

The Case for Refusal – A Point-by-Point Policy Analysis for the Inspectorate

ConserveConnect.News | Research Briefs | October 2025

Interpretive Overview

This paper is prepared by ConserveConnect.News as an independent research analysis. It examines the statutory and policy framework relevant to the **Truman Brewery redevelopment proposals** currently before the Planning Inspectorate. The purpose is not advocacy on behalf of any party but to provide a transparent, evidence-based evaluation of whether the appeals accord with the **London Plan (2021)**, the **Tower Hamlets Local Plan 2031**, the **National Planning Policy Framework (2023)**, and the **Planning (Listed Buildings and Conservation Areas) Act 1990**. The findings are presented to assist public understanding of the issues and to clarify how the proposals, taken individually or collectively, relate to the binding obligations of the development plan and statute.

Executive Summary

The analysis concludes that the proposals for the **Truman Brewery Estate**—comprising the *Main Site*, *Ely's Yard*, *Grey Eagle Street Data Centre*, and *Listed Building* elements—**fail to comply** with the statutory and policy framework in multiple respects. The breaches extend across **design, heritage, housing delivery, public realm, sustainability, and amenity**.

Under **section 38(6)** of the *Planning and Compulsory Purchase Act 2004*, no part of the proposals can lawfully be approved, and any attempt to grant partial consent would conflict with the integrated policy matrix of the **London Plan** and the **Tower Hamlets Local Plan**. The development is therefore non-compliant *in whole and in part*.

1 Statutory and Policy Framework

Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that planning appeals be determined *in accordance with the development plan unless material considerations indicate otherwise*.

Following the **High Court decision of 19 February 2025** quashing the *Spitalfields & Banglatown SPD*, the applicable instruments are:

- **The London Plan (2021)**

- **The Tower Hamlets Local Plan 2031**
- **The National Planning Policy Framework (2023)**
- **The Planning (Listed Buildings and Conservation Areas) Act 1990**

Each contains binding requirements on design quality, heritage protection, housing optimisation, sustainable development, and amenity.

2 Design, Height and Massing

Relevant Policies: *London Plan D3, D9; Tower Hamlets Local Plan S.DH1, D.DH2.*

Appellant Claim (*Henley, Statement of Case PA/24/01451 § 4.3.2*)

The proposal represents a contextual response to the industrial scale of the historic brewery and delivers “architectural excellence” through a design-led approach.

Inspectorate Test

London Plan D3B(2) and *D9C* require that height, scale and massing be proportionate to their surroundings and that tall buildings be limited to designated locations.

Analysis

The proposed blocks—up to eight storeys beside **Allen Gardens**—are more than twice the prevailing height of the conservation area. *GLA Stage 1 (28 Oct 2024)* and *LBTH Place Shaping Officers* describe the massing as “monolithic” and “overbearing.”

The industrial scale invoked by the appellant is **aesthetic**, not contextual, and fails the “transition of scale” requirement in *D9(C)(3)*.

→ **Conflict:** *London Plan D3, D9; TH S.DH1/D.DH2.*

3 Heritage Significance

Relevant Policies: *London Plan HC1; Tower Hamlets S.DH3; NPPF §§ 208–215; 1990 Act §§ 66–72.*

Appellant Claim (*Henley Rebuttal § 2.2.13*)

The removal of later industrial fabric and new design elements “enhance the appreciation” of the Truman Brewery and cause no harm to significance.

Inspectorate Test

s. 66(1) of the *1990 Act* requires “special regard” to preserving listed-building setting; *NPPF § 210* allows harm only if outweighed by substantial public benefit.

Analysis

Historic England and *LB Tower Hamlets* both find “less-than-substantial harm” to the **Brick Lane & Fournier Street Conservation Area**.

The appellants’ assertion of “no harm” contradicts expert evidence.

No public benefit has been quantified sufficient to outweigh heritage loss.

→ **Breach:** statutory duty s. 66–72; *London Plan HC1*; *TH S.DH3*.

4 Housing Delivery

Relevant Policies: *London Plan H1, H5*; *Tower Hamlets S.H1*.

Appellant Claim (*SoC 01451-A1 § 4.4.8*)

The provision of 44 dwellings (36 % affordable by habitable room) represents a balanced mix on a constrained site.

Inspectorate Test

H1 and *S.H1* require optimisation of housing capacity on brownfield land and the maximum reasonable provision of affordable housing.

Analysis

Residential floorspace amounts to < 15 % of 35 000 m² total development — gross under-provision in a borough of acute housing need.

No viability evidence justifies this shortfall.

→ **Conflict:** *London Plan H1/H5*; *TH S.H1*.

5 Public Realm and Permeability

Relevant Policies: *London Plan D8, GG1*; *Tower Hamlets D.DH5*.

Appellant Claim (*Yeoman Rebuttal § 3.1*)

Two new publicly accessible courtyards improve permeability and civic use.

Inspectorate Test

D8C(3) demands that public spaces be **genuinely public**, inclusive and accessible at all times.

Analysis

The proposed courtyards are **privately managed** with access controls—creating pseudo-public plazas contrary to *D8/GG1*. Claimed improvement over existing private

yards is irrelevant: policy requires conformity with *strategic objectives*, not relative improvement.

6 Energy and Carbon

Relevant Policies: *London Plan SI2, SI4; Tower Hamlets D.ES3.*

Appellant Claim (*Arup WLCA § 2.3*)

28 % carbon reduction achieved; net-zero via offsets; future grid decarbonisation will deliver full compliance.

Inspectorate Test

SI2C(2) requires on-site net-zero and prioritisation of reuse of existing structures.

Analysis

Demolition of sound industrial buildings contradicts *SI2 (4)(b)*.

Reliance on offsetting and future grid improvement does not meet statutory or policy compliance.

→ **Conflict:** *London Plan SI2/SI4; TH D.ES3.*

7 Daylight, Sunlight and Amenity

Relevant Policies: *London Plan D6, D8; Tower Hamlets D.DH8.*

Appellant Claim (*Anstey Horne Rebuttal § 2.47*)

96 % sunlight compliance; daylight levels contextually acceptable.

Inspectorate Test

D6 and *D.DH8* require high standards of amenity; *NPPF § 130(f)* prohibits unacceptable harm.

Analysis

The *Anstey Horne Review* records “material reductions” in daylight to dwellings and to

Allen Gardens.

“Contextual acceptability” is not policy compliance; *D.DH8* allows no relaxation.

→ **Conflict:** *London Plan D6/D8; TH D.DH8.*

8 Economic and Social Benefit

Relevant Policies: *London Plan E2, E3; Tower Hamlets DM15.*

Appellant Claim (*SoC 01451-A1 § 5.2.3*)

24 000 m² new workspace and retail uses will generate hundreds of jobs and strengthen Tech City.

Inspectorate Test

E2 and DM15 seek affordable, flexible workspace supporting local SMEs.

Analysis

Only 10 % workspace is secured as affordable for 15 years; remainder market-rate.

No net-additional employment analysis submitted. Benefits are private, not public, and cannot outweigh policy breach.

→ **Conflict:** *London Plan E2/E3; TH DM15.*

9 Determination and Conclusion

The cumulative non-compliance of the proposals with the **London Plan, Tower Hamlets Local Plan, NPPF**, and **statutory duties** is clear.

Every principal element—design, heritage, housing, public realm, sustainability, amenity—fails its respective policy test.

Under **section 38(6)** of the *Planning and Compulsory Purchase Act 2004*, **no part of the development can be lawfully approved**. To approve in part would contradict the integrated Environmental Impact Assessment and the interdependence of site components. The appropriate outcome is **refusal of all appeals in their entirety**.

References

- *London Plan (2021)*
- *Tower Hamlets Local Plan 2031*
- *National Planning Policy Framework (2023)*
- *Planning (Listed Buildings and Conservation Areas) Act 1990*
- *Planning and Compulsory Purchase Act 2004*
- *Appellant Statements of Case (PA/24/01439–01475NC, 2025)*
- *Rebuttal Proofs of Evidence (Henley, Yeoman, Marginson, McGinley, 2025)*
- *LB Tower Hamlets Strategic Development Committee Reports (2024–25)*

- *GLA Stage 1 Report (28 October 2024)*

Summary Statement

The collective evidence demonstrates that the **Truman Brewery redevelopment proposals** are *incompatible with the development plan and the law as it stands*. Their approval—whether whole or partial—would undermine the statutory planning framework and erode public trust in lawful, plan-led development across London.
