



Appeal Decision

Site visit made on 1 July 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2025

Appeal Ref: APP/A5840/W/25/3358963

68 East Dulwich Grove, Southwark, London SE22 8PS

- 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 Mr Altan Ramadan against the decision of the Council of the London Borough of Southwark.
 - The application Ref is 24/AP/0337.
 - The development proposed is the change of use from single dwelling to 3 x self contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would secure a potential contribution towards the provision of affordable housing, and
 - whether the proposal would make adequate provision to restrict future occupiers from applying for parking permits.

Reasons

Affordable housing

3. Policy P1 of The Southwark Plan 2019-2036 (Southwark Plan) requires the development of 9 homes or fewer to provide the maximum amount of social rented and intermediate homes or a financial contribution towards the delivery of such homes. Whilst Paragraph 65 of the National Planning Policy Framework (Framework) sets out that the provision of affordable housing should not be sought for residential developments that are not major developments, the Council has set out the pressing need for affordable housing which has underpinned the development of policies in the plan. There is no substantive evidence before me to the contrary, and as such, I consider the approach in Southwark Plan Policy P1, which requires affordable housing below the threshold set in the Framework to be justified.
4. Accordingly, given the need for affordable housing, it is important for schemes to contribute towards its provision. It is common ground between the main parties that the proposed development is not viable given the affordable housing contribution required by policy, although there is a difference between the parties on the extent of the deficit that would arise.

5. Nevertheless, and whatever the extent of the deficit, Policy P1 of the Southwark Plan requires a review mechanism for all development, which would assess whether an approved development has become more viable from the date of the planning permission to the date of substantial implementation. In the absence of an appropriate review mechanism to secure such a potential contribution, the proposed development would not make adequate provision towards affordable housing. The appellant has indicated that this can be secured by a conditional approval, but the Planning Practice Guidance¹ states that a positively worded condition which requires the applicant to enter into a planning obligation or an agreement under other powers, is unlikely to pass the test of enforceability.
6. This is therefore a matter which should be dealt with by way of a legal agreement and without an appropriate mechanism to secure a potential contribution towards affordable housing, I conclude that the proposal conflicts with Policies P1 of the Southwark Plan, Policies H2 and H4 of The London Plan and the Framework, which seek, amongst other matters, the provision of social rented and intermediate housing.

Parking permit restriction

7. The appellant had made reference to, as part of the development, the limited provision of a car parking space for the three-bedroom unit. No on-site car parking spaces are however proposed, and despite the accessibility of the site, the appellant accepts the need to enter into a legal agreement to restrict parking permits for current or future Controlled Parking Zones (CPZs).
8. As no legal agreement has been submitted, there is no mechanism before me to prevent future occupants from seeking parking permits. This is not a matter that can be addressed by way of condition, for the reasons set out earlier in relation to securing a review mechanism for affordable housing.
9. I therefore conclude that the development would fail to make adequate provision to restrict future occupants from applying for parking permits, and as such, would be contrary to Policies P54 and IP3 of the Southwark Plan and the Framework, which seek, amongst other matters, for development within existing or planned CPZs to not be eligible for car-parking permits.

Other Matters

10. The proposal would deliver much needed housing and would make effective use of the site. These matters do not however outweigh the harm that I have identified in relation to the main issues.

Conclusion

11. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR

¹ Planning Practice Guidance Paragraph: 005 Reference ID: 21a-005-20190723