# SUPPORTING STATEMENT

Application for
**CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (Existing)**

*Under Section 191 of the Town and Country Planning Act 1990*

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## 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.

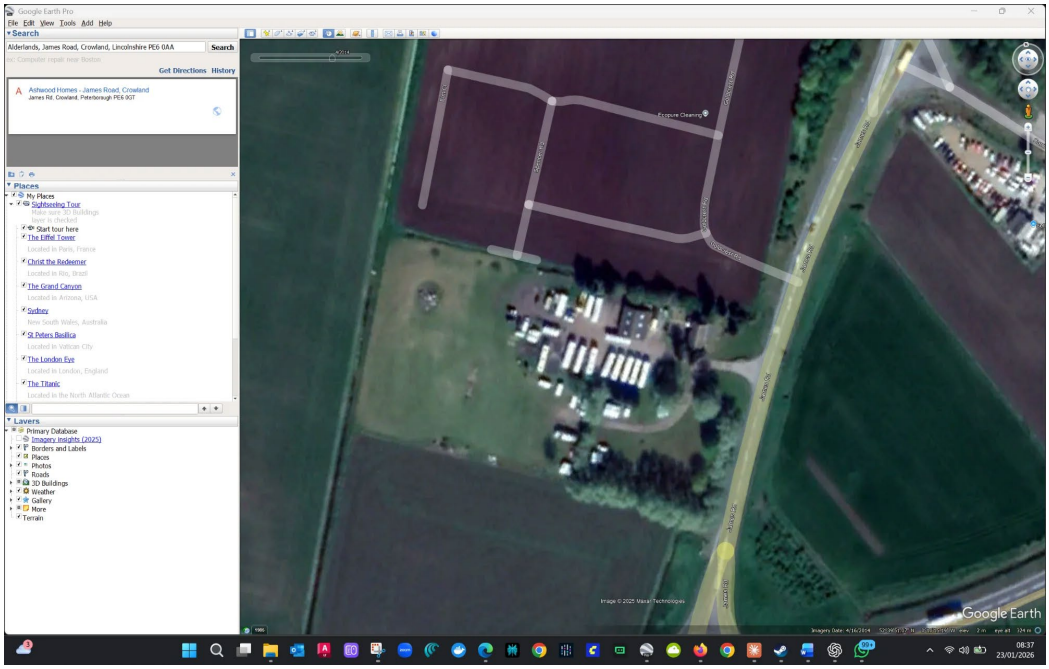



*Figure 4: Google Earth April 2014 — Continued bus depot operations*

### 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.

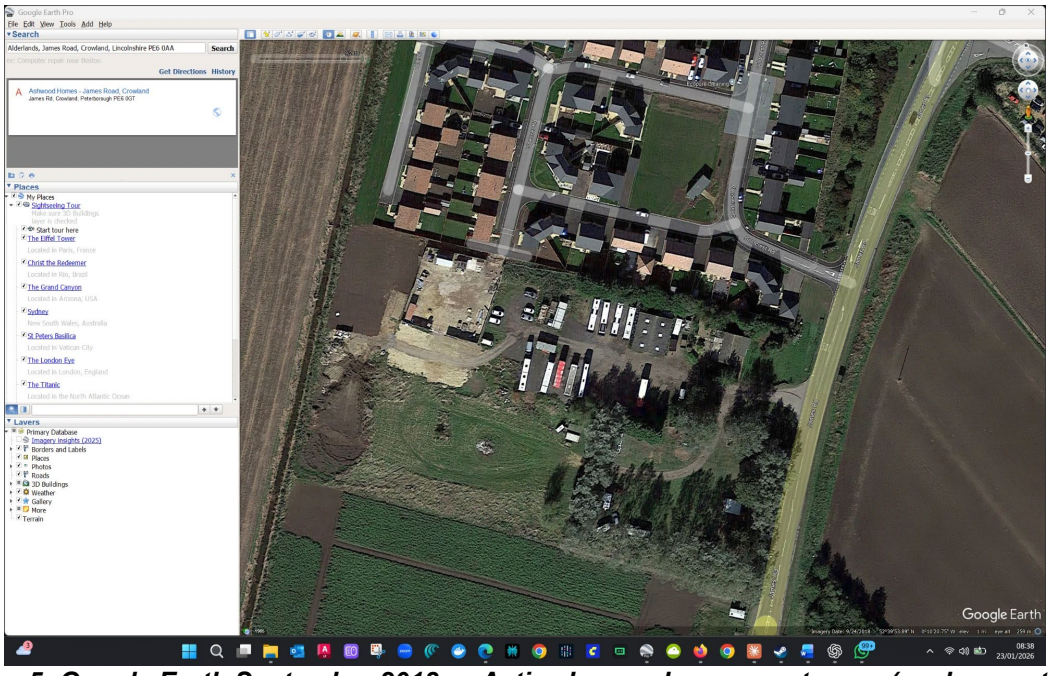



*Figure 5: Google Earth September 2018 — Active bus and caravan storage (peak operations)*

### 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

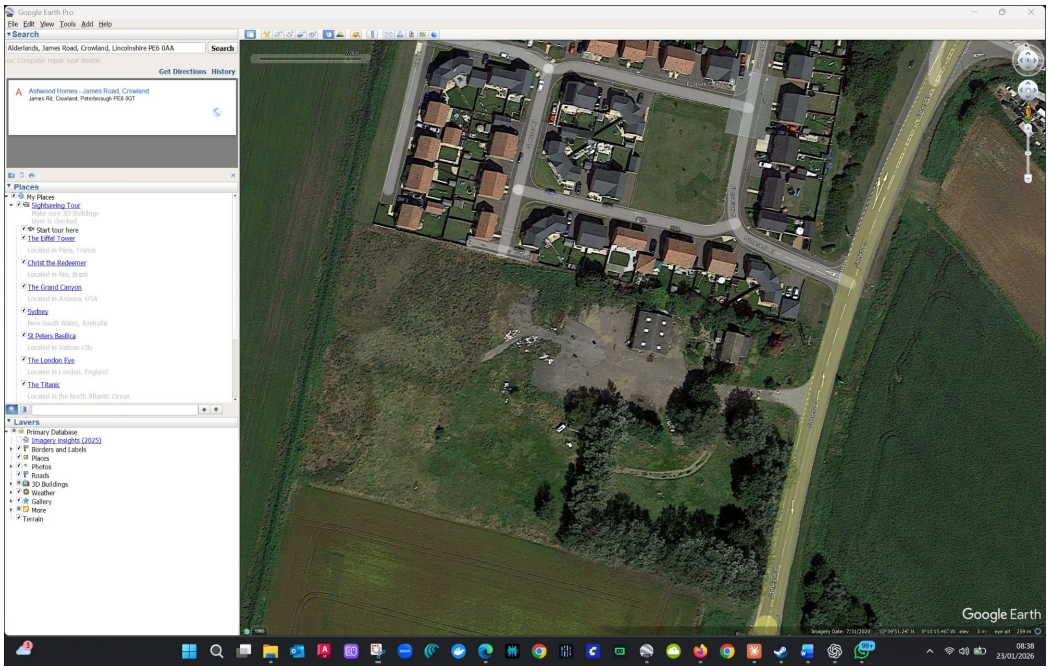



***Figure 6: Google Earth July 2020 — COVID-19 forced closure. Hardstanding intact.***

### 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

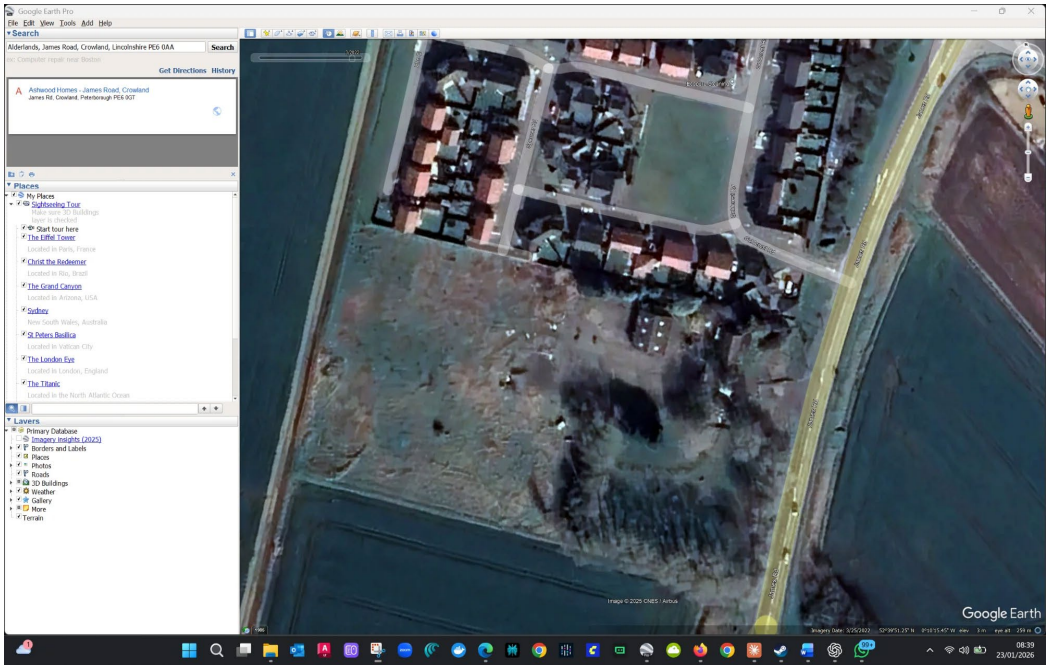



***Figure 7: Google Earth March 2022 — Site dormant during COVID period (hardstanding retained)***

### 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.

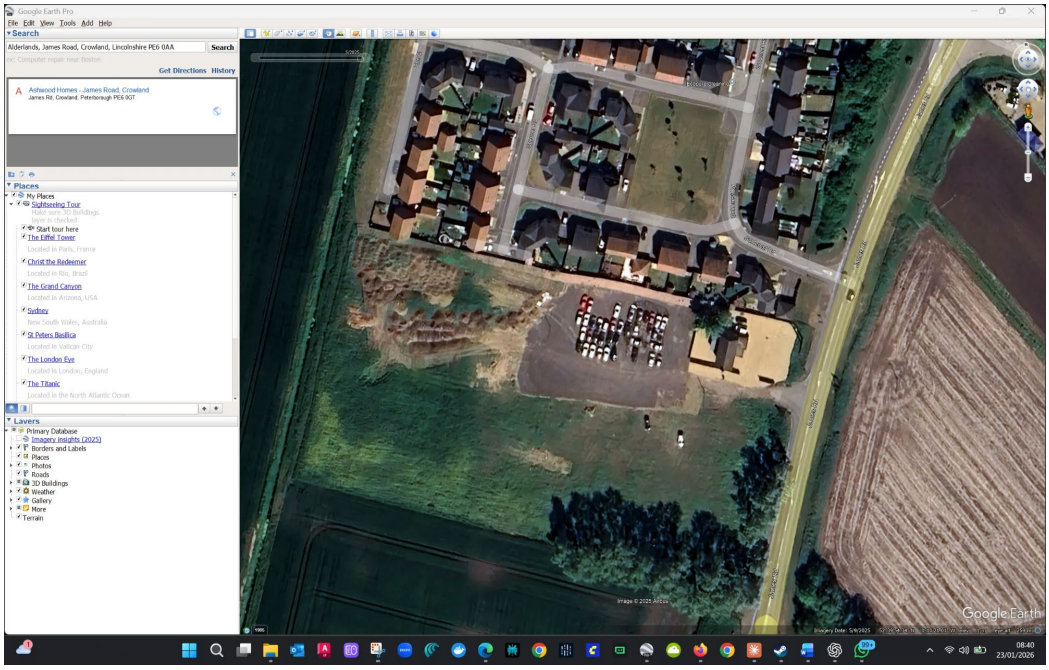



***Figure 8: Google Earth May 2025 — Current car storage use (reduced intensity)***

# 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**

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