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TOWN AND COUNTRY PLANNING ACT 1990
LAWFUL USE CERTIFICATE

Reference: H04-0799-25 **Date of Decision:** 8th October 2025

Applicant: Mr & Mrs J Rice
The Hawthorns
2a Bicker Road
Donington
Spalding
PE11 4XP

Location: The Hawthorns 2a Bicker Road Donington Spalding

Description: Vehicular Access to rear of the site by means of a public right of way to be retained

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 Schedule 1 - Description of Use or Operation

Vehicular Access to rear of the site by means of a public right of way to be retained

Schedule 2 - Land Specified

The Hawthorns, 2A Bicker Road, Donington, Spalding, Lincolnshire, PE11 4XP

Reason for determining the use, operations or other matters to be unlawful:

Insufficient evidence has been provided to demonstrate that the public footpath has been used by vehicles over the past 10 years. Furthermore, even if it was considered that the footpath has been used by vehicles over the past 10 years, this would not enable the Local Planning Authority (LPA) to grant a certificate of lawfulness for the use of the site by vehicles. It is considered that consent would be required from the relevant landowner to

establish that the applicant can use vehicles on the footpath when required. The LPA's planning department is not able to grant this consent.

Notes:

The determined plans are:

Application Form
CHS 2 5 - 1 5 1 - 01 - Boundary Survey
J25214 PL01 - Location Plan, Existing & Proposed Site Plan
J25214 PL02 - Access Route - Existing & Proposed Access Plan
Planning Statement



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

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.