



Appeal Decision

Site visit made on 12 August 2025

by Timothy C King BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2025

Appeal Ref: APP/C5690/C/23/3334887

Land adjacent to 5 Codrington Hill, London SE23 1LR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Seral Sedat against an enforcement notice issued by the Council of the London Borough of Lewisham.
 - The enforcement notice was issued on 9 November 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the property to a launderette (Sui Generis use)
 - The requirements of the notice are to:
 - (1) Cease the use of the land as a launderette (Sui Generis use class);
 - (2) Remove all machines for laundry washing (washing machines, drying machines, and any machines for dry cleaning) from the property;
 - (3) Make good all damage resulting from the compliance with the requirements of steps (1) and (2); and
 - (4) Remove all materials, debris, waste, and equipment resulting from compliance with steps (1), (2) and (3) of the notice from the land.
 - The period for compliance is 3 (Three) months after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Formal decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act, as amended for the development already carried out, namely the use of the land and premises as a launderette (Sui Generis use) on land and premises adjacent to 5 Codrington Hill, London SE23 1LR referred to in the notice, subject to the condition set out in the attached schedule.

Preliminary Matter

2. Lewisham Council adopted its replacement Local Plan (LLP) in July 2025 and, as such, the policies cited in the enforcement notice are no longer in effect. Accordingly, I shall apply the latest policies which the Council considers relevant to this planning appeal.

Background

3. Codrington Hill, at its western end, meets Brockley Rise which is a designated neighbourhood local centre that features a selection of shops, cafes, restaurants and services. The appeal site is located close to this junction, and the first building on the north side of Codrington Hill operates as a bar, beyond

which is the single-storey building, part of which accommodates the launderette. The building was previously wholly used for vehicle repairs and servicing – a long established business - until recently when it was rationalised in terms of floorspace enabling the launderette use, which is wholly independent of, and walled off, from the car repair business use, to commence operating. To illustrate further the immediate character of this end of Codrington Hill, a similar building, directly opposite, is also used for vehicle repairs.

4. Immediately adjacent to the flank wall of the appeal building is a service accessway, beyond which, on both sides, the commercial element gives way to that of a residential street.
5. The appellant says that she intended to submit a planning application in an attempt to regularise the use but, despite a request made to the Council to this end, no help was forthcoming. I imagine, though, this was due to the Council considering the material change of use to be unacceptable.
6. The Council then saw it expedient to issue an enforcement notice in an effort to ensure the cessation of the unauthorised use.

The appeal on ground (a) – the deemed planning application (DPA)

7. From all the representations before me, and the stated reasons why the enforcement notice was served, the main issues in this appeal are:
 - 1) whether or not the development targeted conflicts with the Council's spatial policy;
 - 2) the effect of the use on the character of the surrounding area; and
 - 3) whether the use in this location is workable, with particular regard to servicing, storage, parking and waste management, and the implications for the living conditions and residential amenities of neighbouring occupiers.

Reasons

Spatial policy

8. It appears that the Council issued the enforcement notice, primarily, because the site lies outside an identified area which the authority might consider acceptable for a business or light industrial use. The building which the commercial launderette forms part of, and also that opposite, can be considered in local policy terms as non-designated employment sites. Such premises are under increasing pressure from higher value land uses, such as new housing development.
9. Nonetheless, the actual situation on the ground, as described, along with the proximity of Brockley Rise, which the Council identifies as a neighbourhood local centre, has not been properly analysed in the case report which serves to explain why the Council officers considered it expedient to embark on formal enforcement action. Indeed, I consider that the case report's content lacks an even-handed analysis of all the planning issues involved, and there is an absence of due balance.
10. Paragraph 8.49 of the LLP says that there are a number of employment sites located outside of the Borough's designated employment areas, and they play

an important role in the local economy through their offer of complementary business services as well as providing a source of local job opportunities. Admittedly, in this particular instance, the use is low-key, reflecting the limited floorspace, and the appellant confirms that it is a small-scale, family-run business that provides a local service. Rather than operating as a typical launderette customers themselves cannot enter to wash and dry clothes but, instead, it involves collections from peoples' homes with clothes then washed, dried, pressed and finally delivered back to the customer.

11. The development that has occurred here involves a change of use from that of motor vehicle repairs and associated maintenance, which is largely a general industrial (Class B2) use. It may also involve a Class E element (Commercial, Business and Service) but, from the Council's representations, the essence is that the change is material because a launderette is a sui generis use; in other words, a use that is not categorised within the Town and Country Planning Use Classes Order. This does not, though, mean that the launderette is a use which is not employment generating, and this factor has seemingly been ignored. Nonetheless, it appears to be the Council's primary objection to the development.
12. The Council refers to the National Planning Policy Framework (the Framework), regarding general advice as to the creation of high quality buildings, and also impacts on other uses, but no mention is made of the government's growth agenda. In a nutshell, this advises that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Accordingly, such rigidity, suggests a form of 'in principle' zoning having been applied here by the Council, with any resultant beneficial purpose from such an approach left unclear.
13. In the circumstances, and taking all relevant factors into account, I must conclude that the Council's spatial policy is not compromised by the development. In fact, I would consider that the use is consistent with the aims of LLP policies EC2 and EC8, and also paragraphs 86 and 125 of the Framework.

Character

14. The immediate local character is one of mixed use. Codrington Hill is mainly commercial to the west and directly opposite but, beyond the building's side service-way, the road becomes wholly residential.
15. The Council says that the introduction of the launderette is an intensification of the other uses within the building and considers that it places an unreasonable restriction on existing businesses, such as preventing or precluding access and fire escapes. I have, though, seen no evidence to substantiate this assertion. I shall discuss this further under the next main issue but, in terms of intensification, the courts have held that this in itself is not necessarily sufficient to warrant a material change of use occurring. Instead, the starting point must be whether the particular use has adversely affected local character.
16. A passer-by could easily be left unaware of the launderette's existence, as it is contained within only a small part of the building, which still appears as a

single entity. To illustrate further there is no obvious signage evident either publicising or promoting the launderette. Having also witnessed the use's limitations due to the floorspace involved I cannot realistically see that this low-key business will have any tangible effect on the area's character, the make up of which I have already described, let alone having any adverse impact in this regard.

17. I therefore conclude that the use is not harmful to local character, nor has its commencement led to a proliferation of sui generis uses, and the development is consistent with the objectives of LLP policies EC16 and EC17, and also paragraph 135 of the Framework.

Workability of use, and implications for neighbouring occupiers

18. The second reason for issuing the enforcement notice is that the building is unacceptable in terms of design and implementation of service and storage needs. At first glance the wording would seem to suggest that the development has involved the erection of a new-build unit in which a launderette has been installed, and the Council feels that this is an unsuitable use within. The actual circumstances are clearly very different and, as mentioned, the use should be considered in the context of its immediate commercial neighbours, of which it once was an established part.
19. The site is not within a Controlled Parking Zone, vehicles park directly outside the building, certainly relating to the car repair garage and, as mentioned, it is only a small concern. Realistically, due to its scale, there has to be only a relatively small number of short term deliveries and collections of laundry, and, given the circumstances, this is unlikely to give rise to any undue inconvenience in terms of parking pressure from servicing.
20. The appellant says that the premises are well ventilated. However, this is not demonstrated, and a local objector says that four outlet holes have been formed in the side elevation and fitted with makeshift grilles. Indeed, at my site visit I noted these and, in order to ensure that the launderette is operating as it should be, a condition can be imposed to provide details of the mechanical ventilation used to remove moisture, heat and potential airborne contaminants. This will address the requirements of LLP policy TR5 and enable Council officials to assess the adequacy of the measures currently in place and for improvements to be made in accordance with relevant regulations, if required.
21. Waste storage and all other storage facilities can be accommodated within the unit itself, but the condition to be imposed also, similarly, requires that details be submitted to the Council for written approval. Some other matters referred to, though, such as impacts on ecology and biodiversity, are realistically not applicable here.
22. The said condition is worded retrospectively and has fall-away clauses should its requirements not be observed. However, if it is discharged then I am satisfied that the concerns of local occupiers, set out in their written objections, will be addressed, and the living conditions of neighbouring residents will be safeguarded.

Conclusions

23. Admittedly, some measures may need to be taken to ensure that the use is functioning satisfactorily but, with this in mind, it must also be asked what the

consequences would be if the launderette had to cease trading here. It would mean a potential loss of jobs, even closure of the business itself if alternative premises cannot be found. Also, with the loss of a local facility and service, it would result in a vacant business unit. Given that the opportunity exists to implement any necessary remedial measures I must conclude that the requirements of the enforcement notice are at odds with general planning policies, are thereby unreasonable and, moreover, can likely be considered as draconian.

24. To conclude, I have not found harm from what I consider to be a potentially workable use on either of the first two main issues. As regards how the use is operated a condition is imposed to address any adverse implications arising from the use. Should the Council reasonably feel that the details required by way of the planning condition imposed are unsatisfactory then it can withhold written approval of such.
25. Accordingly, it would be helpful if both the appellant and the Council were to now enter into discussions to assist the planning process.
26. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted on the application deemed to have been made.

Timothy C King

INSPECTOR

Schedule of Conditions

1. The use hereby permitted shall cease and all equipment and materials brought to the premises shall be removed within 30 days of the date of any failure to meet any one of the requirements set out below.

Within 3 months of the date of this decision, details shall be submitted for the written approval of the local planning authority, and shall include a timetable for its implementation, involving:

- a) a scheme for the storage of waste and other refuse; and
- b) the extract ventilation system currently in use, and any additional measures proposed for such.

If within 6 months of the date of this decision the local planning authority refuse to approve the details submitted, or fail to give a decision within the prescribed period, an appeal should have been made to and accepted as validly made by the Secretary of State.

If an appeal is made in pursuance that appeal shall have been approved by the Secretary of State.

The approved details shall have been carried out and completed in accordance with the approved timetable and shall be retained for the duration of the use of the site.

In the event of a legal challenge to this decision made pursuant to the procedure set out in this condition, the operation of the time limits specified will be suspended until that legal challenge has been finally determined.