and the plans submitted with it, subject to the conditions attached in Schedule 2.

Preliminary Matters

3. 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.

Appeal A:

Main Issues

4. The main issues of the 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 trees and the consequential effect on the character and appearance of the area.

Reasons

Whether inappropriate development in the Green Belt

5. The appeal site is located within an area washed over by the Metropolitan Green Belt (the Green Belt). The proposal is for the formation of 16 electric vehicle charging spaces, with associated 8 x chargers, substation and switchboard, and canopies.
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 decision 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 was granted, 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. Although I do not have full details of the planning permission before me, from the evidence provided, forms part of a wider site which is lawfully being developed. Moreover, the appeal site comprises hardstanding. In my view, therefore, 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.
12. The charging units would measure around 2.2m in height and would be adjacent to a canopy, which would measure up to around 5.9m in height. The canopies would be located next to each other, with limited to very limited space between, resulting in a length of up to almost 40m adjacent to the highway. Due to their proximity to each other and the limited space between them, they are likely to be perceived as a substantial structure, which is highly visible from outside the site, and which substantially harms the openness of the Green Belt.
13. The Framework advises that the development of homes, commercial and other developments in the Green Belt should also not be regarded as inappropriate where certain criteria, including 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.
14. The Framework 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.
15. The Council's position is that the appeal site does not comprise Grey Belt because the Green Belt in this area checks the unrestricted sprawl of the large built-up areas of Chislehurst, Mottingham, New Eltham and Sidcup and prevents Chislehurst and Sidcup from merging into one another. However, the site comprises a substantial area of hardstanding and, once its redevelopment is completed, will comprise a car park. This, in my view, significantly limits its contribution to purposes (a) and (b). I therefore consider that the appeal site comprises Grey Belt land.
16. The Framework requires a consideration of the five purposes set out in paragraph 143 taken together, which, in addition to a) and b) set out above are c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The appeal site is bound

by the A20, beyond which is residential development and does not contribute towards the setting and special character of a historic town, nor does it safeguard the countryside from encroachment.

17. The site itself is undergoing redevelopment and the appeal scheme would ultimately form part of that, enabling visitors to the site to charge their electric vehicles. The development would utilise Grey Belt land and, in my judgement, would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
18. The Framework also requires there to be a demonstrable unmet need for the type of development proposed. The Framework advises that, when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future. The Council suggests that the proposed canopies are unnecessary and excessive, however, they would comprise solar panels which would generate renewable energy. While it is possible to design a charging station which does not have associated canopies, the need for renewable energy is evident from the wording of the Framework.
19. The appellant suggests that there is an acute need in this area for EV charging facilities. I note the comments made by Transport for London's Transport Strategy and Policy section who are responsible for ensuring that London's electric vehicle infrastructure network is rolled out in a coordinated manner consistent with strategic policy objectives set by the Mayor of London, who advise the border of the London boroughs of Bromley and Bexley have little rapid charging provision. It seems there is a demonstrable need for the type of development proposed and so the requirements of paragraph 155b. are met.
20. Paragraph 155c. requires that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. Paragraph 110 seeks opportunities to maximise sustainable transport solutions. The proposed development would enable users to charge their electric vehicles, thereby helping to reduce congestion and emissions. Paragraph 115 seeks to prioritise sustainable transport modes, safe and suitable access and development which meets certain standards.
21. The Council advises that the appeal site is within an area with a PTAL rating of 0, where 0 has the poorest access and 6b has the best access to public transport services, and is not in a sustainable location. However, the purpose of the proposal is to provide a charging facility for users of electric cars. Taking account of the development type, its poor PTAL rating is not a reason to withhold planning permission, in my view. Although the appeal site can only be accessed from the west bound carriageway, the charging stations are likely to be used by individuals visiting the wider site, as well as individuals who simply require charging. On balance, I consider the proposed development would be in a sustainable location.
22. The Council has confirmed that, since the proposal would comprise non-major "commercial and/or other development" the provisions relating to major development and/or housing would not apply. I see no reason to take a different view in this case.

23. Thus, for the reasons set out above, I find that the proposed development should not be regarded as inappropriate. 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.

Trees

24. The appeal site comprises part of a wider site, which is bound by mature trees along its western edge. The trees provide a verdant character and make a positive contribution towards the character and appearance of the area. The appellant asserts that the proposed development could be constructed and operated without any works to the boundary trees. The appellant has provided a tree protection plan, which sets out measures to safeguard the trees. The Council has confirmed that its concerns relate to the likelihood that tree branches will naturally grow outwards to form full canopies and will create shade.
25. Policy D4 of the LP seeks good design and policy G7 of the LP states that development proposals should ensure that, wherever possible, existing trees of value are retained. Policy 37 of the BLP seeks to ensure that development respects landscape features and policy 73 of the BLP seeks to ensure that proposals take account of existing trees on the site and on adjoining land. The trees are located outside the appeal site, though the roots are likely to extend beneath the appeal site, as is the canopy. The proposal includes canopies with solar panels and, given their position relative to a number of the panels, there may be pressure to prune the trees. However, given their location outside the appeal site, the appellant is unlikely to be able to secure their removal.
26. Protecting the trees during construction is likely to ensure that the proposed development does not harm the trees, thereby necessitating their removal, which would preserve the verdant character of the area. Since the trees are located outside the ownership of the appellant, I consider a condition preventing the pruning or lopping of the trees is unlikely to be reasonable or enforceable. Subject to the inclusion of a condition to ensure that the trees are not harmed during construction, I find that the proposal would not harm nearby trees and would therefore not harm the character and appearance of the area. There would therefore be no conflict with policies D4 or G7 of the LP, or policies 37 or 73 of BLP, the requirements of which are set out above.

Conditions

27. The Council has suggested a list of condition that should be imposed, in the event that I decide to grant planning permission. In the interests of certainty and proper planning, I shall impose conditions requiring the development is begun within 3 years of the date of the decision and that the development is carried out in accordance with the approved plans and materials.
28. The Council has suggested a condition to secure a Construction and Environmental Management Plan prior to the commencement of development. While I agree that such a condition is necessary to ensure the development does not harm highway safety or amenity during construction, I have suggested revised wording to ensure that the condition is sufficiently precise. The parties have both had the opportunity to comment on the proposed wording.

29. The Council has suggested a landscaping condition. However, there is very little scope, if any for landscaping within the site. The redevelopment of the wider site includes provision for landscaping and so I consider it is unnecessary in this instance.
30. I agree that it is necessary to ensure that nearby trees are protected during construction, in the interests of protecting the character and appearance of the area. However, I do not consider it is reasonable to impose a condition preventing the trees from being cut or lopped, since they are outside the appeal site on land outside the appellant's control.
31. In the interests of certainty and the character and appearance of the area, I consider a condition requiring details of site levels is necessary. I consider it is also necessary to ensure that any lighting is controlled in the interests of the amenity of nearby residents.

Conclusion

32. For the reasons given above, I conclude that the appeal scheme is not inappropriate development in the Green Belt and would not harm the character and appearance of the area and accords with the development plan as a whole. Consequently, Appeal A should be allowed subject to the conditions set out above.

Appeal B:

Main Issues

33. The main issues of the 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.

Reasons

Whether inappropriate development in the Green Belt

34. The appeal site is located within an area washed over by the Metropolitan Green Belt (the Green Belt). The proposal is for the formation of 16 electric vehicle charging spaces, with associated 8 x chargers, substation and switchboard, and post mounted wing structures. The charging units would measure around 2.2m in height and would be adjacent to a 'Y-structure', A signage totum, measuring around 5.9m in height, 1.8m in width and 0.16m in depth, would be located next to the access point into the wider site.
35. The proposal was submitted to seek to address the Council's concerns regarding application 22/02065/FULL1, the subject of Appeal A, in relation to the effect on Green Belt openness and adjacent trees by replacing the proposed canopy structures with a smaller 'wing' design and by reducing the footprint of the associated technical area and substation enclosure. It is suggested that the wing structures aid in wayfinding and providing lighting.
36. The appellant's case is similar to that under Appeal A above, which is that the development is situated on land that is previously developed and so it falls to be considered under the exception contained in paragraph 154(g) of the Framework. As set out above, I have found that the appeal site comprises previously developed

land in the Green Belt. The question, therefore, is whether the proposal would cause substantial harm to the openness of the Green Belt.

37. The development of the wider site was well underway at the time of my visit. From the evidence before me, it seems the wider site will comprise a range of built structures, as well as parking areas. The appeal scheme will be seen in this context and, although the structures would be visible and result in a modest loss of openness, it would not cause substantial harm to the openness of the Green Belt.
38. I note the Council's concerns regarding the introduction of additional supporting facilities, such as refreshment kiosks, however, this does not form part of the application. Any proposal for supporting facilities would be considered on its own merits. While it may be possible to design a scheme which has a lesser effect on openness, in my view the proposal would not cause substantial harm to the openness of the Green Belt and so the appeal scheme is not inappropriate development in the Green Belt.
39. Although the proposal would conflict with policy 49 of the BLP, for the reasons set out under Appeal A above, I afford such conflict very limited weight. For the reasons given above, I find that the proposed development would not be inappropriate development in the Green Belt and would not conflict with policy G2 of the LP.

Conditions

40. The Council has suggested a list of condition that should be imposed, in the event that I decide to grant planning permission. In the interests of certainty and proper planning, I shall impose conditions requiring the development is begun within 3 years of the date of the decision and that the development is carried out in accordance with the approved plans and materials.
41. Given the proximity of the appeal site to the A20 and the proximity to residential properties, I shall include a condition requiring the submission of a construction and environmental management plan. Although the Council has proposed wording, I have revised this to ensure that the condition is sufficiently precise.
42. The Council has suggested a landscaping scheme, however, the appeal site comprises part of a wider site which has an approved landscaping scheme. There is very limited scope within the red line boundary and so I consider it unnecessary to impose such a condition in this case. Given the proximity of the site to nearby trees, I consider it is necessary to impose a condition to secure protection of those trees during construction.
43. The Council has also requested details of a scheme to light the access drive and vehicle charging areas. However, as pointed out by the appellant, this would include land which falls outside the appeal site. To ensure that any lighting erected in the site does not harm living conditions of nearby residents, I shall include a condition requiring the submission of details of any lighting prior to its erection within the site.
44. In the interests of certainty and the character and appearance of the area, I consider a condition requiring details of site levels is necessary.

Conclusion

45. For the reasons given above, I conclude that the appeal scheme is not inappropriate development in the Green Belt and accords with the development plan as a whole. Consequently, Appeal B should be allowed subject to the conditions set out above.

M.Savage

INSPECTOR

Schedule 1: Appeal A Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:

Location Plan, Drawing No: 44044_PA_100, Proposed Elevations, Drawing No: 44044_PA_200, Proposed Canopy Level Plan, Drawing No: 44044_PA_104, Proposed Ground Level Plan, Drawing No: 44044_PA_103, Proposed Signage Totem, Drawing No: 44044_PA_300, Surface Carpark Alteration Scope, Drawing No: 44044_PA_102, Charger Specification, Drawing No: 44044_PA_301 and Proposed Plan, Tree Survey Overlay & Protection Plan, Drawing No: 44044_PA_105.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on Drawing Nos: 44044_PA_103, 44044_PA_104, 44044_PA_200, and 44044_PA_300.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) measures to control noise during construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) No development shall take place until full details of the finished levels, above ordnance datum, of the proposed development, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the trees shown in Drawing No. TCP001 and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

- 7) Details of any lighting shall be submitted to and approved in writing by the local planning authority prior to its erection within the site. The development shall be carried out in accordance with the approved details.

Schedule 2: Appeal B Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following:

Location Plan, Drawing No: 44044_P2_100, Proposed Elevations, Drawing No: 44044_P2_200, Proposed Canopy Level Plan, Drawing No: 44044_P2_104, Proposed Ground Level Plan, Drawing No: 44044_P2_103, Proposed Signage Totem, Drawing No: 44044_P2_300, Surface Carpark Alteration Scope, Drawing No: 44044_PA_102, Charger Specification, Drawing No: 44044_P2_301, Proposed Graphic Signage, Drawing No: 44044_P2_302 and Proposed Plan, Flamingo Park – Lighting Note, dated December 2023.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on Drawing Nos: 44044_PA_103, 44044_PA_104, 44044_PA_200, and 44044_PA_300.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) measures to control noise during construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) No development shall take place until full details of the finished levels, above ordnance datum, of the proposed development, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the trees shown in Drawing No. TCP001 and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

- 7) Details of any lighting shall be submitted to and approved in writing by the local planning authority prior to its erection within the site. The development shall be carried out in accordance with the approved details.