Planning Inspectorate

Appeal Decision

Site visit made on 13 October 2026

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2026

Appeal Ref: APP/N5660/C/25/3373167
4 Pensbury Street, London SW8 4TJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Jateen Vithhlani of RZV Group Ltd against an enforcement notice issued by London Borough of Lambeth.
- The notice was issued on 21 August 2025.
- The breach of planning control as alleged in the notice is the material change of use of the (sui generis) public house (at ground floor level) and ancillary accommodation (on the upper floors) to (sui generis) motorbike sales, rentals and repairs (at ground floor level) and a (C4) House in Multiple Occupation (HMO) (on the upper floors); the replacement of the front central wooden doors and top lights above (with leaded lights and timber sub frames) with a roller shutter; and the replacement of all of the original steel windows (with leaded lights and timber sub frames) on the upper floors with UPVC windows.
- The requirements of the notice are to:
  a) Cease the unauthorised use of the ground floor of the premises for motorbike sales, rentals and repairs; and
  b) Cease the unauthorised use of the upper floors of the premises as a C4 HMO; and
  c) Remove the unauthorised roller shutter and reinstate two wooden front central doors and top lights (with leaded lights and timber sub frames) above as existed prior to the breach of planning control; and
  d) Remove all the unauthorised UPVC windows from the upper floors and reinstate steel windows (with leaded lights and timber sub frames) as existed prior to the breach of planning control; and
  e) Remove all associated waste and debris resulting from compliance with the above steps, from the premises.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with variations.

Preliminary Matter

1. The revised National Planning Policy Framework (the Framework) was published on 17 August 2026. The main parties were given an opportunity to comment on its implications for the appeal, and I have taken those comments into account.

The appeal on ground (b)

2. The ground of appeal is that the breach of planning control alleged in the enforcement notice has not occurred as a matter of fact. The appellant's case concerns the replacement of the front central wooden doors and top lights above, which incorporated leaded lights and timber subframes, with a roller shutter. The Council now accepts that the glazing to the top light above the left-hand entrance door was removed more than four years before the Notice was served.

3. Although this matter was raised in support of ground (b), the parties do not dispute that the works occurred. Rather, the issue is whether enforcement action against the removal of the glazing is prevented by the passage of time. That is properly a matter falling within ground (d) and I consider that hidden ground below. There is therefore no basis on which the appeal succeeds on ground (b), and the appeal on that ground fails.

The appeal on ground (d)

4. The ground of appeal is that, at the date the Notice was issued, no enforcement action could be taken in respect of the matters alleged. The Council accepts that the glazing to the top light above the left-hand entrance door was removed more than four years before the Notice was served. The main parties therefore agree that the Notice should no longer require its reinstatement. In the absence of any dispute on this matter, I conclude that the appeal on ground (d) succeeds to that limited extent. I shall vary the Notice accordingly and am satisfied that this can be done without injustice to either party.

The appeal on ground (a)

5. The ground of appeal is that planning permission ought to be granted. The main issues are:

   - whether there is sufficient evidence to justify the loss of the public house;
   - whether the use of the property as a motorcycle shop maintains a strategic reserve of industrial and business land and land for business uses;
   - the effect of the development on the use of the property as a public house; and
   - whether the external alterations preserve or enhance the character or appearance of the locally listed building and the Conservation Area.

Loss of public house

6. Policies ED3 and ED9 of the Lambeth Local Plan 2021 (LLP) seek to protect public houses and community facilities. Policy ED9 requires proposals involving the loss of a pub to demonstrate that its continued use is no longer economically viable. This should include a viability report and evidence of active and appropriate marketing for at least 24 months. Similarly, Part B of Policy HC7 of the London Plan 2021 seeks to resist the loss of pubs where there is a realistic prospect of their continued use.

7. The National Planning Policy Framework (Framework), revised earlier in 2026, also seeks to protect public houses as valued community facilities. Policy HC6 is a national decision-making policy and states that development should not result in the loss of a public house unless, amongst other things, there is no reasonable prospect of its use being retained. Where commercial viability is at issue, reasonable steps should have been taken to market the property for its existing use, without success, for at least 12 months.

8. The appellant says that the former tenants surrendered their lease in 2018 before the end of its 10-year term. However, no viability report has been provided. The evidence instead comprises undated marketing particulars and a spreadsheet recording enquiries between 12 March and 18 August 2025. This falls well short of

the 24-month marketing period required by Policy ED9 and short of the 12 months set out in the Framework.

9. The appellant argues that requiring 24 months of marketing would not be in the public interest. It is also suggested that the site is an inappropriate location for a public house due to very poor footfall and there being insufficient floorspace to accommodate a commercial kitchen and adequate seating. The appellant also states that the premises could not generate the turnover needed to support the required levels of staffing, utilities, licensing and maintenance. However, in the absence of a detailed viability report, the evidence before me does not provide a compelling reason to depart from the requirements of the development plan and national policy. It has therefore not been demonstrated that there is no reasonable prospect of the premises being reused as a pub or for another suitable use identified by Policy ED9.

10. I therefore find that insufficient evidence has been provided to justify the loss of the pub. The development also conflicts with Framework Policy HC6, which seeks to prevent the loss of public houses where there remains a reasonable prospect of their use being retained.

Effect on a strategic reserve of industrial and business land

11. LLP Policy ED3 permits business, industrial, storage, waste management and other compatible industrial and commercial uses within Key Industrial and Business Areas (KIBAs), including the appeal site. Large-scale retail is specifically excluded.

12. The Council considers that the retail element would undermine the KIBA's industrial and business function. However, the proposed Class E use is commercial in nature and would not be inconsistent with the range of uses identified in Policy ED3. Moreover, while the policy excludes large-scale retail, it does not expressly exclude smaller-scale retail of the type proposed.

13. This approach is consistent with the Framework, which seeks to support business investment and economic growth. Policy E1 also says that development plans should not be overly prescriptive about acceptable uses unless there is clear justification for doing so, while Policy E2 gives substantial weight to the economic benefits of commercial development that enables businesses to invest, expand or adapt.

14. I therefore find that the proposal would not conflict with LLP Policy ED3. It would also be consistent with the economic objectives of the Framework.

Effect on the use as a public house

15. The use of the upper floors as an independent HMO would remove most of the existing landlord accommodation. This would introduce a potentially incompatible use above the public house and reduce the accommodation available to a future landlord, manager or staff. It would therefore compromise the continued operation and viability of the public house, contrary to the Framework's objective of protecting existing pubs where there remains a reasonable prospect of retaining that use.

16. The HMO could also give rise to complaints about noise and disturbance from the public house, potentially constraining its future operation. Moreover, the substantial reduction in accommodation available to a future landlord, manager or staff would make the premises less attractive to prospective operators and could reduce

interest in taking on the business. These effects would diminish, rather than safeguard, the reasonable prospect of retaining the public house use, contrary to the approach in Framework Policy HC6.

17. Overall, I find that these risks outweigh the benefits of the proposal and are likely to undermine the continued operation and viability of the public house. This is inconsistent with Framework Policy HC6, which seeks to prevent the loss of public houses where there remains a reasonable prospect of retaining that use. The proposal also conflicts with London Plan Policy HC7 and LLP Policy ED9, which seek to protect public houses because of their heritage, economic, social and cultural value and resist their loss where there remains a realistic prospect of their continued use.

Character and appearance

18. The appeal property is a small, two-storey Tudor Revival pub. Its distinctive features include brown brick gables and chimneys, faience tiles, leaded lights, Tudor-style doors, timber framing with brick infill and a clay-tiled roof and dormer. Original steel windows remain at ground-floor level, but the first-floor windows have been replaced with unsympathetic uPVC windows.

19. The building is locally listed and is therefore a non-designated heritage asset (NDHA). From the photographs showing the building before the works, I find that the removal of the entrance doors and top light, and their replacement with a roller shutter and shutter box, has harmed its significance. This is due to the loss of historic joinery and the incongruous appearance of the replacement shutter.

20. The site is also within the Wandsworth Road Conservation Area (CA). I have therefore had regard to the duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

21. The 2002 CA designation report identifies the appeal building as attractive and unusual, noting its exposed beams, brickwork nogging and steep clay-tiled roof. The alterations to the front, particularly the loss of the entrance doors and top light and the addition of the roller shutter and shutter box, detract from the building and consequently from the character and appearance of the CA. Given the nature and extent of the works and the size of the CA, I find that the proposal causes a small degree of harm to the significance of this designated heritage asset.

22. The Framework seeks to conserve heritage assets in a manner appropriate to their significance and recognises the importance of both designated and non-designated heritage assets. Applying the relevant decision-making policies in Chapter 20, the harm I have identified to the CA must be considered against any public benefits of the proposal, while the effect on the significance of the NDHA must also be taken into account. The appellant states that the new windows would improve insulation and ventilation. However, these claimed benefits have not been sufficiently supported by evidence and, in any case, are insufficient to outweigh the heritage harm.

23. I therefore conclude that the proposal would harm both the significance of the locally listed building and the character and appearance of the CA. It conflicts with LLP Policies Q11, Q22, Q23 and ED9, which seek to ensure that development responds positively to a building's architecture and protects heritage assets and

conservation areas. It would also conflict with the heritage objectives and relevant decision-making policies of the Framework.

Overall planning balance

24. Policy S3 of the Framework applies a presumption in favour of sustainable development. As the appeal site is within a settlement, Policy S4 applies. It provides that development proposals within settlements should be approved unless the benefits would be substantially outweighed by their adverse effects, when assessed against the national decision-making policies in the Framework. The relevant policies must therefore be considered as a whole.

25. The proposal would provide commercial floorspace for a motorcycle business within a KIBA. It would therefore support economic activity and business investment in a location where commercial uses are acceptable in principle. It would also provide HMO accommodation. These are economic and social benefits to which I attach weight. The proposal accords with LLP Policy ED3 and is consistent with the economic objectives of the Framework.

26. However, there are significant adverse effects. There is insufficient evidence to demonstrate that there is no reasonable prospect of retaining the public house use. Moreover, the loss of most of the landlord accommodation and the introduction of an independent HMO above the pub would be likely to constrain its future operation and make the premises less attractive to prospective operators. These effects conflict with Framework Policy HC6 and development plan policies that seek to safeguard public houses.

27. In addition, the alterations harm the significance of the locally listed building and cause a small degree of harm to the significance of the Wandsworth Road Conservation Area. I have considered that harm in accordance with the relevant heritage decision-making policies in the Framework. The public benefits identified are insufficient to outweigh the heritage harm.

28. Applying Policies S3 and S4, I find that the benefits of the proposal are substantially outweighed by these adverse effects when assessed against the national decision-making policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development.

29. The proposal conflicts with the development plan when read as a whole. There are no material considerations, including the provisions of the Framework, which indicate that planning permission should nevertheless be granted. I therefore conclude that the appeal on ground (a) should not succeed.

The appeal on ground (f)

30. The ground of appeal is that the requirements of the Notice exceed what is necessary. Section 173(4) of the Act provides that an enforcement notice may require steps to either remedy the breach of planning control or to remedy any injury to amenity caused by the breach.

31. The Notice requires the unauthorised motorbike sales, rental and repair use on the ground floor and the C4 HMO use on the upper floors to cease. It also requires the unauthorised roller shutter and uPVC windows to be removed and the former

doors, top lights and steel windows reinstated. I therefore consider that the purpose of the Notice is to remedy the breach of planning control.

32. As explained under ground (d), the requirement relating to the glazing to the top light above the left-hand entrance door will be varied because that aspect of the development is immune from enforcement. That variation does not arise under ground (f).

33. The parties also agree that the reference to "timber frames" in requirement (d) is a typographical error and should be deleted. I am satisfied that the Notice can be corrected accordingly without injustice to either party. This correction does not arise from ground (f).

34. The appellant also points out that one of the former doors was not glazed. However, the Notice does not require the reinstated doors to contain glazing. It requires the former doors to be reinstated, while the reference to glazing relates only to the top lights. This matter therefore provides no basis for varying the requirements.

35. Subject to the variations and correction identified above, the requirements correspond with the breaches of planning control identified in the Notice and do not exceed what is necessary to remedy them. The appeal on ground (f) therefore fails.

The appeal on ground (g)

36. The ground of appeal is that the time given to comply with the requirements is too short. The six months given would be sufficient to cease the uses, carry out the physical works required and remove all associated waste and debris from the premises. The appellant considers that six months is insufficient and seeks a 12 month period, referring to the need for tenancy agreements to expire.

37. There is little clarity in this argument and no detailed evidence to demonstrate why the existing compliance period is insufficient. The appeal on ground (g) therefore fails. If there are genuine reasons, supported by evidence, why the appellant is unable to comply within that period, the Council has the power to extend the compliance period under section 173A of the Act.

Formal Decision

38. The enforcement notice is varied by:

a) the deletion from paragraph 3 of the words "top lights" and their replacement with the words "right hand top light";

b) the deletion from paragraph 5.c) of the words "top lights" and their replacement with the words "right hand top light"; and

c) the deletion from paragraph 5.d) of the words "and timber sub frames".

39. Subject to these variations the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under s177(5) of the 1990 Act as amended.

A A Phillips

INSPECTOR