



Appeal Decision

by John Braithwaite BSc(Arch) BACh(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2026

Appeal Ref: APP/E5330/X/24/3355627

Part Highway opposite Greenwich Tavern, King William Walk, Greenwich, London SE10 9JH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Paul St. Hilaire against Royal Borough of Greenwich.
 - The application ref 24/2413/CP is dated 4 September 2024.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which an LDC is sought is 'to sell ice cream from an electric, properly taxed and serviced, ULEZ compliant motor vehicle stopping on the highway (not causing an obstruction to the road network) without limitation on a given day'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Determination of the appeal requires an assessment of documentary evidence and an assessment of the proposed use against the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. In 2024 the Appellant made four applications to the Council seeking the grant of an LDC for the same use. The four applications differed in the time period that the proposed use would be for on any day. Application 24/2948/CP was for "...a period of 15 minutes or less..." on any day, application 24/2949/CP was for "...a period of 30 minutes and possible returning to stop for another 30 minutes during the given day", application 24/2414/CP was for "...no more than twenty eight days", and the application that is the subject of the appeal is for "...without limitation on a given day".
4. The first two applications were allowed on the basis that "The proposal is not considered to constitute "development" with regards to...Section 55 of the 1990 Act" and LDC's were issued on 18 November 2024. The third application was not determined by the Council but on appeal against non-determination an LDC was granted, as recommended by the Council, on the basis that "The proposed use is development permitted under Class B of Part 4 of Schedule 2 of the GPDO".
5. The main issue is whether a motor vehicle stopping on the highway for the selling of ice cream without limitation on a given day would constitute a material change of use of land that is development not permitted by the GPDO.

6. The narrow strip of land that is the appeal site is alongside the pavement on the north-east side of King William Walk, and close to gates into Greenwich Park. At the north end of the site are two ticket controlled parking spaces. There are currently no daily or permanent parking opportunities on the appeal site. Vehicles on the two parking spaces, parking being restricted to no more than two hours, will come and go and their presence on the land is temporary. In the successful appeal decision the daily parking proposed is limited to no more 28 days in a year and is therefore temporary and is permitted development. In this appeal the proposed parking of a vehicle for the selling of ice cream would be, in effect, permanent.

7. The permanent parking of a vehicle for the selling of ice cream on the appeal site would constitute, as a matter of fact and degree and as a matter of planning judgement, a material change of use of land and development that is not permitted by the GPDO.

8. For the reasons given above, and on all evidence now available, had the Council refused to grant an LDC for 'sell ice cream from an electric, properly taxed and serviced, ULEZ compliant motor vehicle stopping on the highway (not causing an obstruction to the road network) without limitation on a given day' at Part Highway opposite Greenwich Tavern, King William Walk, London that refusal would have been well-founded and the appeal fails. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector