



Appeal Decision

Hearing held on 5 August 2025

Site visits made on 4 and 5 August 2025

by **L Douglas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th September 2025

Appeal Ref: APP/E5330/C/25/3364847

The land at The Trafalgar Tavern Public House, Park Row, Greenwich SE10 9NW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
- The appeal is made by Mr Frank Dowling of Trafalgar Tavern Lease Limited against an enforcement notice issued by The Council of the Royal Borough of Greenwich.
- The notice was issued on 31 March 2025.
- The breach of planning control as alleged in the notice is 'Without planning permission, a material change of use of the Thames Path also known as The Ramp & The Knuckle) for the provision of an external drinking and dining area and the provision of seating for the patrons of The Trafalgar Tavern Public House, Park Row, Greenwich, SE10 9NW'.
- The requirements of the notice are: Cease the use of the land referred as 'The Ramp & The Knuckle' as an external drinking and dining area. Remove in its entirety all seating, umbrellas and tables within the area hatched on the attached plan. Remove from the land all materials resulting from the carrying out of the above steps.
- The period for compliance with the requirements is one month from the date the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f), and (g) of the Act. 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.

Summary of Decision: The appeal is allowed following the correction of the enforcement notice, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Preliminary Matters

1. Previous appeal decisions¹ (the 2024 Appeal Decisions) followed a Public Inquiry where the main parties discussed in detail the historic use of areas of land described as Trafalgar Square, The Ramp, and The Knuckle at the site. The same descriptions of those areas of land were used throughout the Hearing, but to clarify: Trafalgar Square is an outside area immediately to the west of and adjacent to The Trafalgar Tavern building; The Ramp is the part of the Thames Path between Trafalgar Square and the Old Royal Naval College (ORNC); and The Knuckle is part of the Thames Path to the north of The Ramp.
2. The description of the alleged breach refers to a material change of use of the Thames Path, but the precise area of The Ramp and The Knuckle is not specified in the notice. Moreover, the steps to be taken require the cessation of the alleged unauthorised use and the removal of items from a hatched area on the plan attached to the notice, but there is no hatched area on the plan.
3. Although the appellant is aware which parts of the Thames Path are known informally as The Ramp and The Knuckle, it is not disputed that the notice is invalid

¹ Appeal refs: APP/E5330/X/22/3293510 and APP/E5330/X/23/3318421

and in need of correction. To this end, new plans have been provided showing part of the land hatched and annotated as The Ramp and The Knuckle.

4. Section 176(1) of the Act allows me to correct any defect, error or misdescription in the notice if I am satisfied that doing so will not cause injustice. Subject to my findings on the appeal under ground (c), I can correct the description of the alleged breach to ensure it refers to the parts of the land known as The Ramp and The Knuckle, as shown hatched on a new plan, which I can substitute for the original plan attached to the notice. There is no need to specify that the Thames Path passes through that land. Considering the previous appeal decision specifies in detail the extent of The Ramp and The Knuckle, with reference to plans provided in evidence which would have been seen by the appellant, I am satisfied that the notice can be corrected in this manner without causing injustice.

Ground (c)

5. To succeed under this ground the appellant needs to show that the material change of use stated in the notice does not constitute a breach of planning control, on the balance of probabilities.
6. Planning permission² was granted in 2005 for development described as 'external works to listed buildings and the placing of tables and chairs in connection with the use of the Trafalgar Tavern' subject to nine conditions (the PP). The PP decision notice lists various documents, but it does not state that the approved development must be carried out in accordance with those documents. There is no dispute that the land edged in red on the site location plan³ referred to by the PP includes the whole of The Ramp and part of The Knuckle.
7. The 2024 Appeal Decisions do not confirm that the use of any land for the placing of tables and chairs was unlawful. Those decisions merely confirm that the Council's decisions to refuse to issue certificates of lawful use or development for what was claimed to be lawful in those applications were well-founded.
8. Indeed, on the evidence before me and as a matter of fact and degree, I am satisfied that the PP authorises the placing of tables and chairs in connection with the use of The Trafalgar Tavern within all of the land edged red on the site location plan referred to above, subject to nine conditions. It is not disputed that the PP was implemented and that the use authorised by the PP has not since been abandoned and there has not been any intervening material change of use on that land. I see no reasons to find otherwise.
9. There are no conditions attached to the PP which restrict the placing of tables and chairs to any specific locations. That said, I note condition 1 refers to an unspecified area designated for the placing of tables and chairs, and condition 7 requires 'the footpath through the site, the footpaths/ramped area to the west of the site, and the area known as 'Knuckle' (to be kept) free from obstruction at all times'. I am also aware that details approved in compliance with condition 3 of the PP show tables and chairs confined to Trafalgar Square, while an unclear plan claimed to form part of the planning application also shows tables and chairs confined to that area. Whether any conditions attached to the PP have been breached is a separate matter which is not alleged by the notice.

² The Council's ref: 04/1611/F

³ Labelled 'Job No 1248' and dated '6/04' at page 24 of the Council's Statement of Case and page 1 of the appellant's Appendix 6

10. The description of the development approved by the PP implicitly authorises the use of the entirety of the land edged in red on the site location plan which accompanied the planning application as an external drinking and dining area with associated seating for patrons of The Trafalgar Tavern. Based on everything I have read, seen, and heard, that has been the lawful use of that land since the PP was implemented, even if conditions attached to the PP have been breached. It follows that if tables and/or seating have been subsequently placed on The Ramp or the part of The Knuckle edged in red on the relevant site location plan, and that land is being used as an external drinking and dining area by patrons of The Trafalgar Tavern, there has been no material change in the use of that land. As set out above, there may well have been breaches of conditions, but that would be a different breach of planning control.
11. I therefore find that the description of the alleged breach in the notice is in need of correction to ensure it does not refer to a material change of use of any of the land which benefits from the PP. Although the appellant has raised this point in their appeal under ground (c), they would be caused injustice if I were to correct the description of the alleged breach to refer to any alleged breach of condition(s). This is because they have based their ground (a) arguments on a material change of use, and because there could be dispute over which conditions attached to the PP may have been breached and the extent to which they may have been breached.
12. The plan⁴ attached to this decision identifies The Ramp and The Knuckle, and it shows the extent of land outlined in red on the site location plan of the PP as an area shaded pink. I shall correct the description of the alleged breach to ensure it does not refer to the land shaded pink on the plan attached to this decision. It will remain a separate matter for the Council to consider whether enforcement action in respect of any breach of condition attached to the PP could or should be taken.
13. The Council provided an alternative plan said to show the extent of land outlined in red on the site location plan referred to by the PP⁵. However, I am satisfied that the appellant's version of that plan more accurately reflects the site location plan referred to and discussed at the Hearing.
14. The appeal under ground (c) therefore succeeds to the extent outlined above.

Ground (a) and the deemed application for planning permission

15. As the appeal under ground (c) succeeds in respect of The Ramp and part of The Knuckle, and the notice will be corrected accordingly, the appeal under ground (a) and the deemed application for planning permission only relate to the other land within The Knuckle, which is not shaded pink on the plan attached to this decision.
16. The main issues are the effect of the material change of use on:
 - designated heritage assets, with particular regard to the Grade II listed building of The Trafalgar Tavern (the LB), the Greenwich Park Conservation Area (the CA), and the Maritime Greenwich World Heritage Site (the WHS); and
 - highway safety and access.

⁴ Provided by the appellant in an email dated 10 September 2025 at 13:56

⁵ Provided by the Council in an email dated 9 September 2025 at 16:50

Heritage assets

17. The Knuckle is within the CA and the WHS. It is also within the setting of the LB. I am required by sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to have special regard to the desirability of preserving the setting of the LB and to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
18. The LB was constructed as a public house to serve visitors to Greenwich in the 1830s as a replacement for a smaller working-class tavern. It has a painted stucco finish, sash windows and wrought iron balconies facing onto Park Row and the River Thames. Its significance is derived from the high historic and architectural interest of the LB, as an example of Regency design by known architect Joseph Kay at a time when the character of Greenwich was changing to an area for leisure and recreation. The use of the LB by leading national politicians, writers, and artists in the nineteenth century, including William Gladstone and Charles Dickens, also contribute to this and its modest artistic interest. The LB has a deliberately designed relationship with the River Thames, and its significance relies heavily on this, which is appreciable from The Knuckle. The setting of the LB includes the sense of openness of its immediate surroundings, including The Knuckle where people can congregate and take in views of the LB and its close relationship with the river. This also makes a positive contribution to its significance.
19. The significance of the CA is based on the historic, architectural and topographic interests of Greenwich Park, the ORNC, the Queen's House, the National Maritime Museum, the site of a Tudor Royal Palace, and the Royal Observatory, amongst other features which make up the WHS. These all have an important relationship with the river. The topography of the area provided the inspiration for the axial planning of the ORNC on the southern bank of the river, and the siting of the Royal Observatory provides world-famous views across London. This also contributes to the protected townscape view⁶ from Island Gardens on the opposite side of the river. The CA therefore has many important historical buildings and connections, archaeological features, and panoramas appreciable from within and outside it, all of which attract large numbers of visitors to the area and associated tourist activities. The Council's CA Appraisal (2010) states that, apart from facilities within the museum and parks, there is little commercial activity within the CA, with an 'important exception' being The Trafalgar Tavern, 'whose custom spills out onto the waterfront on warm summer evenings'.
20. There are eight key attributes which satisfy the conditions of authenticity and integrity for the WHS to be designated as such and convey its Outstanding Universal Value. These closely follow the features which define the significance of the CA mentioned above, and include its architecture, planned layout of buildings and landscape, relationship with the River Thames, silhouettes, and the symmetry of its composition around the Grand Axis.
21. During my site visits I was unable to walk through the ORNC as access was restricted and numerous barriers and tents had been erected within those grounds, with a large stage backing onto the River Thames. The Hearing was told that this was part of an unauthorised event due to run for fifteen days, but the Council could not say whether any enforcement action was being considered against it. I note the

⁶ Set out in the London View Management Framework Supplementary Planning Guidance (2012)

- point made by Mr Barker-Mills that temporary events are often held within the grounds of historic buildings in a sympathetic manner to help financially support their conservation. The temporary structures seen during my site visits, however, dominated the ORNC and significantly affected how the WHS was seen and experienced, not least from the Thames Path and Island Gardens to the north.
22. The Knuckle forms part of the Thames Path and has evidently been used by members of the public for walking and taking in views along the River Thames, as well as by patrons of the LB, for many years. The use of this area as an external drinking and dining area associated with the public house is not therefore alien to this location, which is visited by large numbers of tourists attracted by the WHS in particular. The public house and its external drinking and dining options play an important role in how visitors experience the heritage assets.
 23. In the absence of any associated items, the use of The Knuckle as specified by the notice would not therefore have any effect on the significance of the heritage assets. This is because they would be seen and experienced in largely the same manner as they always have. However, it is the tables, seating, umbrellas, and litter bins associated with the use which have changed how The Knuckle is capable of being used and how the heritage assets are seen and experienced.
 24. Benches comprising metal frames with timber seating and tabletops (the Picnic Benches) are arranged tightly next to each other, lining the edge of The Knuckle closest to the river. Umbrellas with square canopies are fitted through the centre of each tabletop, which were open on my first visit. Their canopies overlapped to form what was essentially one long, open-sided canopy wrapped around the riverside edge of The Knuckle. The umbrellas were closed during my second site visit, and the appellant has explained how they allow the land to be used flexibly in response to the variable weather experienced throughout the year. It is the appellant's case that the existing number, positions, and designs of the benches and umbrellas have no harmful effect on the significance of the heritage assets.
 25. The Picnic Benches and umbrellas are of consistent design and arrangement along The Knuckle, which ensures a neat and tidy, formal appearance. The Picnic Benches and people using them are imperceptible in views from Island Gardens on the opposite side of the river and from River Bus services on account of the intervening posts and railings along the riverside edge of The Knuckle and the distances involved. The umbrellas are minor features in those views on account of their limited height in comparison to surrounding buildings. However, when open, the current number of umbrellas has a modest negative effect on the appreciation of the significance of the heritage assets, including the composition of the ORNC and the Grand Axis of the WHS, from those important viewpoints. This is because they are seen as a block of uncharacteristic clutter below the tree canopies between the LB and the ORNC, when the very near flanks of the ORNC are otherwise open and free from structures protruding above the riverside railings⁷.
 26. The cramped arrangement of the umbrellas means they inevitably obscure public views of the river and the north elevation of the LB from The Knuckle when open and closed, albeit to different degrees. The Picnic Benches and patrons sitting at them do not cause such harm on account of them being typical low-level features

⁷ Apart from the Bellot Memorial, the railings surrounding the ORNC, and the temporary unauthorised event structures.

for this tourist-heavy area, even though they prevent non-patrons from standing directly against the riverside railings.

27. While the design of the umbrellas is inoffensive, their current number and positioning (whether open or closed) causes a modest level of harm to the significance of the LB on account of the visual clutter and obstruction in views from The Knuckle towards the northern elevation of the LB, to the detriment of its setting. I also find that this number and arrangement of umbrellas, when open, causes a modest level of harm to the significance of the CA and the WHS due to the long canopy which is formed in front of the ORNC boundary railings in views from Island Gardens. This harm could be easily avoided through a reduction in the number of umbrellas and greater spacing between them. The umbrellas are not discernible in important views from elsewhere, including from higher ground to the south.
28. Timber seating with metal frames (the Low Benches) have been placed over protruding 1970s concrete seating at the foot of the railings that enclose the ORNC. The chrome finish of their frames and the lacquered finish of the timber seating are at odds with the finer detailing and historic appearance of the railings, which form a Grade II listed building in their own right. However, there is no dispute that the placing of these moveable benches on this part of The Knuckle does not cause any harm to the setting or the significance of those railings. Considering the poor, somewhat broken and irregular state of the concrete seating underneath, and the limited height and depth of the Low Benches, I see no reasons to find otherwise.
29. The few litter bins, which are free to be used by members of the public, are neat and simple in design, and finished in black with gold detailing. They have the appearance of typical highway features and are interspersed sparingly amongst benches across The Knuckle. The placing of this number and design of litter bins in their current positions causes no harm to the heritage assets.
30. I have been referred to outside tables, chairs, and umbrellas elsewhere within the CA and the WHS, and I note the examples present immediately adjacent and around the Grade II listed Royal Naval College Pepys Building, and the Sammy Ofer Wing of the National Maritime Museum. The designs and qualities of those items vary, but they are symptomatic of how tourism heavily influences the character and appearance of the modern-day environment in which the heritage assets are experienced. The same can be said for the temporary structures associated with the unauthorised event seen within the ORNC. These do not, however, normalise or otherwise justify the modest levels of harm caused to the heritage assets by the number and positions of the umbrellas on The Knuckle.
31. To clarify, I do not find any harm caused to the settings or significance of any heritage assets by the use, other than that caused by the current number and positions of umbrellas associated with the use. I find no such harm caused by the placing of the Picnic Benches, the Low Benches, or the litter bins on The Knuckle.
32. Despite the modest level of harm caused to the setting of the LB by the umbrellas, I give considerable importance and weight to the desirability of preserving the setting of the LB. In the context of the National Planning Policy Framework (the Framework), the umbrellas cause less than substantial harm to the significance of the LB, the CA, and the WHS. I assign great weight to that harm, which is to be weighed against the public benefits of the use with the umbrellas compared to the use without the umbrellas. This is because I can grant planning permission for the

use with a condition restricting the placing of any items on the land, and compliance with that would address the identified harm.

33. Evidence has been provided to show how the viability of the public house, and many jobs and social benefits depend on the external drinking and dining area. There is little, however, to show that the removal of umbrellas from The Knuckle, and the continuation of its use as an external drinking and dining area, would likely put the operation of the public house, any jobs, or the wider economic and social benefits at risk. I do not doubt that the umbrellas make the Picnic Benches more attractive to customers throughout the year, and that this creates social and economic public benefits. The value of those public benefits derived from the umbrellas is modest, and I assign only moderate weight to them. They do not, therefore, outweigh the harm caused to the heritage assets by the umbrellas.
34. The items associated with the use can be controlled by a condition attached to a planning permission, and this provides an opportunity for the number and positions of umbrellas on the land to be restricted, which would preserve the setting of the LB, preserve the character of the CA, and avoid any harm to the significance of the heritage assets. Furthermore, subject to a condition, the use would not compromise the ability to appreciate the Outstanding Universal Value of the WHS, or the authenticity and integrity of its attributes, while sympathetically making those attributes more attractive to visitors.
35. For the above reasons, subject to a condition restricting the items placed on the land, the use of the part of The Knuckle specified in the corrected notice would not conflict with Policies D3, HC1, and HC2 of The London Plan (2021) (the LP), Policies DH1, DH3, DH4, DH(h), and DH(i) of the Council's Core Strategy (2014) (the CS), the CA Appraisal, or the Framework. These require, amongst other things, development to respond positively to existing character and heritage assets, while being sympathetic to the significance and appreciation of heritage assets within their surroundings and protecting them and their settings. Policies HC2 and DH4 also refer to the need to conserve, promote and enhance the Outstanding Universal Value, including the authenticity, integrity and significance of the attributes of the WHS.

Highway safety and access

36. The Council has confirmed that The Knuckle is not accessible to vehicles, and its concerns in respect of highway safety and access relate to the conflict between pedestrians and cyclists with patrons and staff. All items placed on the land are moveable and vehicular access to The Knuckle from Park Row is restricted by bollards, a parking meter, a CCTV column, and barriers around Trafalgar Square. The development does not therefore unduly restrict access to the land by emergency vehicles.
37. A public right of way exists over the land, forming part of the Thames Path between The Trafalgar Tavern and Greenwich Pier. The Thames Path narrows significantly between the western end of The Knuckle and the eastern end of the Bellot Memorial, in front of the ORNC. The Council do not dispute that this section of the Thames Path measures approximately 1.6 metres (m) in width.
38. I saw that cyclists should dismount when travelling across the narrow section of the Thames Path in front of the ORNC, in the interests of safety, but many do not despite it being a very busy route. Those cyclists force pedestrians to stop and/or

move sideways to create space for them to pass. This probably explains why the National Cycle Network Route 1 turns away from The Ramp and The Knuckle at the end of Crane Street, to run through the ORNC, before rejoining the Thames Path at Greenwich Pier. Even in the absence of cyclists, this narrow section of the Thames Path can be difficult for pedestrians, including those in wheelchairs or with buggies, children, or dogs, to pass when busy.

39. Signs bearing the Council's insignia were displayed around the ORNC during my visits, which advised that the National Cycle Network would be non-accessible for the duration of the unauthorised event at the ORNC, and that cyclists are not permitted on the Thames Path. This conflicts with the Council's claims that cyclists have a right to unrestricted access along The Knuckle. Aside from whether there is a legal right to cycle across The Knuckle, the adjacent narrow section of the Thames Path, the National Cycle Network Route 1, and local signage displayed by unknown persons all discourage cyclists from doing so. Notwithstanding this, I do not doubt that some people choose to cycle in an unsafe manner across the Thames Path, including The Knuckle.
40. The Low Benches provide opportunities for patrons to stretch their legs out, towards the middle of The Knuckle. This presents a trip hazard for passing pedestrians and cyclists. The orientation of the Picnic Benches avoids similar hazards, but they reduce the area for pedestrians and cyclists to pass. That said, this part of The Knuckle remains much wider than the narrow section of the Thames Path.
41. Staff provide table service to patrons using the outside seating, resulting in hot food and drinks, and used crockery, cutlery and glasses being repeatedly moved back and forth between The Knuckle and the public house. The large number of covers on The Knuckle means staff, pedestrians and cyclists need to pay close attention to their surroundings. Considering the movements of pedestrians and cyclists are beyond the appellant's control, there is a high risk of conflict.
42. The Council does not dispute the appellant's survey of the width of the space between the Low Benches and the Picnic Benches⁸. This shows that the narrowest gap for pedestrians and cyclists to pass on The Knuckle is 3.1m wide, which would be reduced when patrons sit on the Low Benches. This space is also used by staff serving patrons. The Council has suggested that a clear area with a minimum width of 3.5m would be required in this particular case to allow the safe passage of pedestrians and cyclists.
43. The Council has confirmed it does not seek the removal of the concrete seating underneath the Low Benches, which is said to have been constructed in the 1970s. It is therefore beyond the appellant's reasonable control as to who and how people sit there, with or without the Low Benches in place.
44. It is the high number of staff movements on The Knuckle which present the greatest risk to the safety and access of pedestrians and cyclists, where hot food, drinks, crockery, cutlery and/or glasses are being regularly carried. I have not, however, been referred to evidence of any collisions or accidents involving pedestrians or cyclists on The Knuckle, and I am aware that the use has been ongoing for significant periods. It also needs to be borne in mind that pedestrians and cyclists passing through The Knuckle in either direction will do so immediately

⁸ Figure 6 of the Transport Technical Note by Evoke Transport, dated 10 June 2025

before or after the 1.6m wide stretch of the Thames Path, the length of which far exceeds that of The Knuckle. For this reason, I am satisfied that a clear gap of at least 2.5m in width through The Knuckle would be sufficient to allow the reasonably safe passage of pedestrians and cyclists.

45. The particular circumstances of The Knuckle therefore allow the methods by which staff serve food and drink and collect used crockery, cutlery and glassware to be controlled by a planning condition requiring the approval of a management plan. Not only could a management plan specify how staff manage the use and serve patrons on The Knuckle, but it could also set out where all specific items associated with the use (not just umbrellas) shall be located and how a minimum 2.5m wide gap can be maintained by staff, as well as the minimum 3.1m gap between benches.
46. For the above reasons I find that the use of the part of The Knuckle specified in the corrected notice is capable of causing no unacceptable harm to highway safety and access, subject to a condition restricting where items associated with that use can be placed and how staff manage the use. The development is therefore capable of complying with Policy IM(b) of the CS and Policies T2 and T5 of the LP which require, amongst other things, development to integrate with existing footpaths and cycle networks without hindering walking and cycling.

Other matters

47. Local residents walking along the Knuckle may find external drinking and dining intimidating, especially if sufficient space is not provided for them to pass. I am satisfied that a condition controlling the specification, positions, and numbers of all items placed on the land in connection with the use would ensure a sufficiently clear passage for non-patrons to pass without feeling unduly intimidated. Moreover, the nature of the external drinking and dining area is typical for this area, which is closely associated with the historic public house and tourism.
48. The parties are in agreement that no harm is caused to the settings or significance of the ORNC buildings (Grade I listed), the railings surrounding the ORNC (Grade II listed), the riverside railings along The Knuckle (Grade II listed), or the site of Greenwich Palace (Scheduled Monument), none of which are mentioned in the Council's reasons for issuing the notice. Nonetheless, these heritage assets are situated very close to The Knuckle, and I have a statutory duty to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.
49. The Knuckle is within the settings of these heritage assets, and its use influences how they are seen and experienced. Patrons of The Trafalgar Tavern standing, sitting and drinking on The Knuckle are consistent with the historic association of the public house with this locality and the tourist activities prevalent throughout and around these heritage assets. For the same reasons set out above in the first main issue, the number and positions of umbrellas placed on the land in association with the use erodes the openness of these settings. All other associated moveable items currently in place are small in scale and characteristic of the leisure and tourism activities which have been in this location since The Trafalgar Tavern first came about in the early nineteenth century. Therefore, for the same reasons set out in the first main issue above, the use can preserve the settings of all heritage

assets and their features of special interest, subject to a condition controlling the items placed on the land.

Conditions

50. I sought views at the Hearing on the appropriateness of a condition requiring the submission and approval of a management plan within a specific period to address the above issues. Although there was little support for such an approach, I consider this the most appropriate method to control how the use operates and the specification and location of all items placed on the land, in the interests of heritage assets and public safety. It provides the Council an opportunity to control the number, design, and positions of all items, including umbrellas, and would prevent other items from being placed on the land, such as food or drink preparation and serving stands, or items of unacceptable designs. The plan showing the existing layout and photographs of the items currently on the land are not detailed enough to be enforceable for these purposes. Following compliance with the condition, it would be open to the appellant or any future operator to apply for the approval of a different management plan through varying the condition, if circumstances change.
51. The 3.1m wide gap between benches either side of The Knuckle could be specified in a management plan and maintained by staff, while details could also be specified of how staff would manage the area to prevent patrons from blocking an absolute minimum clear gap 2.5m in width. I am mindful that this would be a logistical hurdle for the appellant to overcome, but it is a reasonable and efficient method to address concerns with the use, and it is necessary to make the use acceptable for the long-term in this sensitive location. Moreover, it would not be onerous to set out the necessary details, including any plans clearly showing item designs, sizes and locations, in a management plan to ensure it is clear what is expected of the existing and any future operators.
52. Condition 2 of the PP seeks to control the hours and dates between which tables and chairs can be placed on the public highway, 'to safeguard the amenities of neighbouring properties and the area generally'. A similar condition would not be necessary in this instance to make the use acceptable. Aside from the difficulty and noise which would be associated with removing, storing, and reinstating all items daily, the hours of use of The Knuckle can be specified within the management plan. In the absence of harm, it would be unreasonable to restrict the placing of items on the land to a specific time of the day or year. Even if such controls are in place on other land, where different circumstances may apply, that alone would not be a reasonable justification to apply them to this use of The Knuckle.
53. It would be reasonable and necessary to require the approval of details as to how the use will remain associated with The Trafalgar Tavern and details of how refuse resulting from the use of The Knuckle is managed in the interests of the character and appearance of the area and public safety. There are no concerns relating to how the use currently operates and refuse is currently dealt with, but this should be set out within the management plan to ensure that remains the case in the future.
54. As the development has already been carried out, in order for the condition to be enforceable it must require the cessation of the use and the removal of all items associated with that use from the land within a specific timescale, unless if the necessary details are submitted to the Council for approval and approved within specific periods. It was agreed at the Hearing that three months would be

reasonable for the submission of the necessary details, and nine months would be reasonable for the Council to consider the details. The condition also makes provision for an appeal to be lodged against the refusal of, or failure to determine, an application to discharge the condition. It requires the implementation of the approved management plan within an agreed timescale, and adherence to the management plan going forward.

55. If the necessary details are not submitted and approved in accordance with the condition, three months would be reasonable to cease the use and remove all associated items. I reach this view after considering the large number of staff potentially affected and the wider business operations of the public house, along with all submissions made in respect of the appeal under ground (g).
56. The appellant may need to obtain a licence from the Council for drinking and/or dining on a public highway, but this would be a separate matter, and it would not be reasonable or necessary to attach a condition or informative note relating to this.

Conclusion on Ground (a) and the deemed application for planning permission

57. The use of the part of The Knuckle referred to by the corrected notice causes harm to the setting of the LB and the significance of the LB, the CA, and the WHS on account of the number and positions of umbrellas currently placed on the land in association with that use. That harm is not outweighed by the public benefits of the use. However, the number, positions, and design of umbrellas placed on the land in association with the use can be controlled by condition to ensure no such harm would be caused to those heritage assets. Furthermore, subject to a condition controlling the operation of the use and the specifications, numbers and locations of all items placed on the land, the use would not cause any unacceptable harm to highway safety or access.
58. Subject to a condition, the use complies with the development plan as a whole and there are no material considerations which indicate planning permission should not be granted. The appeal under ground (a) therefore succeeds, and the deemed application for planning permission is approved, subject to the condition set out in the Formal Decision below.

Overall Conclusion

59. On the balance of probabilities, the appeal on ground (c) should succeed in part, in respect of the use of The Ramp and part of The Knuckle for which planning permission has been granted for its use as an external drinking and dining area subject to conditions. The enforcement notice will be corrected. In these circumstances, the appeal on grounds (a), (f) and (g) and the application for planning permission deemed to have been made under section 177(5) of the Act in respect of that land do not need to be considered. In respect of the other land the subject of the notice, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the use as described in the notice as corrected subject to a condition. The appeal on grounds (f) and (g) do not fall to be considered in respect of that other land either.

Formal Decision

60. It is directed that the enforcement notice is corrected by:

- The deletion of the plan attached to the enforcement notice and the substitution of the plan attached to this decision;
 - The deletion of the text ‘Thames Path also known as The Ramp & The Knuckle) for the provision of an external drinking and dining area and the provision of’ at paragraph 3 of the enforcement notice and the substitution of the text ‘Knuckle, as identified by the white hatched area on the attached plan (not shaded pink), to an external drinking and dining area with’;
 - The deletion of the text ‘as ‘The Ramp & The Knuckle” at paragraph 4 of the enforcement notice and the substitution of the text ‘to as the Knuckle, as identified by the white hatched area on the attached plan (not shaded pink); and
 - The deletion of the text ‘area hatched on the attached plan’ at paragraph 4 of the enforcement notice and the substitution of the text ‘land identified by the white hatched area on the attached plan (not shaded pink)’.
61. Subject to the corrections, 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 Act for the development already carried out, namely the material change of use of The Knuckle, as identified by the white hatched area on the attached plan (not shaded pink), to an external drinking and dining area with seating for the patrons of The Trafalgar Tavern Public House on land at The Trafalgar Tavern Public House, Park Row, Greenwich SE10 9NW, as shown on the plan attached to the notice and subject to the following condition:
- The use hereby permitted shall cease and all equipment and items brought onto the land for the purposes of such use (including all benches, tables, chairs, umbrellas and litter bins) shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a management plan shall have been submitted for the written approval of the local planning authority and the management plan shall include a timetable for its implementation. The management plan shall also include details of: (a) how the use hereby permitted will only be in association with The Trafalgar Tavern Public House; (b) how the use hereby permitted will be managed and operated to ensure a clear gap of at least 2.5 metres in width runs through The Knuckle; (c) the specifications and locations of any and all items to be placed on the land in association with the use hereby permitted; (d) the hours of the use hereby permitted; and (e) how refuse associated with the use hereby permitted will be managed.
 - ii) If within 9 months of the date of this decision the local planning authority refuse to approve the management plan or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted management plan shall have been approved by the Secretary of State.

- iv) The measures set out in the approved management plan shall have been implemented and completed in accordance with the approved timetable.
- v) Upon implementation of the approved management plan specified in this condition, that management plan shall thereafter be adhered to and no items other than those specified in the approved management plan shall be placed on the land in association with the use hereby permitted.
- vi) In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

L Douglas

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robert Harrison	Planning Agent
Nigel Barker-Mills	Heritage Consultant
Pia Tiley	Transport and Highways Consultant
Frank Dowling	Appellant
Paul Russell	Architect

FOR THE LOCAL PLANNING AUTHORITY:

Isaac Liu	Principal Planning Enforcement Officer
Tarana Choudhury	Conservation Officer
Robert Bruce	Legal Advisor
Mark Page	Highways Development Manager

INTERESTED PARTIES:

Paul Aquilina	Local resident
David Scales	Local resident

DOCUMENTS PROVIDED AT THE HEARING

Government press release dated 26 July 2025 titled 'Red tape slashed to revamp high streets with new cafes and bars'

The decision notice, plans and other associated documents forming part of application reference 05/1388/SD

PLAN

This is the plan referred to in the decision dated: 24th September 2025

by L Douglas BSc (Hons) MSc MRTPI

Appeal Ref: APP/E5330/C/25/3364847

The land at The Trafalgar Tavern Public House, Park Row, Greenwich SE10 9NW

Not to scale

