



Appeal Decision

Site visit made on 17 March 2026

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2026

Appeal Ref: APP/C5690/W/25/3375896 62 to 72 Ladywell Road, London SE13 7HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to approve details required by a condition of a planning permission.
 - The appeal is made by Mr T Uthayakanthan against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/25/141292 sought approval of details pursuant to condition No. 4 of planning permission Ref DC/24/138000, granted on 24 February 2025.
 - The application was refused by notice dated 27 October 2025.
 - The development proposed is a retrospective application for temporary permission for the use of the site as storage and distribution yard (Use Class B8) and construction of a temporary storage structure for a period of 2 years.
 - The details for which approval is sought are the delivery and servicing plan.
 - (a) Within three months of the date of the permission, a Delivering and Servicing Plan for the development, shall be submitted to and approved in writing by the Local Planning Authority. The Delivery and Servicing Plan shall comprise a report detailing the expected number and time of delivery and servicing trips to the site (including types of vehicles), where servicing for the development will take place and how deliveries will be managed, within the permitted hours of deliveries.
 - (b) The Delivery and Servicing Plan shall not include the delivery of any articulated vehicles to and from the site.
 - (c) Malsons Road shall not be blocked for the loading and unloading of any delivery vehicles.
 - (d) The measures set out within the Delivery and Servicing Plan approved by part (a) shall be implemented in full and thereafter shall be retained and adhered to for the lifetime of the development.
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Decision

1. The appeal is allowed and the details submitted pursuant to condition 4 attached to planning permission Ref DC/24/138000 granted on 24 February 2025 in accordance with the application dated 27 October 2025 and the details submitted with it are acceptable.

Procedural Matters

2. The development has been implemented in breach of a condition precedent; namely that details were required to be submitted to the Council within three months of the date of the permission being granted and this date had passed at the time of submission. Nevertheless, matters of lawfulness are not within my remit to consider here and therefore I can only assess the merits of the proposal. The merits are confined to whether the information submitted pursuant to condition 4 of planning permission DC/24/138000 are sufficient to approve these details. It is not within my gift to re-assess the merits of the original planning permission.

Background and Main Issue

3. Planning permission was granted for (inter alia) the use of the site as storage and distribution yard for a temporary period. This permission was granted subject to four conditions of which condition 4(a) required the submission of additional details. The condition required information to be provided on (my numbering for ease of reference):
 - (i) the number and time of delivery and servicing trips,
 - (ii) types of vehicles,
 - (iii) where servicing for the development will take place, and
 - (iv) how deliveries will be managed.
4. Other elements of the condition (4(b), (c) and (d)) do not require the submission of additional details. Therefore, the main issue is whether the submitted details are sufficient to satisfy the terms of the condition.

Reasons

5. The details submitted to the Council to address the requirements of condition 4(a) included details setting out that deliveries to the site will be once or twice a day in the morning between 9:30am and 12 noon. Collections from the site take place between 4pm and 5 pm. This satisfies criterion (i).
6. The delivery vehicles are stated to be 2 axle vehicles with a maximum weight of 7.8 tonnes and are not articulated. Collection vehicles are stated to be 3.5 tonne vans. This addresses criterion (ii).
7. Servicing for the vehicles is set out as being within the site within a defined parking and loading area and is shown on plan ref: 7607/011 Rev A and therefore this fulfils the requirements of (iii).
8. Finally, the management of deliveries is explained as taking no more than 10 to 15 minutes and is conducted within the site by fork lifts. Delivered items are stored within the site for varying periods ranging from 48 hours to one month. Access is taken from Malyons Road. Health and safety measures are in place and vehicles are not parked on Malyons Road, including staff vehicles. These details are sufficient to fulfil the requirements of criterion (iv).
9. Accordingly, I conclude that sufficient detail has been submitted to satisfy the requirements of condition 4(a).
10. I am mindful that the Council was seeking substantially more additional information on the operation and management of the site including swept-path analysis of vehicles, booking systems, marshalling arrangements, delivery registers and/or contractual controls. Furthermore, the Council sought detail on whether vehicles can be turned within the site such that they can enter and leave in a forward gear.
11. I agree that these details would be desirable and would be conducive to the proper functioning of the site. However, they were not specified in the condition, and this is the sole matter that I am able to turn my attention to. The Council has powers under the Planning Act(s) and other relevant legislation to control the manner of operation of the site, and this also extends beyond my remit here.

12. Equally, I recognise that local residents have concerns regarding the use and operation of the site and my conclusions here should not be taken as disregarding the veracity of these. Again, however, these are matters beyond my remit to consider here.

Conclusion

13. For the reasons given above, the appeal is allowed.

N Bowden

INSPECTOR