



Appeal Decisions

Site visit made on 13 January 2026

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2026

Appeal A Ref: APP/L5240/W/25/3369537

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 refusal to grant planning permission.
 - The appeal is made by Dr Ansari, AA Homes and Housing Ltd, against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 25/00979/FUL.
 - The development proposed is the use of basement for purposes within class E (ancillary to existing consent 16/01677/GPDO).
-

Appeal B Ref: APP/L5240/Y/25/3369559

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 refusal to grant listed building consent.
 - The appeal is made by Dr Ansari, AA Homes and Housing Ltd, against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 25/00980/LBC.
 - The works proposed are the use of basement for purposes within class E (ancillary to existing consent 16/01677/GPDO).
-

Decisions

1. Both appeals are dismissed.

Preliminary Matters

2. There are two appeals on this site. They relate to the planning application and listed building consent for the same scheme. To avoid duplication, I have dealt with them together, except where otherwise indicated.
3. The appeal proposal concerns a Grade II listed building. In line with sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
4. The appellant states in the appeal forms that the Council unilaterally changed the description of development to: 'Change of use of ground floor and basement levels from public house (Use Class Sui Generis) to flexible commercial/business/service space (Use Class E), and associated alterations including formation of stairs to basement in forecourt with metal balustrade and installation of glazed surface in forecourt'. Also, that the Council similarly changed the description of the works in the listed building consent application. The appellant advises that these revised

descriptions were not agreed with him. In the absence of agreed, revised descriptions, I have used that given in the application form.

5. The appellant has listed several appeals relating to this site which at the time of making these appeals had not been determined. These included the proposed construction of a dwellinghouse and the conversion of rear hall to provide 2no flats. These decisions were all dismissed on 4 November 2025¹, and I will refer to them as necessary.

Main Issues

6. The main issues are:

- Whether or not there is sufficient justification for the change of use of the public house to a Class E use, and its effect on the vitality and viability of established town centres (Appeal A);
- Whether or not the proposal would preserve the Grade II listed building and any of the features of special architectural or historic interest that it possesses, and whether any harm would be caused to its significance (Both Appeals);
- Whether or not the proposal would make adequate provision for cycle parking (Appeal A);
- Whether or not the proposal would make adequate provision for protected species (Appeal A and B); and
- Whether or not the development would achieve the highest standards of fire safety (Appeal A).

Reasons

Change of use (Appeal A)

7. The appeal building is located on the corner of Lower Addiscombe Road and Cherry Orchard Road. It is a Grade II listed building, list entry name 'The Leslie Arms Public House'. The evidence indicates that the building ceased operating as a public house in 2003 and has remained largely vacant since that time. The Council advises that due to the building's prolonged vacancy and deterioration, it is entered on the Council's Heritage at Risk Register.
8. Prior approval was given in 2016² for part of the ground floor to be an A2 use, which the appellant suggests was implemented and has submitted a plan indicating the main bar area. However, few details have been provided in relation to this prior approval, it is unclear whether the use took place, and I note that the Inspector determining the recent appeals, reached the same conclusion. It also appears that the remainder of the ground floor premises and the basement retained their lawful use as a public house. Furthermore, the subsequent permissions in 2019 described the existing use of the building as a pub. Therefore, although noting the appellant's description of development, in the absence of further clarification, and from what I saw on site, it appears reasonable to consider the extant use for the whole area subject to this appeal to be a public house.

¹ APP/L5240/W/25/3364826, App/L5240/W/25/3365188, APP/L5249/Y/3365195.

² 16/01677/GPDO

9. London Plan Policy HC7 (2021) (LP) requires development proposals resulting in the loss of a public house with heritage, cultural, economic or social value to be refused unless there is authoritative marketing evidence to demonstrate that there is no realistic prospect of the building being used as a pub in the foreseeable future. Parallel to this, Policy DM21 of the Croydon Local Plan (2018) (CLP) requires a demonstration that the loss of a local service, such as a public house, would not result in a shortfall of provision, that the use is no longer economically viable when tested against CAMRA guidance, and that it has been marketed for at least 18 months at market rate.
10. Pertinent to these appeals are the permissions in 2023³ for the change of use of the existing public house to a new community use/café, together with the demolition of the rear hall to provide a rear extension community space and two residential units. The Council advise that these permissions have not been implemented but remain extant. It is apparent that the community-led nature of the permitted use was considered by the Council to provide substantial public benefits, attracting great weight, and justified the loss of the public house. So much so, that the Council considered that additional marketing evidence at that stage would delay bringing the building back into use and would risk its further deterioration.
11. The appeal proposal seeks a commercial Class E (commercial, business and service) use. Whilst it would provide employment opportunities, it is described as a 'flexible' use and there would be no certainty as to the type of business, number of employed or level of public access. It therefore provides little assurance that there would be a meaningful community use or benefit to them, and I find that this current proposal would be materially different to the community scheme approved in 2023. Furthermore, a relatively lengthy period of vacancy does not in itself justify the loss of the public house, and I have not been provided with adequate marketing evidence, viability assessment or details of local provision as required by the above policies.
12. LP Policy E1 and CLP DM8 direct offices and commercial uses towards established town centres. Policy DM8 states that offices outside designated strategic areas should be situated within town centres and other office clusters with excellent walking, cycling and public transport connectivity. The policy further advises that proposals for town centre uses in out-of-centre locations will only be permitted if they pass a sequential test. In the apparent absence of a sequential test, it has not been demonstrated that there are no suitable, available or viable sites within designated centres and that the proposal would not harm the town centre vitality or viability.
13. The appeal premises is close to the Lower Addiscombe Road Neighbourhood centre. In this regard, the proposal may accord with CLP Policy DM5.2 relating to the introduction of a commercial use within a neighbourhood centre. However, the compliance with this policy is not fully explained by the appellant, and in my view the key policy considerations in this case are those relating to the loss of the public house and supporting the vitality and viability of town centres.
14. Therefore, I find that there is inadequate justification for the change of use of the public house to a Class E use, and it has not been adequately demonstrated that the proposal would not have a harmful effect on the vitality and viability of

³ 19/02765/FUL and 19/02766/LBC

established town centres. It would conflict with LP Policies HC7 and E1 and CLP Policies DM21 and DM8. It would also conflict with the Framework which seeks to protect community facilities such as pubs and to ensure the vitality of town centres.

Designated heritage asset (Both Appeals)

15. The list description mentions that the public house dates from circa 1900 and is built in red brick with stone detailing in an Arts and Crafts style. It describes the architectural detailing of the building with ornate, asymmetrical facades and a circular tower on the corner with dome, cupola and finial, and an elaborate wooden bracket holding the sign. The building is prominently sited on the road junction, set back behind a forecourt, and is clearly recognisable as a public house. Within the main room on the ground floor is a public bar with a wooden serving area and retains fittings and fixtures which relate to its historic use.
16. Insofar as it relates to this appeal, the significance of the building derives from its historical use as a public house, together with its layout, fabric and elaborate architectural features which reflect that use. The prominent location of this landmark building, seen in lengthy views along adjoining streets, is the environment in which the building is experienced and understood, and this setting contributes to the building's significance.
17. The proposed alterations include the installation of a spiral staircase with a railed enclosure within the existing barrel drop, and a flush glazed pane over the former coal hole. Internally, works include blocking doorways, inserting partitions, forming a staircase and reconfiguring the ground and basement layouts. Alongside, the scheme proposes works to renovate the part of the building affected by the proposal, undertaking structural defects and restoring the front elevation as detailed on drawing PL/LB/04A.
18. Externally, the spiral staircase within the barrel drop, along with the railings would disrupt the historic servicing arrangements for the pub and the new staircase with railings would introduce an alien feature on the main façade, creating clutter and detracting from the unified historic architectural composition. The glazing over of the coal hole, however, would appear acceptable as it would allow the void to be visible but unaltered. Internally, although the timber serving bar is to be retained, the works would cumulatively erode the historic plan form of the building with the blocking of doorways and alterations to staircases and partitions. These would diminish, to a degree, the building's legibility as a public house. Furthermore, the proposed alterations linked to a 'flexible' Class E use, appear to be largely speculative, without an end-user in mind. Therefore, each change is not clearly justified, and the recent dismissal of the related appeals diminishes the case for many of the changes, including blocking doorways to the rear of the building.
19. I therefore conclude that the proposal would not preserve the Grade II listed building and any of the features of special architectural or historic interest that it possesses, and harm would be caused to its significance. Therefore, the expectations of the Act are not met. The Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. It goes on to advise that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. I find that the harm to the building's significance would be less than substantial in this instance. This commands considerable importance and

weight and is not a less than substantial objection to the proposal. The Framework requires this harm to be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.

20. The proposal would most likely secure the re-occupation of part of the listed building which has been empty for some time and could possibly provide a long-term future for it. It would also enable some repairs and enhance its external appearance. However, the renovation and re-occupation of the building can only be a heritage benefit if its significance is preserved. In this case, I have found harm arising from some of the works and this limits the degree to which this constitutes a public benefit. Furthermore, I have limited information to explain the structural works and external renovation or to advise how these would be specified and secured if approval was forthcoming.
21. The proposal does not demonstrate the clear public benefits of the approved community-led use, and there is little to indicate why this scheme, which deals with the building in a holistic way, is not viable. This further diminishes the public benefits of the proposal. It therefore has not been satisfactorily demonstrated that the scheme before me represents part of the building's optimal viable use.
22. Taking account of all the public benefits, including those above, I find that only limited weight can be attributed to them. These would be of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage asset. As such, the proposal would not comply with the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the heritage asset. It would also conflict with LP Policy HC1 and CLP Policies SP4, DM10, and DM18, which seek to underpin the statutory and policy objectives.

Cycle storage (Appeal A)

23. The Council advise that based on LP Policy T5, the proposed use would require a minimum of five cycle parking spaces. The appellant's planning statement sets out that these would be located at the rear of the site, accessed via a side passage. However, this land is not within the red line boundary and would not appear to meet the policy requirements. Furthermore, I have inadequate details of the current or intended use for this area or whether it has the capacity to effectively accommodate cycle storage. For these reasons, this matter could not be secured by a planning condition. Whilst some cycles could be located at the front of the building, this would be unlikely to be suitable for long-term storage, and in any event no details are before me.
24. The proposal would therefore not make adequate provision for cycle parking and would conflict with LP Policy T5 and the sustainable transport aims of Framework.

Protected species (Appeal A and B)

25. The Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. In addition, Circular 06/2005 states that the presence of protected species is a material consideration when a development proposal would be likely to result in harm to the species or its habitat. It goes on to say that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before an application is determined, otherwise all relevant material considerations may not

have been addressed in making the decision. It advises that surveys should only be required by condition in exceptional circumstances.

26. The parts of the building affected by this proposal appear to have been empty for many years and the building fabric is in a state of deterioration. Historic buildings, especially ones in this condition, and involving disused basements and voids, in my experience, have a high potential for roosting sites for bats. The proposed works would include alteration and occupation of the basement area, including the introduction of two new staircases, one using a dormant barrel drop from the street, and the removal of another. In the absence of a protected species survey and having viewed the nature of the proposal and the site context, there is a reasonable likelihood of the building having a significant potential to provide habitats for protected species, such as for bats. Also, the potential for those habitats to be affected by the proposal.
27. Whilst a survey could be conditioned, this approach is not supported by the Circular for the reasons given above. Furthermore, if protected species were affected, even with best practice measures, I cannot be certain as to what mitigation, if appropriate, may be required. There is no evidence before me that would lead me to take a different view. The proposal may be exempt from biodiversity net gain requirements, but this is a separate matter and does not remove the need to consider the presence of protected species.
28. I cannot conclude that the proposal would not adversely affect protected species. As such, the development conflicts with LP Policy G6 and CLP Policies DM27 and SP7. It would also be contrary to the above Act and the Circular, as well as the Framework which seeks to minimise impacts on biodiversity.

Fire safety (Appeal A)

29. LP Policy D12 requires that development proposals achieve the highest standards of fire safety at the earliest possible stage. This is to confirm that the proposal includes satisfactory fire mitigation measures and is especially important given the proposed use of the basement and its commercial nature. The Fire Safety Strategy and accompanying plans submitted with the appeal statement do not appear to directly relate to this proposal as they show a different layout, access arrangements and detail to the plans submitted with this appeal. Therefore, it does not appear that this strategy has been prepared for the appeal scheme before me. Furthermore, elements of the strategy propose physical alterations to the listed building which are not mentioned in this appeal, and therefore I am not certain that these works would be appropriate.
30. The application therefore fails to demonstrate that the development would achieve the highest standards of fire safety. It is contrary to LP Policy D12 and the Framework which seeks to achieve safe places.

Conclusion

31. For the above reasons, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

G Bayliss

INSPECTOR