



# The Planning Inspectorate

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Ms Helen Jordaney  
London Borough of Bromley  
Planning Appeals  
Bromley Civic Centre  
Churchill Court, 2 Westmoreland Road  
Bromley  
BR1 1AS

Your Ref: 23/00705/OPDEV  
Our Ref: APP/G5180/C/25/3363900  
Further appeal references at foot of letter

12 May 2025

Dear Ms Jordaney,

Town and Country Planning Act 1990  
Appeals by Churchfields Road BR3 Ltd, Mr Luke Osborne  
Site Addresses: London Electricity Board Depot, Churchfields Road, London, BR3 4QY and London Electricity Board Depot, BECKENHAM, BR3 4QZ

I have received Enforcement Notice Appeal forms and documents for this site. I am the case officer, if you have any questions, please contact me.

I have checked the papers and confirm that the appeal(s) is valid. If I later find out that this is not the case, I will write to you again. This is a formal notice informing you of the next steps and deadlines applicable.

## IMPORTANT INFORMATION

All s174 Enforcement Notice appeals proceeding by an Inquiry will, subject to Inspector availability, follow a strict timetable with the aim of issuing the appeal decision within the 26 weeks of the receipt of a valid appeal. All dates contained in this letter including the event date are therefore fixed and cannot be changed.

## The procedure and starting date

We have applied the criteria which can be found at: <https://www.gov.uk/government/publications/criteria-for-determining-the-procedure-for-planning-enforcement-advertisement-and-discontinuance-notice-appeals/criteria-for-determining-the-procedure-for-planning-enforcement-advertisement-and-discontinuance-notice-appeals> and considered all representations received, including the appellant(s) preferred choice. We consider that the Inquiry procedure is suitable, and we intend to determine this appeal by this procedure.

Any evidence supporting a claim for use has to show a continuous period of use for the relevant period. The onus of proof is on an appellant(s). The test to be achieved is 'on the balance of probability'.

The appeal(s) is proceeding by way of Inquiry as:

- evidence is likely to require testing through formal questioning;
- evidence may need to be given on oath.

An inquiry will allow for investigative questioning and formal testing of evidence under oath by cross-examination, for example, where witnesses have submitted factual evidence about how long the alleged unauthorised use has been taking place.

You must supply a list of (and it would be helpful if you supplied copies of) all factual written information you intend to rely on with your statement of case. This can include documents such as:

- tenancy agreements;
- utility bills;
- council tax bills;
- receipts for work and materials;
- written testimonies;
- sworn affidavits.

The appeal(s) procedure will remain under review, as normal, whilst in progress.

The date of this letter is the starting date for the appeal(s). The timetable for the appeal(s) begins from this date. All parties have a responsibility to abide by the timetable.

#### The Inspector and Inquiry date

The Inspector appointed to decide the appeal is M Madge Dip TP MA MRTPI and the inquiry will open at 10.00am on Tuesday 19 August 2025. We have currently scheduled (5) sitting days.

The Inspector will wish to hold a case management conference (CMC) with the main parties in about 8 weeks to be hosted virtually by the LPA ideally on Microsoft Teams. You will be notified of the date and time. The Inspector will prepare an agenda which will be issued in advance. Each party should have a single spokesperson nominated to speak; the intended advocates should participate if, at all possible. Please can you provide the name and email address of your spokesperson to the LPA no less than 7 days before the CMC, along with the names and email addresses of any other participants.

In advance of the CMC, parties are requested to focus only on the matters that are in dispute and consider what topics, if any, could most efficiently be dealt with as a round table discussion at the inquiry, or by written submissions only, to ensure that the inquiry is conducted in an efficient and effective manner, optimising inquiry time. This will be an item on the agenda for the CMC. Depending on the outcome of that discussion, the Inspector will direct how the evidence will be dealt with at the inquiry.

An invitation to the CMC should be sent to the relevant Case Officer who will make arrangements with the Inspector. For guidance on hosting virtual events for the Planning Inspectorate, please follow this link <https://www.gov.uk/government/publications/guidance-for-local-planning-authorities-hosting-virtual-events-for-the-planning->

[inspectorate/guidance-for-local-planning-authorities-hosting-virtual-events-for-the-planning-inspectorate](#). It is important that the Inspector's email address is not disclosed to ensure they cannot be contacted direct by any party – please see paragraphs 4.1- 4.3 of the guidance on this point.

Sending documents to us and looking at the appeal(s)

Please ensure all documents are GDPR compliant: <https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice/customer-privacy-notice>.

Please use the portal to submit all documents. You can use the Internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is <https://acp.planninginspectorate.gov.uk>

If it is not possible for you to submit documents using the portal, please use the email address above. If you are unable to use the internet to submit documents, you may post them to the address at the top of this letter. Whichever method you use, please make sure that all documents/emails are clearly marked with the full reference number.

Guidance on communicating with us electronically can be found at <https://www.gov.uk/government/publications/appealing-to-the-planning-inspectorate-communicating-electronically-with-us>

Grounds of appeal

We accept that the appeal(s) should proceed on ground(s) (e), (f) and (g) as set out at Section 174(2) of the 1990 Act.

Linked with appeal reference number APP/G5180/W/25/3365514

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.

Keeping to the timetable

You must keep to the timetable set out below and make sure that you send us the relevant documents within these deadlines. This will mean that we can deal with the appeal(s) promptly and fairly. If you do not send us the relevant documents in time, the Inspector will not normally look at them and we will return them to you unless there are exceptional reasons for accepting them. You must note the details of the following timetable because we will not send any reminders.

**IMPORTANT**

Please be aware that in the event we require information from any appeal party, we will only give one opportunity and set a deadline. If at any time before or during the determination of an appeal against an enforcement notice or LDC it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal(s), the Secretary of State may give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are so specified

for the expedition of the appeal. Similarly, the Secretary of State may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations within the prescribed period.

Unless agreed otherwise by the Inspector at the case management conference the following documents must be sent within this timetable.

By 26 May 2025

Using the model notification letter at the following link: <https://www.gov.uk/government/publications/model-notification-letter-for-enforcement-appeals> you must notify anyone other than the appellant(s) who was served with the enforcement notice, occupiers of properties near the appeal site and any other persons who, in your opinion, are affected by the breach of planning control, that the appeal(s) has been made.

You must include:

- a) description of the alleged breach of planning control;
- b) a statement of your reasons for issuing the notice(s);
- c) the appellant's grounds of appeal against the notice(s);
- d) an invitation to interested persons to make their views known within 6 weeks. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned. You should give warning that their views will be disclosed to the parties to the appeal(s) unless the representations are withdrawn before the 6 weeks deadline.

From 1 April 2024 the Planning Inspectorate will no longer accept interested party comments sent via email. Any comments submitted by email will not be considered and will be returned. Comments from interested parties on appeals will only be accepted through the Appeals Casework Portal, or via letter to Temple Quay House. Please could the council note the advice here: [Streamlining comment submission for planning and enforcement appeals - GOV.UK](#), including the letter from our Chief Operating Officer to all Local Planning Authorities.

e) that the Planning Inspectorate will not acknowledge representations. We will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeal(s);

f) they can get a copy of our guidance booklet free of charge from you, or on your website, or on GOV.UK (<https://www.gov.uk/government/collections/taking-part-in-a-planninglisted-building-or-enforcement-appeal>)

g) when and where the appeal documents will be available for inspection; and

h) that the decision will be published on GOV.UK.

You must provide the following documents to us:

a) a true copy of the enforcement notice(s) including the statement of reasons why you considered it expedient to issue the notice(s), An electronic version of the enforcement notice (in Word format) must be sent to the email address in this letter. Please remember to include the full appeal reference number.

b) a true copy of the plan attached to the enforcement notice(s), endorsed to that effect - if the original plan was coloured, the copy should be coloured identically.

c) the names and address of all persons on whom a copy of the notice(s) was served, under provisions of S172(2) of the 1990 Act.

If you do not provide these documents, the Secretary of State will consider exercising powers under S176(3)(b) of the 1990 Act to quash the notice(s).

You must also make sure that the appellant(s) and I are sent a copy of your completed appeal questionnaire and supporting documents, including the relevant development plan policies, a copy of your notification letter and a list of those notified. You have the opportunity to state your preferred choice of procedure by answering Question 1 of the appeal questionnaire.

By 23 June 2025

Please submit your statement of case giving full details of the case you will put forward at the inquiry including any documents, maps or plans you intend to refer to or use in evidence. The appellant may require you to send any such document (or relevant part of such a document). Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send a copy of your statement to the appellant(s) and you must send a copy of your statement to any statutory parties. I will also send you and the appellant(s) a copy of any comments received from other interested persons or organisations.

The appellant(s) and the LPA must also submit a copy of the completed agreed statement of common ground, listing all matters that are not only agreed but also confirming areas where there is disagreement. Further guidance on producing statements of common ground (and a model form) is available from <https://www.gov.uk/government/publications/statement-of-common-ground>

If you wish to rely on your reasons for issuing the notice(s) in response to any particular ground of appeal, please say so in your statement.

By 14 July 2025

You and the appellant(s) must submit a copy of any final comments you and they have on each other's statement and on any comments from interested people or organisations.

You must not send your final comments instead of, or to add to your statement. No new evidence is allowed at this stage. I will send you a copy of the appellant's final comments at the appropriate time.

By 22 July 2025

You and the appellant(s) must submit your proof of evidence (and a written summary if the proof is over 1500 words in length). You should also send a copy to any statutory party. A proof of evidence is a written statement that you the LPA or a witness want the Inspector to take into account at the inquiry. Any summary should reflect the contents of the proof and should not include new evidence.

### Planning obligations - section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land' or a legally binding undertaking signed unilaterally by a person 'interested in the land'. If you intend to submit a planning obligation you must read the guidance, which is available from: <https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>. A final draft, agreed by all parties to it, must be submitted to me no later than 10 days before the Inquiry opens.

### Withdrawing the appeal(s)

If you hear that the appeal(s) is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant(s), I will write to you.

### Costs

The appellant(s) has been directed to GOV.UK for further information regarding costs – <http://planningguidance.communities.gov.uk/blog/guidance/appeals> You should also be aware that costs may be awarded to either party.

Additionally, a Planning Inspector or the Secretary of State may on their own initiative make an award of costs, in full or in part, if they judge that a party has behaved unreasonably resulting in unnecessary appeal expense.

### The Appeal decision

The decision is expected to be issued on or before 16 October 2025

### Further information

Further information about the appeals process can be accessed at - <https://www.gov.uk/government/publications/enforcement-appeals-procedural-guide>. I recommend that you read the relevant guidance.

Yours sincerely,

***Adewale Ajibade***

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<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

*Where applicable, you can use the internet to submit documents, to see information and to check the progress*

of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>

Linked cases: APP/G5180/W/25/3365514