

Your ref:
Our ref: 1185-7 LMS SNL

20 January 2021

Submitted via email only

Planning and Building Control Manager
South Holland District Council
Council Offices
Priory Road
Spalding PE11 2XE

32 High Street, Helpringham,
Sleaford, Lincolnshire NG34 0RA
Tel: 01529 421646
Email: admin@rdc-landplan.co.uk
Web: www.rdc-landplan.co.uk

Dear Sir

MR GARETH FRANKLIN
SECTION 191 TOWN AND COUNTRY PLANNING ACT 1990
CERTIFICATE OF LAWFUL USE (EXISTING) FOR LAND AND OPERATIONS AT
MILL HOUSE FARM, ROMAN BANK, FLEET, SPALDING, PE12 8LW

Please find enclosed an Application under Section 191 for a Certificate of Lawful Use (existing) to regularise the existing use of land and buildings at Mill House Farm.

Following the submission and ongoing consideration of planning application H0-0851-20 for the erection of a new agricultural store at Mill House Farm, the local planning authority has taken the view that the proposed use of the building is more akin to that of industrial storage use rather than agriculture. This, according to the local planning authority, is due principally to the fact that although the site has always been used for agricultural purposes, because a significant percentage of the produce stored in the existing buildings is produced by third party growers, it cannot be classed as agricultural. Accordingly, we have been requested to submit either a Certificate of Lawful Use or a planning application to regularise the planning use of Mill House Farm.

Because the use of the site has not changed since 2000, we have therefore submitted this application under section 191 to regularise the use and to enable the local planning authority to carry and determine the current application to the extend the building.

Our client took ownership of the site and the business from Mr R Ellis in July 2018 and proceeded to carry on operating in an identical way ie: the importation of local produce and the storage of the same within the existing buildings on site. There was no break in the use of the site between Mr Ellis selling the site and our client taking ownership and even if there had been, the use of the site for the storage purposes became lawful for planning purposes around 2000 when in use almost exclusively in the manner claimed.

The burden of proof when considering a Certificate of Lawful Use rests with the applicant and accordingly, we have obtained letters from the former owner of the site and business, and from local growers and contractors, confirming our assertion that the site has been used in the manner stated in this application.



town planning



landscape architecture



architecture

 @RobertDoughtyConsultancy
 @RDC_Ltd
 robert-doughty-consultancy-limited

Robert Doughty Consultancy Limited
Registered in England No. 4084500
VAT Reg No. 364 7780 17

Page 2 of 2

Our ref: 1185-7 LMS SNL

20 January 2021

Planning and Building Control Manager
South Holland District Council

The level of proof is that in the balance of probability, the use has subsisted on the site for a continuous period of not less than 10 years from the date of our application. We can confirm that the site has in fact been in the current use for at least 20 years.

We would reiterate the point that this application is made at the request of the local planning authority. In the event it is unsuccessful, the obvious use of the site is therefore agricultural and our current application to extend the building can proceed as originally submitted.

Should you require any further information, please do not hesitate to contact us.

Yours faithfully

Robert Doughty Consultancy Limited

Robert Doughty Consultancy Limited

Enclosures: Location Plan
Site Plan



town planning



landscape architecture



architecture