



Appeal Decision

Site visit made on 8 May 2025

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/A5840/W/24/3353206

Old Southern Railway Stables, St. James's Road, London SE1 5US

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Catlin Regeneration Ltd against the Council of the London Borough of Southwark.
- The application reference is 24/AP/0012.
- The development proposed is the renovation and redevelopment of the existing old forge to provide up to 32 residential units (Class C3 use) and 499sqm of commercial floor space at the ground and mezzanine levels (Class E uses).

Decision

1. The appeal is dismissed and planning permission for the renovation and redevelopment of the existing old forge to provide up to 32 residential units (Class C3 use) and 499sqm of commercial floor space at the ground and mezzanine levels (Class E uses) is refused.

Application for costs

2. An application for costs was made by Catlin Regeneration Ltd against the Council of the London Borough of Southwark. This application is the subject of a separate Decision.

Preliminary and Procedural Matters

3. The appeal is against the Council's failure to determine the planning application. The Council had prepared a draft delegated report in respect of the application, which formed part of its appeal submissions. That set out two reasons for which it would have refused planning permission, though these were refined during the appeal. The putative reasons put forward by the Council form the basis of the main issue in this appeal.

Site descriptions and terminology

4. Notwithstanding the site address used in the banner heading above, which I have taken from the planning application form as is usual, for consistency with the other appeal evidence, as well as for the sake of simplicity, I shall refer in this decision to the buildings within the red line boundary as "the Old Forge".
5. Immediately west of the Old Forge, though not within the appeal site, are two long ranges of loose box stables; to avoid confusion with the wider stables site, I refer to them hereafter as "the horse boxes" or "the horse box blocks". The Old Forge and horse boxes together made up the St James' Road Stables, which were built to serve the Bricklayers Arms railway goods depot and associated yards. Both the Old

Forge and the horse boxes are locally listed buildings and non-designated heritage assets (“NDHAs”). The railway yard has long-since closed, most of its buildings demolished, and the site redeveloped. The Old Forge is now used for purposes within Use Class E(g).

6. To the north of the Old Forge and the horse boxes is an area of open land which was previously part of the railway yard. Together, the Old Forge, the horse boxes, and the open area of land form a single site known as the Former Southern Railway Stables allocated for development (reference NSP65) in the 2022 Southwark Plan.

Development plan

7. The 2022 Southwark Plan and the London Plan 2021 make up the adopted development plan for the borough. The Council is preparing a further development plan document for the local area, the Old Kent Road Area Action Plan (“the AAP”). The emerging AAP provides specific policy and design guidance for several development sites allocated by the 2022 Southwark Plan, including (as site OKR12) the Former Southern Railway Stables.
8. At the time the appeal commenced, the most recent version of the AAP was that issued in December 2020 for early “Regulation 18” consultation¹, and both main parties’ evidence referred to draft policies in that document. In November 2024 the Council issued an updated AAP for pre-submission “Regulation 19” consultation. Between the two versions the text of Draft Policies AAP1, AAP9 and AAP10, referred to in the putative reasons for refusal put forward by the Council, had been altered, and the last two of those policies renumbered. Changes were also made to the detail set out in site allocation OKR12.
9. The main parties’ final appeal submissions were made in the light of the publication of the November 2024 version, and references to the emerging AAP in my reasons below are also to this most recent version of the plan (including revised policy numbers). I address the weight to be given to any conflict with the draft policies of the emerging AAP below.

National Planning Policy Framework

10. On 12 December 2024 the Government published a revised National Planning Policy Framework (“the Framework”). Final appeal submissions were made in the light of the revised Framework, so it has not been necessary for me to seek separate comments on the changes.

Main Issue

11. The main issue is the effect of the proposed development on the character and appearance of i) the Old Forge, with reference to its significance as an NDHA, and ii) the wider area.

Reasons

12. The appeal site is in Bermondsey, on the northern side of Catlin Street from which it is entered. The horse box blocks and the open area to the north are accessed separately from the appeal site, with an entrance leading from St. James’s Road at

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012

its junction with Catlin Street and Rolls Road. The surrounding area is predominantly residential, though there are some clusters of commercial, industrial and warehousing or distribution type uses.

13. The proposed development is the renovation of the existing Old Forge buildings to provide refurbished commercial space. On the north side of the existing blocks a base block would be added at ground and mezzanine levels; this would have commercial space at its western end, a lift and stair core at the centre, and plant and storage space for the proposed residential units at the eastern end. Above this base would be constructed a residential block with flats on five floors at the western end and three at the east; this would be built on a cantilever projecting over the roofs of the Old Forge below. The lift and stair core would continue to a sixth floor, giving access to communal amenity space at roof level.

The Old Forge

14. The Old Forge and horse boxes are described in English Heritage's² 2011 assessment of the site for statutory listing as the last surviving buildings of the Bricklayers Arms Goods Yard. This was a vast railway complex which by the early 1900s comprised two large goods sheds, a granary, a coal yard, a cattle dock, stabling for 300 draught horses, a locomotive depot and various small workshops. The Old Forge and horse boxes were built between 1902 and 1914, supplementing two earlier sets of stables within the goods yard, mainly to house sick horses.
15. The Old Forge building is of yellow stock brick set in Flemish bond with buff glazed brick dressings and pitched slate roofs. It is in two distinct parts (though they are connected internally); a smaller eastern range originally containing the farrier's shop, which faces onto a setted courtyard, and a larger range, originally a horse hospital with stalls either side of a central aisle, adjoining to the west. A stock brick wall, around 2m high, separates the site from Catlin Street (though this originally backed onto housing, until this was demolished and the line of Catlin Street altered).
16. The former farrier's shop has two three-bay sections, each with three window or doorway openings on the north elevation with glazed brick round or square arches, and there is a round arched window on the eastern elevation. The southern elevation, to Catlin Street, is blind. The eastern section has a two-stage forge chimney and a timber clerestory with louvred ventilation shutters. Internally, the queen post roof trusses are visible.
17. The former horse hospital block is slightly offset to the north of the farrier's shop. It is of nine bays³, and on both north and south elevations each bay (apart from two on the northern side where a small extension has been added) has a small window set high in the wall with a segmental arch in glazed brick and six-light, horizontal-pivot, metal casement windows. The roof has a raised timber clerestory along its length; internally, there are again queen post roof trusses.
18. In some places, parts of the original form or detailing of the Old Forge have been lost – a relatively modern metal-framed canopy has been added on the north elevation where the farrier's shop and horse hospital block meet, and a large roller shutter cargo door has been inserted on the western end wall of the hospital block.

² As it then was, now Historic England

³ Though it was described in the English Heritage assessment as having ten bays.

In assessing the Southern Railway Stables for listing, English Heritage noted among other things that the combination of the buildings' construction relatively late in the development of the railway system, their plain architectural style and modest scale of the building, the alterations which have been carried out, and the loss of the historic railway context following the closure of the Bricklayers Arms site and the redevelopment of the rest of the yard, meant that they were not sufficiently early or significant to merit listing.

19. While the Southern Railway Stables fall short of the level required for national listing, they remain of local significance. As one of the last remnants of the enormous Bricklayers Arms depot which once occupied so much of the area it, as part of the wider Southern Railway Stables site, is of considerable local cultural significance. Furthermore, notwithstanding their generally plain architectural style, and the fact that they could undoubtedly benefit from some sensitive refurbishment, the age of the Old Forge buildings, and detailing including the arched window openings, clerestory roof lights, and the forge chimney visible above and behind the Catlin Street wall, mean that they add considerable visual interest, and make a substantial positive contribution to, the townscape which in the immediate vicinity is otherwise dominated by simple buildings dating from the late 20th century onwards.
20. Taking all of these points together, I consider the heritage significance of the Old Forge as part of the Southern Railway Stables to be considerable, albeit that this is localised and derived primarily from its associations with the area's industrial and transport history, rather than its inherent architectural value. It nevertheless also makes a positive contribution to the streetscene of the area.
21. The proposed development would refurbish the Old Forge, repurposing it for modern commercial use. The proposed palette of materials – London stock brick, reconstituted cast stone, and bronze or gold finished aluminium frames would not be unsympathetic to the Old Forge. However, while the appellant suggests that the modern new buildings would provide “contrast” and “juxtaposition” which would better reveal the significance of the Old Forge, I consider that the scale and bulk of the residential block would be overbearing and visually dominant, and would overwhelm the low-rise, linear form of the existing buildings; the modest scale and functional aesthetic of the Old Forge would be overpowered and diminished.
22. The projection of the cantilevered block above the Old Forge would dominate, and reduce the appreciation of, details such as the forge chimney and the clerestory roof which currently add visual interest. While the fabric of the Old Forge would be retained, its context and legibility would not. The setting and the experience of the building would be severely, and adversely, impacted.

The surrounding area

23. The wider Old Kent Road area is clearly one where regeneration and redevelopment (including that anticipated by the draft AAP) is already taking place. That includes the development of residential blocks of substantial scale, including the evidently recent nine-storey “Great Court” building on the south-western corner of the Catlin Street/Rolls Road/St James's Road junction. However, the appeal site is on the edge of the Old Kent Road AAP area; its immediate setting has much more in common with smaller scale housing than the large-scale redevelopment schemes seen around the Old Kent Road itself. Across Catlin Street to the south of the appeal site (around Sherwood Gardens) and across the former railway yard

area (around Stevenson Crescent) are areas of two- and three-storey houses and flats; these form the immediate context of the appeal site, which is characterised by low-rise housing of modest scale and relatively fine-grained character.

24. The vertical rhythms of the proposed building (including the use of gently curved insets) would go some way to breaking up the expanse of the elevations and would provide some visual interest. Again, the proposed choice of materials would also not be out of keeping with the wider area. However, these factors could not mitigate or moderate the unsympathetic form, scale and bulk of the cantilevered residential block rising above the Old Forge building and looming over Catlin Street. The height and massing of the proposed building would make it an overbearing and intrusive feature in the streetscene.

Findings on the main issue

25. The proposed development would be a discordant and disproportionate addition to the area. It would not only overwhelm the Southern Railway Stables buildings including the Old Forge, diminishing the positive contribution they make to the streetscene, but as an incongruous and intrusive feature in the streetscene would dominate the surrounding much more modestly-scaled housing. It would therefore cause great and lasting harm to the character and appearance of the Old Forge, undermining its significance as an NDHA, and the wider area.
26. The impacts on the Old Forge and wider Southern Railway Stables means that the proposal would conflict with Policies P21 and P26 of the 2022 Southwark Plan, and with Policy HC1 of the London Plan 2021. These policies seek to ensure that development conserves and enhances the significance of, and sensitively integrates, heritage assets including NDHAs such as locally listed buildings.
27. There would also be conflict in this respect with emerging Policy AAP11 of the 2024 Draft Old Kent Road AAP which, while recognising that the area is (and will remain) one of significant change, seeks to ensure that the significance and setting of NDHAs is conserved and enhanced. As the AAP has not yet been adopted, I afford conflict with its emerging policies limited weight, though this does not alter my overall conclusion.
28. Harm to the character and appearance of the wider area would lead to conflict with Policies P13, P14 and P18 of the 2022 Southwark Plan, and Policies D3 and D4 of the London Plan 2021. Among other things, these policies seek to ensure that the height, scale, massing and arrangement of new development respond positively to, and are appropriate for, the development site and the existing townscape, character and context.
29. There would be conflict with emerging Policies AAP1 and AAP12 of the 2024 Draft Old Kent Road AAP, which seek to conserve and enhance local distinctiveness. There would also be a limited degree of conflict with site allocation OKR12 of the AAP; while that allocation is supportive of the delivery of a mix of housing and employment uses across the Southern Railway Stables site, it seeks to ensure that this is done in a way which retains the existing character of the site and, for the reasons I have set out above, the scheme before me would not achieve that aim. Conflict with the emerging policies of the AAP again carries limited weight in the overall balance, though again this does not alter my overall conclusion.

Other Matters

30. Site Allocation NSP65 in the 2022 Southwark Plan identifies the Former Southern Railway Stables as a site for the development of a minimum of 103 homes, along with the provision of at least the same amount of commercial floorspace on the site as at present, and an area of publicly-accessible open space. I have found no specific conflict with that allocation, not least because it defers detail of design guidance to the Old Kent Road AAP.
31. Between the 2020 and 2024 iterations of the AAP, the proposed minimum number of dwellings sought for the Former Southern Railway Stables site has been reduced from 103 to 60. I emphasise again that I give any conflict with the emerging AAP limited weight, given that the draft policies have not yet been through an examination, but whether the proposed reduced housing allocation for the site is “a tactical play by the LPA”, as the appellant suggests, is a matter for that examination rather than something for me to address in determining this appeal.
32. In any event, a reduced minimum allocation would not preclude a development coming forward which provided a greater number of dwellings on the site, subject to it being acceptable in other respects. At the same time, however, the relevant design and heritage considerations mean that it is not necessarily going to be appropriate to put forward a *pro rata* number of dwellings when considering a portion of an allocated site. Some of the points made by the appellant in this respect (including, for example, that it would be “contrary to the [2022 Southwark Plan allocation] if we were to propose public open space within the [appeal site] red line”) appear to be based on a misunderstanding of the plan accompanying site allocation NSP65; on my reading of the 2022 Southwark Plan, areas shaded green on site allocations maps represent existing, rather than proposed, areas of open space.
33. A unilateral undertaking (“UU”) under section 106 was submitted during the appeal. It is intended to make provisions in respect of affordable housing (and a related viability review); public realm and access; highway works, parking permit restrictions to secure a car-free development, and car club membership; local procurement; and assorted financial contributions. Broadly speaking, the appellant has not disputed the need to make these provisions. However, the UU before me is in draft form, with some incomplete sections, and it is not signed or dated. The intended measures could not be secured, and I have not therefore given the UU weight in my decision.
34. The draft officer report submitted as the main part of the Council’s appeal evidence discussed various issues, among them the financial viability of the development, the technical and financial feasibility of constructing the cantilever, and the potential impact on daylight and sunlight for dwellings north of the appeal site. Many of the points made by the Council were subsequently challenged in the appellant’s final comments. However, the various other matters raised were not referred to in the putative reasons for refusal put forward by the Council and, as they are not among the principal controversial issues in the appeal, I have not addressed them in this decision.
35. Comments made by the appellant in respect of the Council’s handling of the planning application are addressed in the associated costs Decision.

Planning Balance and Conclusion

36. The evidence before me is that Housing Delivery Test (“HDT”) results show, over the most recent three-year period for which figures have been published, only 66% of the required housing in Southwark has been delivered.
37. The Framework is a very important material consideration for decision making in planning. Paragraph 11 d) and Footnote 8 of the Framework state that, where the policies which are most important for determining a planning application are out-of-date (including where the HDT indicates that the delivery of housing was substantially below the housing requirement over the previous three years) planning permission should be granted unless either:
- i. *“The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
 - ii. *“Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

Footnote 7 of the Framework describes the “areas or assets of particular importance” referred to in Paragraph 11 d) i. These do not include NDHAs, and the appeal site does not fall within any other category set out in that footnote.

38. The proposed development would provide 32 new dwellings. There is no disagreement between the main parties that the development would be in a sustainable location; it would use a brownfield site with good public transport connectivity, with bus routes passing the site and South Bermondsey railway station a short distance away. There are a wide range of shops and services available in the neighbourhood, including on the Old Kent Road. The Council has no “in principle” objection to the redevelopment of the Old Forge for a mix of residential and commercial uses and indeed, as I have set out above, both adopted and emerging development plan documents allocate the wider Southern Railway Stables site for such development. Taken together, and in view of the shortfall in housing delivery in the borough, I consider that there would be significant benefits arising from the scheme, and these carry considerable weight in its favour.
39. However, although the Old Kent Road area is one where regeneration and change are proposed, the benefits of the scheme must be weighed against the harm I have found. For the reasons I have set out above, the form, scale and bulk of the cantilevered block proposed would be so intrusive, insensitive and incongruous as to cause significant harm to the character of the area. For the same reasons the development would undermine and diminish the heritage value of the Old Forge and the positive contribution it makes to illustrating local history and creating a sense of place, even allowing for the fact that the most important fabric of the buildings would be retained and refurbished. As a consequence of these shortcomings, the development would not add to the overall quality of the area; indeed, the harm it would cause would be significant and long-lasting.

40. I therefore find that there would be specific conflict with the provisions of Paragraph 129 of the Framework which, while supportive of development which makes efficient use of land, nevertheless require account to be taken of the desirability of maintaining an area's prevailing character and setting. There would also be conflict with Paragraph 135 of the Framework, which seeks to ensure that development creates places which are visually attractive, sympathetic to local character and history, and which establish or maintain a strong sense of place. In view of my findings above, I do not consider that the proposed development would, in these terms, be well-designed; Paragraph 139 of the Framework states that development that is not well-designed should be refused.
41. The appellant has also drawn my attention to Paragraph 125 of the Framework, which states that planning decisions should give "substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused". For the reasons I have just set out, I consider that the proposed development would cause substantial harm to the character and appearance of the area. This harm would, in my view, significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole. The proposal would not amount to sustainable development in the terms set out in the Framework.
42. I have also had regard to the *Accelerating Housing Delivery* Planning and Housing Practice Note issued by the Greater London Authority in December 2024⁴ which was brought to my attention; among other things, it focuses on increasing the provision of affordable homes and wider housing delivery, including social rented housing for households in greatest housing need. The practice note is also a material consideration in determining planning applications, but it does not directly address the main issues in this appeal, and does not carry significant weight in favour of the proposed development; it does not justify my allowing the appeal.
43. Section 38(6) of the Planning & Compulsory Purchase Act 1990 and the Framework state that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
44. The appeal scheme conflicts with the development plan taken as a whole. There are no material considerations, including those of the Framework, that indicate the proposal should be determined other than in accordance with the development plan.
45. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector

⁴ https://www.london.gov.uk/sites/default/files/2024-12/Accelerating-Housing-Delivery-Planning-and-Housing-Practice-Note-December-2024_1.pdf