



Appeal Decision

Site visit made on 9 February 2026

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2026

Appeal Ref: APP/E5900/C/24/3342898

West India Pier, Cuba Street, London

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr John Leith, on behalf of Smartdock West India Limited, against an enforcement notice issued by the Council of the London Borough of Tower Hamlets.
- The enforcement notice was issued on 22 March 2024.
- The breach of planning control as alleged in the notice is without planning permission, the siting of an electrical cabinet at the entrance to the pier shown in the photograph at Appendix 2.
- The requirements of the notice are to:
 - (1) Remove the cabinet, shown in the photograph at Appendix 2, from the entrance to the pier.
 - (2) Make good any damage arising from compliance with step 1 and remove all debris from the land.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended) (the Act). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

The Appeal on Ground (a) and the Deemed Planning Application

2. An appeal on ground (a) is that planning permission ought to be granted for the matters alleged in the notice. Therefore, in making an appeal on ground (a), the appellant is seeking planning permission for the siting of an electrical cabinet at the entrance to the pier.
3. From a review of the evidence in this case, the main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The site is situated at the end of Cuba Street, in front of the metal railings at the entrance to West India Pier. It is adjacent to the Thames Path, a pleasant pedestrian route running alongside the river. The Thames Path is intersected by the end of Cuba Street, and views along the path are interrupted by the façade of the West India Pier entrance. Nevertheless, the use of railings around the pier entrance, and along this part of the river, provides a degree of openness. At this point, the riverside is largely free of street furniture and clutter. The area thus maintains an overall sense of openness and provides expansive views across the river and to the city beyond.
5. The appeal development has the appearance of a generic utility cabinet. It has a metallic black finish and functional appearance. The massing and dimensions of

the cabinet are informed by the design standards under the Distribution Network Operators' (DNO) statutory powers. Nevertheless, it is tall and wide, and its position on top of a raised concrete base further amplifies its presence.

6. The cabinet is prominently located and visible from public vantage points along the riverside, as well as from the river itself. Views along Cuba Street towards the river have also been partially obscured. Its utilitarian appearance and obstructive size is incongruous in the above context and has a deleterious effect on the open and uncluttered character and appearance of the Thames Path and surrounding area.
7. The appellant has suggested amendments to the cabinet to reduce its visual impact, including a reduction in the size of the lip overhang and a change to the cabinets external colour to either a light blue, grey or white. This would not however overcome the fundamental issues related to the cabinet's size and siting.
8. Consequently, the development has a harmful effect on the character and appearance of the area. It conflicts with Policies S.DH1, D.DH2, D.OWS4 and S.SG2 of the Tower Hamlets Local Plan 2031 Adopted January 2020. These policies, among other provisions, seek to ensure that development meets the highest standards of design and layout, which respects and positively responds to its context and the public realm, including by reducing visual clutter and obstacles and creating clear sightlines. These policies also seek to ensure that development adjacent to the borough's water spaces does not have unacceptable impacts on the openness of the water space and responds positively and sensitively to its setting.

Other matters

9. National and local planning policy supports low carbon energy and sustainable transport. Improving electrical infrastructure at the pier may enable operators to move away from burning diesel at berth. Nevertheless, the evidence suggests the pier has been out of use for some time. While the cabinet may support the reinstatement of services from the pier in the future, there is little information before me regarding any proposals to introduce or expand operations at the pier, or the extent to which the development would improve their commercial viability.
10. The cabinet could provide support for electric vessel charging and to help facilitate low-carbon forms of transport along the river. However, it is not clear that there is consent in place for charging of vessels at the pier.
11. The appellant contends that the cabinet cannot be feasibly and viably delivered in any alternative location. Nevertheless, the assessment of alternative locations is brief, with no detailed evidence setting out what other specific sites have been considered and why these would not be suitable or preferable to the appeal site.
12. The appellant has indicated that they are willing to make improvements to flood defences within the site. While the site is in Flood Zone 3, no further details of the improvements proposed, or the need for them, have been provided.

Conclusion

13. I have found the development to be causing harm to the character and appearance of the area. In this regard, the development is contrary to the above cited policies of the development plan, and no material considerations of sufficient weight have been advanced to overcome this.

14. Therefore, for the reasons given, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

Ryan Cowley

INSPECTOR