



Appeal Decision

Site visit made on 23 April 2026

by **R Merrett BSc(Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 May 2026

Appeal Ref: APP/E5330/X/24/3355226

19-21 Frances Street, Greenwich, Woolwich SE18 5EF

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Ajmeet Singh, Rockspark Limited, against the decision of Royal Borough of Greenwich.
 - The application ref 24/1299/CE, dated 19 April 2024, was refused by notice dated 20 June 2024.
 - The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is commencement of works for the "Conversion of the existing ground and basement floor levels into 2 separate commercial units including the change of use from a betting shop (Sui Generis) to retail (Class E(a)) with alterations to the shopfront, and construction of two additional floors and a 4-storey rear extension (including basement) featuring rear balconies to facilitate the provision of 1 x 1 bedroom and 7 x 2 bedroom flats with associated cycle parking, refuse storage and outdoor amenity space, together with creation of new rear pedestrian access from Ogilby Street as per planning ref 20/1050/F."
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing operation which is found to be lawful.

Application for costs

2. An application for costs was made by Mr Ajmeet Singh, Rockspark Limited, against Royal Borough of Greenwich. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether planning permission 20/1050/F has been lawfully commenced, such that the permission has not now lapsed, because the development has been begun pursuant to s56(2) of the 1990 Act, by the carrying out of a material operation.

Reasons

Background

4. Planning permission 20/1050/F was granted in 2021¹ for the above-described mixed use development. The development was subject to various planning conditions. These included condition No 1, that the development must begin not

¹ Dated 26 January 2021.

later than three years from the date on which planning permission was granted, in accordance with the 1990 Act.

5. It is therefore necessary to consider whether the development was formally begun by a 'material operation', prior to the time limit for doing this expiring on 26 January 2024, which is the essence of the dispute between the parties. In practice, little is needed for development to be begun under s56(2) of the 1990 Act. Indeed, it is only necessary for the material operation to be begun to be carried out, for the whole development to be taken to be begun under s56(2).
6. Notwithstanding this, the onus is on the appellant to demonstrate that a timely material operation occurred, on the balance of probability.
7. 'Material operations' are defined in s56(4) of the 1990 Act as including any work of construction in the course of the erection of a building; the digging of a trench which is to contain the foundations, or part of the foundations, of a building; the laying of any underground main or pipe to the foundations...; any operation in the course of laying out or constructing a road or part of a road; and any change in the use of any land which constitutes material development.

Assessment

8. In support of their appeal the appellant has provided three reports relating to the progress of initial works inside the building. These firstly comprise a site inspection report, issued by a building inspector, and dated 23 January 2024. The report notes that 'first phase pad excavation' was in progress, and is accompanied by photographs, including one appearing to show a partly excavated area of ground.
9. A second site inspection report including additional photographs, also dated 23 January 2024, has been provided. This refers to the photographs evidencing 'first phase excavation works for underpinning at basement level'.
10. Finally, a 'Building Inspection Report' is provided, which purportedly relates to an inspection date of 24 January 2024. This report refers to existing foundations not being adequate, such that underpinning is required. It also refers to the purpose of the visit being to assess the initial sequencing of foundations at basement level. Photographs are provided which appear to show concrete having been poured to form new or reinforced foundations.
11. Therefore, from the evidence provided I am satisfied, on the balance of probability, that a material operation was carried out in accordance with s56(4) of the 1990 Act, prior to the planning permission becoming time expired. There is also no dispute that all pre-commencement conditions relating to the planning permission were satisfactorily discharged in advance of the development commencing.

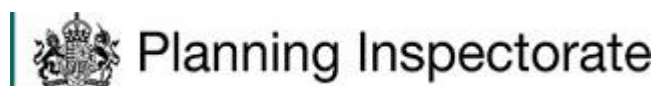
Conclusion

12. It would appear that some of the evidence submitted in support of this appeal was not before the Council at the time of its decision.
13. Notwithstanding this, for the reasons given above, I conclude on the evidence now available that the Council's refusal to grant a certificate of lawful use or development for the lawful commencement of works for the development described in the banner to this decision is not well-founded and that the appeal

should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

R. Merrett

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 19 April 2024 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

On the balance of probability, a material operation pursuant to s56(2) of the 1990 Act, was carried out within the time limit set by condition 1 of planning permission 20/1050/F, for beginning the development.

Signed

R Merrett

Inspector

Date: 19 May 2026

Reference: APP/E5330/X/24/3355226

First Schedule

Commencement of works for the “Conversion of the existing ground and basement floor levels into 2 separate commercial units including the change of use from a betting shop (Sui Generis) to retail (Class E(a)) with alterations to the shopfront, and construction of two additional floors and a 4-storey rear extension (including basement) featuring rear balconies to facilitate the provision of 1 x 1 bedroom and 7 x 2 bedroom flats with associated cycle parking, refuse storage and outdoor amenity space, together with creation of new rear pedestrian access from Ogilby Street as per planning ref 20/1050/F.”

Second Schedule

19-21 Frances Street, Greenwich, Woolwich SE18 5EF

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Plan

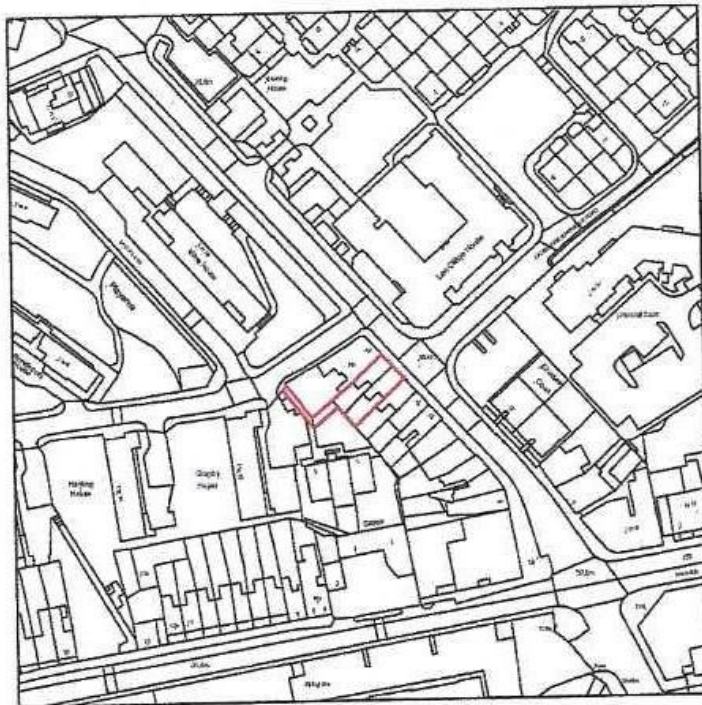
This is the plan referred to in the Lawful Development Certificate dated: 19 May 2026

by R Merrett BSc(Hons), DipTP, MRTPI

Land at: 19-21 Frances Street, Greenwich, Woolwich SE18 5EF

Reference: APP/E5330/X/24/3355226

Scale: Not to Scale



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