



Appeal Decisions

Site visit made on 20 October 2025

by **A Parkin BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th November 2025

Appeal A Ref: APP/L5240/W/25/3364336

62 Lower Addiscombe Road, Croydon CR0 6AB

- 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 consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Dr Anwar Ansari of AA Homes and Housing against the Council of the London Borough of Croydon.
 - The application Ref 25/00560/DISC sought approval of details pursuant to condition 3 of planning permission Ref 19/02765/FUL granted on 14 February 2023.
 - The development proposed is works to the Grade II listed Leslie Arms public house. Works include change of use to the existing pub to support new community use/café, demolition of the existing rear hall to provide a new rear extension community space and 2 additional residential units
 - The details for which approval is sought are: Construction Logistics Plans - demolition phase only.
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Appeal B Ref: APP/L5240/W/25/3364826

62 Lower Addiscombe Road, Croydon CR0 6AB

- The appeal is made under section 78 of the Town Country Planning Act 1990 (as amended) against the failure of the local planning authority to give notice within the prescribed period of a decision on an application for planning permission following the failure to respond to notice served under Article 12(1) of the Town and Country Planning (Development Management Procedure (England) Order 2015 (as amended).
 - The appeal is made by Dr Anwar Ansari of AA Homes and Housing against the Council of the London Borough of Croydon.
 - The application Ref is 25/00720/FUL.
 - The development proposed is construction of a small single dwellinghouse.
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Appeal C Ref: APP/L5240/W/25/3365188

62 Lower Addiscombe Road, Croydon CR0 6AB

- The appeal is made under section 78 of the Town Country Planning Act 1990 (as amended)) against the failure of the local planning authority to give notice within the prescribed period of a decision on an application for planning permission following the failure to respond to notice served under Article 12(1) of the Town and Country Planning (Development Management Procedure (England) Order 2015 (as amended).
 - The appeal is made by AA Homes and Housing against the Council of the London Borough of Croydon.
 - The application Ref is 25/00807/FUL.
 - The development proposed is Conversion of the former rear hall to provide 2no. flats.
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Appeal D Ref: APP/L5240/Y/25/3365195

62 Lower Addiscombe Road, Croydon CR0 6AB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by AA Homes and Housing against the Council of the London Borough of Croydon.
 - The application Ref is 25/00808/LBC.
 - The works proposed are Conversion of the former rear hall to provide 2No flats.
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Appeal A Decision:

1. The Appeal is dismissed and Condition 3 attached to planning permission Ref. 19/02765/FUL is not discharged.

Appeal B Decision:

2. The appeal is dismissed, the appeal is not validly made.

Appeal C Decision:

3. The appeal is dismissed, the appeal is not validly made.

Appeal D Decision:

4. The appeal is dismissed and listed building consent is refused.

Preliminary Matters

5. As set out above there are four appeals on this site. Appeal A concerns the failure to discharge a condition attached to a previous grant of planning permission at the site; Appeal B concerns the failure to validate an application for planning permission at the site; Appeal C and Appeal D concern appeals against the failure to determine an application for planning permission within the prescribed time and the failure to determine an application for listed building consent within the prescribed time respectively, for the same proposal.
6. I have considered each appeal on its individual merits and with regard to relevant legislation, policy and guidance. However, to limit duplication I have dealt with the four appeals together, except where otherwise indicated.

Main Issues

7. For Appeal A, the main issue is whether the submitted information is sufficient to address the requirements of Condition 3, insofar as it concerns the demolition phase.
8. For Appeal B, the main issue is whether the appeal was validly made.
9. For Appeal C, the main issue is whether the appeal was validly made.
10. For Appeal D, the main issues are whether the appeal was validly made, and the effect of the proposal on the significance of the Grade II listed Leslie Arms Public House.

Reasons

11. For Appeal A, I am satisfied that the specified measures to control dust and to control mud and other substances from being deposited on the highway are acceptable.
12. An off-highway delivery route is shown on drawing 166_220629_SK01_Forecourt Vehicle Tracking, which would allow for deliveries, including the loading and unloading of plant and materials.
13. Annotation on drawing DC-01 rev A states deliveries would occur between 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 on Saturday. However it also states that delivery times would 'avoid school runs', amongst other things. This would be clearly inconsistent with the specified weekday hours and it is not, therefore, clear what delivery hours are sought. The appellant suggests this matter could be addressed by imposing a suitably worded condition. However, this appeal concerns measures needed to discharge a condition, and it is not open to me to impose a further condition in this regard.
14. Furthermore, no details are provided for where vehicles associated with 'site personnel, operatives and visitors' would park in a manner that would not affect the off-highway loading / unloading area and route.
15. No details of any noise mitigation measures are provided; informing residents of expected noise disturbance is not mitigation, and the proposed hours of construction do not account for public holidays. Very limited information regarding the proposed boundary fencing has been submitted.
16. For these reasons, the information submitted to discharge Condition 3 of planning permission Ref. 19/02765/FUL, insofar as it relates to the demolition phase, is inadequate.
17. For Appeal B, following the submission of a planning application dated 3 March 2025, the Council sent the agent an Invalid Notification letter dated 13 March 2025, which listed 10 reasons why the Council considered the application was invalid. The agent was given 28 days in which to provide the information requested to make the application valid.
18. The appellant states that the requested information was provided to the Council on 27 March 2025, although the Council states that following two separate submissions the required information was not provided.
19. On 24 April 2025, Notice under Article 12(1)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended (the DMPO) was served on the Council on the basis that the information requested by a council officer in an email dated 8 April 2025, and confirmed in two further emails from another person dated 10 April 2025¹, did not meet the requirements set out in article 34(6)(c) of the DMPO because it was vague and imprecise.
20. The time period for a response to a non-major development Notice under Article 12(1)(b) is specified at Article 34(2)(b) of the DMPO, and is 8 weeks from the day

¹ These latter emails are not in the evidence before me.

after the application is received by the local planning authority. Given the date of the declaration on the application form, this date would have been 28 April 2025.

21. However, Article 34(3) of the DMPO states that *in relation to a non-validated application, where the notice mentioned in article 12(1) is received (a) during the 7 working days immediately before the end of the period specified or referred to in paragraph (2) ("the initial determination period"); or (b) on the final day of, or after the end of, the initial determination period, the period specified or referred to in this paragraph is 7 working days beginning with the date the notice mentioned in article 12(1) is received by the local planning authority.*
22. In this case, the Article 12(1)(b) Notice was received by the Council on 24 April 2025, within the final seven days of the initial determination period of 8 weeks. Consequently, the Council had seven working days from this date to respond, which would have been by 2 May 2025.
23. The Council issued its response confirming the application was not valid for four further reasons on 29 April 2025, which was within the prescribed seven day period. However, presumably prior to receipt of this response, the appeal against the failure of the Council to determine the application within the prescribed period was also made on 29 April 2025.
24. In making the appeal, the appellant claimed the Council did not respond to the Article 12(1)(b) Notice. However, the prescribed seven day time period had not expired when the appeal was made. Consequently, there was no basis for a Failure to Determine appeal and so this appeal was not validly made.
25. For Appeal C, following the submission of a planning application dated 7 March 2025, the Council sent the agent an Invalid Notification letter dated 14 March 2025, which listed 4 reasons² why the Council considered the application was invalid. The agent was given 28 days in which to provide the information requested to make the application valid.
26. The appellant states that the requested information was provided to the Council on 2 April 2025, and has provided evidence of this.
27. On 2 May 2025, Notice under Article 12(1)(b) of the DMPO was served on the Council on the basis that the information requested by a council officer in an email dated 8 April 2025 did not meet the requirements set out in article 34(6)(c) of the DMPO because it was vague and imprecise.
28. The time period for a response to a non-major development Notice under Article 12(1)(b) is specified at Article 34(2)(b) of the DMPO, and is 8 weeks from the day after the application is received by the local planning authority. Given the date of the declaration on the application form, this date would have been 2 May 2025.
29. However, Article 34(3) of the DMPO states that *in relation to a non-validated application, where the notice mentioned in article 12(1) is received (a) during the 7 working days immediately before the end of the period specified or referred to in paragraph (2) ("the initial determination period"); or (b) on the final day of, or after the end of, the initial determination period, the period specified or referred to in this*

² The numbering and content of the notice letter are not clear but there are four reasons, including the provision of a Fire Statement

paragraph is 7 working days beginning with the date the notice mentioned in article 12(1) is received by the local planning authority.

30. In this case, the latest Article 12(1)(b) Notice was received by the Council on 4 May 2025, after the end of the initial determination period of 8 weeks. Consequently, the Council had seven working days from this date to respond, which would have been by 14 May 2025.
31. The Council issued its response confirming the application was not valid for three further reasons on 6 May 2025, which was within the prescribed seven day period. However, and prior to receipt of this response, the appeal against the failure of the Council to determine the application within the prescribed period was made on 5 May 2025.
32. The prescribed seven day time period for the Council to respond to the Article 12(1)(b) Notice had not expired when the appeal was made. Consequently, there was no basis for a Failure to Determine appeal, and so this appeal was not validly made.
33. Both the Council and the appellant have dealt with Appeal D as though the DMPO applies to applications for listed building consent. Works to a listed building are not development and are not controlled by the DMPO. Consequently, there is no compelling evidence for why the application for Appeal D should be considered invalid.
34. For Appeal D, the appeal site includes part of a Grade II listed building³. Consequently, I have had regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
35. The Leslie Arms Public House is a visually prominent, three storey building at the junction of Cherry Orchard Road and Lower Addiscombe Road. The building dates from the early 20th century and is constructed in an Arts and Crafts architectural style.
36. The front elevation of the building is striking, set back from the road it contains a circular tower with dome, cupola and with a finial atop. It is constructed of red bricks, with stone dressings at first and second floor level. The building's asymmetrical appearance contains various interesting architectural details, including some attractive fenestration.
37. The existing building is said to be located on the site of another public house, also named The Leslie Arms, dating from the mid-19th century. At ground floor level there is a coherent frontage consistent with its original use as a public house. Behind this decorative frontage is a public bar with a wooden serving area by the rear wall, which leads through to the substantial, single storey, flat-roofed extension to the rear containing a hall and toilets.
38. Insofar as it relates to this appeal, the significance of this designated heritage asset stems from its historical use as a public house, and from the building layout and fabric, including architectural features associated with the public house.

³ Leslie Arms Public House (List Entry Number: 1272418)

39. The Leslie Arms is in a generally poor state of repair that is said to be deteriorating. It has been subject to a large number of proposals in recent years, which are listed in the Council's officer report. However, from the officer report and the appellant's evidence and from my observations when I visited the site, it is not clear whether any of the approved schemes have commenced. I note that Appeal A concerns a Pre-Commencement Condition attached to planning permission Ref 19/02765/FUL, which means this approval cannot have lawfully commenced.
40. The rear hall is currently used for the storage of various materials and so it is difficult to fully assess what is shown on the existing plan. However, I am satisfied from my observations on site that the existing ground floor plan (Ref. 166_GA_020 Rev B) is not accurate. The existing plan shows a physical and functional connection between the rear hall and the public bar at the front of the building, through openings in the wall between the two rooms, the layout of the serving area and the presence of toilets at the rear. The Planning Statement also references this connection.
41. It is said the building has not operated as a public house since 2003, although much of the traditional timber serving area and associated features remain intact in the public bar at the front of the building. However, most of the openings in the rear wall of the public bar that are proposed to be blocked up as part of the proposal have already been blocked up, separating the rear hall from the public bar at the front.
42. Furthermore, an internal partition wall has been erected in the rear hall, by the area marked as a raised stage on the existing ground floor plan. The small serving area extension in the rear hall was not visible at the time of my visit, and neither was the raised stage.
43. Even if I were to set aside the substantial inaccuracies between the existing plan and what I observed on site, the scale and lack of detail shown on the existing and proposed plans, elevations and sections is not sufficient for the effects of the proposal on the significance of the listed building to be fully assessed. This includes the existing architectural features, the proposed materials, and the methodologies to be used for the demolition, construction and other works, and in relation to the historic fabric of the building in particular.
44. Whilst the building has not been used as a public house for some time, the blocking up of the openings between the rear hall and the public bar would extinguish this aspect of the historic use, and would cause less than substantial harm to its significance.
45. With reference to the existing ground floor plan, and the proposed ground floor plan, sections and elevations, there would be a loss of historic fabric from the rear extension, which would also cause less than substantial harm to its significance.
46. Whilst the existing drawings are inaccurate and the existing and proposed drawings are insufficient to fully assess the effects of the proposal, I am satisfied that where there would be less than substantial harm caused to the significance of the listed building, this would be at least towards the lower end of the scale.

47. Any harm to a designated heritage asset attracts considerable weight⁴. Where less than substantial harm is proposed to a designated heritage asset, this harm should be weighed against the public benefits of the proposal⁵.
48. There would be some social and economic benefits associated with undertaking the proposed works, but the limited scale and duration of such works means they carry very limited weight.
49. Two dwellings are proposed, which would help to preserve the listed building, which is said to be on Historic England's Heritage at Risk Register, by bringing it back into use. These matters would generally attract weight in favour of the proposal as public benefits. However, the change of use requires planning permission to be granted, and as I have found Appeal C to be invalid, there is no means by which this could currently be achieved, and so these benefits carry very limited weight.
50. For these reasons, the proposal would adversely affect the historic and architectural character and appearance of the Leslie Arms Public House, causing less than substantial harm to its significance. This harm would not be outweighed by the public benefits of the proposal. The proposal would, therefore, and insofar as relevant, conflict with policies D3 (optimising site capacity through the design-led approach), D4 (delivering good design) and HC1 (heritage conservation and growth) of the Spatial Development Strategy for Greater London 2021, with policies DM10 (design and character), DM18 (heritage assets and conservation) and SP4 (urban design and local character) of the Croydon Local Plan 2018, and with the Framework, in this regard.

Other Matters

51. For Appeal B, the Council responded to the Article 12(1)(b) notice within the prescribed period and did not consider the application was valid for four reasons, listed in its Invalid Notification letter dated 29 April 2025. The first reason falls away because a Heritage Statement has been provided. I also do not consider that the third reason, concerning the wording of the Design and Access Statement is sufficient to prevent the application being validated; the inconsistencies within the document could have been addressed as part of the determination process.
52. However, I agree with the Council that suitably detailed scaled plans showing the ground floor of the listed building, and the remaining land between the proposed dwelling and the listed building, within the site edged red, would be necessary in order for the proposal to be properly assessed.
53. For Appeal C, the Council responded to the latest Article 12(1)(b) notice within the prescribed period and did not consider the application was valid for three reasons, listed in its Invalid Notification email dated 6 May 2025. The second reason falls away because a Design and Access Statement has been provided.
54. I also note the appellant's comments regarding the first reason for invalidation, concerning the conflated schemes. I do not agree with the Council's approach in this regard. The works to the public house the Council is concerned about are

⁴ Paragraph 212 of the National Planning Policy Framework December 2024 (the Framework)

⁵ Paragraph 215 of the Framework

- outside the site edged red and so are not part of the application. This matter could have been addressed as part of the determination process.
55. However, Planning Practice Guidance (PPG) states that the application site should include all land necessary to carry out the proposed development, including land required for access to the site from a public highway⁶.
56. Whilst the appellant is correct that PPG is not legislation it is Government planning policy. Furthermore, Article 7(1)(c) of the DMPO states that an application for planning permission...must be accompanied...by (i) a plan which identifies the land to which the application relates; (ii) any other plans, drawings and information necessary to describe the development which is the subject of the application.
57. I also note that for Appeal B, the appellant provided such a plan which shows that appeal site connected to the public highway. I consider that for Appeal C, a plan showing how future occupiers of the appeal site would be connected to the public highway would be necessary for the proposal to be properly assessed.
58. Had Appeal B and Appeal C been validly made, I would have used powers under s79(6) of the Town and Country Planning Act 1990 (as amended) (the Act) to decline to determine them on the basis that planning permission could not have been granted for the proposals by the LPA for these reasons. However, as Appeal B and Appeal C were not validly made there is no need for further action in this regard.
59. The appellant's piecemeal approach to developing and restoring the building and developing the land to the rear has caused some confusion with the Council in terms of how it has addressed Appeals C and D in particular. Whilst I do not agree with the Council's approach of conflating proposals as they have done, it is important that individual elements are understood and can be considered holistically, so as to address any adverse effects. Of course, how the appellant chooses to progress this would be a matter entirely for themselves.

Conclusion

60. For the reasons given above, I conclude that Appeal A is dismissed, Appeal B is dismissed, Appeal C is dismissed and Appeal D is dismissed.

Andrew Parkin

INSPECTOR

⁶ PPG - Making an Application - Paragraph: 024 Reference ID: 14-024-20140306 Revision date: 06 03 2014