The Planning Inspectorate

INSPECTOR'S POST-CASE MANAGEMENT CONFERENCE NOTE

APPEAL A: APP/G5180/C/25/3363900 - against an enforcement notice alleging 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.

APPEAL B: APP/G5180/W/25/3365514 - against the refusal to grant planning permission for "Full application for the temporary (5 years) change of use for 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."

LAND AT: London Electricity Board Depot, Churchfields Road, Beckenham

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Introduction

1. This note is a record of the matters agreed and matters still to be resolved following the case management conference (CMC) held virtually at 10:00 on Thursday 17 July 2025.

Advocates and Witnesses

2. The table below confirms the advocates and witnesses for the main appeal parties.

For the appellant		**For the Council**	
Paul Brown KC	Advocate	Peter Cruickshank	Advocate
James Bancroft	Highways	Nojan Rastani	Highways
Innes Urbanski	Noise	Daniele Fiumicelli	Noise
Tom Lawson	Planning	Karen Daye	Planning
		Jim Cowan	Re-use & Recycling Centre

The grounds of appeal and main issues

3. It was confirmed that my understanding of the grounds of appeal and main issues, as set out in paragraphs 3, 4, 5 and 6 of the Pre-CMC Note is correct.

4. Mr Brown advised that the ground (f) appeal on Appeal A may be subsumed by the s78 appeal. Although, a case may still be made to cover the eventuality of the s78 appeal failing.

5. In respect of whether I need to put the enforcement notice ("the notice") in order, it would be helpful to me for the following matters to be addressed:

    - What is the relevant planning unit for the purposes of the enforcement notice ("notice")?

    - What areas of the land identified in the notice are occupied by Masons Scaffolding Ltd and London Power Network ("LPN")?

    - How the land identified in the notice is being used by each tenant?

    - Whether their activities overlap or could be said to be incidental or ancillary to one another?

    - What is the lawful use of the land identified in the notice?

    - Whether there are any conditions or limitations affecting the lawful use of the land affected by the notice?

6. In respect of the ground (e), it would be helpful to me for the following matters to be addressed:

    - Whether the arguments made in respect of the lack of service of the notice on LPN apply equally to Masons Scaffolding Ltd?

    - Clarification as to the ground (e) argument being made. It seems to be that the prejudice identified is to the appellant in terms of carrying the full cost of the appeal.

7. In respect of the ground (f), it would be helpful to me if the following matters could be addressed:

    - How the lesser step suggested relates to the matter alleged?

    - How the lesser step could be secured in the absence of a ground (a) appeal, if I were to find it meets the requirements of s173(4)?

8. In respect of the ground (g), Mr Cruickshank confirmed the Council's willingness for the compliance period to be varied to 6 months. It would be helpful to me if the appellant can clarify the varied period they are seeking.

Inquiry running order and draft timetable

9. The draft timetable prepared by the Council was used for the basis of our discussion. Mr Cruickshank explained that the running order suggested in respect of Days 1 to 3 resulted from the Council Chamber not being available on Day 1, and the potential technical difficulties that could arise due to the event being live streamed and a need to play video evidence provided by interested parties.

10. I confirmed that I had previously responded in writing to the Council confirming that third party video evidence could not be 'sprung' on the appellant or myself at the Inquiry. Mr Cruickshank confirmed that the Council will liaise with relevant third parties with a view to releasing video evidence to the appellant as soon as possible, in order that the appellant can provide me with their comments as to whether I should accept it as evidence to the inquiry.

11. Since the CMC, I have received an email from the Council setting out the following:

    - Video footage provided at the planning application stage has been sent to Tom Lawson today (17 July 2025);

    - A Google Drive link containing videos dating from May 2024 to June 2025 is embedded within their email; and

    - Five residents have previously written to the Planning Inspectorate saying they wish to provide video evidence to the inquiry. The Council have not seen these videos and will be requesting copies be sent to them by the end of Monday 21 July 2025. Copies will be forwarded once they are received.

12. In the interests of fairness and transparency, I will not view any of the footage detailed in the above paragraph until I have received the appellant's comments on my acceptance of such evidence. If I find that I can accept it, confirmation of my acceptance will be issued to the main appeal parties before I view it.

13. Given that I expect the video evidence matter to be resolved in advance of the Inquiry opening, it would seem unlikely that there will be any need for it to be played during the Inquiry. The only technical requirement of the Committee Room will therefore be the ability to live stream the event. That being the case, I see no reason why interested parties cannot be heard from during Day 1.

14. It would be helpful to me to have visited the site and its surroundings before hearing evidence from the witnesses. I also appreciate that there will be benefit in my observation of lorries coming or going from the site as well as the operation of forklifts loading and/or unloading lorries. To that end, I find the appellant's suggestion that the site visit take place on Day 1, in advance of hearing witness evidence, to be a sensible one.

15. I do not agree that the conditions round table discussion can occur in advance of concluding the witness evidence. This discussion will need to take place after all witness evidence has been heard and before closings.

16. With regards to the witness evidence to be provided by Mr Cowan, Mr Cruickshank confirmed that the Council were not seeking to advance an additional reason for refusal pursuant to the effect of the development on the operation of the Re-use and Recycling Centre. He went to advise that Mr Cowan's evidence relates to paragraphs 7.4 to 7.7 of the Council's Statement of Case. As Mr Cowan's evidence relates to noise and highway disturbance effects on residents' amenity, it would seem most logical to hear from him after we hear from the Council's first technical witness and before hearing from any of the appellant's witnesses.

17. It is noted that the Council's planning witness will not be available on Day 3. However, it is not essential that Ms Daye hear other witness evidence. I am sure that other Council representatives in attendance on Day 3 can take notes and/or brief Ms Daye in respect of what she has missed.

18. Having regard to the above, my draft Inquiry Timetable is attached to this Note. If you have any immediate concerns, please let me know. There will however be opportunity to discuss this further once the Inquiry opens, when we will have a better understanding of the number of interested parties that wish to be heard.

19. With regard to the number of interested parties that may wish to be heard at the Inquiry, Mr Cruickshank advised that the Inquiry Notification letter will request that interested parties wishing to address the Inquiry register to speak. I welcome this approach and would also request that, if the opportunity arises, interested parties be encouraged to nominate a representative(s) to put their case(s) to the Inquiry in the interests of avoiding repartition and making best use of Inquiry time.

Core Documents

20. It was a agreed a Core Document Library is necessary. The Council will produce and manage it. They will also make it available on their website. Please ensure the documents are paragraph numbered and the library is paginated.

21. The appellant will need to liaise with the Council in respect of the documents which they wish to have included.

22. Once the Library is finalised, the appellant shall provide paper copies for the Inquiry, in addition to a copy provided for my use.

Inquiry Venue

23. The Inquiry will take place at Bromley Civic Centre, Churchill Court, 2 Westmoreland Road, Bromley BR1 1AS. Day 1 will be held in Committee Room 1 with all subsequent Days being held in the Council Chamber.

24. Car parking is available near the venue. Charges apply.

25. As previously indicated, the event will be live streamed.

26. Please ensure drinking water is available at the venue.

Timetable for submission of documents

27. Proofs of Evidence are due for submission on **22 July 2025**. It was confirmed that this does not present either main appeal party with a problem.

28. Two Statements of Common Ground ("SoCG") are being prepared. One is being prepared by the noise specialists and the other will cover all other matters. It was agreed that the SoCG shall be submitted by **5 August 2025**.

29. Inquiry notification letters need to be issued by 5 August 2025. However, Mr Cruickshank indicated that they shall be issued sooner. Please provide a copy of the letter issued to me no later than **5 August 2025**.

30. While not strictly a date for submission of a document, I shall endeavour to have my decision issued before **16 October 2025**.

Costs

31. While there is no indication that applications for costs will be made as yet, Mr Brown reserved the right to make an application on behalf of the appellant.

M Madge
INSPECTOR

18 July 2025

The Planning Inspectorate

APPEAL A: APP/G5180/C/25/3363900 & APPEAL B: APP/G5180/W/25/3365514

LAND AT: London Electricity Board Depot, Churchfields Road, Beckenham

INQUIRY TIMETABLE

Day 1: Tuesday 19 August 2025

Venue: Committee Room 1, Civic Centre

10.00 – 10.30
Inspector's opening comments

10.30 – 11.00
Opening statements from the Appellant and then the Council

11.00 – 13.00
Representations from residents

[break for lunch]

14.00 – 17.00
Site visit

Day 2: Wednesday 20 August 2025

Venue: Council Chamber, Civic Centre

10.00 – 13.00
Main issue: *Noise*
Formal evidence and cross examination
Witness for the Council: Mr Daniele Fiumicelli

[break for lunch]

14.00 – 15.30
Main issue: *Disturbance – Re-use & Recycling Centre*
Formal evidence and cross examination
Witness for the Council: Mr Jim Cowan

15.30 – 17.00
Appeal A - Enforcement appeal roundtable discussion

Day 3: Thursday 21 August 2025

Venue: Council Chamber, Civic Centre

10.00 – 13.00
Main issue: *Noise*
Formal evidence and cross examination
Witness for the Appellant: Ms Innes Urbanski

[break for lunch]

14.00 – 15.30
Main issue: *Highways safety*
Formal evidence and cross examination
Witness for the Council: Mr Nojan Rastani

15.30 – 17.00
Main issue: *Highways safety*
Formal evidence and cross examination
Witness for the Appellant: Mr James Bancroft

Day 4: Wednesday 27 August 2025

Venue: Council Chamber, Civic Centre

10.00 – 11.30
Main issue: *Planning*
Formal evidence and cross examination
Witness for the Council: Ms Karen Daye

11.30 – 13.00
Main issue: *Planning*
Formal evidence and cross examination
Witness for the Appellant: Mr Tom Lawson

[break for lunch]

14.00 – 17.00

Conditions roundtable discussion

Day 5: Thursday 28 August 2025

Venue: Council Chamber, Civic Centre

10.00 – 13.00
Closing submissions for the Council and the Appellant

[break for lunch]

14.00 – 17.00
Applications for costs