PINS Ref: 6010042
LPA Ref: H02-0058-26

TOWN AND COUNTRY PLANNING ACT 1990

WRITTEN REPRESENTATIONS PROCEDURE

APPEAL BY

Mr Ghulam Khan

Against

The refusal of a Certificate of Lawful Use or Development (Existing) for the use of land at Alderlands, James Road, Crowland for the storage of motor vehicles

STATEMENT OF CASE FOR THE LOCAL PLANNING AUTHORITY

Enclosures:

- Statement of Case for the Local Planning Authority
- Decision Notice H02-0058-26 dated 13 March 2026
- Delegated Officer Report H02-0058-26
- Applicant's Supporting Statement submitted with H02-0058-26
- Certificate H02/1113/93 (copy supplied by the appellant; attached plan not included)
- Design and Access Statement submitted with H02-0817-25
- Decision Notice for H02-0817-25

South Holland District Council
Council Offices
Priory Road
Spalding
Lincs
PE11 2XE

Statement of Case for the Local Planning Authority

Background

1.1 This appeal is made under Section 195 of the Town and Country Planning Act 1990 against the refusal by South Holland District Council to issue a Certificate of Lawful Use or Development (Existing) under Section 191 of the Act.

1.2 The application, reference H02-0058-26, was received on 23rd January 2026 and sought confirmation that the existing use of land at Alderlands, James Road, Crowland for vehicle storage was lawful. The application described the use as falling within Use Class B8.

1.3 The application was refused under delegated powers on 13th March 2026. The decision was based solely on the lawfulness of the use. The planning merits of the current operation, including its visual, highway, flood-risk and amenity effects, did not form the basis of the decision.

1.4 The Council concluded that the historic use was an operational bus/coach depot incorporating maintenance, painting and associated infrastructure, and that this was materially different in character and function from the current storage-only operation. The applicant had not demonstrated that the current use had continued for the requisite ten-year period.

1.5 The appellant now advances a materially reformulated case. The original application asserted continuous B8 use between 1999 and 2025. The appeal instead places primary reliance on a certificate issued under reference H02/1113/93 and contends that the current use is a non-material evolution of an established haulage/depot and vehicle-yard use.

1.6 The Council has considered the 1993 certificate now produced (as part of the appeal documents). The certificate is relevant but does not establish the appeal case. It certifies a haulage depot, including occasional storage ancillary to the haulage use. It does not certify independent commercial storage of up to 50 motor cars.

1.7 The certificate expressly relates only to land shown edged red on an attached plan. No such plan accompanies the copy supplied as Appendix A. The geographical relationship between the certified land and the appeal site has therefore not been demonstrated.

1.8 The Council's primary case does not depend upon proving abandonment of the former use. Even if the historic haulage-depot use survived a period of non-use, it does not follow that the current independent vehicle-storage use falls within the scope of that lawful use.

1.9 For the reasons set out below, the Council respectfully requests that the appeal be dismissed.

Proposal

2.1 The application sought a certificate for the existing use of the land for vehicle storage. The applicant described that use as B8 storage and referred to the storage of approximately 50 motor cars.

2.2 The appellant's appeal statement describes the current operation as the open storage and standing of motor vehicles on existing hardstanding. It states that no sales, repairs, servicing, valeting, breaking, MOT testing, refuelling or other operational activities take place.

2.3 The Design and Access Statement submitted with the earlier retrospective application H02-0817-25 described the use more precisely as passive storage of private cars, involving occasional delivery and collection by car transporter, controlled access, site management and records of vehicle numbers.

2.4 That earlier application sought full planning permission to formalise and regularise a storage-only facility for a maximum of 50 cars. It offered restrictions on operating hours and expressly excluded repairs, MOT testing, bodywork, valeting, painting, dismantling and sales.

2.5 The 2025 statement identified a red-line site of approximately 1.665 hectares but stated that the vehicle-storage activity was confined to an approximately 8,064 square metre pad. The precise land on which the use is claimed must therefore be distinguished from the wider red-line holding.

2.6 The Council does not contend that seeking retrospective permission prevents a subsequent application under Section 191. However, the factual descriptions accompanying H02-0817-25 is relevant evidence of the nature, commencement and physical establishment of the current operation.

Appeal Site and Surrounds

3.1 The appeal site lies on the eastern side of James Road at the southern approach to Crowland, immediately north of the A16/B1166 roundabout. It is outside the defined settlement boundary and lies within the countryside for planning policy purposes.

3.2 The application red line extends to approximately 1.66 hectares. The land includes an area of hardstanding or gravelled surfacing, open areas and remnants of a former steel-framed depot structure. Vehicular access is taken from James Road.

3.3 Residential development adjoins the northern boundary. Agricultural land and drainage features lie around other boundaries. The site is within Flood Zone 3.

3.4 Those physical and policy considerations were relevant to H02-0817-25 but are not determinative of the present Section 191 appeal. The present appeal concerns the use of the land and its lawfulness at the date of the certificate application.

3.5 The existence of hardstanding, an established access and remnants of former infrastructure are relevant evidential circumstances. They do not, without more, establish that the same planning use continued or that a later operation falls within the scope of a historic lawful use.

Relevant Site History

4.1 The material history presently available to the Council is summarised below.

4.2 H02/1113/93 - A certificate under Section 191 was issued in respect of premises at Alderlands, described as a haulage depot including occasional storage ancillary to the haulage use. The land was to be identified by an attached plan, which has not been supplied with the appellant's Appendix A.

4.3 The certificate copy records that the application was received on 23 November 1993. The appellant refers to a certificate date of 2 February 1994 by reference to

selling particulars. Nothing turns on the precise date for the Council's present case, but the absence of the plan remains material.

4.4 The appellant refers to caravan-related applications from 1996, 1999 and 2017. Those decisions concern the wider holding and do not, without mapped evidence, establish the use of the appeal planning unit.

4.5 The applicant's January 2026 supporting statement asserted that the site operated between 1999 and 2019 as a private bus/coach depot with a working fleet, caravan standing, industrial painting, compressors, extraction equipment, chemical storage and daily staff activity.

4.6 The same statement identified a closure or dormant period from 2019 to 2024. Its aerial material showed an operational yard in 2018, a substantially reduced or inactive site by July 2020, and a dormant and overgrown site in March 2022.

4.7 The Design and Access Statement for H02-0817-25 stated that the site fell into neglect with vegetation encroachment and no active management. It repeatedly described the former yard as redundant or derelict and as being brought back into beneficial use.

4.8 The 2025 statement also referred to a September 2023 pre-application enquiry which explored car sales or showroom use, before the proposal was narrowed to vehicle storage only.

4.9 The applicant states that he acquired the land in July 2024 and then commenced or resumed the current storage operation.

4.10 H02-0817-25 - A retrospective application was submitted for the change of use of part of the land from a former bus/coach yard to vehicle storage, described as sui generis, for up to 50 cars. It was refused on 3rd November 2025 for planning principle and visual-impact reasons.

4.11 The refusal of H02-0817-25 did not determine the present lawfulness question. Nevertheless, its application description and supporting evidence are relevant to the factual character of the former and current uses.

4.12 H02-0058-26 - The subsequent Section 191 application was received on 23rd January 2026 and refused on 13th March 2026. The 1993 certificate was not included in the document schedule submitted with that application.

Relevant legislation & Policy

5.1 Section 191 of the Town and Country Planning Act 1990

5.1.1 Section 191 enables a person to apply for a certificate as to whether an existing use, operation or other matter is lawful.

5.1.2 Under Section 191(2), a use is lawful where no enforcement action may be taken in respect of it and it does not contravene the requirements of an enforcement notice then in force.

5.1.3 Section 191(4) requires the local planning authority to issue a certificate where the information supplied satisfies it of the lawfulness, at the application date, of the use or matter described. In any other case the application must be refused.

5.1.4 Section 191(5) requires a certificate to specify the land and describe the use or matter found lawful. Precision is necessary because Section 191(6) provides that the lawfulness of a certificated use or matter is conclusively presumed.

5.2 Enforcement immunity

5.2.1 For a material change of use, the relevant enforcement period is ten years. Where the use now undertaken is materially different from a historic lawful use, the period runs from commencement of the new use rather than from the commencement of an earlier, different use.

5.2.2 On the appellant's own chronology, the current car-storage operation commenced following acquisition in July 2024. At the application date of 23rd January 2026 it had operated for approximately eighteen months, far short of ten years.

5.3 Use Classes Order and material change

5.3.1 Section 55(2)(f) provides that a change between uses falling within the same class specified in the Use Classes Order is not development. Class B8 comprises use for storage or as a distribution centre.

5.3.2 The question is whether each actual use falls within the same class, assessed by reference to its purpose, activities and operational character. It is not enough that uses are similar, vehicle-related or "closely aligned" with B8.

5.3.3 Whether a change is material is a matter of fact and degree. A reduction in intensity or amenity effects does not prevent a change from being material where the function and character of the planning unit have changed.

5.4 Evidence and standard of proof

5.4.1 The standard of proof is the balance of probabilities and the burden rests with the applicant. National Planning Practice Guidance states that an application must contain sufficient factual information and evidence and must describe precisely the matter and land for which a certificate is sought.

5.4.2 The Guidance also explains that a refusal may mean that insufficient evidence has been presented and does not necessarily establish that the use is unlawful for all purposes or prevent a later application supported by better evidence.

5.4.3 Planning merits, including whether the present use is quieter or visually preferable, are not relevant to the Section 191 test.

5.5 Abandonment

5.5.1 A lawful use may be lost through abandonment. The assessment takes account of the physical condition of the land, the period of non-use, any intervening use and the owner's intentions. These considerations are evaluated together in the particular factual circumstances.

5.5.2 The Council's primary case is that the present use is materially different from the certified use. Abandonment is therefore not the necessary starting point. It is addressed in the alternative because the appellant relies heavily upon it.

Reasons for Refusal

6.1 Reason

The applicant has failed to demonstrate, on the balance of probabilities, that the existing use of the land for vehicle storage has subsisted continuously for a period of at least 10 years, such that it would be immune from enforcement action under Section 191 of the Town and Country Planning Act 1990.

The evidence submitted indicates that the historic lawful use of the site comprised an operational bus/coach depot with ancillary industrial activities, which is materially different in character and function from the current use described as vehicle storage. The Local Planning Authority is not satisfied that the current use has been carried on continuously for the requisite period. As such, the requirements of Section 191 of the Act have not been met and the certificate cannot be granted.

7. The Councils Case

7.1 Principal issues

7.1.1 The principal issues are:

- Scope and effect of certificate H02/1113/93;
- the site's historic use;
- character of the current storage use;
- whether the transition to independent car storage constituted a material change of use;
- whether the current use has obtained immunity through the passage of time; and
- whether the evidence is sufficiently precise and unambiguous to justify a certificate.

7.2 Scope and effect of certificate H02/1113/93

7.2.1 The Council accepts that the 1993 certificate conclusively establishes the lawfulness, at its relevant date, of the use described in Schedule 1 on the land specified in Schedule 2 and shown on its attached plan.

7.2.2 Schedule 1 does not certify general storage or vehicle storage. It certifies:

Use of premises as haulage depot (including occasional storage ancillary to the haulage use).

7.2.3 The wording identifies the haulage depot as the primary use. Storage was expressly limited by both frequency and relationship: it was occasional and

ancillary to haulage. The appeal case reverses that relationship by treating storage as the primary use from which the haulage function may be removed.

7.2.4 The certificate does not identify the use as Class B8. Its absence of a class label does not determine classification, but it does not support the appellant's assertion that an unrestricted B8 storage use was certified. Haulage Depots in any case are likely to be Sui Generis owning to intensive vehicle movements, large commercial lorry parking, regular overnight idling, and maintenance operations.

7.2.5 The copy supplied consists of one page and does not contain the attached plan. The appellant's own Statement of Case acknowledges that the plan is awaited. Until it is produced, the extent of the certified land and its relationship to the appeal site cannot be verified.

7.2.6 If the plan is supplied during the appeal, the Council respectfully reserves the opportunity to comment upon its extent and relationship to the current planning unit. Even complete geographical correspondence would not establish that the current independent car-storage use falls within Schedule 1.

7.3 The certificate was not before the Council

7.3.1 The appellant criticises the delegated report for not referring to H02/1113/93 and suggests that it ought to have been considered because it was held in the Council's records.

7.3.2 The applicant's January 2026 supporting statement contained a document schedule identifying the material submitted. The 1993 certificate was not listed. The application instead relied on the alleged continuity of B8 activity from 1999 to 2025.

7.3.3 The burden rested with the applicant to submit sufficiently precise evidence. The Council determined the application on the evidence and case presented. The certificate is being considered now because it has been introduced at appeal, but its later production does not demonstrate that the original decision was unreasonable.

7.4 History of Use

7.4.1 The historic lawful use evidenced by H02/1113/93 was a haulage depot. The later factual operation described by the applicant was a working bus/coach depot with daily staff activity, fleet movements, maintenance, painting and associated infrastructure.

7.4.2 The appellant argues that maintenance and painting were ancillary. Even if that is accepted, it does not establish storage as the primary historic use. Those activities would have been ancillary to the working depot, just as the 1993 certificate describes occasional storage as ancillary to haulage.

7.4.3 The defining purpose of the historic site was therefore the operation and management of a haulage or transport fleet from a depot. Vehicles stood at the site as part of that operational function. The current use has no haulage, passenger-transport, fleet-operating, maintenance or distribution function.

7.4.4 References to caravan standing or storage do not resolve the matter. If caravan storage became a separate primary use, the appellant must establish when it commenced, the land it occupied, its planning classification, whether it became lawful and whether it continued. Decisions relating to the wider holding do not answer those questions for the appeal planning unit.

7.4.5 Under Section 6.6 of the appellants statement the appellant refers to historical planning applications namely H02-0020-20 & H02-0505-21. The section is misleading suggesting that the LPA should have made reference to these permissions. For clarity these applications do not relate to the application site in question and their inclusion to the appellants statement is somewhat confusing. Some clarity would be appreciated here.

7.5 Character of the current use

7.5.1 The current operation is a deliberately defined storage-only facility for up to 50 private motor cars. Vehicles arrive and depart periodically, including by transporter, and otherwise remain stored. There is no active haulage, coach, passenger or fleet-depot function.

7.5.2 The 2025 Design and Access Statement described organised rows, internal circulation aisles, a named manager, controlled access and records of vehicle numbers. It expressly distinguished the proposal from a working motor-trade depot.

7.5.3 These characteristics demonstrate an independent commercial storage use with a different purpose and mode of operation from the historic haulage/depot use.

7.6 Material change of use

7.6.1 The appellant's comparison depends principally upon the proposition that buses, coaches, caravans and cars are all vehicles stored on the same yard. That comparison is too general to identify the planning use.

7.6.2 The relevant comparison is between the purpose and activities of the planning unit. The historic use operated vehicles from the site as part of a haulage or transport business, this to the LPAs knowledge is a ***Sui Generis*** Use. The present business stores cars for others and has been deliberately stripped of the operating and other ancillary functions associated with a depot.

7.6.3 The present use may be quieter and less intensive. Those matters could be relevant to the planning merits of an application for permission, but they do not establish that no material change occurred.

7.6.4 Nor does the absence of new buildings determine the use question. A material change of use can occur without building works, while the retention of an access and hard surface does not preserve the identity of the former use.

7.6.5 The Council therefore maintains that the current independent car-storage operation represents a material change from the certified haulage-depot use.

7.7 Provided evidence and reformulation of the case

7.7.1 Application H02-0817-25 was submitted as a retrospective change from a former bus/coach yard to sui generis vehicle storage for up to 50 cars. The underlying factual descriptions presented within that application carry evidential weight.

7.7.2 The 2025 Design and Access Statement sought permission to formalise and regularise the new storage-only facility. It described the former yard as neglected, derelict and redundant and said the land was being repurposed and brought back into beneficial use.

7.7.3 It also stated that the former tarmac was broken out or replaced and that the pad was resurfaced with permeable gravel. This conflicts with the appeal assertion that the same physical surface remained intact and that no new hardstanding or engineering works were introduced.

7.7.4 The January 2026 supporting statement then asserted continuous B8 use for 26 years, notwithstanding its own chronology identifying closure between 2019 and 2024. The appeal statement retreats from that absolute position and now refers to the same "essential planning character" and a use "within, or closely aligned with" B8.

7.7.5 The change in formulation does not itself determine the appeal, but it illustrates that the appellant has not presented a consistent, precise and unambiguous account of the relevant use.

7.8 Continuity and the ten-year period

7.8.1 The applicant's original assertion of continuous B8 use from 1999 to 2025 is internally inconsistent with the admitted closure/dormancy from 2019 to 2024.

7.8.2 The aerial imagery shows materially different states: an operational bus/coach and caravan yard in 2018; a substantially reduced or inactive site in 2020; a dormant and overgrown site in 2022; and a newly organised car-storage operation in 2025.

7.8.3 No sworn declarations from the former operator, business accounts, rates records, invoices, storage agreements, vehicle logs, insurance records or comparable primary material were submitted to demonstrate continuous exercise of the current storage use throughout the relevant ten-year period.

7.8.4 On the appellant's own case, the current use commenced or resumed after acquisition in July 2024. It had therefore existed for approximately eighteen months when the Section 191 application was made.

7.8.5 Earlier materially different uses cannot be aggregated with the current use merely because all involved vehicles. The appellant has not demonstrated ten years of the use for which a certificate is sought.

7.9 Abandonment - alternative position

7.9.1 The appellant considers within their statement whether the former lawful use was abandoned. That question is not determinative of the Council's primary case. ***A***

surviving right to resume a haulage depot would not authorise a materially different independent car-storage use.

The LPA at no point have stated that the haulage use has been abandoned, this assessment has not been made. That is not what the LPA were asked to consider when the LDC was applied for. The LPA were asked to give “Confirmation that the existing use of land for Vehicle Storage is Lawful” for the reasons set out in the decision notice dated 13th March 2026, the LPA considered that the proposal was NOT LAWFUL.

7.9.2 If abandonment becomes necessary to determine, the evidence does not justify the appellant's conclusion. The site was described in its own documents as closed, dormant, neglected, derelict, redundant and without active management for a period of several years. Vegetation had colonised parts of the operational surface and restorative works were undertaken before the present operation.

7.9.3 The original statement attributed a 2019-2024 closure to COVID-19 without reconciling the 2019 commencement of closure with the later pandemic restrictions. It supplied no direct evidence from the former owner demonstrating an intention to resume the relevant use throughout the period.

7.9.4 The present owner's intention on acquisition in 2024 cannot retrospectively establish the intention of the former owner or estate during the preceding years. Marketing the property as a former depot is relevant but is not conclusive of continued exercise or non-abandonment of the use.

7.9.5 The appellant presents the relevant abandonment considerations as four cumulative requirements and treats intention as decisive. The assessment is instead one of fact and degree on the evidence as a whole. In any event, the appeal should be dismissed without needing to decide abandonment because the current use is materially different and the new use has not obtained immunity.

7.10 Wider-holding decisions and amenity matters

7.10.1 The 2020 self-storage permission and 2021 caravan certificate relied upon by the appellant relate to the wider holding. The appellant acknowledges that they do not determine the use of the appeal site. Their contextual existence cannot establish the use or continuity of this planning unit.

7.10.2 Similarly, the absence of objections from technical consultees to H02-0817-25, the relative amenity effects of cars and coaches, flood vulnerability, landscaping and proposed biodiversity measures do not support the lawfulness of the current use. They concern planning merits.

7.10.3 The 2025 statement's characterisation of the historic use as a "fallback" reinforces the distinction between a use that might potentially resume and the different development for which retrospective permission was sought. A less harmful proposal does not become the same planning use merely because it is preferable on its merits.

8. Response to the Appellant's (six) Grounds (set out in para 1.5 of their Statement)

8.1 Ground 1 - the 1993 certificate

8.1.1 The certificate is considered in this Statement. It was not submitted with H02-0058-26, its attached plan remains absent, and its description is limited to a haulage depot with occasional storage ancillary to haulage. It does not establish the certificate now sought (vehicle storage).

The applicant's January 2026 supporting statement contained a document schedule identifying the material submitted. The 1993 certificate was not listed. The application instead relied on the alleged continuity of B8 activity from 1999 to 2025.

The burden rested with the applicant to submit sufficiently precise evidence. The Council determined the application on the evidence and case presented. The certificate is being considered now because it has been introduced at appeal, but its later production does not demonstrate that the original decision was unreasonable.

8.2 Ground 2 - primary and ancillary activities

8.2.1 Even if painting and maintenance were ancillary, they were ancillary to an operational haulage or transport depot. The certified wording expressly makes **storage ancillary to haulage**. Removing the primary haulage/depot function and establishing independent storage constitutes a material change.

8.3 Ground 3 - no material change

8.3.1 The appellant has not established that the historic and current uses fall within the same Use Class. Shared vehicle presence and some retained hardstanding do not determine use. The change from operating a commercial haulage fleet to storing private cars for others has materially altered the purpose and function of the planning unit. Please see the reasons for refusal and the officer report.

8.4 Ground 4 – abandonment

8.4.1 Non-abandonment of a haulage-depot use would not establish the lawfulness of the materially different current use. Alternatively, the evidence of prolonged non-use, neglect, vegetation, dereliction, sale and restorative works prevents the appellant's categorical conclusion on abandonment.

8.5 Ground 5 - continuity exceeding ten years

8.5.1 The evidence shows different operations and a prolonged period of dormancy, not ten years of the current use. The present operation began in or after July 2024. Permissions and certificates elsewhere within the wider holding do not bridge that evidential gap.

There does not exist any immunity from the current use of the site as vehicle storge.

8.6 Ground 6 - essential planning character

8.6.1 The appellant's concept of an enduring "vehicle-based yard" is framed at too high a level of generality. Planning character is derived from the purpose and activities of the use, not simply the presence of vehicles, hard surfacing and an access.

The 1993 Certificate established "*Use of premises as haulage depot (including occasional storage ancillary to the haulage use*)."

The use now on site is not related to haulage. The character (and operative part of the haulage permission) no longer remain.

9. Costs

9.1 The appellant reserves the right to seek an award of costs on the basis that the Council did not consider the 1993 certificate or later decisions relating to the wider holding.

9.2 The 1993 certificate was not included in the applicant's January 2026 document schedule or otherwise identified as evidence forming part of the application. The case then advanced was continuous B8 use from 1999, not reliance upon a certificate for a haulage depot issued in 1993/94.

9.3 The Council determined the application by reference to the evidence supplied and correctly applied the balance-of-probabilities test. The wider-holding decisions do not determine the use of the appeal planning unit.

9.4 The later production of additional evidence and reformulation of the appellant's case do not render the original decision unreasonable. The Council has engaged fully with the new material in this Statement. It therefore considers that there is no proper basis for an award of costs against it.

10. Conclusion

10.1 Certificate H02/1113/93 conclusively establishes a lawful haulage depot, including occasional storage ancillary to haulage, on land identified by a plan that has not been supplied. It does not establish independent commercial storage of up to 50 motor cars.

10.2 The evidence identifies a working haulage/transport-depot function, a subsequent period of closure and neglect, and the establishment following acquisition in 2024 of a separate storage-only operation. The current use has a materially different purpose and operational character.

10.3 The appellant has not demonstrated that the historic and current uses fall within the same Use Class, that no material change occurred, or that the current use continued for ten years before the application date.

10.4 The appellant's reliance on retained hardstanding, reduced intensity and broader vehicle-related character does not discharge the statutory burden. Nor do planning decisions concerning other parts of the wider holding establish the use of the appeal site.

10.5 The Council therefore respectfully requests that the Inspector dismiss the appeal and uphold the refusal to issue a Certificate of Lawful Use or Development under Section 191 of the Town and Country Planning Act 1990.

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TOWN AND COUNTRY PLANNING ACT 1990
LAWFUL USE CERTIFICATE

Reference: H02-0058-26 **Date of Decision:** 13th March 2026

Applicant: G Khan
Alderlands
James Road
Crowland
PE6 0AA

Location: Alderlands James Road Crowland Spalding

Description: Confirmation that the existing use of land for Vehicle Storage is Lawful

South Holland District Council hereby give notice that the use, operations or matter as specified in the application, is NOT LAWFUL within the meaning the Town and Country Planning Act 1990 (as amended), for the following reason(s):-

1 The applicant has failed to demonstrate, on the balance of probabilities, that the existing use of the land for vehicle storage has subsisted continuously for a period of at least 10 years, such that it would be immune from enforcement action under Section 191 of the Town and Country Planning Act 1990.

The evidence submitted indicates that the historic lawful use of the site comprised an operational bus/coach depot with ancillary industrial activities, which is materially different in character and function from the current use described as vehicle storage. The Local Planning Authority is not satisfied that the current use has been carried on continuously for the requisite period. As such, the requirements of Section 191 of the Act have not been met and the certificate cannot be granted.

Notes:

The determined plans are:

January 2026 - Supporting Statement
Location Plan
P1 - Site Location, Block Plan as Pre-Existing Before New Ownership
P2 - Site Location, Block as Existing
P3 - Site Layout Block Plan as Proposed
Application Form



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

DC_FINAL_DECISION - ODB:14

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: **https://appeal-planning-decision.service.gov.uk/before-you-start**. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0058-26**	**Applicant:**	**G Khan**
Proposal:	Confirmation that the existing use of land for Vehicle Storage is Lawful		
Location:	Alderlands James Road Crowland		
Terminal Date:	23rd March 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Section 191 of the Town and Country Planning Act (1990) (as amended)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
RESIDENTS	5	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an application made under S191 of the Town & Country Planning Act 1990 (as amended). The applicant seeks from the local planning authority:

Confirmation that the existing use of land for Vehicle Storage is Lawful.

The applicant has provided the following plans:

·Site location plan
·Site Location, Block Plan as Pre-Existing Before New Ownership
·Site Location, Block as Existing
·Site Layout Block Plan as Proposed
·Supporting Statement

Site Description

The application site is located outside the defined settlement of Crowland and in the countryside for policy purposes. The application site is located within Flood Zone 3 in accordance with EA flood Maps and the South East Lincolnshire SFRA shows that the site is located in a danger for all, max hazard area (with depths greater than 2m).

The site at present is used for the storage of cars, there is remnants of a steel frame structure that is related to a former use of the site as a council depot. The site is accessed from James Road, to the south of a dwelling known as 'Alderlands'. The site abuts a residential development that is located on its northern boundary.

Visually the site is a prominent feature when entering Crowland from the south (A16 and Peterborough Road).

History

- H02-0413-17 - Change of use of land for extension of caravan site (retrospective). Refused 05-06-17.
- H02-0817-25 - Change of use of part of land from former bus/coach yard to vehicle storage (Sui Generis) for up to 50 cars - Retrospective. Refused 03-11-25

Consultation Responses

None requested.

Representation received

A number of representations have been received. Below is a consolidated Summary of Representations

·A lawful use certificate requires clear, documentary evidence of 10 years' continuous B8 use. There was a substantial break in use when the previous owners ceased trading due to ill health, the site fell into disrepair, and was marketed for sale. If uninterrupted car storage use (not bus depot, repairs, or workshops) cannot be proven, the claim fails.
·The applicant's documentation contains inconsistencies, including claims the site was closed due to Covid from 2019-2024, despite UK lockdowns beginning in March 2020. A Facebook post confirms that Tourmaster Coaches ceased trading in May 2019, undermining the reliability of the submitted evidence.
·The "low-intensity" description does not reflect actual impacts. The use generates increased traffic (including transporters), noise (engines, alarms), extended hours of access, lighting glare, exhaust emissions, and general disturbance, materially harming neighbouring residential amenity.
·The site currently contains a large number of stored vehicles (50-70+), creating a prominent eyesore at the entrance to Crowland, harming the character and appearance of the area.
·Additional concerns include cars appearing on site without permission, raised ground levels, and tree removal.
Summary: The proposal represents an unlawful or unproven use, causes material planning harm, and should not be approved.

Relevant Legislation

Section 191 of the Town and Country Planning Act (1990) (as amended) sets out the following:

"Certificate of lawfulness of existing use or development.

(1) If any person wishes to ascertain whether
(a) any existing use of buildings or other land is lawful;
(b) any operations which have been carried out in, on, over or under land are lawful; or
(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,
he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

(2) For the purposes of this Act uses and operations are lawful at any time if

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if
(a) the time for taking enforcement action in respect of the failure has then expired; and
(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

(3A) In determining for the purposes of this section whether the time for taking enforcement action in respect of a matter has expired, that time is to be taken not to have expired if

(a) the time for applying for an order under section 171BA (a "planning enforcement order") in relation to the matter has not expired,
(b) an application has been made for a planning enforcement order in relation to the matter and the application has neither been decided nor been withdrawn, or
(c) a planning enforcement order has been made in relation to the matter, the order has not been rescinded and the enforcement year for the order (whether or not it has begun) has not expired.]

(4) If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(5) A certificate under this section shall

(a) specify the land to which it relates;
(b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
(c) give the reasons for determining the use, operations or other matter to be lawful; and
(d) specify the date of the application for the certificate.

(6) The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.

(7) A certificate under this section in respect of any use shall also have effect, for the purposes of the following enactments, as if it were a grant of planning permission
(a) section 3(3) of the M1Caravan Sites and Control of Development Act 1960 or section 7(1) of the Mobile Homes (Wales) Act 2013;
(b) section 5(2) of the M2Control of Pollution Act 1974; and
(c) section 36(2)(a) of the M3Environmental Protection Act 1990."

Planning Considerations

This application has been made under Section 191 of the Town and Country Planning Act 1990 and therefore the sole matter for consideration is whether the applicant has demonstrated, on the balance of probabilities, that the existing use of the land for vehicle storage is lawful.

The Local Planning Authority (LPA) does not accept that the historic use of the site comprised a Class B8 storage use. The evidence submitted by the applicant, including Table 4.1 of the supporting statement, confirms that from 1999 the site operated as a private bus/coach depot incorporating industrial painting and associated operational infrastructure.

The activities described include the parking of 8-10 large buses and approximately 10 caravans, the presence of a spray booth/paint shop, industrial compressors, extraction systems, chemical storage and daily staff operations.
The character of that use was therefore that of an operational transport depot with ancillary industrial processes. It was active in nature, involving vehicle maintenance, painting and business-based operations, rather than functioning as a passive storage use.

The current application seeks confirmation of lawful use for vehicle storage of up to 50 cars. The LPA considers that this represents a materially different use in planning terms. The present use is characterised by the commercial storage of private vehicles and does not comprise the operational depot, maintenance or industrial painting functions that defined the historic use of the site. The nature, function and character of the planning unit have therefore materially changed.

Where a material change of use has occurred, the relevant 10-year period for the purposes of Section 191 runs from the date that the new use commenced. The applicant asserts that a B8 storage use has been continuous for 26 years (1999-2025). However, the evidence provided demonstrates that the use introduced in 1999 was a mixed operational bus/coach depot with industrial painting, not a Class B8 storage use. Accordingly, the LPA does not accept that the storage of vehicles has been occurring for the period claimed.

Furthermore, the applicant's own chronology identifies a period of closure following the cessation of the coach business. The supporting material indicates that trading ceased in 2019, and the table refers to a prolonged closure period. The evidence submitted, including aerial imagery, does not clearly demonstrate that the current vehicle storage use was operating continuously throughout that period. Even if some limited storage activity occurred, insufficient documentary evidence has been provided to demonstrate, on the balance of probabilities, that the present use has subsisted continuously for a period exceeding 10 years.

The burden of proof in an application under Section 191 rests with the applicant. Having regard to the evidence submitted, the LPA is not satisfied that the existing use of the land for vehicle storage has been continuous for a period sufficient to render it lawful. The historic use of the site was materially different in character, and the applicant has failed to demonstrate that the current use is immune from enforcement action.

Accordingly, the requirements of Section 191 are not met.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

This application has been considered under Section 191 of the Town and Country Planning Act 1990. The sole issue for determination is whether the applicant has demonstrated, on the balance of probabilities, that the existing use of the land for vehicle storage is lawful.

The evidence submitted indicates that the historic lawful use of the site comprised an operational bus/coach depot incorporating maintenance, industrial painting and associated infrastructure. The Local Planning Authority considers that the current use of the land for the storage of up to 50 vehicles represents a materially different use in planning terms, distinct in character and function from the former depot use.

The applicant has not demonstrated that the present vehicle storage use has subsisted continuously for a period exceeding 10 years. The burden of proof rests with the applicant, and the information provided is insufficient to satisfy the Authority that the requirements of Section 191 have been met.

Accordingly, the Local Planning Authority is not satisfied that the existing use of the land for vehicle storage is lawful.

SUPPORTING STATEMENT

Application for
CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (Existing)

Under Section 191 of the Town and Country Planning Act 1990

ALDERLANDS

James Road, Crowland, Lincolnshire PE6 0AA

Grid Reference: E523823 N308950

Confirmation that the existing use of land for
VEHICLE STORAGE (Use Class B8)
is lawful

Prepared by:
PLANMORE DESIGN ARCHITECTURE
960 Capability Green, Luton LU1 3PE

On behalf of: Mr Ghulam Khan (Applicant)
January 2026

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1. EXECUTIVE SUMMARY

This application seeks a Certificate of Lawfulness for an Existing Use or Development (CLOPUD) pursuant to Section 191 of the Town and Country Planning Act 1990, confirming that the use of land at Alderlands, James Road, Crowland for B8 storage purposes (vehicle storage) is LAWFUL.

KEY FINDING: The site has been in continuous B8 (storage and distribution) use for over 26 years (1999-2025). The current car storage use represents the SAME use class as the historic bus depot, bus painting, and caravan storage operations, but at SIGNIFICANTLY REDUCED intensity. There has been NO material change of use requiring planning permission.

Summary of Evidence

- 1999-2019: Continuous operation as bus/coach depot with INDUSTRIAL PAINTING OPERATIONS
- Historic use included: 8-10 large buses, ~10 caravans, spray booth/paint shop, industrial compressors, chemical storage
- 2019-2024: COVID-19 forced temporary closure (NOT abandonment under Hartley test)
- July 2024: Mr Khan acquires site and continues B8 storage use with ~50 cars
- Current use is DEMONSTRABLY LESS INTENSIVE than historic industrial operations
- ALL statutory consultees had NO OBJECTION to H02-0817-25

LPA ADMISSION: The Officer Report for H02-0817-25 states: "this site did form once, a council Bus Depot". The LPA acknowledges the established B8 use.

2. INTRODUCTION

2.1 Purpose of Application

2.1.1 This Supporting Statement is submitted in support of an application for a Certificate of Lawful Use or Development (Existing) under Section 191 of the Town and Country Planning Act 1990.

2.1.2 The application seeks formal confirmation from South Holland District Council that the existing use of land at Alderlands, James Road, Crowland for vehicle storage is lawful.

2.1.3 The lawfulness of this use is established by virtue of the site's long and well-documented history as a haulage depot and vehicle storage facility spanning over 26 years, far exceeding the 10-year period required under Section 191.

2.2 The Applicant

2.2.1 The applicant is Mr Ghulam Khan, who acquired the site in July 2024 with full knowledge of its established use class as a commercial vehicle storage depot (B8).

2.2.2 Upon acquisition, Mr Khan resumed the historic vehicle storage use of the site, utilising the same hardstanding that has served this purpose since at least 1999.

2.3 Background to This Application

2.3.1 Planning application H02-0817-25 was refused on 3 November 2025 for retrospective change of use from "former bus/coach yard to vehicle storage". However, this characterisation was fundamentally flawed.

2.3.2 The application should never have been framed as a "change of use" because:

- The historic and current uses fall within the SAME use class (B8 - Storage and Distribution)
- There has been NO material change in the character of use
- The current use is actually LESS intensive than the historic use
- The B8 use was NEVER abandoned

2.4 LPA Admission of Historic Use

CRITICAL EVIDENCE: The LPA's own Officer Report for application H02-0817-25 states: "this site did form once, a council Bus Depot". This admission is crucial — the LPA acknowledges the established B8 use of the site.

2.4.1 Furthermore, the Application Form (PP-14263789) submitted for H02-0817-25 explicitly stated that the site's lawful and historic use had been associated with "transport and vehicle storage activities for many decades, including the long-established parking of buses, coaches, caravans and private cars." This description was accepted by the LPA and forms part of the planning record.

3. SITE DESCRIPTION AND LOCATION

3.1 Location

3.1.1 The application site is known as Alderlands, James Road, Crowland, Lincolnshire PE6 0AA. The site is located to the south of Crowland, accessed from James Road.

3.2 Physical Characteristics

- Total site area: 16,652 square metres (1.66 hectares)
- Surface: Predominantly hardstanding with some gravel areas
- Access: Single vehicular access from James Road
- Boundaries: Enclosed by fencing and vegetation
- Flood Zone: Zone 3 (vehicle storage is 'less vulnerable' under the NPPF)

3.3 Surrounding Context

3.3.1 The site is bounded by residential properties to the north (which were built AFTER the depot use was established) and agricultural land to other boundaries. The principle of 'coming to the nuisance' is relevant — the residential properties came to the established commercial use, not vice versa.



Figure 1: Site Location Plan showing Alderlands with red line boundary

4. PLANNING HISTORY

4.1 Chronological History

Period	Use	Details
Pre-1999	Council Bus Depot	Operated as Lincolnshire County Council bus depot for school transport
1999-2019	Private Bus/Coach Depot + INDUSTRIAL PAINTING	8-10 large buses, ~10 caravans, SPRAY BOOTH/PAINT SHOP, industrial compressors, extraction fans, chemical storage, daily staff operations
2017	H02-0413-17	Caravan site extension application REFUSED — but confirms LPA knew of storage use
2019-2024	COVID-19 Closure	FORCED temporary closure due to pandemic. Site retained, no alternative use, intention to resume.
July 2024	Acquisition by Mr Khan	Site purchased. B8 storage use resumed immediately with ~50 cars.
Nov 2025	H02-0817-25 Refused	Refused on countryside/visual grounds ONLY. All consultees NO OBJECTION.

4.2 Historic Industrial Operations — CRITICAL EVIDENCE

4.2.1 The historic use of the site was SIGNIFICANTLY more intensive than the current use. The bus painting operations involved:

HISTORIC INDUSTRIAL OPERATIONS:

- 8-10 LARGE BUSES (significantly larger than cars)
- Approximately 10 CARAVANS
- SPRAY BOOTH / PAINT SHOP for bus repainting
- INDUSTRIAL COMPRESSORS (significant noise generation)
- EXTRACTION FANS and spray equipment
- HAZARDOUS MATERIAL STORAGE (paints, thinners, solvents)
- Chemical fumes and paint overspray
- DAILY STAFF PRESENCE and operations
- DIESEL ENGINES running regularly

4.2.2 This historic use generated significant noise, air pollution, and chemical hazards. The current use of storing ~50 quiet, stationary cars represents a MASSIVE improvement in amenity for neighbouring residents.



Figure 2: Google Street View showing buses parked at site entrance (historic)

5. LEGAL FRAMEWORK

5.1 Section 191 of the TCPA 1990

5.1.1 Section 191 of the Town and Country Planning Act 1990 provides that any person may apply to the Local Planning Authority for a certificate confirming that an existing use of land is lawful.

5.1.2 Under Section 191(2), a use is lawful if:

- No enforcement action may be taken in respect of it (whether because the time for enforcement has expired or for any other reason); and
- It does not constitute a contravention of any enforcement notice then in force

MANDATORY DUTY: Section 191(4) states: "If, on an application under this section, the local planning authority are provided with information satisfying them... they SHALL issue a certificate to that effect." The word SHALL is mandatory — there is no discretion to refuse on policy grounds.

5.2 Time Limits for Enforcement

5.2.1 Section 171B(3) of the TCPA 1990 provides that in the case of any breach of planning control consisting of a change of use, no enforcement action may be taken after the end of the period of TEN YEARS beginning with the date of the breach.

APPLICATION: The B8 storage use at Alderlands has been continuous for over 26 YEARS (1999-2025), vastly exceeding the 10-year threshold. Even if a material change of use had occurred (which is denied), the time for enforcement would have long expired.

5.3 The Use Classes Order

5.3.1 The Town and Country Planning (Use Classes) Order 1987 (as amended) categorises different types of land use. Relevant to this application is Use Class B8: Storage or Distribution.

5.3.2 Class B8 includes:

- Storage or distribution centres
- Wholesale warehouses
- Haulage depots
- Open storage yards (including vehicle storage)

5.3.3 The historic haulage depot use, bus/coach storage, caravan storage, and current car storage ALL fall within Use Class B8. There has been NO change of use class.

5.4 The Law on Abandonment

5.4.1 A use may be lost through abandonment. However, the test for abandonment is strict. Following Hartley v MHLG [1970] and subsequent case law including Cotswold Grange Country Park LLP v SSCLG [2014], abandonment requires proof of ALL FOUR of the following:

TEST	REQUIREMENT
(a) Physical condition	Has the land deteriorated to a point where the use cannot continue?
(b) Period of non-use	How long has the use ceased?
(c) Intervening use	Has any different use occurred during the dormant period?

(d) INTENTION	Did the owner INTEND to abandon the use?

CRITICAL: Abandonment requires INTENTION. A use cannot be abandoned if cessation was involuntary, temporary, or forced by external circumstances such as COVID-19.

6. EVIDENCE OF ESTABLISHED USE

6.1 Documentary Evidence

Source	Evidence
LPA Officer Report (H02-0817-25)	States: "this site did form once, a council Bus Depot"
Application Form PP-14263789	States: "transport and vehicle storage activities for many decades"
H02-0413-17 (2017)	Caravan site application confirms LPA knew of storage use
Google Earth Imagery	Continuous commercial activity 2003-2019 visible
Design & Access Statement	Confirms bus painting with spray booths, large diesel vehicles

6.2 Aerial Imagery Evidence — Year by Year

The following Google Earth Pro imagery demonstrates continuous B8 storage use:

6.2.1 — 2007: Buses and Caravans Visible

The 2007 imagery clearly shows buses and caravans stored on the hardstanding. The depot building is visible. Commercial vehicle storage is evident.



Figure 3: Google Earth 2007 — Buses and caravans clearly visible on site

6.2.2 — 2014: Continued Bus Depot Operations

The April 2014 imagery shows the site operating as a commercial depot with vehicles stored in organised rows.

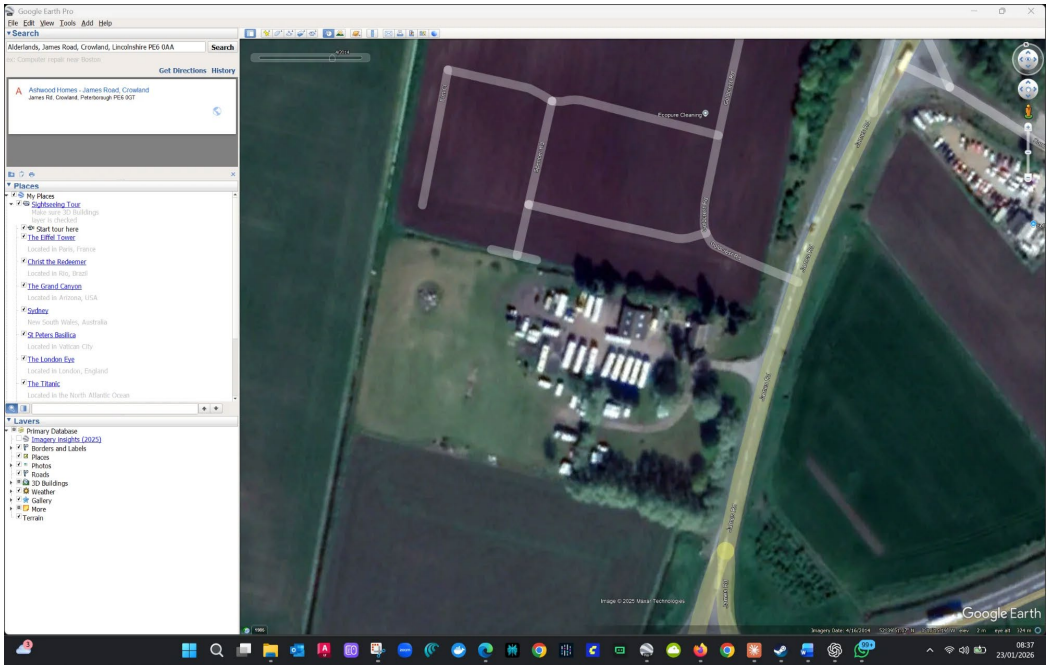


Figure 4: Google Earth April 2014 — Continued bus depot operations

6.2.3 — 2018: Active Bus and Caravan Storage

The September 2018 imagery shows the depot at its operational peak: 8-10 buses, caravans, and the depot building all visible.

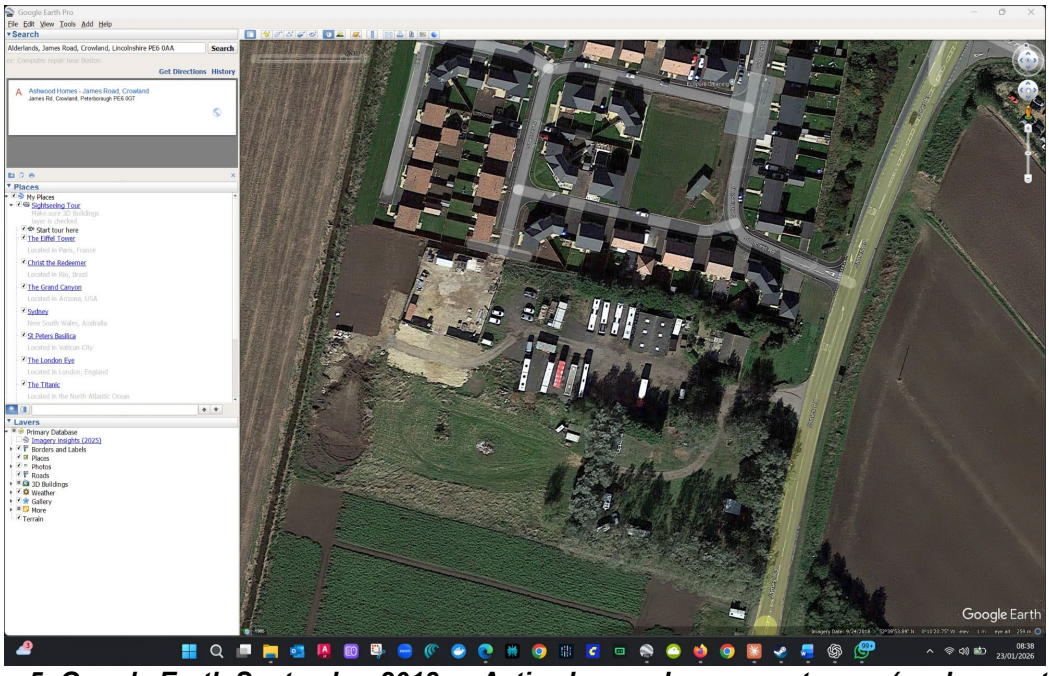


Figure 5: Google Earth September 2018 — Active bus and caravan storage (peak operations)

6.2.4 — July 2020: COVID-19 Impact

The July 2020 imagery shows the impact of the COVID-19 pandemic. The site is winding down due to government-mandated business closures. However:

- Some caravans remain visible
- The hardstanding remains intact
- No demolition or different use has occurred

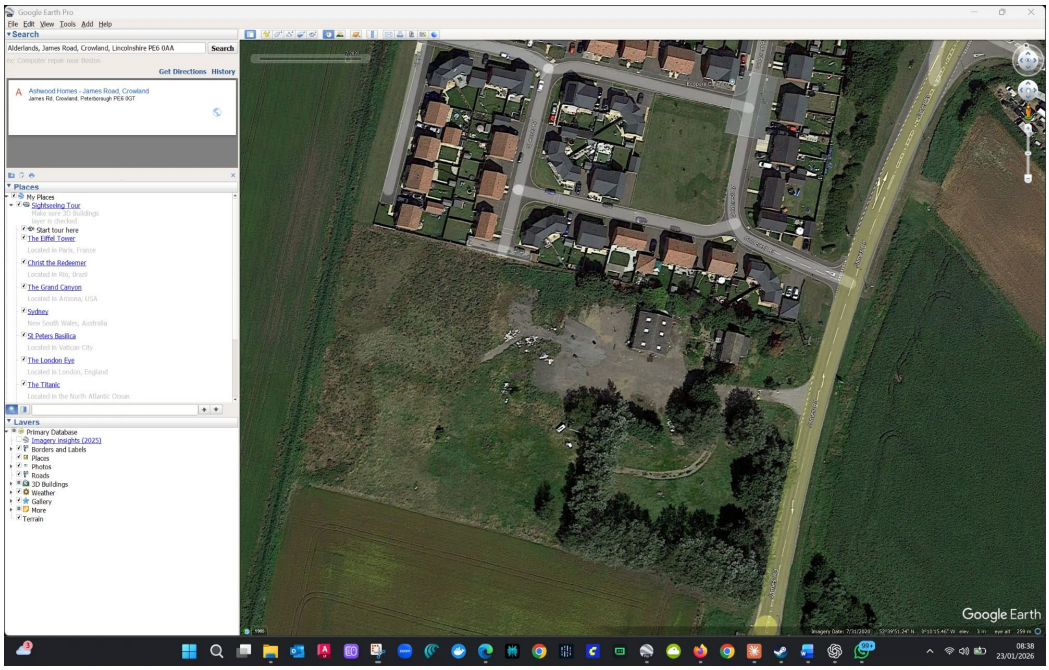


Figure 6: Google Earth July 2020 — COVID-19 forced closure. Hardstanding intact.

6.2.5 — March 2022: Dormant (NOT Abandoned)

The March 2022 imagery shows the site at its most dormant. Vegetation has overgrown parts of the hardstanding. However, critically:

- The hardstanding is STILL VISIBLE beneath the vegetation
- No demolition of infrastructure has occurred
- No different use has been implemented
- The site character remains that of a commercial yard

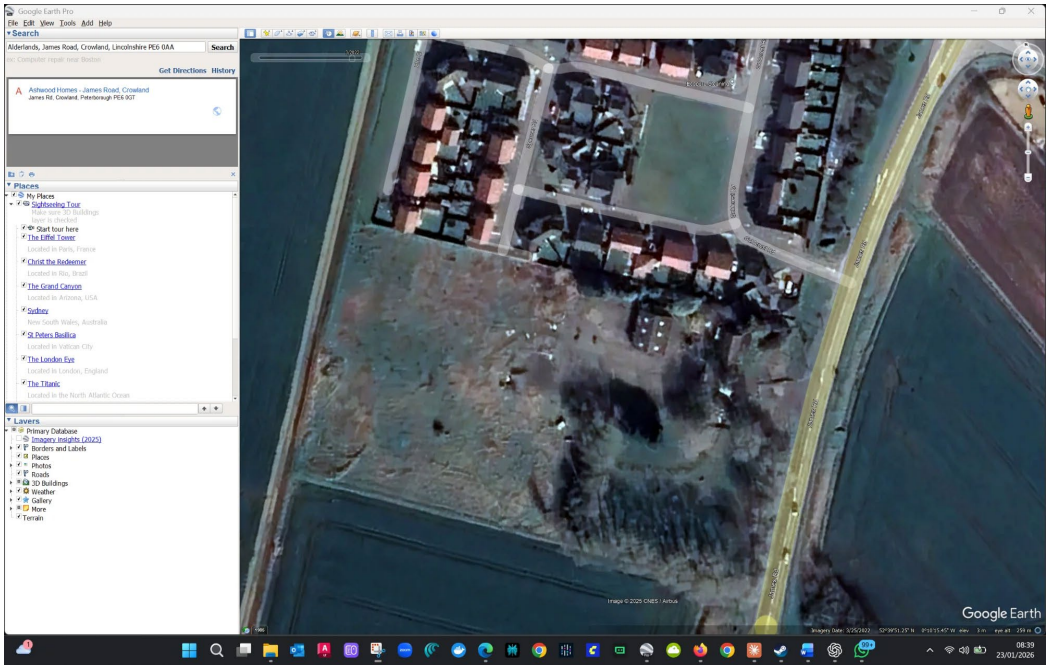


Figure 7: Google Earth March 2022 — Site dormant during COVID period (hardstanding retained)

6.2.6 — May 2025: Current Car Storage Use

The May 2025 imagery shows the site following acquisition by Mr Khan and resumption of B8 storage use with ~50 cars. The use is demonstrably LESS intensive than the historic bus painting operations.

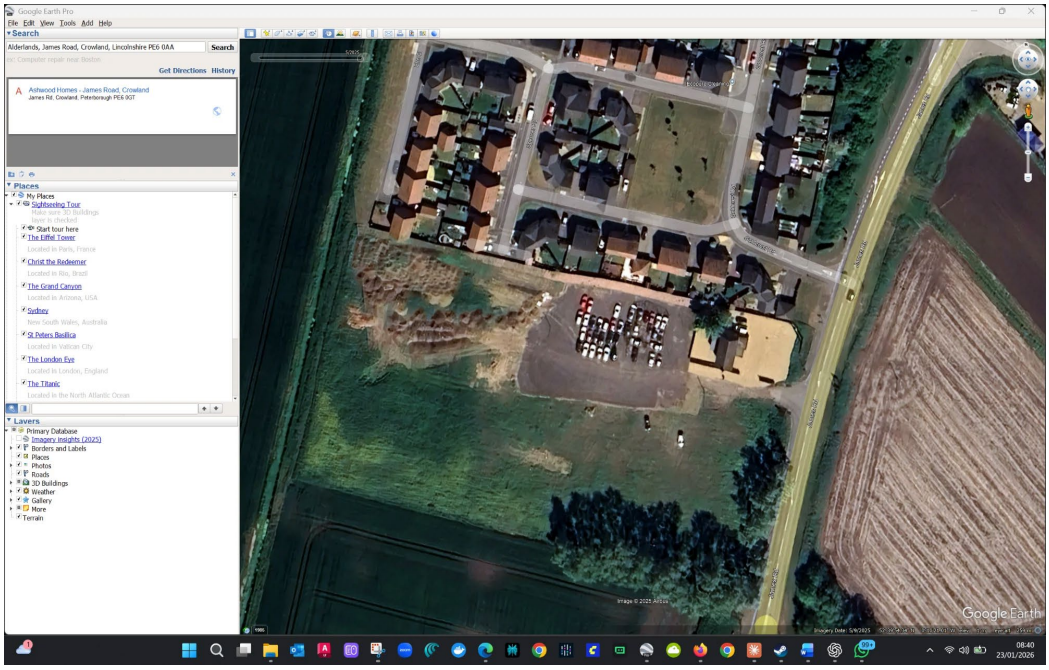


Figure 8: Google Earth May 2025 — Current car storage use (reduced intensity)

7. COVID-19 AND THE QUESTION OF ABANDONMENT

7.1 The COVID-19 Pandemic

7.1.1 The COVID-19 pandemic, which began in early 2020, resulted in government-mandated closures and restrictions that forced the suspension of commercial operations across the United Kingdom.

7.1.2 Businesses were legally required to close under the Health Protection (Coronavirus, Restrictions) Regulations 2020 and subsequent regulations. This was NOT a voluntary decision by business operators.

7.1.3 The aerial imagery shows that the site was in full commercial operation in September 2018, with 8-10 buses and ~10 caravans visible. By July 2020, the site was winding down due to COVID restrictions.

7.2 Application of Abandonment Tests

7.2.1 Applying the four legal tests for abandonment to the 2020-2024 dormant period:

Abandonment Factor	Evidence at Alderlands	Conclusion
(a) Physical Condition	Hardstanding remained intact throughout (visible in 2022 imagery beneath vegetation)	NOT ABANDONED
(b) Period of Non-Use	Approximately 4-5 years. Case law confirms 10+ years does not automatically = abandonment	NOT ABANDONED
(c) Intervening Use	NO different use occurred. Site simply lay dormant. Same character throughout.	NOT ABANDONED
(d) INTENTION	COVID-19 FORCED CLOSURE. No intention to abandon — cessation was INVOLUNTARY.	NOT ABANDONED

7.3 Conclusion on Abandonment

7.3.1 The temporary suspension of use during COVID-19 does NOT constitute abandonment in law.

7.3.2 Abandonment requires intention. The cessation here was forced by unprecedented government restrictions during a global pandemic. No business owner chose to close — they were legally compelled to do so.

LEGAL PRINCIPLE: Forced closure due to circumstances beyond the owner's control does not constitute abandonment. See: Cotswold Grange Country Park LLP v SSCLG [2014] EWHC 1138 (Admin).

7.3.3 The established B8 use for vehicle storage therefore continued throughout, merely being suspended temporarily due to the unprecedented circumstances of the pandemic.

8. NO MATERIAL CHANGE OF USE

8.1 Use Class Comparison

8.1.1 The following table compares the historic use with the current use, demonstrating that there has been no material change:

Factor	Historic Use (1999-2019)	Current Use (2024-)
Vehicle Type	8-10 LARGE buses + ~10 caravans	~50 small/medium cars
Industrial Activity	SPRAY PAINTING with booth, compressors, extraction	NONE — storage only
Noise Generation	HIGH — compressors, engines, spray equipment daily	MINIMAL — quiet stationary vehicles
Air Quality Impact	SIGNIFICANT — paint fumes, diesel emissions	NEGLIGIBLE — no emissions
Chemical Hazards	PRESENT — paints, thinners, solvents	NONE
Staff Presence	DAILY — full operations	OCCASIONAL — monitoring only
Vehicle Movements	FREQUENT — buses in/out daily for school runs	INFREQUENT — periodic delivery/collection

8.2 Analysis

8.2.1 The fundamental character of the use has not changed:

- Buses are vehicles
- Coaches are vehicles
- Caravans are vehicles
- Cars are vehicles

8.2.2 All are stored on the same hardstanding, using the same access, for the same purpose (B8 storage).

FINDING: The current use represents a BETTERMENT for neighbouring amenity. The change from industrial bus painting operations (with compressors, spray booths, chemicals, and daily bus movements) to quiet car storage is the SAME use class (B8) at REDUCED intensity. If anything, the current owner has REDUCED the intensity of use compared to the established baseline.

9. WHY THE REFUSAL REASONS DO NOT APPLY TO CLOPUD

9.1 The Refusal of H02-0817-25

Planning application H02-0817-25 was refused on 3 November 2025 for the following reasons:

Reason 1 (Policies 1 & 7): The site is outside the settlement boundary in open countryside. No operational need demonstrated for the use to be located outside allocated employment areas.

Reason 2 (Policies 2 & 3): "The open storage of up to 50 vehicles in a prominent location at the entrance to Crowland would result in a significant adverse impact upon the character and appearance of the countryside and settlement edge."

9.2 CLOPUD is a LEGAL Test, Not a POLICY Test

CRITICAL DISTINCTION: A CLOPUD application is fundamentally different from a planning application. The LPA CANNOT refuse a CLOPUD based on planning policy considerations such as visual impact, countryside location, or design quality.

For a CLOPUD application under Section 191, the LPA may ONLY consider:

1. Is the use LAWFUL? (i.e., has it been continuous for 10+ years, or does it not require permission?)
2. Has the use been ABANDONED?
3. Is the current use MATERIALLY DIFFERENT from the established use?

9.3 Why the Refusal Reasons are IRRELEVANT to This Application

Refusal Reason	Planning App?	CLOPUD?
Policy 1 — Countryside location	YES — Relevant	NO — Irrelevant
Policy 7 — Employment areas	YES — Relevant	NO — Irrelevant
Policy 2 — Design quality	YES — Relevant	NO — Irrelevant
Policy 3 — Settlement character	YES — Relevant	NO — Irrelevant
Visual impact concerns	YES — Relevant	NO — Irrelevant

LEGAL POSITION: The LPA has NO DISCRETION to refuse a CLOPUD on policy grounds. Section 191(4) states that if the authority is provided with information satisfying them that the use is lawful, "they SHALL issue a certificate to that effect." The word SHALL is mandatory — there is no room for policy-based refusal.

9.4 Voluntary Enhancements — Proposed Hedge Screening

Notwithstanding that visual impact is NOT a relevant consideration for a CLOPUD application, the applicant has voluntarily proposed the following enhancements to address any concerns:

- New hedge and tree planting along the site boundaries for visual screening
- Retention of existing overgrown grass areas to mitigate flood risk

- Biodiversity Net Gain (BNG) improvements as part of the new ownership

These measures are offered as GOODWILL enhancements, NOT as mitigation required for the CLOPUD application to succeed.



Figure 9: Proposed Block Plan (P3) showing hedge screening and BNG improvements

10. CONSULTATION RESPONSES TO H02-0817-25

10.1 Statutory Consultees — ALL NO OBJECTION

ALL statutory consultees had NO OBJECTION to the planning application H02-0817-25:

Consultee	Response
Environment Agency	NO OBJECTION
North Level Internal Drainage Board	NO OBJECTION
Lincolnshire Highways	NO OBJECTION (subject to conditions)
Environmental Protection Officer	NO OBJECTION — "No comments regarding land contamination"
Historic Places Team	NO OBJECTION — "unlikely to have an impact on significant archaeological remains"

10.2 Significance

The fact that ALL technical consultees had no objection further supports the lawfulness of the use. The refusal was based SOLELY on countryside location and visual impact — matters which are IRRELEVANT to a CLOPUD determination.

A CLOPUD application is concerned only with whether the use is LAWFUL — not planning policy merits.

11. CONCLUSION

11.1 Summary of Case

This application demonstrates beyond reasonable doubt that:

4. The site has been in B8 (storage) use for over 26 YEARS (1999-2025)
5. This vastly exceeds the 10-year threshold under Section 171B(3) TCPA 1990
6. The COVID-19 closure was NOT abandonment — it was involuntary, temporary, and the infrastructure remained intact
7. The current use (car storage) is materially identical to the historic use — all vehicles, all B8 storage, same hardstanding
8. There has been NO material change of use requiring planning permission
9. The current use is LESS INTENSIVE than the historic industrial operations
10. All statutory consultees had NO OBJECTION to H02-0817-25
11. The refusal reasons for H02-0817-25 are POLICY-BASED and do NOT apply to CLOPUD

11.2 Request

On the basis of the evidence presented, the applicant respectfully requests that South Holland District Council issue a Certificate of Lawfulness for Existing Use or Development (CLOPUD) confirming that the use of land at Alderlands, James Road, Crowland for B8 storage purposes (vehicle storage) is LAWFUL.

The LPA is reminded that under Section 191(4) of the TCPA 1990, if they are provided with information satisfying them that the use is lawful, they SHALL issue a certificate to that effect. The LPA has no discretion to refuse on planning policy grounds.

11.3 The recent planning application (H02-0817-25) was refused in error. No planning permission was ever required because the use is already lawful by virtue of its long-established history.

APPENDIX A: DOCUMENT SCHEDULE

The following documents are submitted with this application:

No.	Document	Reference
1	Completed CLOPUD Application Form	-
2	Site Location Plan (1:1250)	P1
3	Site Block Plan (1:500)	P3
4	This Supporting Statement	-
5	Google Earth Pro Aerial Imagery (2007, 2014, 2018, 2020, 2022, 2025)	Figures 3-8
6	Google Street View imagery (showing buses on site)	Figure 2
7	Officer Report H02-0817-25	ODBPDF413685
8	Decision Notice H02-0817-25	Nov 2025
9	Application Form PP-14263789	-
10	Application Fee	-

Statement prepared by:
PLANMORE DESIGN ARCHITECTURE
960 Capability Green, Luton LU1 3PE

Date: January 2026

— END OF DOCUMENT —

Design & Access Statement

Site: Alderlands, James Road, Crowland, Lincolnshire **PE6 0AA**
LPA: South Holland District Council (SELLP area)

Proposal: *Retrospective and continued use of the* ***existing hardstanding only*** *for secure* ***vehicle storage (max. 50 cars)***.

Explicit exclusions: No mechanical repairs, MOTs, bodywork, valeting, paint-spraying, dismantling, sales display, new buildings, new external lighting columns, or any extension of hard surfaces beyond the current pad.

Drawings submitted: P1 (Historic & Existing Context), **P2** (Existing Block Plan), **P3** (Proposed Storage Layout & Site Management).



1. Executive Summary & Purpose of the Application

This Design and Access Statement (DAS) is submitted in support of a retrospective planning application for the site at Alderlands, James Road, Crowland. The purpose is to regularise and continue the secure storage of vehicles on the existing hardstanding, with capacity capped at 50 cars. No new buildings, engineering works, or extensions to surfacing are proposed; the scheme is confined wholly within the footprint of the historic yard.

Decision Sought

The applicant respectfully seeks **full planning permission** to formalise the yard as a storage-only facility, with enforceable management controls. The permission would provide certainty for the applicant, neighbours, and the Local Planning Authority (LPA), ensuring that the site's long-established transport-related character continues in a more controlled and lower-impact form.

Historic Continuity

The site has a clear lineage of vehicle-based activity:

- Historically, it was used as a **bus and coach paint depot**, with heavy diesel vehicles, spray-booth operations, and associated traffic.
- Subsequently, the yard was used for **caravan storage**, evidenced in aerial imagery and local planning records.
- These functions were more intensive and noisier than the current proposal.

By contrast, today's use represents a **reduction in scale and intensity**: the storage of private cars only, with no sales, no repairs, no valeting, and no breaking. This continuity with past use reinforces the case for policy compliance, especially under:

- **NPPF §§81–83** – supporting sustainable business and re-use of previously developed land;
- **SELLP Policy 7** – encouraging the re-use of redundant employment land;
- **Peterborough Local Plan Policy LP40** – enabling economic uses in appropriate, established locations.

Betterment Compared with Baseline

Noise and Amenity

- Cars are materially quieter than coaches: no idling diesel engines, spray-painting compressors, or plant.
- The capped number of vehicles (50), coupled with managed operating hours (daytime only, no Sundays/Bank Holidays), ensures impacts are contained.
- Together, these controls deliver a clear net improvement in residential amenity compared with the historic depot baseline.

Flood Risk and Drainage

- The former tarmac has been replaced with **gravel surfacing**, improving permeability and reducing surface-water run-off.
- No enlargement of impermeable surfaces has taken place, and drainage ditches remain functional.
- This represents a tangible betterment compared to historic conditions, aligning with **SELLP Policy 4** and **Peterborough LP19**.

Visuals and Management

- Vehicles are stored in **orderly rows** with defined circulation aisles, creating a tidier and safer appearance than the historic ad-hoc parking of coaches.
- The yard has been **restored from neglect**: vegetation cleared, surfacing renewed, and boundaries re-established.
- This contrasts favourably with the derelict condition of the site under its previous ownership and directly supports **SELLP Policy 30** and **Peterborough LP16**.

Officer-Friendly Route to Approval

This application has been deliberately narrowed to a **"storage-only"** use, with explicit exclusions. The applicant is content for conditions to secure:

- Maximum 50 vehicles at any time;
- Restricted hours of operation;
- Prohibition of repairs, sales, dismantling, or valeting;
- No external lighting columns;

- Ongoing site management and flood readiness through a **Flood Warning & Evacuation Plan (FWEP)**.

This framework gives the Council confidence in enforceability and ensures that the development is acceptable in planning terms.

2. Site & Planning History

2.1 Location and Setting

The application site lies on the **east side of James Road**, at the southern approach to Crowland, close to the A16 junction. It forms part of a mixed edge-of-settlement environment where working yards and open farmland meet the residential envelope of the town.

- **North** – Adjoining residential properties on Spencer Road and Goldcrest Road, with domestic gardens directly backing onto the site boundary.
- **East and West** – Defined by open farmland and Internal Drainage Board (IDB) drains, providing clear physical and visual containment.
- **South** – The James Road frontage provides the established vehicular access point; no new junctions are required.

This juxtaposition of residential edge and working yard is a key design driver: the application proposes a use of demonstrably lower intensity than the historic baseline, together with enforceable management controls to protect amenity.

2.2 Site Area and Red-Line Extent

The total site (red-line boundary) measures **1.665 hectares (16,652 m^2 / 4.12 acres)**. However, the proposed vehicle storage activity is deliberately confined to the **existing hard pad area of approx. 8,064 m^2**, which has accommodated transport-related uses for decades.

No expansion of surfacing or encroachment into greenfield is proposed. By restricting the use to the existing hard pad, the scheme ensures compliance with:

- **NPPF §§119–120** (efficient reuse of land)
- **SELLP Policy 7** (re-use of redundant sites for employment)
- **Peterborough LP16 & LP19** (efficient layout and flood-resilient reuse of land).

2.3 Historic and Lawful Uses

The site has a long and well-documented history of **vehicle-related employment uses**, including:

- **Coach and bus paint/repair depot** – From the late 20th century, the yard operated as a working depot with spray booths, large diesel vehicles, and ancillary engineering activity. Aerial imagery and remnants of the steel portal frame confirm this legacy.
- **Caravan storage yard** – Planning records and aerial photographs (2007–2018) show large numbers of caravans stored in long rows across the hard pad, establishing a direct continuity with the present proposal for vehicle storage.
- **Vehicle parking at scale** – Google Street View and aerial evidence (2009, 2011, 2018) confirm routine storage of buses, vans, and caravans within the same operational footprint.

This body of evidence demonstrates a strong **fallback position**: the site's baseline character is firmly established as transport/vehicle-related storage.





2.4 Recent Condition and Stewardship

During the COVID-19 period the site fell into neglect, with vegetation encroachment across the hardstanding and no active management.

Since acquiring the land, the applicant has undertaken limited but essential stewardship:

- **Tidying and restoration** of the existing pad.
- **Resurfacing with permeable gravel** in place of old impermeable tarmac, improving drainage and reducing runoff.
- **Retention of overgrown areas** outside the hard pad, confirming no encroachment into greenfield land.

This represents active, responsible ownership that has improved the condition of the site compared with the baseline of dereliction.

2.5 Pre-Application Engagement

An earlier pre-application enquiry (September 2023) explored the potential for car sales/showroom use. Officers raised concerns about potential noise impacts but accepted that **reuse of the site for storage was acceptable in principle**.

In direct response, the current application has been **narrowed and refined** to:

- Storage only, capped at 50 cars.
- Explicit exclusions (no repairs, MOTs, dismantling, sales, or lighting columns).
- Defined hours and management controls.

This constructive evolution reflects the **NPPF §38 "positive and proactive" approach** to engagement.

2.6 Policy Alignment

The proposal responds positively to both the historic planning context and the current policy framework:

- South East Lincolnshire Local Plan (SELLP) – Policy 7 (Employment Development in the Countryside):
  The scheme brings a redundant, previously developed employment site back into beneficial use. It does so without any new built development or land-take, ensuring efficient reuse of land and safeguarding rural character.

- Peterborough Local Plan – Policy LP40 (Economic Development in Edge-of-Settlement Locations):
  The proposal sustains a modest but genuine level of economic activity in a location already established for transport-related operations. It secures employment and management benefits whilst avoiding the environmental footprint of the historic coach depot.
- National Planning Policy Framework (NPPF) §§81–83:
  National guidance is clear that planning should support business growth, flexible reuse of land, and continued productivity of established sites. By re-purposing this long-standing yard for secure storage only, the scheme directly supports those objectives, while introducing controls to protect local amenity.

Overall alignment:
The development stands firmly on historic precedent (coach and caravan yard uses evidenced over decades) and on contemporary policy support (efficient reuse, economic continuity, and rural employment). This dual foundation provides a strong and defensible planning justification for granting permission.

3. Description of Development (What Is and Isn't Proposed)

3.1 Nature of the Proposal

This application seeks permission **only for the retrospective and continued use of the existing hardstanding pad for secure storage of up to 50 motor cars.**

- **Scope is deliberately narrow**: no sales, no repairs, no bodyshop, no MOTs, no dismantling, no valeting, no jet-washing, no external plant, no new lighting, and no new buildings are included.
- **Operational character**: Vehicles are stored passively within the yard, with occasional collection or drop-off by car transporter. There is no public showroom, no walk-in trade, and no routine congregation of customers on site.

By defining the activity in this precise way, the proposal is **materially quieter and less intrusive** than the historic coach depot which operated here in the past.

3.2 Extent of Development

- **Physical footprint**: confined entirely to the existing 8,064 m^2 hard pad within the 1.665 ha red-line boundary. No extension of surfacing is proposed.

- **Resurfacing works**: the only works undertaken by the applicant are the replacement of deteriorating tarmac with permeable gravel. This has improved surface water management and visual appearance without enlarging the pad.
- **Green margins untouched**: areas of overgrown grass and scrub that had colonised the disused hard pad remain as is; no encroachment into surrounding farmland has occurred.

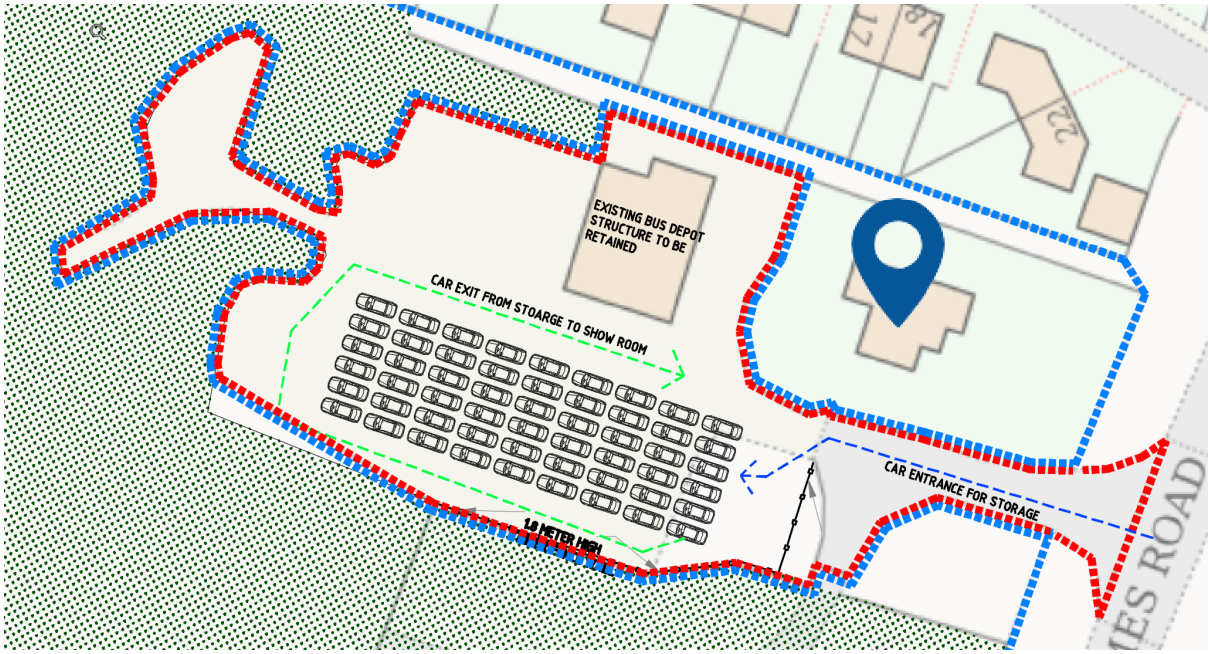
This ensures compliance with **NPPF §§119–120 (efficient reuse of land)** and **SELLP Policy 7 (reuse of redundant sites)**.

3.3 Site Layout and Management

The arrangement is designed for clarity, safety, and enforceability:

- **Rows and aisles**: As shown on Drawing P3, vehicles are parked in five defined rows separated by 6.0–6.5 m aisles, enabling safe forward-gear access and circulation.
- **Access control**: The established James Road bellmouth is retained. A named Site Manager oversees gates, ensures loading/unloading is within the yard, and maintains records of vehicle numbers.
- **Car transporters**: On the rare occasions they are needed, all transporter activity will occur inside the compound, avoiding any obstruction to James Road.

These measures demonstrate compliance with **SELLP Policy 33 (Highways & Access)** and **Peterborough LP13 (Transport)**.



3.4 Environmental and Amenity Safeguards

To address sensitivities from adjoining residential gardens, the following safeguards are committed:

- **Noise**: No amplified sound systems, no tannoys, and no idling engines. Vehicle movements are intermittent and involve smaller engines than the historic buses.
- **Light**: The yard will remain unlit save for occasional down-facing PIR wall lights, ensuring no glare or overspill into neighbouring gardens.
- **Housekeeping**: No storage of scrap, tyres, or waste; spill-kits available for any defective vehicles; routine yard sweeps to maintain tidiness.

This package ensures compliance with **SELLP Policies 2 & 3 (Sustainable Development and Good Design)** and **Peterborough LP16 & LP17 (Amenity & Design Quality).**

3.5 Explicit Exclusions

For certainty, the applicant **accepts conditions** expressly excluding:

- mechanical repairs, MOTs, bodyshop or paint-spraying;
- valeting, jet-washing, or other water-intensive operations;
- dismantling or breaking of vehicles;
- sales display or retail activity;
- external tannoys, PA systems, or fixed lighting columns;
- any extension of hardstanding beyond its current footprint.

This clarity ensures the proposal cannot morph into a more intrusive use.

3.6 Policy Alignment

The narrowly defined scope of the development achieves:

- **NPPF §§119–120** – reusing previously developed land efficiently.
- **NPPF §§81–83** – supporting sustainable business while controlling impacts.
- **SELLP Policy 7** – bringing a redundant yard back into economic use.
- **SELLP Policies 2, 3, 4 & 30** – good design, protection of amenity, improved permeability, and pollution control.

- **Peterborough LP16, LP17 & LP40** – ensuring high design quality, amenity safeguards, and enabling appropriate economic development.

4. Design, Layout & Appearance

4.1 Design Approach

The design strategy for this proposal is rooted in restraint. The development introduces **no new built form, no expansion of the operational footprint, and no additional engineered works**. Instead, the emphasis is on making efficient and visually acceptable use of the **historic hard pad**, with management measures that ensure order and clarity. This minimalist design intent responds directly to SELLP Policies 2 and 3 (Sustainable Development and Good Design) and Peterborough LP16 (Urban Design and Layout), which require development to be safe, functional, and respectful of context.

4.2 Site Layout

Drawing P3 illustrates the arrangement of up to **50 vehicles in defined rows**. Each row is separated by aisles of 6.0–6.5 metres, which comfortably allows safe manoeuvring and ensures that vehicles can enter and leave in forward gear. This structured grid is a deliberate design improvement compared with the historic bus depot, where vehicle parking was ad-hoc and poorly contained. By contrast, the new arrangement:

- Provides a **legible layout** for management and enforcement.
- Prevents overspill or clustering at site edges.
- Keeps all vehicle activity **away from sensitive residential boundaries**.

This approach is entirely consistent with NPPF §130 (well-designed places), which calls for legible, functional layouts.

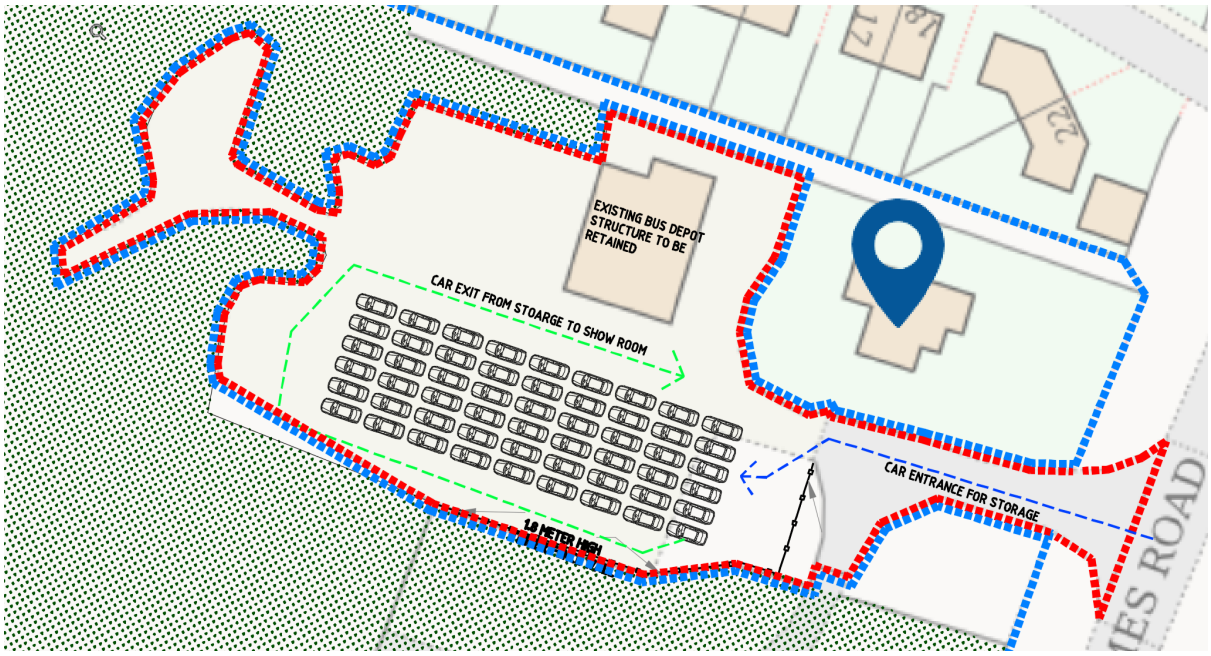
4.3 Visual Character and Appearance

The visual impact of the scheme is inherently low due to three key factors:

1. **No new vertical elements** – Cars, with an average height of 1.5–1.6 m, are significantly lower than the 3 m+ coaches that historically occupied the site.
2. **Contained yard profile** – The operational area sits within an existing defined pad; there is no encroachment into open farmland or garden boundaries.

3. **Softened surface treatment** – The replacement of aged tarmac with permeable gravel gives the site a lighter, more natural finish that blends more readily with the rural edge context.

Together these elements deliver a calmer and more visually recessive appearance compared to the site's baseline. This outcome aligns with SELLP Policy 30 (pollution and amenity) and Peterborough LP16 (design quality).



4.4 Materials and Surfacing

The surfacing is the **existing engineered base**, dressed with **gravel** in place of impermeable tarmac. This has multiple benefits:

- Improves **surface water permeability**, reducing runoff.
- Provides a **softer colour and texture**, improving integration with the surroundings.
- Enhances **visual quality**, reducing the "industrial" appearance of blacktop.

White line demarcation, where applied, will be discreet and non-reflective, ensuring the yard remains visually unobtrusive. No reflective signage or advertisements are proposed.

4.5 Management and Housekeeping

The applicant has committed to a clear **Site Management Plan (SMP)**, which ensures that the design intent is maintained in practice. Key features include:

- No storage of dismantled vehicles, tyres, or parts.

- Regular litter collection and yard maintenance.
- Strict adherence to the **50-vehicle cap** to preserve clarity of layout.
- On-site transporter loading/unloading to avoid roadside clutter.

These provisions mean the yard will operate as an **orderly, low-impact storage facility** rather than a working motor-trade depot.

4.6 Policy Alignment

The design strategy directly responds to:

- **SELLP Policy 2 & 3** – The proposal is functional, safe, and visually contained.
- **Peterborough LP16** – Creates a well-designed, low-impact environment.
- **NPPF §130** – Ensures places are attractive, legible, and sympathetic to character.

Suggested Image Inserts

- **Fig. 8 – Yard with gravel surface (existing site 3.jpg)** – illustrates resurfacing and containment to historic pad.
- **Fig. 9 – P3 layout extract** – demonstrates orderly rows and internal circulation.
- **Fig. 10 – Comparison montage** – cars on gravel vs. historic coaches, showing reduced visual massing.

5. Residential Amenity (Noise, Light, Privacy)

Historic Baseline

The site's established use as a bus paint depot and caravan storage yard generated far higher noise, traffic, and environmental impacts than today's proposal. Large coaches and diesel buses idled, manoeuvred, and underwent spray painting, producing significant noise and emissions. Caravans were also routinely stored in long rows across the pad.

Importantly, the neighbouring residential development (Spencer Road / Goldcrest Road) was constructed after the depot was already in operation. The presence of these houses does not diminish the lawful baseline of the site as a working transport yard.

Current Proposal – Materially Quieter

The applicant now seeks only to store up to 50 cars, without repairs, MOTs, valeting, or sales. Car storage is a **passive activity**, involving sporadic movements of smaller, quieter vehicles. There will be no compressors, spray booths, or heavy diesel engines.

Compared to the historic depot use, this is a substantial reduction in noise and activity, representing a clear improvement for local amenity.

Safeguards and Management

To reinforce this lower impact:

- **Number cap**: maximum 50 cars.
- **Operating hours**: daytime only (no evenings/Sundays).
- **No tannoys, no plant, no external lighting columns**.
- **Site tidying**: applicant has restored the pad and resurfaced it with permeable gravel, eliminating dereliction.

Outcome

When assessed against the lawful baseline, the proposal has **no unacceptable noise, light, or privacy impacts**. On the contrary, it formalises the site at a lower intensity, introduces enforceable management, and ensures residents opposite are better protected than under the former depot use.

6. Highways & Access

6.1 Existing Access

- The site benefits from an established vehicular access directly onto **James Road**, via a wide bellmouth crossover historically capable of accommodating buses and coaches.
- No alterations are proposed to the highway junction or visibility splays. The entrance is already in a form appropriate for heavy traffic, and therefore is more than sufficient for the modest car storage operation proposed.
- This maintains compliance with **SELLP Policy 33** (Highways & Transport) and **Peterborough Local Plan LP13** (Transport).

6.2 Traffic & Trip Generation

- **Historic baseline:** The former bus paint depot generated movements by large diesel coaches, often during early hours and with intensive manoeuvring.
- **Proposed scenario:** Car storage involves only light vehicles, with sporadic arrivals and departures. On average, movements will be **materially lower in intensity and quieter in operation** than the depot use.

- **Comparison:** Even at full capacity of 50 cars, the trip rate remains below historic levels, given the absence of staff shifts, customer visits, or public sales activity.
- This accords with **NPPF §111**, which requires that developments should only be refused on transport grounds if there would be an “unacceptable impact on highway safety” or “severe residual cumulative impacts.” Neither applies here.



6.3 On-Site Circulation & Layout

- Drawing **P3 (Proposed Layout)** shows a structured arrangement:
    - Five rows of cars with **6.0–6.5 m aisles** allow all vehicles to manoeuvre and exit in forward gear.
    - Occasional car transporters will **load/unload within the yard**, never on James Road.
    - Internal turning areas prevent obstruction or queuing at the site entrance.
- The layout has been prepared with **Manual for Streets** and standard bay dimensions in mind, ensuring safe, efficient circulation.
- This satisfies **Peterborough LP16** (functional site design) and **SELLP Policy 36** (Parking standards).

6.4 Parking & Servicing

- The development is itself a **parking/storage facility**; no additional staff or visitor spaces are required.
- A small number of spaces for staff and management vehicles can be accommodated within the compound without affecting capacity.
- There is no overspill risk onto the public highway, due to the **hard cap of 50 cars** secured by condition.

6.5 Safety & Sustainability

- Access geometry, visibility, and reduced traffic intensity ensure there will be **no adverse impact on highway safety**.
- Given the nature of the use (storage only), there is no requirement for cycle provision, EV charging or public transport linkages, which are relevant only to publicly accessible or trip-generating uses.
- Nonetheless, the use represents a **more sustainable form of traffic generation** than the fallback depot, reducing heavy vehicle impacts on James Road and the A16 junction.

6.6 Policy Compliance

- **SELLP Policy 33 & 36:** Safe access, lower trip generation, sufficient on-site circulation, and no overspill.
- **Peterborough LP13:** Supports developments where safe, suitable access can be achieved.
- **NPPF §110–111:** Demonstrates that the site is acceptable in transport terms and does not cause severe impacts.

7. Flood Risk & Drainage

7.1 Context

The application site lies within **Flood Zone 3** as defined by the Environment Agency. Local Strategic Flood Risk Assessments (SFRA) identify this wider area as subject to potential tidal/fluvial flooding during extreme events. This designation triggers the need for careful consideration, even though the proposed activity introduces **no new built development**.

7.2 Nature of the Proposal

- The proposal involves **only the storage of vehicles** on an **already existing hardstanding**.
- There are **no new buildings, no enclosed floorspace, no ground raising, and no increase in the extent of impermeable surfacing**.
- In fact, **baseline impermeability has been reduced**: old tarmac sections have been broken out and resurfaced with compacted gravel, which is **permeable** and allows infiltration.
- Overgrown grassy margins have been **left untouched**, confirming no extension into greenfield areas.

This means the application is effectively a **"no change"** scenario in drainage terms, with a **small net betterment** due to permeability gains.

7.3 Vulnerability Classification

Under the **National Planning Policy Framework (NPPF)** and the **Planning Practice Guidance (PPG)**, car parking and vehicle storage fall under the category of **"less vulnerable"** uses. This is materially different from residential or commercial floorspace:

- There is **no risk to life from occupation** (no sleeping/residential use).

- Vehicles can be relocated off-site in the event of a flood warning.

This classification confirms that the proposal is **acceptable in Flood Zone 3** subject to management measures.

7.4 Sequential & Exception Tests

- **Sequential approach**: The site is already developed and historically used for intensive transport activity (buses/coaches/caravans). There is no reasonable alternative location that would secure the combined benefits of tidying, stewardship, and economic reuse of this redundant yard.
- **Exception Test – wider benefits**:
    - Brings a neglected site back into active, managed use.
    - Supports small-scale local employment.
    - Reduces environmental intensity compared with the historic bus depot.
- **Exception Test – safety**: Managed by a **Flood Warning & Evacuation Plan (FWEP)** (see below).

7.5 Safety & Flood Warning & Evacuation Plan (FWEP)

A named **Site Manager** will operate a FWEP. Key measures:

- Monitoring **EA and IDB flood alerts** daily.
- **Suspending intake** of vehicles during alerts.
- **Relocating vehicles** to pre-identified higher ground (A16 corridor / off-site compound) in the event of a severe warning.
- **Locking off the site** to prevent access during flood conditions.
- **No overnight occupation** – reducing risk to human life.

These measures ensure residual risks are fully managed and compliant with **SELLP Policy 4** and **Peterborough Local Plan LP19**.

7.6 Surface Water Management

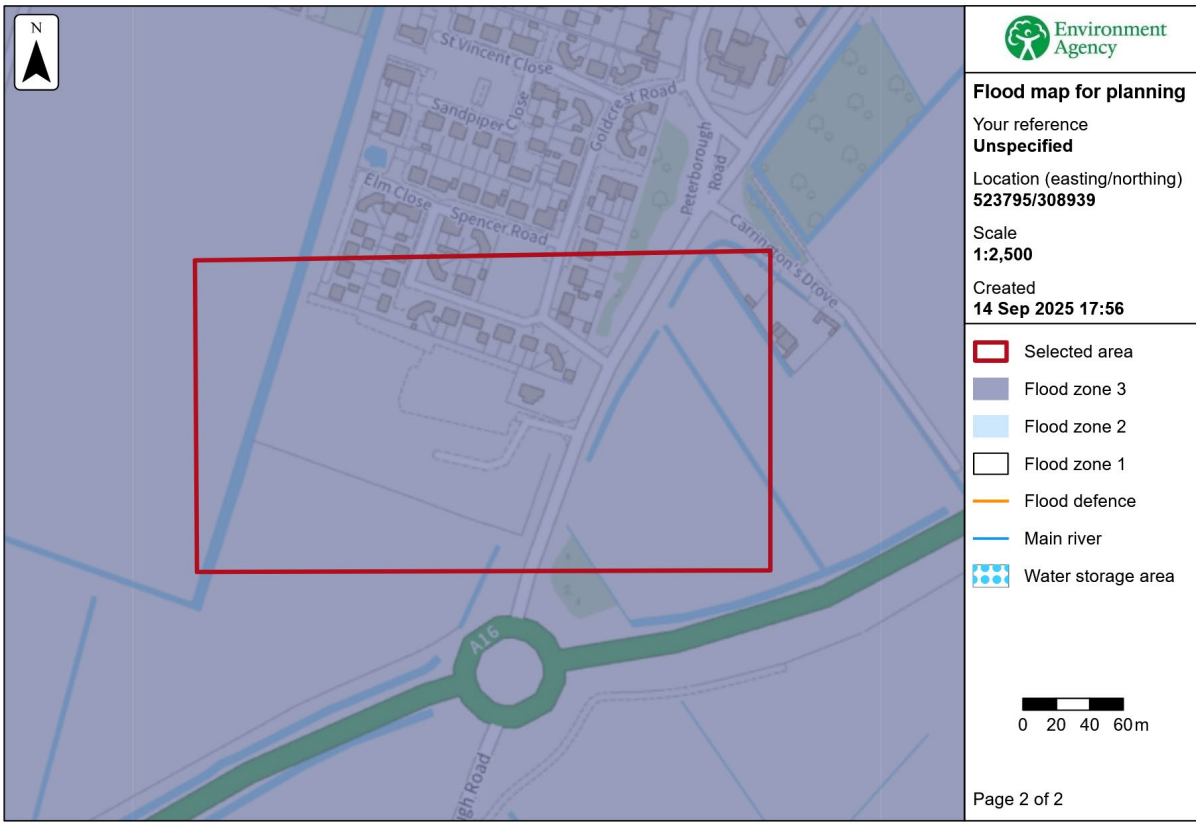
- **No increase in impermeable area** – the hard pad is historic.
- **Permeability improved** – gravel now used instead of old tarmac, reducing runoff.
- **Ditches/outfalls** around the perimeter are being kept clear as part of routine site housekeeping.

- The net effect is neutral or slightly positive in drainage terms, compared with the historic bus depot.

7.7 Conclusion on Flood Risk

The development introduces **no new vulnerability, no new hardstanding, and no enclosed floorspace**. Permeability has improved, and flood safety is secured through a robust FWEP. The proposal is therefore **fully policy-compliant** under:

- **NPPF §§159–169** (flood risk management and resilience)
- **SELLP Policy 4** (Flood Risk)
- **Peterborough LP19** (Flood Risk & Water Management)



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8. Ecology & Biodiversity Net Gain (BNG)

8.1 Context

- The application relates **only to the existing hardstanding** (approx. 8,064 m^2) which has historically been used for intensive bus depot and caravan storage operations.
- No new land take, no extension of surfacing, and no encroachment into greenfield or soft-landscaped areas is proposed.

- The surrounding ditches and drains remain untouched, continuing their ecological function.

8.2 Baseline Condition

- The hard pad is **previously developed land**; historically sealed with tarmac and later partially resurfaced with permeable gravel.
- Areas outside the pad became overgrown during site neglect by the previous owner. These are **not part of this application** and remain untouched by the current owner.
- Prior to sale, much of the scrub was already cleared by the former owner to make the site marketable.

8.3 Current Proposal

- The only works carried out by the new owner are **resurfacing the existing pad** with gravel, which improves permeability and reduces surface water run-off.
- No trees, shrubs, or grassland have been removed by the applicant for the purpose of this proposal.
- No new structures, lighting, or fencing are proposed which could otherwise affect ecology.

8.4 Applicability of BNG

- Under the **Environment Act 2021** and Natural England's published guidance, BNG applies where new development creates land take or habitat loss.
- In this case, the proposal:
    - Occupies only an **existing hard surface**,
    - Does not remove or alter natural habitats, and
    - Results in no measurable ecological impact.
- The proposal is therefore **BNG "not in scope" / de minimis**.

8.5 Conclusion

- The ecological baseline remains unchanged.
- No harm arises, and no net loss occurs.
- A short **BNG screening note** can accompany this DAS if requested for validation purposes, confirming that the site's existing status as developed land means BNG uplift is not required.

9. Policy Compliance (Summary)

This section demonstrates how the proposed development accords with the relevant planning policies at national, sub-regional (South East Lincolnshire Local Plan, SELLP), and local (Peterborough Local Plan where relevant cross-boundary policies apply).

National Planning Policy Framework (NPPF, 2023)

- **§§81–83 (Economic Growth & Land Use Efficiency):** The proposal brings an existing, previously developed yard back into beneficial economic use. By formalising car storage (50-vehicle cap), it sustains local economic activity with minimal environmental impact.
- **§§119–120 (Efficient Use of Land):** The scheme reuses established hardstanding, avoiding greenfield encroachment.
- **§159+ (Flood Risk):** The development is a "less vulnerable" use, confined to an existing permeable yard, with no new buildings. Residual flood risk is managed by a Flood Warning & Evacuation Plan (FWEP).
- **§130 (Design & Amenity):** The site has been tidied and ordered, reducing visual clutter and operational noise relative to the historic coach depot.

South East Lincolnshire Local Plan (SELLP, adopted 2019)

- **Policy 1 (Spatial Strategy):** Supports sustainable development, including reuse of redundant employment land within or adjoining settlements.
- **Policy 2 & 3 (Sustainable Development & Good Design):** The proposal is low-impact, visually contained, and benefits from management controls (numbers, hours, layout).
- **Policy 4 (Flood Risk):** Complies as a less vulnerable use, with permeable surfacing and no increased runoff.
- **Policy 7 (Employment Development):** Revives a redundant yard, providing a modest employment use and preventing dereliction.
- **Policy 30 (Pollution Control):** Explicit operational exclusions (no MOTs, repairs, bodyshops, or sales) safeguard amenity and environmental quality.
- **Policy 33 & 36 (Transport & Parking):** Retains a safe existing access, with internal forward-gear operation and no highway obstruction.

Peterborough Local Plan (2019)

Although the site lies just outside Peterborough, relevant cross-boundary considerations apply:

- **LP16 (Urban Design & Layout):** Orderly rows, defined circulation and containment within existing pad demonstrate good design.
- **LP17 (Amenity):** Noise levels are reduced compared with the historic depot; activity limited to daytime hours.
- **LP19 (Flood Risk & Water Management):** No new impermeable surfaces; drainage betterment achieved via permeable resurfacing.
- **LP40 (Employment):** Supports small-scale, flexible economic reuse of redundant sites.

Overall Position

The proposal represents a **policy-compliant reuse** of previously developed land, reducing environmental impacts compared with the historic coach depot, securing employment continuity, and avoiding any new land take or built development. With enforceable conditions, the scheme accords with the development plan and national guidance and should be supported.

10. Planning Balance, Conditions & Conclusion

10.1 Planning Balance

This proposal delivers a clear, positive planning balance:

- **Benefits**
    - Formalises and regularises a long-established yard use, providing certainty for both the landowner and the LPA.
    - Significantly lower intensity than the historic coach depot: cars are smaller, quieter, and less visually intrusive.
    - No new buildings or engineering works—development is confined strictly to the existing hard pad.
    - Improved drainage performance through resurfacing in permeable gravel compared with historic impermeable tarmac.
    - Restored and tidied yard condition compared with the derelict baseline seen during the COVID-19 hiatus.
    - Small-scale local employment and stewardship benefits.

- **Neutral / Slight Positive Effects**
    - **Highways**: existing bellmouth access retained, safe internal circulation, and no overspill parking.
    - **Visual**: low profile cars in orderly rows, set within a long-established hard pad.
    - **Surface water**: no increase in impermeable surface; minor betterment from gravel finish.
- **No unacceptable adverse effects**
    - Residential amenity safeguarded by capping numbers, storage-only use, and defined hours.
    - No lighting columns, no tannoys, no mechanical or sales activities.
    - Flood risk appropriately managed via a site-specific FWEP.

On balance, the scheme is a marked improvement over the historic fallback of a bus/coach depot, and fully consistent with SELLP and the NPPF.

10.2 Suggested Conditions (Applicant-Offered)

To ensure clarity and enforceability, the applicant offers the following conditions:

1. **Use & Numbers** – Storage of motor cars only, maximum 50 at any one time.
2. **Operating Hours** – 08:00–18:00 Mon–Sat; no operations on Sundays or Bank Holidays.
3. **Exclusions** – No mechanical repairs, MOT, valeting, paint spraying, dismantling, scrap, or sales display.
4. **Surface Water** – No extension of hardstanding beyond existing pad; maintain ditches/outfalls clear.
5. **Flood Management** – Operate in accordance with the approved FWEP.
6. **Lighting** – No external lighting unless first approved by the LPA.
7. **Transporters** – Vehicle transporters to load/unload within the yard only, not on James Road.
8. **Contamination** – Any unexpected contamination to be reported, investigated and remediated.

10.3 Conclusion

The proposal formalises a long-established activity, improves the baseline condition of the site, and introduces enforceable safeguards. It delivers a **tidy, low-impact, well-managed yard** in place of a derelict, unregulated depot, with no expansion or new build.

It therefore meets the tests of the **NPPF**, the **South East Lincolnshire Local Plan**, and the **Peterborough Local Plan**, and should be **approved subject to the offered conditions**.



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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H02-0817-25 **Date of Decision:** 3rd November 2025

Applicant: G Khan
Alderlands
James Road
Crowland
PE6 0AA

Location: Alderlands James Road Crowland

Description: Change of use of part of land from former bus/coach yard to vehicle storage (Sui Generis) for up to 50 cars - Retrospective

South Holland District Council, in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended), hereby give notice that permission has been REFUSED (or equivalent) for the development referred to above, for the following reason(s):

1 The site lies outside the defined development boundary of Crowland and is therefore located within the countryside for planning policy purposes. South East Lincolnshire Local Plan (SELLP) Policy 1 seeks to restrict development in the countryside to that which is necessary to such a location or which demonstrates clear economic, community, or environmental benefits that meet the sustainable development needs of the area.

In addition, SELLP Policy 7 supports new employment uses outside of allocated employment sites, only where it can be demonstrated that there is an identified need for the business to be located in that area, and where it would not conflict with neighbouring land uses or cause significant harm to the character of the countryside.

In this case, the applicant has failed to demonstrate any specific need for the vehicle storage use to be located in this countryside location, nor has it been shown that the proposal could not be accommodated within existing or allocated employment sites within the District, including those within Crowland.

The proposal therefore represents an unjustified form of development in the countryside, contrary to Policies 1 and 7 of the South East Lincolnshire Local Plan (2019) and Paragraphs 84 and 85 of the National Planning Policy Framework (December, 2024), which collectively seek to direct development to sustainable and appropriate locations.

2 By reason of its open and prominent location at the southern entrance to Crowland, the use of the site for the open storage of up to 50 vehicles, together with associated boundary treatments and hard surfacing, would introduce a form of development that appears harsh and incongruous within the rural approach to the settlement. The proposal would fail to respect or enhance the character and appearance of the countryside or the visual setting of the settlement, instead resulting in material harm to the visual amenity of the area and the gateway into Crowland.

The development therefore fails to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019), which require new development to make a positive contribution to local character and the quality of the built and natural environment. The proposal also conflicts with Paragraph 187(b) of the National Planning Policy Framework (December, 2024), which requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Notes:

The determined plans are:

- Site Location Plan
- P3 -Site Layout Block Plan As Proposed
- BNG Statement
- Flood Risk Assessment
- Design and Access Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

DC_FINAL_DECISION - ODB:14

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.