



Appeal Decision

Site visit made on 25 June 2025

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Appeal Ref: APP/A5840/C/23/3317034

Unit 3, Penarth Centre, Penarth Street, London SE15 1TR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Emmanuel Okpako Ganiga against an enforcement notice issued by the Council of the London Borough of Southwark.
 - The notice was issued on 18 January 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land to a mixed use of place of worship and events space (sui generis use class).
 - The requirements of the notice are:
 - 5.1. Cease the unauthorised use of the Land as a mixed use of place of worship and events space.
 - 5.2. Cease all use of the land as a place for religious worship.
 - 5.3. Cease all use of the Land as an events space for hire and to hold parties or other gatherings.
 - The period for compliance with the requirements is 28 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is varied by the deletion of 28 days and the substitution with two months as the time for compliance in section six of the enforcement notice.
2. Subject to the variation, 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 appeal on ground (a) the deemed planning application

Main issues

3. The main issues are the effect of the use on (i) the availability of strategic industrial land and employment floorspace (ii) the amenity of neighbouring occupiers with particular regard to noise and disturbance (iii) highway safety and (iv) fire safety.

Strategic industrial land and employment floorspace

4. The appeal site is a unit within the Penarth Centre complex, which consists of office and light industrial units. The site is a single ground floor unit with direct access to Hatcham Road via a pedestrian door, as well as a roller shutter single garage door. It is identified as strategic protected industrial land (SPIL) in The Southwark Plan 2019 – 2036 Adopted February 2022 (Southwark Plan) and is in a strategic industrial location for the purposes of the London Plan 2021.
5. Policy P29 of the Southwark Plan states that on SPIL only industrial uses (E(g)(ii) being research and development of products or processes, E(g)(iii) being industrial

processes, B2, B8, and sui generis industrial use classes) and uses ancillary to the industrial uses, will be permitted; and development must retain, grow or intensify industrial uses including increasing the number of jobs.

6. Policy P30 of the Southwark Plan states that in the Central Activities Zone, town centres, opportunity areas and individual development plots within site allocations where employment re-provision is required, development must, amongst other criteria: retain or increase the amount of employment floorspace on site (Gross Internal Area (GIA) of E(g), B2, B8 class use or sui generis employment generating uses).
7. It also states that in exceptional circumstances the loss of employment floorspace may be accepted in the Central Activities Zone, town centres, opportunity areas and where specified in site allocations where the retention or uplift in employment floorspace on the site is not feasible. This must be demonstrated by a marketing exercise for two years immediately prior to any planning application. This should be for both its existing condition and as an opportunity for an improved employment use through redevelopment which shows there is no demand.
8. Policies SD1, E4 and E5 of the London Plan 2021 together seek to safeguard, support and sustain Strategic Industrial Locations (SIL) and require that the retention, enhancement and provision of additional industrial capacity across the three categories of industrial land (set out in Part B) be planned, monitored and managed.
9. These policies are consistent with the National Planning Policy Framework (Framework) which sets out that significant weight should be placed on the need to support economic growth and productivity.
10. There is no dispute that the use is not an industrial use, nor ancillary to an industrial use. The appellant argued that the office space is necessary for the running of the business, and the church and events business are ancillary to the office use. However, it seems in the absence of substantive contrary explanation, that the office use would support the use as a place of worship and events space and is part of that use.
11. Moreover, in the absence of substantive explanation about the number employed in the use, as well as details of the previous use, the appellant's case that the number of employees would not be dissimilar, is a matter of little weight.
12. The appellant provided details relating to other vacant units within 200m of the appeal site, of which all but one were still available in around May 2023. They also stated that there are several other units vacant and boarded up. Nevertheless, most of the examples provided are considerably larger and in this respect are not directly comparable. Moreover, there is no explanation about how long they have been vacant and as the Council pointed out, they only represent a small proportion of industrial/employment floorspace in the area. Thus, the evidence does not demonstrate that there is no demand for the unit.
13. The use has resulted in the loss of SPIL and employment floorspace and is contrary to policies 29 and 30 of the Southwark Plan, policies SD1, E4 and E5 of the London Plan 2021.

Amenity of neighbouring occupiers

14. There are existing businesses adjoining and in close proximity to the site, there is also a recently completed and occupied residential development of 86 flats at 60A and 62 Hatcham Road.
15. I acknowledge the modest size of the unit. Nevertheless, the Council have evidently received a fairly significant number of complaints about church services and late-night events, with late night events seemingly being the primary cause for concern, as evidenced by correspondence with the Council's Noise and Nuisance Team.
16. There were also a fairly significant number of third-party representations submitted in response to the appeal, including from nearby residents and occupiers of units working at weekends, raising concerns regarding noise and disturbance. There were also matters raised regarding refuse disposal – evidenced by photographs, and anti-social behaviour requiring police attendance.
17. The appellant stated that data available on the police crime map does not indicate that the use of the site has resulted in an increase in reported crime however, this information was not provided.
18. The appellant is willing to introduce a robust management plan to manage waste, opening times and limit visitor/attendee numbers to less than 50, along with limiting singing to certain times of day and install additional soundproofing. Some of these matters could be secured by condition however, they would not overcome the harm in respect of the loss of SPIL and employment floorspace.
19. On the basis of the evidence, the use has an unacceptable impact on the amenity of neighbouring occupiers in respect of noise and disturbance and anti-social behaviour, contrary to policies 18, 56 and 66 of the Southwark Plan which together require that development does not unreasonably compromise development potential or legitimate activities on neighbouring sites; and should not cause an unacceptable loss of amenity to present or future occupiers or users.

Highway Safety

20. Parking in the area is largely limited to on-street and there is likely to be a reasonably high demand for such parking given the number of units in the area. Whilst the site is reasonably well related to a number of bus stops, and I note the appellant's comments regarding visitors travelling together, and arriving by mini-cab, it seems likely that a reasonable number would arrive by private car, leading to additional pressure for on street parking that would unlikely otherwise be associated with an industrial/employment unit of this size. This is supported by third-party representations and the Council's observations.
21. Moreover, the comings and goings of drivers using the events space, some of whom may be unfamiliar with the road network, is likely to pose an unacceptable risk to other users of the highway network as they look for the venue and places to park. I note the CrashMap data however, the use poses an unacceptable risk to both the safety and convenience of users of the public highway contrary to the highway safety aims of Policy 50 of the Southwark Plan and policies T2 and T4 of the London Plan (2021). This harm could not be overcome by the introduction of cycle parking.

Fire safety

22. Policy D12 of the London Plan 2021 states that all development proposals must achieve the highest standards of fire safety. The appellant set out in some detail the fire safety measures, including the means of evacuation and that fire/smoke alarms/extinguishers are and will remain in place. In the absence of substantive contrary evidence from the Council, I find no conflict with Policy D12 of the London Plan 2021.

Other matters

23. The Council referred to policies AAP1, AAP5, AAP15 and AAP7 of the Old Kent Road Area Action Plan Opportunity Area Planning Consultation Framework, however, no information has been provided about what stage this plan has reached. As such I attach little weight to these policies in decision making terms.
24. Under ground (f) the appellant suggested that the requirements are varied such that the use for events can continue. Whilst I do have the power under s177(1)(a) of the 1990 Act to grant planning permission for any part of the matters stated in the notice, the allegation cannot be corrected to enable a development different to that which is correctly defined in the notice – being a mixed use.
25. Even if I considered the proposed use fell within the statutory power to grant planning permission, it would result in the loss of industrial and employment floorspace contrary to policies 29 and 30 of the Southwark Plan and policies SD1, E4 and E5 of the London Plan 2021.

Overall conclusion on ground (a)

26. That there is no harm in respect of fire safety, cannot outweigh the conflict with policies 29 and 30 of the Southwark Plan, policies SD1, E4 and E5 of the London Plan 2021 in respect of the loss of SPIL and employment floorspace, policies 18, 56 and 66 of the Southwark Plan in respect of the harm to the amenity of surrounding occupiers and Policy 50 of the Southwark Plan and policies T2 and T4 of the London Plan (2021) in respect of highway safety.
27. As such, the use is contrary to the development plan when read as a whole. In this case, there are no material considerations of sufficient weight to indicate that the appeal should be determined other than in accordance with the development plan.

The appeal on ground (f)

28. The appellant's case under ground (f) I have already considered above.

The appeal on ground (g)

29. The appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant suggested a period of three months to allow them to find suitable new premises of a comparable size, affordable and in a suitable location, and so that existing booked events can take place.
30. I have been provided with no substantive evidence regarding the availability of alternative premises nor details of existing bookings, or about the number of employees or impacts on them. However, even if account is taken of the need to remedy the harm, the notice does not afford the appellant reasonable time to look for alternative premises or for employees to find alternative employment.

31. Taking all these matters into account I conclude that the period for compliance should be extended to two months. A period of two months would be a proportionate response to the breach of planning control and would achieve an appropriate balance between the need to bring this harmful development to an end and the interests of the appellant and their employees. To this extent, the appeal on ground (g) succeeds.

Conclusion

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

Felicity Thompson

INSPECTOR