



Appeal Decision

Site visit made on 26 November 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2025

Appeal Ref: APP/U5360/W/25/3372861

325 Lordship Road, London, N16 5HG

- 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 permission in principle.
 - The appeal is made by Topco 988 Limited against the Council of the London Borough of Hackney.
 - The application Ref is 2025/1667.
 - The development proposed is the construction of five dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the construction of a minimum of five and a maximum of five dwellings, at 325 Lordship Road, London, N16 5HG, in accordance with the terms of the application, Ref 2025/1667.

Application for costs

2. An application for costs was made by Topco 988 Limited against the Council of the London Borough of Hackney. This application is the subject of a separate decision.

Procedural Matters

3. Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (permission in principle stage) establishes whether a site is suitable in-principle and the second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly and have treated the drawings submitted as being indicative only. I have also amended the description of development in my decision to specify the maximum and minimum number of dwellings permitted, in accordance with the relevant regulations and PPG, and to omit details that would be subject to agreement at the technical details stage.
5. The Council's case confirms that had it determined the application, it would have refused to grant permission in principle on the grounds that the development would result in the loss of industrial land, which has not been robustly marketed for such use to demonstrate that there is no demand for it.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, land use and the amount of development, including the effect of the development on the supply of industrial land in the borough.

Reasons

7. The site is in a predominantly residential area and comprises a vacant parcel of hardstanding, enclosed by walls, palisade fencing and steel gates, with vehicular access from Lordship Road. There are no buildings on the site, which I am advised was last used for storing scaffolding. At the time of my visit the site did not appear to be in use, and although there was a single van parked on the site, no other materials or vehicles were being stored within it.
8. Based upon the evidence before me, the site would fall within use class B8 storage, which is generally considered an industrial use. However, given its limited size and the lack of any facilities on the site, it is unlikely that it makes any significant contribution to the overall supply of industrial land in the borough or creates any significant number of local jobs. Its future use for industrial purposes is also constrained by its sensitive location adjacent to existing residential development, the Stoke Newington Reservoirs Conservation Area and designated Metropolitan Open Land, and Site of Importance for Nature Conservation.
9. Part D(i) of policy LP28 of the Hackney Local Plan 2033 (adopted July 2020) (the local plan) states that the loss of industrial land and floorspace outside of Priority Industrial Areas and Locally Significant Industrial Sites will be permitted where robust marketing evidence has been submitted to demonstrate that there is no demand for the existing site for its former use, or for its reuse or redevelopment for similar or alternative employment generating use. The appellant's failure to demonstrate that there is no demand for the site for any suitable industrial use that would be acceptable in this constrained location, conflicts with the requirement of the local plan. However, I have not been advised what harm would result from this conflict or provided with any evidence of any demand for, or shortfall of employment sites in this location.
10. It is undisputed that the site is identified on the Council's Brownfield Land Register (BLR) for housing, and that it was granted planning permission for residential development in 2012, when it was still in use as a scaffold storage yard. I acknowledge that the expired permission pre-dated the current local plan, but the site continues to be identified on the Council's BLR as being appropriate for residential development. The BLR must be updated yearly to ensure sites continue to meet the relevant criteria for inclusion. Accordingly, the inclusion of the site would have been reviewed by the Council against its current local plan and other relevant national policies, advice and guidance. This is a material consideration of significant weight.
11. PPG states that a decision on whether to grant permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework (the Framework) and national guidance, which indicate otherwise.
12. Paragraphs 124 to 128 of the Framework, seek to promote the effective use of land and the development of underutilised land, give substantial weight to the

value of using brownfield sites in settlements for new homes unless substantial harm would be caused, and advise that decision makers should be proactive in helping to bring forward sites on brownfield registers.

13. Paragraph 128 also requires a positive approach be taken to applications for alternative uses of land, which is currently developed but not allocated for a specific purpose in plans, and states that proposals should be supported for the delivery of homes on employment land provided it would not undermine key economic sectors and would be compatible with other policies in the Framework. There is no evidence before me in this case to suggest that the loss of this small, unallocated parcel of land would undermine the local economy or conflict with other policies in the Framework.
14. The redevelopment of the site would also be likely to enhance its appearance and lead to environmental benefits, which would be secured at technical details stage.
15. I therefore conclude that the benefits of developing this underutilised brownfield site, which is identified as being suitable for housing on the Council's BLR and is in a highly sustainable location in which there is a high demand for housing, indicates that a decision should be made other than in accordance with the development plan in this case.

Conditions

16. It is not possible for conditions to be attached to a grant of permission in principle, and its terms may only include the site location, the type of development and the amount of development. These terms have been included in the decision at paragraph 1. Conditions may be attached to any approval at the technical details consent stage. The default duration of this permission is three years.

Conclusion

17. The proposal would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. For the reasons set out above, I therefore conclude that the appeal should be allowed and permission in principle is granted for a minimum and maximum of five dwellings.

R Bartlett

INSPECTOR