



Appeal Decision

Site visit made on 7 July 2026

by **L Perkins BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 July 2026

Appeal Ref: APP/G5180/C/24/3353877

Car park at Crystal Palace Football Club Academy, Copers Cope Road, Beckenham BR3 1RJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr David Nichol of CPFC Limited against an enforcement notice issued by the Council of the London Borough of Bromley.
 - The enforcement notice was issued on 12 September 2024.
 - The breach of planning control as alleged in the notice is the failure to comply with a condition imposed on a planning permission, ref 19/04644/FULL1, granted on 11 June 2020.
 - The development to which the permission relates is: Erection of a covered full-size football pitch, creation of an artificial full-size pitch with floodlighting, and regrading of the site to create a full-size show pitch with spectator seating & six training pitches (two full-size, two 3/4 size & two half-size). External alterations and lobby & link extensions to the existing buildings. Installation of maintenance/store sheds, water tanks and under-pitch infrastructure. Associated highway and landscaping works.
 - The condition in question is No 22 which states: Details of a scheme for the management of the car park shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is first occupied and the car park shall be operated in accordance with the approved scheme at all times unless previously agreed in writing by the Authority. At least twenty per cent of all car parking spaces provision should be provided with active Electric Vehicle Charging Points (EVCP), with passive provision for all remaining spaces.
 - The notice alleges that the condition has not been complied with by operating the staff and visitor parking facilities outside of the Academy's operational hours. The Academy's operational hours are specified in condition 26 of planning permission 19/04644/FULL1 as Monday to Saturday inclusive between the hours of 8am and 10pm; and Sunday and Bank Holidays between the hours of 8am and 9pm.
 - The requirement of the notice is: Cease operating the staff and visitor parking facilities outside of the academy's operational hours.
 - The period for compliance with the requirement is: 28 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (c) 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.
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Decision

1. The appeal is dismissed, 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.

The Notice

2. It is clear that the enforcement notice is directed at a breach of condition 22. Whilst a breach of condition 26 is not alleged by the notice explicitly, it is obvious that condition 22 is connected to condition 26, at least in respect of the hours of operation. Indeed the appellant questions why the enforcement notice does not relate to condition 26 instead or as well.

3. But within the scope of this appeal, it is not open to me to review any of the other conditions imposed on the original planning permission. Doing so would widen the scope of the enforcement notice and cause injustice.
4. The appellant presumes that when the Council originally considered whether or not a breach of planning control had occurred, it came to the conclusion that condition 26 was not being breached. But I do not see that this can be inferred from the way the notice is drafted and there are no submissions from the Council to support the appellant's view in this regard either.
5. Nevertheless, I am satisfied that the notice contains all that is necessary to satisfy section 173 of the 1990 Act and the relevant regulations¹ and that the notice is clear and requires no correction. Nothing has been provided to lead me to a different conclusion in this regard.
6. The appeal before me is against the enforcement notice described above only. My attention has been drawn to the Council's refusal on 13 December 2024 of application DC/19/04644/CONDT7 and procedural concerns in respect of that decision. But that decision is not before me in this appeal and so I shall not consider that decision (or any costs associated with it).

Reasons

Ground (c)

7. An appeal on ground (c) is that the matters stated in the notice do not constitute a breach of planning control. In a ground (c) appeal the onus is on the appellant to make out their case to the standard of the balance of probabilities.
8. The appellant's Car Park Management Plan (CPMP) (version 3), that was submitted to and approved by the Council, pursuant to condition 22 of planning permission 19/04644/FULL1, says in paragraph 3.1.1:

"The proposed staff and visitor parking facilities will operate in line with the Academy's operational hours. This is expected to be from the time of arrival of operational staff, and across the whole day to cover evening training periods."

9. The Academy's operational hours are specified in condition 26 of the planning permission, which says:

"The use of the premises for the purposes permitted shall be limited to Monday to Saturday inclusive between the hours of 8am and 10pm; and Sunday and Bank Holidays between the hours of 8am and 9pm."

Reason: In order to comply with Policy 119 of the Bromley Local Plan and in the interest of the amenities of nearby properties."

10. According to the appellant, the alleged breach relates to two specific matters. First, it is said that staff members arrive as early as one hour before the Academy's operational hours. These are said to be, for example, cleaners, chefs preparing breakfast, physical trainers warming-up and teachers setting-up classrooms. Second, it is said that there are occasions whereby a team coach will drop-off players and staff back to the Academy after its operational hours.

¹ The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002

11. It is the appellant's view that operating "*in line with*" operational hours allows for staff to arrive before the hours of operation and depart after the hours of operation and "the approved language also considers evening training periods in acknowledgment of occasional late evening vehicle movements".
12. In order for me to determine this appeal, it is necessary for me to interpret condition 22 and the approved CPMP associated with it. In this regard, my attention has been drawn to case law, including *Trump*² and *Dunnett*³. When interpreting conditions, the starting-point - and usually the end-point - is to find the natural and ordinary meaning of the words there used, viewed in their particular context (statutory or otherwise) and in the light of common sense.
13. Consistent with *Trump*, I must consider what a reasonable reader would understand the words to mean when reading the condition (and by extension the associated CPMP) in the context of the other conditions and of the consent as a whole. This is an objective exercise in which I must have regard to the natural and ordinary meaning of the relevant words, the overall purpose of the consent, any other conditions which cast light on the purpose of the relevant words and common sense.
14. The purpose of the planning permission is clear from its description. It is (in summary) for the creation of football pitches and associated infrastructure. Condition 22 regulates that development and the purpose of that condition is clear from its stated reason. It is to avoid development which would be detrimental to amenities and prejudicial to road safety and in order to manage and prevent further deterioration of existing low quality air across London.
15. "*In line with*" means in alignment or accordance with. Taking into account this and the purpose of the condition, in the context of what the planning permission was for, I do not see that the wording of the CPMP or condition 22 provides the appellant with such latitude that the staff and visitor parking facilities may be operated outside of the Academy's operational hours in the way the appellant has suggested. In this regard, 'operated' includes players and/or staff being dropped off at the Academy (eg by coach) to retrieve vehicles from the car park.
16. The appellant states that condition 22 should not be construed narrowly so as to frustrate the use approved by the planning permission. But there is no indication that the use approved by the decision notice for the planning permission contemplates any use of land for coach drop-offs (and car retrieval) outside of the permitted hours of operation of the site. I also do not agree, as is suggested by the appellant, that it is reasonable to assume that any staff need to arrive before (or leave after) the permitted operational hours, such that the aforementioned parking facilities may be used. If that were the case, then the permission would distinguish between such staff and anyone else using the site. This is for the simple reason that a planning permission should stand by itself and its meaning should be clear within the four corners of the document.
17. I have taken into account that a log of arrivals to the site within a one hour period (7am to 8am) for a typical two month period (October and November 2024) may indicate that daily averages are 16 attendees during this period which is said to be a small number (4%) compared to the maximum number of staff, players and

² *Trump International Gold Club Scotland Ltd v Scottish Ministers* [2015] UKSC 74

³ *Dunnett Investments Ltd v Secretary of State for Communities and Local Government* [2017] EWCA Civ 192

contractors that are present on the site between operational hours. But the number of people arriving before permitted operational hours, as a percentage of the maximum capacity permitted during operational hours, is not necessarily what is relevant. What is relevant is the on-site and off-site effects at the time of day the matters stated in the notice are occurring.

18. From the information provided by the appellant, those effects are noise and disturbance generated by people associated with the drop-offs. It is a result of coach passengers talking outside, telephone calls being made and car drivers waiting with engines idling and car stereos playing. Interested parties report additional effects of disturbance from car headlights, car horns, people congregating outside and rowdy or drunken behaviour, effects which have not been disputed by the appellant.
19. Based on all of the information available to me, a coach of 20 to 30 people (players and staff) being dropped off at the Academy after the permitted operational hours to retrieve vehicles from the staff and visitor car park, in what is essentially a residential area, is material, even if it may last no more than 30 minutes and even if it may occur on no more than 10 occasions in the relevant football season. I am not satisfied this is *de minimis* in planning terms, as has been suggested by the appellant.
20. I appreciate that staff members arriving early, before operational hours, may be necessary for the smooth running of the Academy. But this is a planning merits argument, it does not mean that the matters stated in the notice do not constitute a breach of planning control.
21. The appellant has indicated that the arrangement whereby the club utilises its Academy site as the point of departure and arrival for team coaches for away fixtures, including for those fixtures where there is a late return, is a practical necessity and is consistent with other professional football clubs. Be this as it may, I have not been provided with information on what the relevant planning permissions contain for those other clubs and this is also a planning merits argument in any event (that I shall return to later). It does not mean that the matters stated in the notice do not constitute a breach of planning control in this case.
22. The appellant has indicated that staff arriving before 8am and coach drop-offs after 10pm (and 9pm on Sundays and Bank Holidays) are normal incidental/ancillary functions of a professional football club youth academy. But this it does not mean these functions are not caught by restrictions contained within the relevant planning permission and CPMP for this site, meaning they do constitute a breach of planning control in this case.
23. I conclude the appeal on ground (c) fails.

Ground (a)

24. An appeal on ground (a) is that planning permission ought to be granted for the matters stated in the notice. In effect, the deemed planning application before me is for the development previously granted planning permission in 2020, without compliance with condition 22, which requires adherence to version 3 of the CPMP.

25. The appellant has not advanced any case for unfettered use of the site's parking facilities pursuant to the ground (a) appeal and the deemed planning application. Moreover, it seems to me that a lack of any planning regulation of such facilities would likely have harmful planning consequences, at least in respect of noise and disturbance. So in this regard, I am in no doubt that a condition regulating use of the parking facilities to some extent is necessary and reasonable and it is therefore a question of details (and details matter).
26. Pursuant to ground (a) and the deemed planning application, the appellant has asked that I consider a revised CPMP. For the purposes of section 177(1)(a) of the 1990 Act, I am satisfied that considering a revised CPMP constitutes 'part of the matters' stated in the notice as constituting the breach of planning control. I have no reason to think otherwise.
27. In other words, a potential outcome of the ground (a) appeal in this case, is that I may discharge condition 22 of the 2020 planning permission (pursuant to my powers under section 177(1)(b)) and grant planning permission for the deemed planning application, subject to a new condition requiring adherence to a specified revised CPMP. To this end, the appellant has provided a revised CPMP, version 7 and so that is the focus of this ground (a) appeal.
28. No concerns have been raised by the Council or interested parties in relation to members of staff (eg cleaners) arriving as early as one hour before the Academy's operational hours in the morning and I have been provided with no reason to object to this either.
29. Taking into account all of the above and the reasons for issuing the notice, the main issue in the ground (a) appeal is the effect of varying the CPMP, to allow for late-night coach drop-offs, on the living conditions of neighbouring residents, with particular regard to noise and disturbance.
30. The appellant has encouraged me to undertake a site visit during one of the scheduled late coach drop-offs, in order to understand the operation first-hand. But no such schedule has been provided and it seems to me that I cannot ask for dates without my expected presence potentially affecting the behaviour of the players and staff concerned, thereby influencing the outcome of this appeal. So I have based my assessment on the information I have been provided with, my own observations at my scheduled site visit and my own planning judgement.
31. Regarding Appendix 3 of the appellant's final comments, this is a written description of a video of a single event, that has no audio. So, as the reason for the enforcement notice is to limit noise and disturbance, I do not find Appendix 3 helpful. From the information available to me, I do not know how representative or typical the described event might be of all late coach drop-offs. It has not been explained how it was chosen and it does not reflect the noise and disturbance concerns expressed by interested parties to this appeal. Moreover, it is not supported by other evidence, such as independent noise monitoring at the nearest noise-sensitive receptors, during any relevant coach drop-off, compared with usual background noise levels. As such, I give Appendix 3 limited weight in my decision.
32. Paragraph 3.3.3 of version 7 of the CPMP states that the number of occasions that coach drop-offs take place outside of the operational hours will be no more than a maximum of three per month. According to the appellant, "the local planning authority considers" up to three late coach drop-offs per month to be "acceptable"

and that “would address the amenities of neighbours”. But from the relevant correspondence provided, these were merely statements of opinion from one or two officers of the Council, expressed prior to the relevant revised version of the CPMP being formally refused by the Council. Those opinions were not binding and are not the same as a formal decision of the local planning authority, issued following the proper process. So I am not satisfied those comments narrow the issues or establish common ground between the main parties to this appeal.

33. Based on the appellant’s own proposed Car Park Code of Conduct, noise and disturbance can be generated by people associated with the drop-offs. It includes coach passengers talking outside, telephone calls being made and car drivers waiting with engines idling and car stereos playing. This is entirely consistent with the representations received from interested parties, some of whom additionally refer to disturbance from car headlights, car horns, people congregating outside and rowdy or drunken behaviour.
34. From the information provided, the above has happened late at night (after 10pm) immediately adjacent to homes that line Copers Cope Road and the access road leading from it to the car park, in what is, as I saw on my site visit, an otherwise quiet suburban residential area, particularly at night. Nothing has been provided to lead me to think otherwise and, as the Code of Conduct clearly acknowledges, noise may travel to homes from the car park and surrounding areas.
35. According to interested parties, coaches have arrived after midnight and at 4 am. I have no reason to doubt this, considering that paragraph 3.3.2 of version 7 of the CPMP seeks that, on days that players have away matches, players and accompanying staff may return to the car park in the team’s coach to retrieve their personal vehicles “irrespective of the time of day”. The incorporation of this phrase into the document would effectively sanction use of the parking facilities at any time of day.
36. The appellant is at pains to point out that these drop offs (will) last no more than 30 minutes. Be this as it may, this is not relevant if the noise from that process results in residents being woken up from a night’s sleep, as is reported to have been the case by interested parties during previous drop-offs, bearing in mind any noise will be more noticeable at night, when background noise levels are likely to be lower.
37. The appellant states that drop-offs will be “controlled” for noise and conduct by the site’s security team, which operates 24 hours daily. Whilst this is no doubt well-intentioned, the evidence indicates such control has clearly not always been achieved, if ever. It has not been explained how a security team is going to prevent people talking, making telephone calls, engines idling and car stereos playing, by those people associated with the drop-offs.
38. It may well be that security staff can stop the above noise-generating activities after they have started. But by that time some residents may have already been woken up. Moreover, it has not been explained how the proposed Code of Conduct would operate effectively in practice. It contains no sanction for any person responsible for violating it and it says nothing about the issue of car headlights. This is particularly relevant bearing in mind cars exiting the car park at night will inevitably shine headlights into the rear windows of homes adjacent to the access road. Nothing has been provided to lead me to a different conclusion in this regard.

39. Paragraph 3.3.1 of version 7 of the CPMP states that the staff and visitor parking facilities will operate “in general accordance with” the Academy’s operational hours. This phrase is imprecise. As a matter of my planning judgement, its incorporation into the document renders the document unenforceable, at least in respect of the hours of operation of the car park.
40. Residents have complained of a lack of certainty around the timing of drop-offs and the unpredictable nature of this activity. I can see that this may make the experience more stressful for them. Version 7 of the CPMP proposes that a letter of notification will be issued to those residents adjacent to and opposite the site at least two days prior to the drop-off occurring. Whilst this may provide residents with more certainty (if the letter is received), I am not satisfied it would make any difference to the effect of the activity and it is unlikely to be enough notice for residents to make changes to their routine to avoid the effects altogether, eg by sleeping elsewhere.
41. Pursuant to ground (a), I have taken into account the appellant’s view that utilising the site as the point of departure and arrival for team coaches for away fixtures may be a practical necessity. But the appellant should have considered this before it applied for the development granted planning permission in 2020. It does not justify the breach of planning control which has occurred and the wishes of the appellant must be balanced against the effects of its activities on the living conditions of neighbouring residents.
42. Regarding the consistency of the club’s practice (in terms of drop-offs) with other professional football clubs, there is no evidence to indicate that the circumstances of those other sites (wherever they are) are directly comparable to those in the appeal before me. So I give this consideration limited weight in my decision.
43. The appellant asserts that the club’s youth academy delivers public benefit. But it has not been explained what such benefits might be and they must be balanced against the effects of the breach, which have been clearly explained and to which I ascribe significant weight in my decision.
44. The appellant states that it is clear that there is no concern with the current limited number of staff (eg cleaners) arriving at the site within the 7am to 8am period. Consequently, if I consider this aspect of the appeal acceptable but not the late coach drop-offs, the appellant has invited me to issue a ‘split-decision’, by approving version 7 of the CPMP subject to clarification that its provisions at paragraph 3.3.2 (allowing players and staff to return to their vehicles irrespective of the time of day) and paragraph 3.3.3 (allowing a maximum of three late drop-offs per month) are not permitted. But I am not satisfied I can issue a split-decision because of the way paragraph 3.3.1 of version 7 of the CPMP is worded: its “*in general accordance with*” clause making the document unenforceable, as set out above.
45. I note from the Council’s statement that the original permission, reference 19/04644/FULL1, dated 11 June 2020, was granted subject to a section 106 agreement. I have not been provided with any further details from either party in this regard. Depending on the circumstances, any planning application to vary or remove condition 22 of that permission may give rise to the need for a further such legal agreement. But as I am dismissing the ground (a) appeal, there is no need for me to consider this matter any further.

46. The evidence indicates that the appeal site is in Flood Zone 3 and on Metropolitan Open Land. But neither main party has made any specific submissions on the implications of these designations for this appeal and as I am dismissing the appeal for other reasons anyway, I see no reason to consider these matters any further either.
47. Taking all of the above into account, I conclude that varying the CPMP, to allow for late-night drop-offs, would harm the living conditions of neighbouring residents, with particular regard to noise and disturbance. This would not comply with Policy 37(e) or Policy 119 of the London Borough of Bromley Local Plan (January 2019) or paragraph 187(e) or paragraph 198 of the National Planning Policy Framework 2024, in respect of noise and light pollution.
48. I conclude the appeal on ground (a) fails.

Conclusion

49. 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.

L Perkins

INSPECTOR