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## **TOWN AND COUNTRY PLANNING ACT 1990**

### **PRIOR NOTIFICATION**

**Reference:** H03-0238-20 **Date of Decision:** 21st April 2020  
**Applicant:** Castle Roofing Supplies Ltd  
Six Score Road  
Deeping St Nicholas  
Spalding  
Lincs  
PE6 9QF  
**Location:** Castle Roofing Supplies Six Score Road Deeping St Nicholas Peterborough  
**Description:** Change of use from B1 (light industrial) to C3 (dwellinghouse)

**South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):**

- 1 The building the subject of this application was not in a B1(a) use, but has been used as a mixed B1/B8 use ancillary to the host business of Castle Roofing Supplies, which is a sui generis use. This is evidenced in the applicant's submissions.

As such, it is considered that the proposed works fail to satisfy the requirements of Schedule 2, Part 3, Class O and advice within the Planning Practice Guidance. As a consequence, the proposal is not permitted development under Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Notes:

The determined documents and plans are:

Application form

General Plan  
JDA/2020/400/SUR.001  
JDA/2020/400/SITE.001  
Supporting Statement JDA/2015/600  
Flood Risk Assessment JDA/2015/600  
Phase 1 Land Contamination Assessment/Preliminary Risk Assessment JDA/2015/600

As the site is located within Flood Zone 3, it is considered that the flood risks associated with the site and the proposed residential use, being a vulnerable category, it is considered that even if this proposal were to be able to be considered within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order

2015, prior approval would not be appropriate in this location.

It is also considered that Policies 1, 2, 3, 10, 11 & 17 of the South East Lincolnshire Local Plan (2019) would be relevant to the consideration of any future application for this proposal.

The future consideration of any residential use on this site would need to take in to account the current and previous uses of the site with regard to contamination of land or pollution of controlled waters, in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.



**Phil Norman**  
**Planning and Building Control Manager**  
**South Holland District Council**

#### **BUILDING REGULATIONS:**

This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or [bcadmin@sholland.gov.uk](mailto:bcadmin@sholland.gov.uk)

## 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 |                                   |                            |

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@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.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.