

TOWN & COUNTRY PLANNING ACT 1990

**P AND O SCAFFOLDING, TODDINGTON LANE, LITTLEHAMPTON,
WEST SUSSEX, BN17 7PN**

**CHANGE OF USE FROM AGRICULTURAL LAND TO SUI GENERIS
SCAFFOLD YARD - RETROSPECTIVE**



PLANNING AND HERITAGE STATEMENT V.1

22 April 2026

CONTENTS

1.	Introduction	1
2.	The Application Site	2
3.	Proposed Development	4
4.	Planning Policy Context	5
5.	Consideration of Planning Policies	6
5.1	Principle of the Development	6
5.2	Residential Amenity	8
5.3	Highways and Parking	10
5.4	Trees and Biodiversity	10
5.5	Flood Risk and Drainage	11
6.	Heritage	12
7.	Recommended Conditions	14
8.	Summary and Conclusions	15
9.	Figures	17

Appendices:

Appendix A: APP/Z1510/C/24/3343646 Land West of Former Oil Depot, Hedingham Road

Appendix B: APP/G5180/C/25/3363900 London Electricity Board Depot, Churchfields Road,
Beckenham, London BR3 4QY

1. INTRODUCTION

- 1.1 This statement is submitted in support of a planning application for the change of use of land from agricultural (pasture) to a scaffold yard (*sui generis*). The use of the land as a scaffold yard commenced in 2017, when the applicant, P and O Scaffolding Ltd, relocated onto the site from its former premises on Tottington Lane. The company's former premises, north of the railway line and east of Hollyacre, was to be redeveloped for housing. Planning permission has now been approved for residential development on this land (Arun ref: LU/167/25/DOC). Between 2017 and 2022, the use as a scaffold yard expanded to across the whole of the site. Three companies now operate out of the application site, P and O Scaffolding Limited, P and O Brickwork and Building Contractors Ltd, and P and O Construction Services Ltd.
- 1.2 This planning application seeks to regularise the current use, through the grant of retrospective planning permission for the change of use of the land to a scaffold yard.
- 1.3 The application is accompanied by the following plans and documents:
- Application Form
 - Planning and Heritage Statement v.1 by DJM Town Planning Ltd, 17th April 2026
 - Historic Environment Record from West Sussex County Council
 - Flood Risk Assessment and Drainage Strategy by Simon Dent Associates, P2, 21st April 2026
 - Tree Survey and Arboricultural Impact Appraisal by Broad Oak Tree Consultants, J68.45, 21st April 2026

Plans by Krona Design:

- KD.1611_A.050 B Existing and Proposed Site Plan
- KD.1611_A.100 Existing and Proposed Floor Plans
- KD.1611_A.200 Existing and Proposed Elevations

2. THE APPLICATION SITE

- 2.1 The application site is located on the north side of Toddington Lane, in Toddington. To area immediately around the site in mixed used, with residential dwellings, two industrial estates, Five Stones and Hollyacre, and other commercial uses.
- 2.2 Immediately west of the site is a mature hedgerow, beyond which is grassed area of open land and then Five Stones Industrial Estate, which contains a range of commercial tenants including two joiners, a granite and marble company, and a paint sprayer. To the north is the Hampden Park development. The site's north-east boundary abuts a wide, tree lined ditch, which forms a separation of up to 12 metres with the housing development to the north.
- 2.3 To the south of the railway line is Watersmead Business Park and Amazon warehouse, accessed via the A259 Body Shop Roundabout.
- 2.4 The application site extends to 0.38ha. It is accessed via a vehicle access off Toddington Lane shared with the adjoining storage container business, which it abuts along its southern boundary. The scaffold yard is entirely contained within site boundaries formed by close boarded fencing to the north-east, south-east and south-west, and a wire fence along the north-west side – Figure 5.
- 2.5 The scaffold yard contains areas for the storage of scaffold equipment, an office and welfare facilities for staff. There is no manufacturing or other processes carried out on site; it is solely for the secure storage of scaffolding equipment.
- 2.6 Three converted shipping containers house two offices and staff welfare facilities. At the front (south-east) end is an area for staff car parking. The remainder of the site is used for storage of scaffolding equipment.
- 2.7 The entire surface of the scaffold yard is hard-surfaced, comprising compacted hardcore. The application site has zero wildlife habitat, so the Biodiversity Net Gain *de minimis* exemption applies.
- 2.8 The application site is part of the strategic mixed use allocation in the Arun Local Plan (Figure 1). It was also included the wider area masterplan for the outline application LU/47/11, that granted outline permission for mixed use development with 1,260 homes, 13,000 sqm of employment floorspace and community facilities, at Land north of Toddington Lane, Littlehampton. The site was shown on the applicant's masterplan as part of a larger parcel labelled 'further residential owned by others 5.46ha' - see LU/47/11 for details.

- 2.9 Due to the existence of an overage clause on the title deed for the application site land, a 60% overage must be paid to the previous owner in the event that the land is developed for housing. This means that despite the best intentions of the Council and the authors of the masterplan for LU/47/11, the overage clause effectively rules out the possibility of this land ever being developed for housing.

3. PROPOSED DEVELOPMENT

- 3.1 The application proposes the retrospective change of use of land from agricultural (green field) to a scaffold yard (*sui generis*), along with the siting of two converted shipping containers that serve as the site offices, and a third converted shipping container with staff welfare facilities.
- 3.2 The three shipping containers have a gross internal floor area of 21.7sqm, 15.8sqm and 13.4sqm respectively.
- 3.3 Numerous appeal decisions have confirmed that scaffold yards are a *sui generis* use. See Upper Coalmore Farm, Telford:

"As I have found, a *sui generis* use as a scaffolding business has been introduced to the site, which includes incidental uses for storage of scaffolding, equipment, and portable storage containers." ¹

- 3.4 And Gladwin's Wood, Denham:

"Ordinarily a builder's yard would have some scaffolding lying around which would come within the ambit of this notice. But a scaffolding business is a different entity and a different *sui generis* use." ²

¹ APP/C3240/C/15/3135796 S P Holding Ltd, Upper Coalmoor Farm, Coalmoor Lane, Moreton Coppice, Telford TF4 2PX

² APP/N0410/C/21/3285729 Land at and around Gladwins Wood, Pinstone Way, Tatlin End , Denham, Bucks, SL9 7BJ

4. PLANNING POLICY CONTEXT

4.1 The Arun Local Plan 2011-2031 (July 2018) is the adopted development plan for the area. The site is within the Built Up Area Boundary and in , within a committed Strategic Housing Allocation as defined on the LP maps (Figure 2).

4.2 Relevant Arun Local Plan (LP) policies:

SD SP1	Sustainable Development
SD SP2	Built Up Area Boundary
EMP SP1	Strategic Economic Growth
EMP DM1	Employment Land: Development Management
D SP1	Design
D DM1	Aspects of Form and Design Quality
W SP1	Water
W DM2	Flood Risk
W DM3	Sustainable Urban Drainage Systems
QE SP1	Quality of the Environment
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM3	Air Pollution

4.3 The National Planning Policy Framework:

Chapter 6: Building a strong, competitive economy

Paragraph 187: planning decisions should provide net gains for biodiversity.

Paragraph 198: Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

5. CONSIDERATION OF PLANNING POLICIES

5.1 Principle of the Development

- 5.1.1 Policy SD SP2 states that development will be permitted within the Built Up Area Boundary (BUAB), subject to consideration against other policies in the LP.
- 5.1.2 Policy EMP SP1 promotes “the sustainable growth of the District’s economy to meet the varying needs of different economic sectors”. This is to be achieved through *inter alia*, “the provision of land to accommodate employment needs including the expansion of existing employment areas”.
- 5.1.3 Policy EMP DM1 seeks to protect and enhance existing employment sites and premises in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy. The policy states that the Council will “positively encourage the relocation of existing firms wishing to expand within Arun District where this will improve their economic and environmental sustainability, improve the local environment for local residents and/or enhance the sustainable development potential of adjoining sites.”
- 5.1.4 Taken together, these policies provide a framework for new commercial sites within the BUAB. P and O Scaffolding’s occupation of the site came about through the company’s need to relocate in the local area, following their premises on Toddington Lane being sold off for residential development. The purpose of the Plan’s economic development policies is to assist in the creation of new jobs (LP, para. 8.4.2) and ensure there is sufficient commercial floorspace to address the business and employment needs of Arun (LP para. 8.4.3).
- 5.1.5 P and O Scaffolding is a established scaffolding company with 59 full time employees, and P and O Brickworks has 117 employees. Together the two companies are a significant local employer, and over 50% of employees live within 15 miles of the site. P and O Scaffolding’s turnover has grown from £0.25 million in 2019 to £3.6 million in 2024, and £3.5 million in 2026. P and O Brickwork has a turnover of £6 million. These figures reflect the company’s’ success and position in the local construction industry, supporting new build developments across Sussex and surrounding counties.

- 5.1.6 When P and O Scaffolding had to vacate their former premises on Toddington Lane due to the landowner wishing to develop the site for housing, the company had nowhere to relocate to. The company was only able to continue operating because the then landowner offered it to the company. That there were no other suitable sites available at the time is indicative of the shortage of suitable employment sites in the District, and this is despite proactive policies in the Local Plan to provide sufficient employment land. Businesses that have large storage requirements, such as scaffolders, find it very difficult to find site large enough to safely store all their equipment and vehicles.
- 5.1.7 Since they moved to onto the site, P and O Scaffolding and its sister companies P and O Brickworks and Construction have maintained 176 people in employment, and supported construction projects across the county. And this is just the direct job creation. The scaffolding and brickwork businesses play a critical role in the economy because they support the construction industry, a key economic driver. It is not an exaggeration to state that without readily available scaffolding and bricks, a large segment of the economy would come to a standstill.
- 5.1.8 Clearly, the company makes a significant contribution to the local economy, in accordance with LP policy EMP SP1.
- 5.1.9 The site is suitably located for commercial development. It is inside the Built Up Area Boundary (BUAB) for Littlehampton, where new development is focused and supported, subject to compliance with other Plan policies (Policy SD SP2).
- 5.1.10 The 60% overage on the land effectively prevents the site from ever being developed for residential housing, so this severely limits how the land could be developed in the future. The scaffold yard adjacent to a shipping container business to the south, the Five Stones industrial estate, Hollyacres, and the Watersmead Business Park. In addition, 13,000 sqm of employment floorspace has been approved under LU/47/11, on employment allocated land less than 70 metres from the site. Clearly, the application site is situated in a mixed area, surrounded by many and varied commercial uses.
- 5.1.11 A generous proportion of land within the committed strategic allocation LU/47/11 has been designated for employment uses since its inception. The Council supports the principle of commercial uses within the area, as part of the strategic allocation. Although the site itself was identified for housing on the 2011 masterplan, the existence of the overage prevents the land being developed for housing.

- 5.1.12 The application is retrospective, and refusal will have financial repercussions for the four three businesses located there, if forced to re-locate. This would be contrary to Arun Local Plan policies that seek to protect and support the local economy, and local jobs.
- 5.1.13 The location is considered suitable for an employment use, due to proximity to other commercial uses and the Council's long standing aspiration to create a mixed-use urban extension to the north of Toddington Lane in Littlehampton.
- 5.1.14 In summary, the principle of the use of the land as a scaffold yard is supported by policy SD SP2, which focuses development within the BUAB, and should be approved, subject to consideration of the effects on amenity, drainage, transport, trees and biodiversity.
- 5.2 Residential Amenity
- 5.2.1 Policy QE SP1 requires all development to contribute positively to the quality of the environment and does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities. Paragraph 198 of the NPPF also requires development to be appropriate to its location taking into account likely effects of pollution on health and living conditions. Specifically, adverse impacts arising from noise should be mitigated and reduced to a minimum and noise giving rise to significant adverse impacts on health and quality of life should be avoided.
- 5.2.2 The scaffold yard has been operating for nine years, during which time the company has received no complaints from its neighbours. There is no workshop on the site, and no manufacturing nor any production processes that could cause excess noise, vibration, dust or other pollution problem.
- 5.2.3 Nearby residential users are shielded from the scaffold yard by distance and intervening hedges and trees. Beyond the north-east and north-west site boundaries are mature trees and hedging, the north-east site boundary with the new houses being particularly wide and well vegetated. The nearest residential dwellings are between 8 to 20 metres from the NE boundary of the yard, on the other side of this vegetated boundary.
- 5.2.4 The use of the land for storing scaffold equipment does not create excessive noise, dust, vibration or smoke. P and O Scaffolding operates a fleet of vehicles comprising three flat bed lorries and twelve vans. The working hours of the yard are 07:00 hrs to 17:00 hrs Mondays to Fridays, and 07:30 hrs to 14:00 hrs on Saturdays, and at no times on Sundays or Bank Holidays. It is requested that the LPA impose a planning condition with these

working hours for the yard area, allowing for the office to be occupied outside of these hours. Additionally, a condition can specify no HGVs entering or leaving the site, no loading or unloading of vehicles, and no cutting of boards or tubes before 08:00hrs on any day.

5.2.5 If the LPA wishes to further control on-site activities to protect amenity, a condition requiring the erection of acoustic fencing along the NE boundary can be added to the grant of permission.

5.2.6 Whilst the nature of a scaffold yard can give rise to intermittent noise, appeal decisions confirm that such impacts can be effectively controlled through the imposition of planning conditions. In Land West of Former Oil Depot, Hedingham Road ³ (Appendix A) Inspector Preston imposed the following two conditions to control operating hours of any plant and machinery and hours of vehicular movements, as agreed by the appellant, in order to ensure that the site operated within acceptable limits in the interests of neighbouring amenity:

6) No plant or machinery shall be operated on the premises in association with the scaffolding use outside the following hours: Monday to Saturday 07:30 hours – 18:30 hours Sundays, Public and Bank Holidays - No operation of machinery

5) There shall be no vehicular movements to, from or within the premises in association with the scaffolding business outside of the following hours:

Monday to Saturday 07:30 hours – 18:30 hours

Sundays, Public and Bank Holidays - No vehicular movements

5.2.7 In the appeal decision Churchfield Road, Beckenham, for a material change of use to a scaffold yard ⁴ (Appendix B), Inspector Madge thoroughly assessed the impact of scaffold yard activities including HGV movements on nearby residences, and concluded that noise could be satisfactorily mitigated using hours of use conditions. The boundary of the curtilages of the nearest residential dwellings were less than 18 metres from the boundary of the scaffold yard, a similar distance to P and O Scaffolding.

³ Ref: APP/Z1510/C/24/3343646

⁴ Ref: APP/G5180/C/25/3363900

5.2.8 External lighting can also be controlled with a condition requiring the submission and approval of an external lighting scheme, and limiting hours of operation for all external lighting on the site.

5.2.9 In light of the above, it is considered that the subject to appropriate mitigation to minimise noise impacts imposed via conditions, the development would not significantly harm the living conditions of neighbouring occupiers, in accordance with QE SP1 and NPPF paragraph 198.

5.3 Highways and Parking

5.3.1 The site is served by an existing vehicle access off a road leading to Toddington Lane that pre-dates the occupation of the site by PandO Scaffolding in 2017. The access serves Flint Acre to the south as well as the application site. Visibility is good in both directions, and the road is wide enough to accommodate large vehicles including HGVs. The largest vehicles operating out of the PandO Scaffolding site are standard, rigid, flat-bed lorries, measuring 9.5 metres long by 2.5 metres wide, which the access can comfortably accommodate.

5.3.2 A 300sqm parking area at the front of the site provides sufficient space for 10-12 cars, allowing for turning and manoeuvring. This is sufficient to meet the operational needs of the company, demonstrated by the fact that there has never been any overspill parking onto the public highway. Most employees arrive in the morning in their work vans (P and O Scaffolding has a fleet of twelve vans), load up and leave for the day. Many travel in shared vehicles as on average scaffold jobs require a minimum of 2-3 contractors, even for the smallest erections.

5.3.3 The proposed scaffold yard is not a staff-intensive use. As such, demand for private car parking is limited. Given the nature of the use and the level of provision, the development incorporates appropriate levels of parking in accordance with policy T SP1.

5.4 Trees and Biodiversity

5.4.1 Trees along the north-eastern boundary are adjacent to the development site, so have been surveyed to BS5837 by Broad Oak Tree Consultants. The report recommends minor mitigation to reduce root compaction in the future, comprising the removal of a strip of stone / hardcore along the NE boundary to 15cms depth, topsoil laid and fence repositioned, and as shown on dwg. J68.45/02 in Appendix 3.

- 5.4.2 This mitigation will ensure the long term health of the tree line, in accordance with policy ENV DM4.
- 5.4.3 Under policy D SP1, all development proposals are required to be landscaped in a manner that reflects the characteristics of the site and local area. The car park area can be landscaped with new planters, to provide net biodiversity gain in accordance with paragraph 184 of the Framework and LP policy ENV DM5. Although the entire site is hard surfaced, with zero habitat (so the Biodiversity Net Gain *de minimis* exemption applies), limiting the opportunities for biodiversity enhancements, a planning condition could ensure the provision of planters with flowers that attract pollinators.
- 5.5 Flood Risk and Drainage
 - 5.5.1 Policies W DM2 and W DM3 of the Local Plan prevent development from exacerbating the risk of flooding in high risk areas, and increase levels of surface water capture, also to decrease flood risk and make the best use of the available water resource. Policy W DM1 of the Arun Local Plan protects water quality and ensures that adequate drainage capacity exists or can be provided on new development. Policy W DM2 ensures that site drainage considers flood flows and steers development away from flood risk areas.
 - 5.5.2 The site is predominantly located Flood Zone 1 (FZ1) but borders Flood Zone 3 (FZ3) on its north-eastern side. The application is accompanied by a Flood Risk Assessment by Simon Dent Associates (SDA). The FRA concludes that the site is unaffected by the adjacent FZ3 and the commercial use does not affect the current flood zone volumes. The site has a good porosity rate (FRA, para. 2.9 and 4.5) and the scaffold yard, parking area and office buildings will drain to a permeable pavement with infiltration rates sufficient to ensure the required volume with allowance for climate change.
 - 5.5.3 Pollution hazards can be avoided with the use of SuDs with two layers of 300mm permeable pavement with geotextile (FRA, 4.8). See FRA Figure 18 for SuDS mitigation indices.
 - 5.5.4 The drainage strategy for the site is shown on dwg. 1919.100.P2 in Appendix A of the FRA. The strategy allows all run off to infiltrate to the ground through a gravel media sufficiently deep to provide treatment for water quality.
 - 5.5.5 The drainage hierarchy has been duly followed, the development does not increase the risk of flooding off site, and Local Plan policies are complied with.

6. HERITAGE

- 6.1 The application site lies within an Archaeological Notification Area (ANA) as identified by West Sussex County Council. ANAs identify areas where there is potential for archaeological remains to be present, and where development proposals may warrant further assessment. Although ANAs are not heritage assets themselves, they signal the potential for archaeological remains, which *could* be non-designated heritage assets.
- 6.2 The Historic Environment Record (HER) has been obtained from WSCC, in accordance with paragraph 207 of the NPPF. The ANA relates to a large multi-period archaeological landscape centred on the former Toddington Nurseries site and surrounding land, which has yielded evidence of activity from the Mesolithic period through to the post-medieval period.
- 6.3 The HER confirms that the wider area contains evidence of sustained human activity, including prehistoric flint finds, Bronze Age and Iron Age features, and extensive Romano-British occupation associated with a wider agricultural landscape and nearby villa complex. Archaeological investigations in the vicinity, including trial trenching and excavation works, have identified ditches, pits, enclosures and evidence of settlement activity, particularly in areas to the north-east of the application site.
- 6.4 The Historic Landscape Characterisation identifies the site as forming part of a landscape of planned enclosure of post-medieval origin, subsequently subject to modern change associated with horticultural and urban expansion. This reflects a landscape that has already undergone significant disturbance and evolution over time.
- 6.5 The proposal relates solely to the retrospective change of use of land to a scaffold yard. The operational development associated with the use, including the laying of hardstanding and siting of containers, has already taken place.
- 6.6 In this context, the key consideration is whether the grant of planning permission would result in any additional impact on below-ground archaeological remains. As the development has already been carried out, no further ground disturbance is proposed as part of this application. The determination of this application therefore does not give rise to any new or additional effects on potential archaeological assets.
- 6.7 Paragraph 205 of the National Planning Policy Framework (NPPF) requires that local planning authorities assess the significance of any heritage assets affected, including those with archaeological interest. In this case, the site has already been subject to ground disturbance

associated with its existing use. Any archaeological remains that may have been present would already have been affected by those works.

- 6.8 The grant of planning permission would therefore not result in any additional harm to archaeological interests beyond that which has already occurred. The grant of planning permission would simply regularise the existing use of the land.
- 6.9 In these circumstances, the proposal complies with the requirements of the NPPF in respect of conserving and enhancing the historic environment. Should any future ground works be proposed, these could be appropriately controlled by condition; however, in the absence of any such works forming part of this application, no further archaeological mitigation is considered necessary.

7. RECOMMENDED CONDITIONS

- 7.1 To assist Officers, the following conditions are proposed, to provide adequate mitigation and ensure development is acceptable in planning terms.
1. Within three months of the date of the decision, details of the proposed soft planting plant to provide amenity and ecological enhancements, shall be submitted to, and approved in writing by, the local planning authority. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the date of the planning permission, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
 2. The scaffold yard hereby approved shall only be used between the hours of 07:00 hrs to 17:00 hrs Mondays to Fridays, and 07:30 hrs to 14:00 hrs on Saturdays, and at no times on Sundays or Bank Holidays. The office can be occupied at any time.
 3. No heavy goods vehicles (HGVs) shall enter or leave the site before 08:00hrs on any day.
 4. Within 3 months of the date of the decision, details of all external lighting shall be submitted to, for approval by, the LPA. The lighting scheme shall be maintained strictly in accordance with the approved details.

8. SUMMARY AND CONCLUSIONS

- 8.1 This application seeks retrospective planning permission for the change of use of land from agricultural use to a scaffold yard (*sui generis*) at Toddington Lane, Littlehampton. The use has been established on the site since 2017 and supports a successful local business and associated companies employing over 200 people.
- 8.2 The site is located within the Built Up Area Boundary (BUAB), where development is supported in principle under Policy SD SP2 of the Arun Local Plan. The proposal accords with the objectives of Policy EMP SP1 and EMP DM1, which seek to support economic growth, retain existing businesses within the District, and ensure the availability of suitable employment land. The site occupies a sustainable location within a mixed-use area, in close proximity to established commercial uses and allocated employment land.
- 8.3 The use of the land as a scaffold yard is considered appropriate in this location. The site is inside the BUAB, where the principle of development is supported. There are limited alternative sites available locally for this type of operational use, and the existing site has enabled the continued growth of a successful local business that makes a meaningful contribution to the local economy.
- 8.4 In terms of residential amenity, the scaffold yard has operated for approximately nine years without complaint. The nature of the use, combined with separation distances and intervening boundary vegetation, ensures that impacts on neighbouring residential occupiers are limited. Where potential impacts could arise, these can be effectively mitigated through the imposition of planning conditions controlling hours of operation, vehicle movements, acoustic fencing and external lighting. Appeal decisions confirm that scaffold yard uses can be made acceptable in amenity terms through such controls.
- 8.5 The site benefits from a suitable access arrangement capable of accommodating the scale and type of vehicles associated with the use. Adequate on-site parking and turning provision is available, and there is no evidence of overspill parking onto the public highway. The development therefore accords with the requirements of the Local Plan in respect of highways and parking.
- 8.6 In respect of flood risk and drainage, the submitted Flood Risk Assessment demonstrates that the development is located predominantly within Flood Zone 1 and will not increase flood risk

elsewhere. Appropriate sustainable drainage measures are proposed, and the development complies with Policies W DM2 and W DM3.

- 8.7 The site lies within an Archaeological Notification Area; however, the application is retrospective and does not involve any further ground disturbance. As such, the proposal does not give rise to any additional impact on potential archaeological remains, and the development is compliant with national policy in respect of heritage assets.
- 8.8 Overall, the proposal represents a sustainable form of development that supports the local economy, makes effective use of land within the BUAB, and does not give rise to unacceptable impacts in planning terms. Any potential impacts can be appropriately controlled through planning conditions.
- 8.9 Accordingly, the development complies with the Development Plan when read as a whole and with the provisions of the National Planning Policy Framework. There are no material considerations that indicate that planning permission should be withheld.
- 8.10 Planning permission should therefore be granted.

9. FIGURES



Figure 1: Extract from 2018 Arun Local Plan Map, with site outlined in red. The brown diagonal hatching indicates 'Committed Strategic Housing Allocation' in the Local Plan.



Figure 2: Entrance to scaffold yard off Toddlington Lane



Figure 3: North-west site boundary, with mature trees along the ditch (off site). The close boarded fence marking the site boundary is visible on the right hand side of the photograph



Figure 4: Staff car park at front of site. The south-east site boundary is marked by the close boarded fence on the right hand side of the photograph



Figure 5: Wire fence marking north-west site boundary. The hedge is planted on the far side of the fence, i.e. off the site



Figure 6: Site offices



Figure 7: Site offices and storage area



Figure 8: Scaffold equipment stored in a neat and tidy condition



Figure 9: The welfare cabin



Figure 10: Storage of scaffold equipment

Appendix A

APP/Z1510/C/24/3343646 Land West of Former Oil Depot, Hedingham Road



Appeal Decision

Site visit made on 15 January 2025

by Chris Preston BA (Hons) Town and Country Planning, Bachelor of Planning (BPI) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2025

Appeal Ref: APP/Z1510/C/24/3343646

Land West of Former Oil Depot, Hedingham Road, Gosfield, Essex, CO9 1PN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by D&B Scaffold Holdings Ltd against an enforcement notice issued by Braintree District Council.
 - The notice was issued on 3 April 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, the material change of use of the land for storage of items connected with a scaffolding business, including but not limited to: scaffolding tubes, pipes, poles, base plates and walk boards, plus associated structures and racking which assist with the business use and storage.
 - The requirements of the notice are to:
 - a) Cease the use of the land for the storage of items connected to a scaffold business
 - b) Remove from the land all items connected to a scaffold business use, including but not limited to, scaffolding tubes, pipes, poles, base plates and walk boards.
 - c) Dismantle and remove from the land all associated structures and racking constructed in connection with the scaffolding business.
 - d) Remove and dispose of all waste and materials which result from compliance with the above requirements a to c.
 - The period for compliance with the requirements is: 6 months from the effective date of the notice.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(a), (e) of the Town and Country Planning Act 1990 (as amended). 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.
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Decision

1. It is directed that the enforcement notice is corrected by the substitution of the plan appended to this decision for the plan attached to the enforcement notice.
2. Subject to that correction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of the land for storage of items connected with a scaffolding business, including but not limited to: scaffolding tubes, pipes, poles, base plates and walk boards, plus associated structures and racking which assist with the business use and storage at Land West of Former Oil Depot, Hedingham Road, Gosfield, Essex, CO9 1PN as shown on the plan attached to this decision and subject to the conditions set out in the schedule appended to this decision.

The Appeal on Ground (e)

3. The ground (e) appeal is made on the basis that copies of the enforcement notice were not served on all parties with an interest in the land to which the notice relates. In particular the appellant notes that the plan appended to the notice

includes a track to the north which does not form part of the land used by the scaffolding business and which is not in the ownership of any of the parties upon which the notice was served.

4. The Council accepts the above, which it claims is down to an administrative error, and has put forward an amended plan based on the Land Registry title. The amended plan removes any land out of the control of those upon which the notice has been served and I am satisfied that no injustice would arise if I were to substitute that plan for the original plan attached to the notice. Thus, whilst the appeal on ground (e) succeeds, it is not fatal to the appeal and I shall proceed on the basis of the amended plan.

The Appeal on Ground (a)

5. The stated reasons for issuing the enforcement notice focus on the effect of the development upon the character and appearance of the area and do not explicitly state that the location of the site is considered to be unsuitable, in principle, for the use. I also note that pre-application advice given in 2021, prior to the submission of an application for a related, albeit different, proposal suggested that the use would comply with the aims of policy RLP40 of the Local Plan, with regard to employment uses within the countryside, as well as paragraph 83 (now paragraph 88) of the Framework which supports the sustainable growth and expansion of businesses in rural areas.
6. Nonetheless, the previous refusal of planning permission and the Council's current appeal statement raise the issue of whether the site is suitable in principle for the use, having regard to the policies of the Braintree District Local Plan 2022 (the LP), specifically LPP1 and LPP7. Whilst it is incumbent upon a Council to clearly set out its reasons for issuing a notice, the appellant has commented upon the Council's statement of case and I have addressed the locational point as a main issue, given its importance to the principle of the use.
7. Accordingly, the main issues in the determination of the appeal on ground (a) are:
 - i) The effect of the development on the character and appearance of the area and the local landscape; and
 - ii) Whether the location of the site is suitable for the development in question having regard to the policies of the LP and other material considerations.

Character and Appearance of the Area/ Effect on the Landscape

8. It is common ground that the appeal site constitutes previously developed land, having been occupied as an oil depot and more recently as a skip hire business. The Council notes that the skip hire business did not benefit from planning permission or a certificate of lawful use. Whilst that may be the case, there is no doubt that the site was previously developed, as can be seen in overhead images dating back to 2000 when the oil refinery was still in situ.
9. Thus, whilst within the countryside in policy terms the land had the appearance of a previously developed site prior to the current use, with large areas of hardstanding, evidence of former buildings and some associated structures. Even in its dormant state it would not have added anything to the intrinsic beauty of the countryside to the north of Gosfield. That countryside is varied in character, with mature woodland plantation surrounding the site to the north, south and west and

arable and pastoral fields to the east, on the opposite side of Hedingham Road, which is a well-used A-road.

10. The blocks of woodland are extremely effective in screening the internal parts of the site such that the visual impact of the scaffold racks, poles, parked lorries and associated items is well-contained. Even in mid-winter at the time of my site visit views into the site from Hedingham Road were limited and the visual impact was minimal. Fleeting glimpses are available, particularly at the entrance to the site, but the main storage areas are set back behind the access drive and gates some distance from the highway. Thus, from the front of the site the visual impact is contained.
11. Views are available from the public footpath to the rear; I understand that a former tree belt was removed prior to the current occupant's interest in the land. The use does have an industrial appearance from those angles which is at odds with the prevailing countryside, albeit that users of the path will have become accustomed to the fact that the site is previously developed. The appellant has also put forward a scheme of planting to provide a buffer between the areas of storage and the footpath and I am satisfied that this would adequately screen the development and soften views from the right of way.
12. The Council has referred to noise impacts from the public right of way to the rear. That appears to be in the context of the tranquillity of the countryside as opposed to any suggested impact upon residential amenity. However, no supporting evidence has been provided to substantiate that claim. The countryside is not devoid of noise, be it from forestry operations, agriculture or other rural based enterprises.
13. The nature of the scaffolding business is that activity will generally take place in the mornings, when lorries collect the scaffold equipment before taking it to site elsewhere and then in the early evening when the vehicles return. For large parts of the day little activity will take place, as was evident at my site visit, recognising that was only a snapshot in time. However, there is nothing to indicate that the use would result in a notable or harmful effect on the established character of the area in terms of noise.
14. Internally, the site is well-ordered, with racking systems and storage in defined areas and of limited height. A suggested condition to control the height of any storage has been put forward and that would ensure that the current pattern is maintained and ensure that views from public vantage points remain limited and acceptable.
15. Overall, given the previously developed nature of the land, the significant screening offered by existing woodland and the opportunity to further mitigate any impact through the imposition of conditions, the effect of the development on the character and appearance of the area and surrounding landscape is within acceptable limits. For those reasons I am satisfied that it responds to its context, in line with the aims of policy LPP47 of the LP and that the layout and height of the storage area is in harmony with the surrounding area, noting the established character of the site, in line with policy LPP52. Moreover, it causes no harm to the landscape character of the area, in line with policy LPP67 and is compliant with the aims of the Framework, nor does it harm the intrinsic value and beauty of the

countryside in line with the aims of paragraph 187 of the National Planning Policy Framework (the Framework).

Whether the Location of the Site is Suitable for the Use

16. The Council refers to policy LPP1 which seeks to limit new development outside of settlement boundaries to uses appropriate to the countryside. Precisely which uses are considered to be appropriate is not clearly defined from the information provided.
17. Policy LPP7 states that outside settlement boundaries, proposals for small-scale commercial development, which involve the conversion and re-use of existing buildings that are of permanent and substantial construction and capable of conversion without complete rebuilding will be acceptable subject to three criteria. Those relate to the effect on the road network, neighbouring amenity and the character and appearance of the area.
18. The policy does not define what is meant by small-scale. In this case, the site covers a large area, as is necessary given the bulky nature of the items stored. The committee report into the related planning application indicated that 40 jobs would be provided. Whilst the scheme before me is not identical, it is still substantial and not “small-scale” in terms of jobs, the general scale of operations and the size of the site, especially by rural standards¹. The policy also refers specifically to the re-use of buildings whereas the development is mainly a use of land, with associated operational development and the re-use of some minor structures.
19. Consequently, it appears to me that policy LPP7 does not fit the nature of the proposal neatly. Moreover, there is nothing within the Framework that would seek to limit rural developments to those that are small-scale. Paragraph 88 states that decisions should support the growth and expansion of all types of businesses in rural areas. Paragraph 89 states that policies and decisions should recognise that sites to meet local business needs in rural areas may need to be found adjacent or beyond existing settlements in locations not well-served by public transport. In those circumstances, the paragraph adds that the use of previously developed land should be encouraged where suitable opportunities exist.
20. It appears to me that the site performs very well against those criteria. It is brownfield land and although outside any settlement boundary is well served by an A-road and not remote or unduly distant from surrounding towns and villages. Whilst the Council suggests that a scaffolding business would be more suited to an industrial estate within a town, no alternatives have been suggested and the particular characteristics of the use and the bulky nature of the items stored would make urban sites difficult to find. It is essentially a land intensive use and one commonly found within the countryside on former farm yards and the like in my experience.
21. Overall, whether the use is one that could be considered appropriate to the countryside in the context of LPP1 is unclear. However, there would appear to be no obvious conflict with the re-use of a brownfield site for commercial purposes. Similarly, I am not satisfied that LPP7 is directly related to the development in question for the reasons set out. The development plan is essentially silent on how

¹ The committee report into the related planning application estimated 40 full-time equivalent jobs.

to approach employment development on previously developed land that is not small-scale. Or certainly no clear policies have been presented.

22. Even if I was to conclude that there was some conflict with the LP in respect of the location of the site, the policies referred to are notably more restrictive than those of the Framework in my view, especially in terms of the national support for rural businesses of all kinds and the re-use of previously developed land to meet local business needs. For those reasons I am satisfied that the site is suitably located for the use in principle. In fact, given the ease of access and well-screened nature of the site it would be difficult to find a more suitable location for a use of this kind.

Other Matters

23. The Council has not raised the impact on the living conditions of neighbouring residents as a concern in the present appeal. Residents of the neighbouring dwelling have been notified but no representations are before me and there is nothing to indicate that the use of the site has had any harmful effect in that regard. Nonetheless, I am satisfied that a condition is necessary to control operating hours of any plant and machinery and hours of vehicular movements, as agreed by the appellant, in order to ensure that the site continues to operate within acceptable limits in the interests of neighbouring amenity.
24. The Highway Authority have raised no objection to the use and the access arrangements and visibility onto the main carriageway are suitable for the nature of vehicles using the site.
25. The use of the site also brings benefits in terms of the jobs created and the impact on the local economy. Whilst the scale of current operations is less than was proposed in relation to the planning application, or at least the extent of buildings proposed is less, it is clear that the site will support numerous full-time jobs and that is a matter that carries moderate to significant weight in the planning balance.

Conditions

26. The Council has put forward a number of conditions, all of which are accepted by the appellant. For the reasons set out above, I am satisfied that conditions relating to the implementation of a landscaping scheme and to control the hours of operation, including vehicle movements, are necessary in the interests of the character and appearance of the area and residential amenity. The Council's suggested wording was of a generic nature and I have amended the required details to ensure that the landscaping provided is a visual buffer between the site and adjacent footpath, that being the area where mitigation is necessary to make the development acceptable in planning terms. Given that the development would be unacceptable without that planting and due to the retrospective nature of the development, it is necessary to include specific timings, with remedial measures, such that the benefit of the permission will fall away if the required steps are not taken in line with the required timetable.
27. I am also satisfied that the suggested condition to limit the use to the present scaffolding use, and no other uses within the same use class, is necessary because other storage and distribution uses could have quite different implications in terms of traffic movements or the noise or odour from items stored.

28. A condition to limit the height of any items stored is also necessary in the interests of the character and appearance of the area.

Conclusion

29. For the reasons given, I am satisfied that the development has not caused undue harm to the character and appearance of the area or the local landscape and that views into the site from the surrounding right of way can be mitigated through the implementation of a planting scheme that can be secured by condition.
30. It is hard to conclude whether the proposal complies with policy LPP1 and I am not satisfied that LPP7 is easily applied to the development in question. However, I see no reason why the use is inherently unsuited to a countryside location. In those circumstances there would be no obvious conflict with the development plan as a whole and no reason to withhold permission.
31. Even if a contrary view were taken and the development was considered contrary to policies LPP1 and 7, resulting in conflict with the development plan, I find that other material considerations would be sufficient to outweigh that conflict and the presumption in favour of the development plan. In particular, the policies of the Framework are generally supportive of the growth of all types of rural businesses, not limited to those that are small scale, and encourage the re-use of previously developed land for rural employment purposes, even when outside of defined settlements. In addition, the use brings economic benefits through employment provision within the rural area.
32. There are no other impacts that cannot be controlled through the imposition of conditions and the nature of the site is well-suited to the use. For those reasons, the balance of material considerations would suggest that planning permission should be granted even if there was conflict with the development plan in terms of the location of the site.
33. Accordingly, I conclude that the appeal should succeed on ground (a). I shall grant planning permission for the development as described in the notice and the enforcement notice will be quashed.

Chris Preston

INSPECTOR

APPENDIX 1: SCHEDULE OF CONDITIONS

- 1) The material change of use and building operations hereby permitted shall cease and be demolished and all equipment and materials brought onto the land for the purposes of such use and materials resulting from the demolition shall be removed within 90 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - Within 3 months of the date of this decision details of a landscaping scheme designed to provide a visual buffer between the site and the adjacent public right of way which runs to the rear (west) of the site shall be submitted to the Local Planning Authority for approval. The scheme shall include a plan indicating the location of the planting, along with a detailed specification including plant/tree types and sizes, plant numbers and distances, written specifications including cultivation and other operations associated with plant establishment, together with a strategy for the watering and maintenance of the new planting. The scheme shall also include a timetable for implementation.
 - Under the submitted maintenance schedule any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season.
- i) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- ii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iii) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, the landscaping shall be completed and maintained in accordance with the approved maintenance schedule.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The use of the land hereby permitted shall only be for storage and transportation in association with the scaffolding business currently occupying the site and for no other purposes including any other purpose in Use Class B1, B2 or E of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order).
- 3) There shall be no external storage of materials exceeding 4 metres in height above ground level.
- 4) No plant or machinery shall be operated on the premises in association with the scaffolding use outside the following hours:

Monday to Saturday 07:30 hours – 18:30 hours

Sundays, Public and Bank Holidays - No operation of machinery

- 5) There shall be no vehicular movements to, from or within the premises in association with the scaffolding business outside of the following hours:

Monday to Saturday 07:30 hours – 18:30 hours

Sundays, Public and Bank Holidays - No vehicular movements

APPENDIX 2:



Plan

This is the plan referred to in my decision dated: 28 February 2025

by Chris Preston BA(Hons) BPI MRTPI

Land at: Land West of Former Oil Depot, Hedingham Road, Gosfield, Essex, CO9 1PN

Reference: APP/ Z1510/C/24/3343646

Scale: Not to scale

Title: ArcGIS Web Map



Scale: 1:1,654

Date: 11 Sep 2024

Author: ArcGIS Web AppBuilder



Appendix B

APP/G5180/C/25/3363900

London Electricity Board Depot, Churchfields Road, Beckenham, London BR3 4QY



Appeal Decisions

Inquiry held on 19, 20, 21, 27 & 28 August 2025

Site visit made on 19 August 2025

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal A Ref: APP/G5180/C/25/3363900

London Electricity Board Depot, Churchfields Road, Beckenham, London BR3 4QY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Luke Osborne of Churchfields Road BR3 Ltd against an enforcement notice issued by the Council of the London Borough of Bromley.
- The notice was issued on 11 March 2025.
- The breach of planning control as alleged in the notice is "Without the required planning permission, the material change of use from Sui Generis formed of an electricity undertaker's depot to a dual use of Class B8 (to provide a scaffolding equipment storage/distribution yard) and Sui Generis retaining the existing electricity undertaker's depot, installation of two single storey cabins and CCTV/lighting."
- The requirements of the notice are:
 - (a) Cease the use for the storage and distribution of scaffolding equipment at the Land as described in paragraph 3 above, and
 - (b) Remove from the Land the scaffolding storage and equipment, and
 - (c) Remove from the Land all resulting debris.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(e), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Appeal B Ref: APP/G5180/W/25/3365514

London Electricity Board Depot, Churchfields Road, Beckenham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Churchfields Road BR3 Ltd against the decision of the Council of the London Borough of Bromley.
- The application Ref is DC/24/00815/FULL2.
- The development proposed is "Full application for the temporary (5 years) change of use from Sui Generis formed of an electricity undertaker's depot to a dual use of Class B8 and Sui Generis retaining the existing electricity undertaker's depot. Retrospective."

Decisions

Appeal A

1. It is directed that the enforcement notice is corrected by:

- *in section 3, the deletion of all the words and their substitution with the words "Without planning permission, the material change of use to a scaffolding equipment storage and distribution yard (Class B8) as shown shaded blue on the attached plan (drawing no. Z1-9-20100 P03)."; and*
- *the substitution of the plan annexed to this decision for the plan attached to the enforcement notice.*

And varied by:

- *in section 5, the deletion of all the steps and their substitution with the steps “(a) Cease the use; (b) Remove all scaffolding equipment from the Land; and (c) Remove all resulting debris from the Land.”; and*
- *in section 6, delete “3 months” and substitute “9 months”.*

Subject to the corrections and variations, the appeal is dismissed, and the enforcement notice is upheld.

Appeal B

2. The appeal is allowed, and planning permission is granted for the temporary (5 years) change of use from Sui Generis formed of an electricity undertaker's depot to a dual use of Class B8 (to provide a scaffolding equipment storage/distribution yard) and Sui Generis retaining the existing electricity undertaker's depot. Installation of 8 no. single-storey cabins, containers and shelters, 2 no. scaffolding storage bay structures and 7 lighting columns with associated CCTV at London Electricity Board Depot, Churchfields Road, Beckenham in accordance with the terms of the application, Ref DC/24/00815/FULL2, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

3. The description of development in a section 78 appeal is taken from the application form and that is what is set out in the banner heading. It is a matter of common ground that the description of development evolved during the Council's consideration of the application. The description of development is agreed as *“Full application for the temporary (5 years) change of use from Sui Generis formed of an electricity undertaker's depot to a dual use of Class B8 (to provide a scaffolding equipment storage/distribution yard) and Sui Generis retaining the existing electricity undertaker's depot. Installation of 8 no. single-storey cabins, containers and shelters, 2 no. scaffolding storage bay structures and 7 lighting columns with associated CCTV. Retrospective.”* This provides an accurate and more detailed description of the activities and works undertaken. I am satisfied no injustice would arise as the development had already been carried out at the time the application was made. I shall proceed on this basis.
4. The Inquiry sat for 5 days. The event was held as an in-person event, with interested parties having the ability to join virtually, but only to watch and listen. Due to technical difficulties, a short adjournment occurred on Thursday 28 August 2025 to allow the audio connection to be re-established. The Inquiry resumed once the issue was resolved, allowing those attending virtually to hear the conditions roundtable discussion and closing submissions.
5. Approximately 90 written representations were made by interested parties in response to the appeal notification letters and over 400 written submissions were received by the Council in relation to the planning application the subject of Appeal B. With the appellant's agreement, I have also reviewed the photographs and watched the videos provided by residents and other interested parties via the Council. I will have regard to all the written submissions made, the photographs and video evidence in the formulation of my decision.
6. Concern was expressed by interested parties' regarding the scheduling of the Inquiry during the school summer holidays. While I may not have personally

experienced the Churchfields Primary School's school drop-off and pick-up times, the video evidence and photographs provide real time examples of the concerns raised. I also have experience of undertaking the school drop-off and pick-up with my own child at our local primary and junior schools. For these reasons I find interested parties have not been prejudiced by the scheduling dates of the Inquiry.

7. I heard oral submissions from six local residents as well as the Deputy Headteacher of Churchfields Primary School, a Local Ward Councillor and a representative of 'Friends of Churchfields Road Recreation Ground'. I appreciate that others may have wished to attend the Inquiry in person to be heard but could not do so due to other commitments. However, I find it less than likely that they would have brought something to my attention that has not already been addressed in the written submissions or oral presentations made by those persons that did attend.
8. During the site visit I was accompanied by representatives for the appellant, Council, landowner, and residents. While school traffic may not have been using the road network during the site visit, we saw cars accessing the Re-use and Recycling Centre (the RRC), Veolia lorries using the commercial access to the RRC, Clancy vehicles accessing the electricity undertaker's depot (the EUD), and Mason's lorries returning to the scaffolding yard.
9. While I was waiting in a line of queuing cars on the RCC access road, I witnessed a Clancy vehicle drive down the exit lane to access the EUD rather than waiting in the traffic queue. I therefore have firsthand experience of vehicles driving the wrong way down the exit lane. Also, while visiting the scaffolding yard, an employee demonstrated what is involved with pole cutting. I have therefore experienced the noise generated by pole cutting on the site firsthand. I do however appreciate that this only occurred for a limited period.
10. Following the accompanied site visit, I walked around the Clock House Road area on my own. I also returned to the Churchfields Road area to experience the surrounding road network and widen my understanding of the surrounding locality.

Appeal A

Matters Concerning the Notice

11. It is incumbent upon me to put the notice in order. The appellant and Council agree that the land edged red on the plan attached to the notice encompasses two planning units. It is also agreed that the London Power Network's (LPN) use of their planning unit is lawful and does not constitute a breach of planning control. It was therefore agreed that the allegation and plan attached to the notice shall be corrected to remove the part of the land whose use remains lawful. These corrections will also remove the "dual use" element of the allegation.
12. It was agreed that drawing no. Z1-9-20100 P03 shall be substituted for the plan attached to the notice. A copy is attached to this decision letter and, for clarity, the notice shall only relate to the land shaded blue on this plan.
13. The notice alleges there has been a material change of use of the land shaded blue on the corrected plan to Class B8 purposes. Class B8 is a use class, not a primary use. The primary use that this planning unit is being put to is agreed as

use as a scaffolding equipment storage and distribution yard, which falls within Use Class B8. The allegation shall be corrected accordingly.

14. The allegation also includes “*installation of two single storey cabins and CCTV/lighting*”. There are however no corresponding requirements for these elements to be removed from the land. Adding steps to require their removal would prejudice the appellant. These elements shall therefore be deleted from the allegation.
15. The requirements should reflect the corrected matters alleged. Step (a) shall be varied to requiring the use to cease. Step (b) shall be varied to require the removal of the scaffolding equipment. Step (c) contains all the necessary elements but shall be reworded for clarity.
16. The corrections and variations set out above provide precision to the matter alleged and the steps required to be taken to remedy the corrected allegation. I am satisfied that they will cause no injustice to the appellant or Council.

The ground (e) appeal

17. An appeal on this ground is that the notice was not served correctly. There is no dispute that the notice was not served on LPN, who were clearly an occupier of the Land as shown on the plan originally attached to the notice. The corrections of the notice set out above have however removed LPN’s use and the land they occupy from the notice.
18. As the corrected notice does not apply to Land occupied by LPN, they have not been substantially prejudiced by the Council’s failure to serve a copy of the notice on them. In accordance with section 176(5) of the 1990 Act I shall disregard the fact that LPN were not served.
19. For this reason, the appeal on ground (e) fails.

The ground (f) appeal

20. An appeal on this ground is that the requirements go beyond what is necessary to remedy the breach of planning control, or the injury to amenity, as the case may be. As the reasons for issuing the notice refer to the effects of the development on the amenities of local residents and highway safety, the appellant has suggested that lesser steps can be taken to reduce noise emanating from the cutting of scaffolding poles.
21. A mechanism to secure the mitigation measure offered by the appellant would be required. In the absence of a ground (a) appeal, conditions cannot be imposed and therefore the lesser steps cannot be secured under the terms of Appeal A.
22. I am satisfied that the corrected steps do not therefore go beyond what is requested to be taken to remedy the breach of planning control.
23. For this reason, the appeal on ground (f) fails.

The ground (g) appeal

24. An appeal on this ground is that the period specified in the notice falls short of what should reasonably be allowed. The notice specifies 3 months, which the

Council accepts is too short and expresses the view that 6 months would be reasonable.

25. The appellant claims that, while 6 months may be sufficient to cease the use and clear the site, it is not sufficient to relocate to suitable alternative premises from which the business could be operated. Given their previous difficulties identifying a suitable site before moving to the appeal site, a period of 15 months is requested to prevent the business having to close, with the associated loss of 85 – 95 jobs.
26. When an appeal on ground (a) has not been pursued, it will be assumed that the development causes the harm described in the reasons for issuing the notice. This harm must be balanced against the private interests of the appellant.
27. I agree that a period of 3 months is unreasonably short to cease the use and return the land to its condition before the breach occurred. A period of 15 months is however too long given the residential amenity harms specified in the notice.
28. Finding a suitable alternative site from which to operate is not necessary to remedy the breach of planning control. However, the operation of the business predates its move to the appeal site and providing an amount of time to accommodate its relocation would be fair. As this must be balanced against the harm identified in the notice, I consider a period of 9 months to be a reasonable compromise. Should it transpire that the appellant encounters unexpected delays in relocating to a suitable alternative site, the Council may extend the period specified¹.
29. The appeal on ground (g) succeeds to this limited extent.

Overall conclusion on Appeal A

30. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations.

Appeal B

31. The **main issues** are the development's effect on:
 - the living conditions of neighbouring occupiers, with regards to noise and disturbance associated with comings and goings to and from the site as well as on site activities; and
 - highway safety.

Reasons

Background

32. The appeal site was occupied by LPN, who have made little use of it for some considerable time. More recently they have confined their operations to the eastern part of the land, which has facilitated its subdivision into two planning units. LPN continue to occupy one planning unit, while the other has been leased to Masons Scaffolding Ltd (MDL).
33. The LPN site is currently being used in connection with network enhancement works being carried out by Clancy. Survey data provided by SLR Consulting Ltd

¹ Section 173A (1) (b) of the Town and Country Planning Act 1990 as amended.

shows operating times of 0630 – 1830 for the LPN site and over 100 daily vehicle movements, of which 39% are HGV movements². In comparison, the survey data also shows MDL to operate mostly within the hours of 0630 – 1830, with an average of 66 daily vehicle movements, of which approximately 20 are HGV movements³.

34. Both the appeal site and LPN yard are accessed from Churchfields Road along the access road to the local authority's Re-use and Recycling Centre (RRC). I shall hereafter refer to this as the 'access road'. The access road is owned by the Council. The RRC provides a community refuse centre, which generates a maximum of 720 vehicle movements a day with the booking system in place. Surveys undertaken before the booking system was introduced show a higher daily trip number. The RRC is open to the public from 0700 to 1730 Monday to Friday, 0730 – 1600 on Saturdays, Sundays 0800 - 1300, and Good Friday and Bank Holidays 0800 to 1600.
35. A separate access on Churchfields Road provides access to the RRC for commercial vehicles. This lies between the access road junction and the school entrance. It is also immediately adjacent to a traffic calming measure, which narrows Churchfields Road to a single vehicle width (pinch point). On street parking is permitted along the northwestern side of Churchfields Road, outside the residential properties.
36. It is of note that the RRC usually also takes trade waste. Vehicles delivering such waste would use the Churchfields Road access. This facility has been suspended until the Waldo Road RRC is re-opened in 2026 once its major infrastructure upgrade is completed.
37. Towards the northern end of Churchfields Road are several shops and community facilities. There are also two well used recreation parks on the southeastern side of Churchfields Road, one to either side of the appeal site. Churchfields Primary School lies to the west of the RRC. Residential streets and estates lie to the northwest and southeast of the appeal site. Notwithstanding the different uses occurring along Churchfields Road, I find the prevailing character of the area surrounding the appeal site to be residential.

Principle of development

38. The development represents the redevelopment of previously developed land (PDL), which aerial images show has been under used for over 20 years. Policies GG2 and D3 of the London Plan (March 2021) (the LP) support the redevelopment of PDL and encourage making the best of it through optimising site capacity by intensifying its use, while having regard to its context.
39. The LP also seeks to provide and maintain a sufficient supply of land and premises in different parts of London to meet current and future demands of industry and related functions. It is a matter of common ground that the appeal site is a "*non-designated industrial site (NDIS)*" for the purposes of policies E4 and E7 of the LP, which also positively encourage the more efficient use of land, including for class B8 purposes.

² James Bancroft's Proof of Evidence – Tables 5.3 and 5.4

³ James Bancroft's Proof of Evidence – Tables 4.1 and 4.2

40. Furthermore, as the development represents an employment generating use it complies with policy 83 of the London Borough of Bromley's Local Plan (January 2019) (the BLP), which seeks to deliver improvements to the quality and quantity of employment floorspace on existing industrial and related land. This policy offers support to the redevelopment of NDIS, subject to the caveat that the amenity of nearby residential areas is not detrimentally affected, which I will deal with below.
41. The principle of intensifying the use of the appeal site for class B8 purposes makes a positive contribution to the supply of land to meet current and future needs of industry and its related functions. I therefore find that the intensification of the commercial use of the appeal site is policy compliant in principle, notwithstanding that the Council might prefer to see some other use on the appeal site or that there may be a more suitable site elsewhere for MDL.

Noise

42. Paragraph 198 of the National Planning Policy Framework (the Framework) requires policy and decision makers to ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or the wider area to impacts that could arise from the development. Specifically, adverse impacts arising from noise should be mitigated and reduced to a minimum and noise giving rise to significant adverse impacts on health and quality of life should be avoided.
43. When sound occurs in the wrong place and/or at the wrong time such that it causes or contributes to some harmful or other unwanted effect, like sleep disturbance or annoyance, it becomes noise. Noise pollution depends not just on the physical aspects of the sound itself, but also on the human reaction to it.
44. Noise arising from within the community, such as from industrial premises such as the RRC or the appeal site is identified in the Noise Policy Statement for England (NPSE) as "*neighbourhood noise*". The NPSE recognises that noise management is a complex issue and confirms there are currently no European or national noise limits which must be met.
45. In respect of the effect of noise on health and quality of life, the NPSE refers to concepts of NOEL (No observed Effect Level), LOAEL (Lowest Observed Adverse Effect Level) and SOAEL (Significant Observed Adverse Effect Level). The NPSE states that SOAEL is "*the level above which significant adverse effects on health and quality of life occur.*" To accord with the aims of the NPSE, neighbourhood noise achieving SOAEL status should be avoided. Further, where noise impact lies between LOAEL and SOAEL, all reasonable steps are required to be taken to mitigate and minimise effects on health and quality of life. Noise impacts between LOAEL and SOAEL do not therefore have to be removed in their entirety.
46. Notwithstanding the presence of the RRC and railway line, there is no suggestion that the appeal site is in an area with a pre-existing unsatisfactory noise environment. The level of harm arising from noise generated by the development and any residual impact after mitigation is therefore key.
47. Policy 119 of the BLP requires applications for development proposals likely to generate noise to be accompanied by appropriate assessments which identify

issues and appropriate mitigation. I have been presented with various noise assessments prepared for the appellant and for the Council.

48. From the evidence before me, there are two elements to the claimed noise harm arising from the development. The first relates to yard noise, primarily from pole cutting but also metal on metal clanking. It is a matter of common ground that this only affects residents living on Clock House Road. The second relates to MDL HGVs entering and leaving the appeal site late at night or early in the morning. It is a matter of common ground that this noise harm only affects residents living on Churchfields Road.

Yard and pole cutting

49. It is a matter of common ground that in assessing what level of noise is generated by the development regard should be had to section 11 of BS4142⁴. This tells us *“the significance of sound of an industrial and/or commercial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs...When making assessments and arriving at decisions, therefore, it is essential to place the sound in context.”*⁵ Typically, the greater difference between the background sound level and the rating level of the noise source, the greater magnitude of impact on health and quality of life.
50. In terms of the difference between the noise source and background levels, Mr Fiumicelli argues that Ms Urbanski underestimates noise impacts by using higher background levels and insufficient character corrections, as a result he applies additional penalties for tonal (pole cutting) and impulsive characteristics (metal on metal), concluding that weekday operations with pole cutting exceed SOAEL. Conversely Ms Urbanski found the noise impact to be LOAEL, even with pole cutting, as she applied penalties for impulsivity (metal on metal) and intermittency (stopping and starting repeatedly), but not for tonal (pole cutting) noise impacts.
51. The context in this instance includes noise arising from the railway line, the RRC, the primary school and even the parks. The railway line is located between the appeal site and the residential properties on Clock House Road. It is agreed that as the railway line sits on a raised embankment it deflects some of the noise arising from yard work and pole cutting. While this may reduce noise levels in the adjacent gardens and at ground floor level, it offers no such deflection for first and second floor levels of the adjacent properties.
52. There was some suggestion that I should give little regard to matters such as train noise due to their limited frequency and duration. However, I find such an approach would not follow the guidance set out in BS 4142.
53. Activities most likely to cause metal on metal clanking and pole cutting take place in parts of the appeal site furthest away from the adjacent dwellings and closest to the RRC. Yard working hours are said to be 0800 to 1830 Monday to Friday, 0800 to 1700 on Saturday and 0800 to 1300 on Sundays. These are all daytime hours with no early morning or late night yard activity taking place. Furthermore, they are similar to the hours of operation of the RRC.

⁴ BS 4142: 2014 Methods for rating and assessing industrial and commercial noise

⁵ Section 11 of BS 4142, page 15

54. BS 4142 indicates that noise level differences of +10 dB and above would cause SOAEL. The Council accepts that there is no noise issue with operations taking place at weekends. Even using Mr Fiumicelli's data, which shows there to be a +7dB level difference between background noise levels and noise arising from yard operations (excluding pole cutting), the margin of noise difference during weekdays lies closer to LOAEL (+5 dB). As such the implementation of measures to minimise and mitigate noise would be appropriate.
55. In accordance with policy D13 of the LP, measures already taken to minimise and mitigate impacts include laying out the site so that main areas of activity such as loading and unloading take place towards the RRC and central part of the appeal site, electric forklift trucks are used, offices and storage areas are located closer to the railway line and act as a barrier to noise. I therefore find that yard noise (excluding pole cutting) does not have a significant adverse effect on the health and quality of life for the residents of Clock House Road.
56. The inquiry was told that pole cutting does not occur on a regular basis or to any set pattern. Some weeks no pole cutting will occur, but when it does, it would take place for no longer than an hour per week. I saw that it takes about 5 seconds to cut a single pole, after which the cut pole is removed and another pole moved into place. Having experienced the pole cutting from standing outside the acoustic curtain, I do not doubt it is discernible to residents of Clock House Road.
57. Ms Urbanski's and Mr Fiumicelli's figures relating to noise arising from pole cutting, without applying context, agree SOAEL occurs. In context, pole cutting represents an extremely limited part of the yard operations which have otherwise been found to cause no significant harm to health and quality of life. Furthermore, having regard to the Planning Practice Guidance⁶, pole cutting is most likely to lead to *"small changes in behaviour, attitude or physiological response, e.g. turning up the television; speaking more loudly or having to close windows for some of the time..."* as opposed to a *"material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; keeping windows closed most of the time..."*. I therefore conclude that pole cutting would also fall within LOAEL, where minimising noise disturbance through mitigation is required.
58. While Ms Urbanski claims the acoustic curtain provided reduces pole cutting noise by about 10 dB, its effectiveness is not agreed by the Council. The claimed effectiveness set out in the Product Data Sheet (-10 dB) is no doubt based on laboratory conditions as opposed to lived experience. I find it more likely than not that the curtain serves some acoustic purpose as that is the purpose for which it is marketed.
59. I consider the time when pole cutting can occur and its duration to be determinative in terms of mitigation. Given the information provided, it would not be unreasonable to restrict the act of pole cutting to no more than 2 hours per week. Requiring that it only occur during reduced hours throughout weekdays would also accord with information provided. These matters could be secured through the imposition of a suitably worded condition.

⁶ Planning Practice Guidance – Noise Exposure Hierarchy Table Paragraph: 005 Reference ID: 30-005-20190722

MDL HGVs

60. The main appeal parties agree that BS 4142 does not apply to traffic noise. They also agree that regard should be had to the World Health Organisation's (WHO) guidance instead, which identifies that noise pollution will occur above 65 decibels (dB) and noise above 45 dB can cause sleep disturbance.
61. This relates to out of hours working, which the appellant describes as being infrequent, averaging out to about 3 times per week, and occurring between the hours of 0500 to 0630 and 1630 to 2300. The appellant also confirms that out of hours working only relates to the coming and going of HGVs and does not involve yard or office work.
62. Residents' submissions claim that their sleep has been significantly disturbed by the comings and goings of MDL HGVs late at night and in the early hours of the morning. Photographs and video evidence provided by residents clearly document the timings of MDL HGVs entering and leaving the appeal site which lend support to the appellant's out of hours timings.
63. There is no dispute between the main appeal parties that noise levels emanating from HGVs leaving the site exceed the WHO criteria for causing sleep disturbance. The WHO criteria is also exceeded by other vehicles using Churchfields Road, with buses being the loudest noise source. Only a limited number of MDL HGVs enter or exit the appeal site out of hours. It is within this context that the effects of MDL HGV movements need to be considered.
64. It is suggested that MDL HGVs have a greater adverse impact due to their need to accelerate away from the access road junction. I do not doubt that HGVs pulling up to allow the gates to be opened and closed and then accelerating away cause noise disturbance to adjacent residential occupiers. However, the access road junction is only a short distance away from a bus stop, where buses would pull up, remain stationary with their engines running and then also accelerate away. While not the exact same manoeuvre carried out by the MDL HGVs, I find the similarities to be significant.
65. Given the urban location, it would be reasonable to expect buses to run early in the morning and late into the night. The noise monitoring also shows that other vehicles using Churchfields Road created similar noise disturbance. While I do not doubt that MDL HGVs cause sleep disturbance, given the survey data available, it would seem more likely than not, that sleep disturbance can equally be caused by other traffic utilising Churchfields Road. Noise guidance does not however require that no noise disturbance be achieved, only that it be minimised through mitigation.
66. The appellant has confirmed that the number of MDL HGV movements during the hours of 2000 and 0600 could be restricted to a total of 10 movements per month (Monday – Saturday) without causing disruption to the business. This includes inward movements late at night and outward movements early in the morning. I am satisfied that restricting activity in this manner would deliver an appropriate level of mitigation so that the development would not have a significant adverse effect on the amenity of nearby residents, when considered in context.

Conclusion on noise

67. For these reasons, subject to appropriate mitigation to minimise noise impacts, the development would not significantly harm the living conditions of neighbouring occupiers. The development therefore accords with policies D13 and D14 of the LP and policies 83 and 119 of the BLP, which require new noise and other nuisance generating development close to residential and other noise sensitive uses to put measures in place to mitigate and manage any noise impacts for those receptors.

Highway Safety

68. The National Planning Policy Framework (the Framework) states that *“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable scenarios.”* Mr Rastani suggested several scenarios that I do not consider to be reasonable, these include: drivers emerging from the RRC exit without looking left or right and drivers of queuing vehicles on the access road opening their car doors into the exit lane of the access road. I accept that it cannot be said that such actions will never occur, however, in my judgement such actions are unlikely to be taken by reasonable drivers acting with due care and attention to their surroundings.
69. The issue of highway safety relates to the comings and goings of MDL HGVs, with regards to their scale, frequency and potential conflict with pedestrians and vehicles visiting the RRC. MDL has confirmed they have 7 drivers and there are 10 HGVs operating from the appeal site, which can be entering and exiting the appeal site loaded or unloaded.
70. There is no suggestion that the access road junction with Churchfield Road is not laid out to an acceptable standard, only that the junction configuration and carriageway width are deficient to satisfactorily accommodate HGVs, cars and pedestrians. Having regard to Manual for Streets 2, there is no dispute that the junction is laid out to an acceptable standard that prioritises pedestrians. This is due to it having smaller radii, shorter desire lines and vehicles having to slow down to negotiate the turn. From the evidence before me and what I saw during my site visit, I concur that pedestrians are prioritised at this junction, which I find appropriate given the residential character of the area.
71. Churchfields Road is relatively straight, and road markings prevent on-street parking on either side of the access road junction. Vehicles can however park on the opposite side of Churchfields Road. Buses using the bus stop and/or vehicles queuing to enter the access road may temporarily obscure views on the traffic approach side of the junction.
72. The footway along the southeastern side of Churchfields Road is not unduly narrow. Furthermore, pedestrians using the footway have clear visibility of vehicles approaching the access road junction from both directions along Churchfield Road and along the access road.
73. The swept path analysis provided shows that all the MDL HGVs can negotiate the turn into and out of the access road junction. While HGVs have to utilise the whole width of the access road and cross the centre of Churchfields Road, this is not an

uncommon requirement for HGVs operating in residential areas. I do not therefore find the scale of MDL HGVs to be unacceptable for this location.

74. The traffic count details contained in Mr Bancroft's proof of evidence shows there to be in the order of 890 vehicle movements per day through the access road junction. MDL HGVs account for 20 vehicle movements per day, Monday to Friday and less on Saturdays, which is no more than 3% of the total daily movements.
75. Furthermore, the majority (7 an average) MDL HGVs leave the appeal site before 0800 and the majority return between 1500 and 1700. Throughout the rest of the day there are approximately 3 inward and 3 outward HGV movements. Given the volume of other traffic movements within the locality I do not find the frequency of MDL HGV movements to constitute a severe risk to highway safety.
76. The photograph and video evidence shows HGVS and cars, including Veolia vehicles and buses, using this stretch of Churchfield Road. It also shows them turning into and out of the access road and the RRC commercial entrance during what is clearly school pick-up and drop-off times. I am unconvinced that these images show issues arising between HGVs, cyclists and pedestrians that constitute a severe risk to highway safety.
77. My attention was drawn to the bollard located adjacent to the access road junction, and I have been told that this bollard has been hit several times by MDL HGVs mounting the pavement when turning into the access road. The specific details of the cause of such incidents are not clear. However, I accept that accidents can and do happen, although in this case there is no technical reason why this should occur as the swept path analysis shows that MDL HGVs can negotiate the turn into the access road without needing to mount the pavement.
78. People waiting to cross the access road should not be stood on the kerb edge, particularly if they can see cars or HGVs waiting to turn. In general, HGV drivers tend to be more aware of their surroundings and the presence of pedestrians and cyclists. I do appreciate that pedestrians and cyclists may take chances that cannot be foreseen by HGV drivers. However, the potential for unreasonable behaviour by pedestrians or cyclists is not a legitimate basis upon which to determine the acceptability of the development.
79. There are multiple, potentially conflicting activities occurring around the access road junction: cars queuing to access the RRC, cars leaving the RRC, Clancy vehicles entering and leaving the LPN site, MDL staff cars entering and leaving the blue shaded land, MDL HGVs entering and leaving the shaded blue land, Veolia wagons and other commercial vehicles entering and leaving the RRC commercial access, buses stopping at the bus stop, and other cars and vehicles travelling along Churchfield Road. The pinch point also causes queuing traffic and vehicles to be in the centre of the road. Given these circumstances, parents and teachers concerns for children walking to and from school have some justification.
80. In addition to the circumstances set out above, there is likely to be more vehicular traffic using Churchfield Road at school pick-up and drop-off times. Traffic controls in place during these times include a speed reduction from 30 mph to 20 mph and a lollypop person to supervise children crossing Churchfields Road at the pinch point adjacent to the school entrance.

81. Having regard to the access road junction configuration, and all other highway constraints in the locality, MDL HGVs present no greater danger to pedestrians than any other vehicle using this junction in my view. However, given the volume of traffic using the junction and the volume of school children having to cross it, having a suitably qualified banksman overseeing activity here during the main school drop-off and pick-up periods is a considerable benefit, which should be formalised.
82. Turning to the width of the access road, this can clearly accommodate two way traffic, including HGVs. There is also a pedestrian footway leading from Churchfield Road to the 'exit' of the RRC site. Pedestrians are segregated from traffic by barriers once they turn into the RRC site. I am satisfied that pedestrians accessing the RRC site from Churchfield Road are accommodated satisfactorily.
83. The RRC operates a one-way system for residential traffic; vehicles enter the RRC site at the furthest gate from the junction and leave via the gate nearest the junction. As such, only vehicles leaving the appeal site will be travelling towards the junction on the access road before the RRC exit gateway. Any vehicle exiting the RRC site should do so following the highway code, which would ensure that there should be no traffic conflict. I also saw signage at the exit requiring exiting drivers to give way and to look left and right.
84. During my site visit I experienced waiting in the access road queue. While I did not find the waiting time to be excessive, a Clancy vehicle did overtake queuing traffic by using the exit lane. The access road is straight, and drivers have a clear line of sight to the appeal site. While such a manoeuvre should not necessarily be encouraged, provided it is executed with due care and attention, it would not cause severe highway safety conditions.
85. For these reasons the development does not, in isolation or cumulatively, cause severe highway safety impacts. The development does not therefore conflict with policies T3 of the LP and 32 of the BLP, which seek amongst other things to safeguard public transport networks and ensure road safety is not significantly adversely affected.

Other Matters

86. Whether the appeal site has not been actively used for a considerable period is not a determinative issue unless it is claimed the lawful use has been abandoned. There is no such claim here. As set out above, national and local planning policies support making the best use of industrial and commercial land.
87. While community engagement is encouraged, there is no statutory requirement for appellants or operators to attend meetings with the public or other bodies in advance of a planning application being made. Carrying out development without the benefit of planning permission is also not an offence. The 1990 Act makes provision for retrospective planning permission to be granted and enforcement action is regulatory not punitive.
88. There are no planning restrictions currently in place on the appeal site that would control the hours of operation or the volume of traffic entering and leaving. While it may have been within MDL's interest to work within the confines of the information that accompanied the planning application, there is no mechanism in place to enforce their compliance. The imposition of conditions to secure the mitigation

measures identified above will be enforceable and thereby provide the necessary controls to ensure harm to residential amenity is acceptably mitigated.

Conditions

89. There is no need to impose a condition setting out the implementation period of the planning permission as the development is already occurring. A condition setting out the approved plans is necessary to control the development in detail, in the interests of amenity and highway safety.
90. Conditions restricting the use as a scaffolding equipment storage/ distribution yard to the area shaded blue on drawing no. Z1-9-20100 P03 for a period of 5 years are necessary to define the extent of the planning permission applied for.
91. Conditions relating to the maximum length of HGVs accessing the land shaded blue and the provision of a suitably qualified banksman during the main school drop-off and pick-up times are necessary in the interests of road safety and to address the concerns of local residents.
92. Conditions relating to working hours, the number of out of hours HGV movements and pole cutting activity are necessary to mitigate and minimise noise impacts in the interests of residential amenity. Restricting the pole cutting to a maximum of 2 hours per week is necessary as any longer period would have a severe adverse effect on the health and quality of life of neighbouring residents. A specific 2 hour period cannot be imposed as the need for pole cutting arises from customer requirements.
93. Conditions require the submission of schemes to deal with external lighting, refuse and recycling of materials and cycle parking are required to comply with policies 31, 32, 37 and 122 of the BLP. These are to ensure that a high quality development is delivered and in the interests of residential amenity and encouraging alternative modes of transport.
94. As the development includes the retention of LPN operation on the land not shaded blue on drawing no. Z1-9-20100 P03, conditions updating and reiterating those imposed on the 1992 planning permission are necessary to maintained control over the LPN operations.
95. Other conditions were suggested relating to the HGV routing and an Operational Management Plan (OMP). No highway safety issues have however been raised regarding the route HGVs take to access the site and there are no restrictions imposed in the surrounding highway network. Furthermore, all matters suggested to be covered in the OMP are covered by other conditions to be imposed.

Conclusion on Appeal B

96. For the reasons given above the appeal should be allowed.

M Madge

INSPECTOR

APPEAL B: SCHEDULE OF CONDITIONS

1. Other than as approved by conditions 9, 10 and 11, the development hereby permitted shall be carried out in full accordance with the following approved plans:
 - i. Z1-9-20100 P03 – Proposed Ground Floor Plan
 - ii. Z1 – 10-20100 P02 – Proposed Elevations (storage bays, cabins and lights)
2. The area shown shaded blue on drawing no. Z1-9-20100 P03 shall be the only part of the site used as a scaffolding storage and distribution yard and it shall be used for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
3. The use of the scaffolding storage and distribution yard shaded blue on drawing no. Z1-9-20100 P03 shall be discontinued and the buildings/structures hereby approved shall be removed, and the land shaded blue shall be reinstated to its former condition on or before the 15 October 2030.
4. HGVs accessing the land shaded blue on Drawing no. Z1-9-20100 P03 shall not exceed 12.84 metres in length.
5. With the exception of HGV movements that are the subject of condition 7, site operations on the land shaded blue on Drawing no. Z1-9-20100 P03 shall only take place between the hours of:

0800 to 1830 Monday to Friday

0800 to 1700 Saturday

0800 to 1300 Sunday and bank holidays
6. HGVs shall not access or egress the land shown shaded blue on drawing no. Z1-9-20100 P03 in any circumstance between the hours of 0815 - 0900 and 1500 - 1545 during term-time on days that Churchfields Primary School is open to pupils except with the presence of a suitably qualified banksman who has been trained by a recognised training service provider (such as Commodus). A copy of the banksman's certification shall be provided to the local planning authority upon request.
7. No more than 10 one-way (entry and exit) HGV movements per month to and from the land shown blue on drawing no. Z1-9-20100 P03 shall occur outside the hours of 0600 to 2000 Monday to Saturday. A record of HGV movements outside these specified hours shall be kept at all times and the record shall be made available to the local planning authority upon request.
8. The cutting of scaffolding poles shall take place for no more than 2 hours per week during the hours of 0900 to 1700 Monday to Friday.

9. Within one month of the date of this permission a detailed lighting scheme (in accordance with Institute of Lighting Professionals Guidance note 1/21 (E4 – Urban environment) and that excludes any periods associated with an emergency) for the lighting columns shown on drawing no.Z1-9-20100 P03 shall be submitted to the local planning authority for approval. The approved lighting scheme shall be implemented in its entirety within one month of its approval and shall thereafter be retained for the duration of this planning permission.
10. Within one month of the date of this permission details of the arrangements for storage of refuse and recycling materials (including means of enclosure for the area concerned where necessary) shall be submitted to the local planning authority for approval. The approved scheme shall be implemented in its entirety within one date of its approval and shall thereafter be retained for the duration of this planning permission.
11. Within one month of the date of this permission details of the arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to the local planning authority for approval. The approved scheme shall be implemented in its entirety within one date of its approval and shall thereafter be retained for the duration of this planning permission.
12. The servicing, testing, repairing and storing of vehicles on the application site shall be carried out only on vehicles owned by or belonging to London Power Network PLC.
13. The servicing, testing, repairing and storing of vehicles on the application site hereby permitted shall be carried out by London Power Networks PLC.
14. The use hereby permitted on the land not shaded blue on drawing no. Z1-9-20100 P03 shall not operate before 0730 or after 1730 on any day.
15. The night trunking operation involving the use of 2 x 30 tonnes maximum length drawbar units shall not collect or deliver to the land not shaded blue on drawing no. Z1-9-2-1—P03 outside the hours of opening as stipulated by condition 14 of this permission.

--- END ---

Enforcement Notice Plan

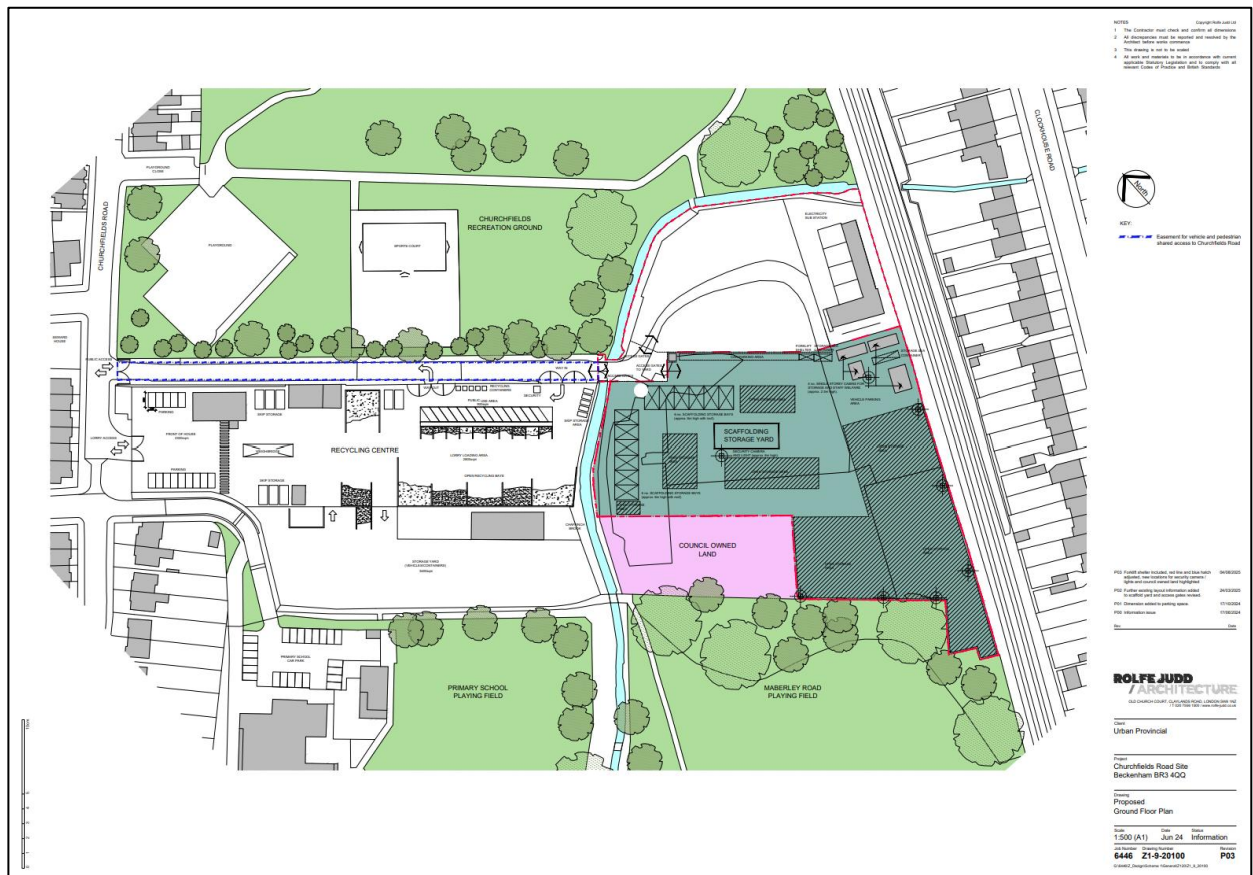
This is the plan referred to in this decision date: 15 October 2025

by M Madge Dip TP MA MRTPI

Land at: London Electricity Board Depot, Churchfields Road, Beckenham

Reference: APP/G5180/C/25/3363900

Scale: Not to scale



APPEARANCES

FOR THE APPELLANT:

Paul Brown KC	Counsel for the appellant, instructed by Ashley Squire of Ashurst LLP
Innes Urbanski	Associate Director (Acoustics), Waterman Infrastructure & Environment Limited
James Bancroft	Director, SLR Consulting
Tom Lawson	Associate Director, Rolfe Judd Planning Ltd
Ashley Squire	Solicitor, Ashurst LLP

FOR THE LOCAL PLANNING AUTHORITY:

Peter Cruickshank	Counsel for the Council, instructed by Ed Teleprieff of the Council for the London Borough of Bromley
Daniele Fiumicelli	Associate, RBA Acoustics Ltd
Nojan Rastani	Highways Development Manager, Council for the London Borough of Bromley
Jim Cowan	Head of Neighbourhood Management, Council for the London Borough of Bromley
Karen Daye	Team Leader Planning Appeals, Council for the London Borough of Bromley
Ed Teleprieff	Legal Officer, Council for the London Borough of Bromley
Charlotte Hennessy	Environmental Protection Manager, Council for the London Borough of Bromley

INTERESTED PARTIES:

Olga Castleton	Resident
Lesley Ubee	Resident
Roy Perez	Resident
Jeremy Adams	Local Ward Councillor

Emily Kingston	Resident
Michael Fruer	Resident
Adam Reuvany	Resident
Sally White	Deputy Head Teacher, Churchfields Primary School
Melanie Erd	On Behalf of the Churchfields Park Charity

DOCUMENTS

ID1	Opening Statement for the appellant
ID2	Opening Statement for the Council
ID3	Extract from Allsop sales brochure for the land (Aerial Image)
ID4	Photograph of Veolia vehicle turning into the RCC entrance
ID5	Photographs of Masons Yard taken from a Clock House Road property
ID6	Photographs of Masons vehicles exiting at 21:00 on 25 July 2025
ID7	Mr Rastani's text relating to Healthy Streets
ID8	Photographs of queuing traffic provided by Jim Cowan
ID9	Replacement Enforcement Plan
ID10	Suggested Conditions
ID11	Closing Submissions for the Council
ID12	Closing Submissions for the appellant