



Appeal Decision

Site visit made on 18 November 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal Ref: APP/N5660/W/25/3373142

Pensbury Arms, 4 Pensbury Street, London SW8 4TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by RZV Group Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 25/00488/FUL.
 - The development proposed is described as: 'Existing pub use is proposed to be changed to Class E to cater for Motorcycle sale shop'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On my site visit I observed that the appeal scheme had been carried out and that it appears to accord with the plans before me. Therefore, I have considered the appeal on the basis that the development has already taken place. Whilst an advertisement has also been erected at the appeal site, this is the subject of a separate application and therefore not part of this appeal.
3. In its Statement of Case the appellant has said that it accepts that the roller shutter at the front of the building is not compatible with the character and appearance of the building. It has requested that I make a split decision by granting planning permission for the use of the building as a motorcycle shop and for the roller shutter at the rear. I have considered the appeal scheme on that basis.

Main Issues

4. The main issues are:
 - whether sufficient information has been provided to justify the change of use from a pub;
 - the effect of the appeal scheme on the character and appearance of the host building and on the conservation area (CA); and
 - the acceptability of the use of the appeal site for Class E purposes.

Reasons

Land Use – Change of Use from a Pub

5. Policy ED9 of the Lambeth Local Plan 2021 (LLP) states that in considering applications which require planning permission for the change of use of a public house, the Council will consider whether the public house use is no longer economically viable and that a viability report must be submitted, including evidence of active and appropriate marketing over a period of at least 24 months.
6. The appellant has provided information relating to the previous tenants, noting that the property was handed back to the landlord in 2018 before the 10-year lease had expired. No viability report has been submitted but the appellant has provided undated marketing particulars and a spreadsheet which sets out details of enquiries made between 12 March 2025 and 18 August 2025.
7. Although the appellant has said that the 24-month marketing requirement is not in the public interest, I do not find the argument and the supporting information that has been put forward in this regard to be sufficiently compelling as to lead me to disregard the criteria in the local plan. In the absence of the required information, it is not possible to conclude within the terms of Policy ED9 that there is no reasonable prospect in the medium term of re-use of the appeal site as a pub or refurbishment for what the policy considers to be a suitable alternative use.
8. Therefore, I find that sufficient information has not been provided to justify the change of use from a pub and therefore that the appeal scheme conflicts with LLP Policy ED9 and Part B of Policy HC7 of the London Plan 2021 (LP) which only support the loss of public houses where there is evidence demonstrating that there is no realistic prospect of the building being used as a pub in the foreseeable future.

Character and Appearance

9. The appeal site is a locally-listed building, a non-designated heritage asset (NDHA). Based on the photographs that have been provided to me of the situation before the development took place, I find that the removal of the entrance doors, the top lights and the addition of the roller shutter and associated shutter box to the front of the building are harmful to the significance of the NDHA due to the loss of historic joinery and the resultant incongruous appearance. I also find the addition of a roller shutter to the rear to be incongruous and out-of-character with the NDHA, albeit this has resulted in a much lower degree of harm compared with the roller shutter to the front elevation.
10. The appeal site is also in a CA and, therefore, in making this decision I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
11. The 2002 CA designation report for the Wandsworth Road CA notes that the appeal site is an attractive and unusual building with exposed beams, brickwork nogging and a steep clay tile hung roof.
12. As a result of the incongruous appearance of the appeal site following the removal of the entrance doors, the top lights and the addition of the roller shutter and associated shutter box, I find that the appeal scheme fails to preserve or enhance

the appearance of the CA and, taking account of the size of the CA, results in a small amount of less than substantial harm to this designated heritage asset.

13. Whilst paragraph 215 of the National Planning Policy Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of a proposal, the appellant has not suggested that the appeal scheme would give rise to any public benefits.
14. Overall, therefore, as well as conflicting with the Framework, the appeal scheme conflicts with LLP Policies Q11, Q22, Q23 and ED9 which seek development that responds positively to a building's original architecture, including specifically in relation to pubs, to retain, preserve, protect, safeguard and, where desirable, enhance non-designated heritage assets, and to ensure that development proposals affecting CAs preserve or enhance the character or appearance of the area.

Land Use – Class E

15. LLP Policy ED3 says that development in Key Industrial and Business Areas (KIBA), a designation which applies to the appeal site, will be permitted only for business, industrial, storage and waste management uses, including green industries and other compatible industrial and commercial uses (excluding large scale retail).
16. Whilst the Council has said that the primary retail element of the proposed use does not comply with the policy objective of maintaining industrial and business uses, the use of the premises for Class E purposes – which encompasses commercial, business and service uses – would not be at odds with the uses listed in Policy ED3. Furthermore, I note that in respect of 'commercial uses' the policy specifically excludes large-scale retail but not smaller-scale retail uses such as the appeal scheme. Therefore, I find that the appeal scheme does not conflict with LLP Policy ED3 which sets out the range of uses that will be permitted in KIBAs.

Conclusion

17. Whilst the Class E use does not conflict with development plan policy, the loss of the pub use has not been justified. Furthermore, the appeal scheme has resulted in harm to a non-designated heritage asset and less than substantial harm to a designated heritage asset – a consideration to which I must attach considerable importance and weight – and no public benefits have been put forward.
18. Overall, therefore, the appeal scheme conflicts with the development plan and there are no considerations that are material to this decision that would indicate that a decision should be made other than in accordance with the development plan. Accordingly, I conclude that there are not grounds to make a split decision and for the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR