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TOWN AND COUNTRY PLANNING ACT 1990

Reference: H09-0912-24 **Date of Decision:** 6th December 2024
Applicant: Bakkavor
Sluice Road
Holbeach St Marks
Spalding
PE12 8HF
Location: Building H Sluice Road Holbeach St Marks Spalding
Description: Demolition of vacant factory building

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

- 1 The proposal fails to comply with points B.2 (b)(i), (b)(iv), (b)(v), and (b)(vii) of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

With regard to points i, iv, v and vii, the following can be concluded:

- (i) The prior approval submitted to the Local Planning Authority states that the demolition works shall be carried out 'late October', suggesting that the demolition works have commenced prior to the submission of a valid Prior Approval application.
- (iv) The site notice fails to provide a specific date for its display and as such, the Local Planning Authority are unable to determine whether or not the site notice was displayed for a period of not less than 21 days, in accordance with the requirements of (iv). In any event, the 'site notice' fails to comply with the interpretation of a site notice under B.3 (Interpretation of Class B) of Schedule 2, Part 11, Class B.
- (v) The site notice was intentionally removed by the applicant following discussions with the Local Planning Authority - as such, it appears that the notice was intentionally removed.
- (vii) Based on the information provided, it is reasonable to assume that the works have commenced prior to the expiry of 21 days of the site notice, and prior to one of the occurrences detailed within (vii)(aa), (vii)(bb) or (vii)(cc).

It is therefore considered that the proposal fails to comply with the requirements of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

It is accordingly not Permitted Development.

- 2 The site notice that has been displayed by the applicant for this submission fails to adequately comply with the requirements of B.3 (Interpretation of Class B) of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The site notice provided fails to provide a specific description of the building proposed to be demolished (criteria b), having only referred to the address as 'Building H', which fails to provide a clear or accurate description as to where the building is located.

The notice did not comprise a statement that the applicant has applied to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required (criteria c), the notice fails to provide a precise date in which the applicant proposes to carry out the demolition and states that the date for demolition is such that pre-dates when the prior approval application was submitted to the Local Planning Authority (criteria d), and did not include the name and address of the Local Planning Authority (criteria e).

It is therefore considered that this is not an acceptable or adequate site notice and fails to adequately comply with the requirements of B.3 (Interpretation of Class B) of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

As such, the proposal is not permitted development under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Notes:

The determined plans are:

Application Form
Site Notice & Site Location Plan
P24015-ARC-01-00-D-A-1002 Rev P03
Building Status Report



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.