

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H05-0063-21 **Applicant:** Mr G Franklin
Proposal: Use of site for storage of agricultural produce.
Location: Mill House Farm Fleet Bank Fleet
Terminal Date: 17th March 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

The application seeks the granting of a Certificate of Lawfulness for use of land/buildings at Mill House Farm for the purpose of the storage of agricultural produce.

Site Description

The site is located on the northern side of Fleet/Roman Bank and is occupied by a number of buildings.

Mill House (grade II listed) is situated to the south fronting onto Roman Bank. A house (Mill House Farm) is located immediately opposite. A bungalow (Mill Lodge) is situated some 100 metres to the west. Smiths Farm is approximately 300 metres to the east.

Planning History

H05-0398-98 - Agricultural Determination - Erect steel frame building extension, clad in box profile (Mr R Ellis) - Approved 28 May 1998.

H05-0472-01 - Erect agricultural store (J Ellis (Bulb & Flower Grower)) - Granted 20 June 2001.

H05-0382-02 - Agricultural store and canopy (J Ellis & Co) - Granted 7 June 2002.

H05-0868-02 - C/C - Details and position of plant/equipment (condition 3 of H05/0382/02) - approved 12 February 2003.

H05-0851-20 - Full - Erection of building for storage of agricultural produce and/or agricultural machinery - Withdrawn

Material Considerations

The application seeks the granting of a Certificate of Lawfulness for use of land/buildings at Mill House Farm for the storage of agricultural produce.

This is a legal determination and planning policy is not therefore relevant to the determination as to whether the claimed use is indeed lawful. The test which the application must meet is that the use has been on-going for a continuous period of 10 years, although it is not necessary for the use to be on-going at the time of the application provided the use has not been lost by operation of law (ie by way of abandonment, the formation of a new planning unit, or a further material change of use). The evidence submitted must be considered on the balance of probability.

The agent has submitted evidence stating that the applicant "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 the applicant 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".

Letters have been submitted from the former owner of the site and business, and from a number of local growers and contractors confirming that the site has been used for the storage of agricultural produce for a continuous period of at least the last ten years and that a significant percentage of the produce stored in the buildings has been produced by third party growers. As such it is classed as a storage as opposed to agricultural use.

On the balance of probability, therefore, it has been satisfactorily demonstrated that the use for the storage of agricultural products has subsisted on the site for a continuous period of not less than 10 years from the date of the application. There is no substantive evidence held by the Council to dispute this.