



Appeal Decision

Site visit made on 20 January 2026

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2026

Appeal Ref: APP/D5120/W/25/3375816

241 Main Road, Sidcup, Bexley DA14 6QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission under section 73 of the Act for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Harry Popely on behalf of Kent Residential Homes Ltd against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 25/01242/FUL.
 - The application sought planning permission for retention of existing 1/2/3 storey building as 7 flats with 7 parking spaces, cycle storage and refuse storage without complying with a condition attached to planning permission Ref APP/D5120/W/21/3289964¹ dated 1 June 2023.
 - The condition in dispute is No 2 which states that: *Access onto the site off Main Road shall be provided with 2.4m x 2.4m pedestrian visibility splays within the site and in both directions which shall be maintained free of all obstacles higher than 0.6 metres.*
 - The reason given for the condition is: *In the interests of highway and pedestrian safety.*
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Decision

1. No further action taken for the reasons set out below.

Procedural Matter

2. The applicant (now appellant) sought to vary the approved plans, which they seemingly believed were listed under Condition 2 of the relevant permission, to accommodate a proposed alteration to fenestration at ground floor. The Council likewise considered that Condition 2 of the permission listed the approved plans.
3. There is no 'plans' condition attached to permission APP/D5120/W/21/3289964, however. As Condition 2 relates specifically to visibility splays and highway and pedestrian safety, it is not capable of being varied to substitute amended approved plans.
4. Moreover, as set out in Planning Practice Guidance², section 73 cannot be used if there is no relevant condition in the permission listing the originally approved plans. Instead, it advises that it is possible to seek the addition of a condition listing plans using an application under s96A of the Act. However, I have not been advised that such an application has been made.
5. As confirmed at s79(6) of the Act, in circumstances where, during the determination of an appeal, it becomes identifiable that planning permission could not have been granted otherwise than subject to the conditions imposed, the Secretary of State may decline to determine the appeal.

¹ Appeal Ref, subsequent to refused planning application Ref 20/02214/FUL

² Paragraph: 018 Reference ID: 17a-018-20230726

Conclusion

6. For the above reasons, I am unable to determine the appeal such that no further action can be taken.

J Heppell

INSPECTOR