DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H11-0755-25** | **Applicant:** | **Mr J Heading** |
| **Proposal:** | Storage facilities for shotguns, firearms and ammunition | | |
| **Location:** | 4a Gimmels Gate Long Sutton Spalding | | |
| **Terminal Date:** | 9th October 2025 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

**National Guidance**

**National Planning Policy Framework December 2024**

Planning Practice Guidance: Lawful Development Certificates 6th March 2014.

**Representations:**

| | Object | Support | No Obj. | Comments |
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CASE OFFICER ASSESSMENT

**Proposal**

The proposal seeks a certificate of lawfulness for the use of two buildings for the storage of shotguns, firearms and ammunition.

The application is made under Section 191 of the Town and Country Planning Act 1990. This states that if the local planning authority is provided with information satisfying them of the lawfulness, at the time of the application, of the development they shall issue a certificate to that effect and in any other case the application should be refused.

The relevant time limit in the change of use of any building is ten years, beginning with the date of the breach as set out under Section 171B(2) of the 1990 Act.

The application relates to two storage buildings. A shipping container located along the eastern boundary of the site is used for the storage of firearms and is approximately 2.5metres by 2.5metres in size. A further building of timber and profile steel construction, approximately 8.5metres by 9.5metres in size of flat roofed construction is located along the northern boundary and used for the storage of ammunition.

The application is supported by the following documents:

Location Plan

Sworn Statutory Declaration by the Applicant
Sworn Statutory Declaration by Third Parties
Google Earth Images
Confirmation of Storage by Lincolnshire Police
Postal Address Evidence
Supporting Evidence Submitted as Part of Application H11-0481-24
Planning Statement

## Site Description

Sutton Crosses comprises several groups of sporadic dwellings and buildings located along rural lanes to the south of the A17 and Long Sutton. The application site is a fenced area of hard surfacing, occupied by two storage buildings and a shed, located on Gimmel's Gate adjacent to other dwellings and buildings forming a cluster of sporadic development in open countryside close to the junction of Gimmel's Gate and Roman Bank.

## History

H11-1079-97: Temporary use for construction and exhibition/conference scenery, plus siting of 4 containers to store materials. Approved 3rd June 1998.
H11-0322-99: Erection of totally enclosed buildings for storage and assembly of stage scenery units. Approved 2nd September 1999.
H11-0829-19: Use for the siting of a residential caravan/lodge. Refused 9th December 2019.
H11-0931-20: Demolition of existing shed and replace with new brick shed (retrospective). Approved 18th December 2020.
H11-0934-20: Siting of touring caravan. Refused. Appeal dismissed 21st June 2021.
H11-0481-24: Storage facility for shotguns, firearms and ammunition. Refused 7th January 2025.

## Consultation Responses

No consultation has been undertaken.

## Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance no letters of representation have been received.

## Planning Considerations

The main issue in this case is:

Whether the local planning authority is satisfied, on the balance of all probabilities, that the buildings have been in use for the storage of shotguns, firearms and ammunition for a continuous period in excess of ten years.

## Evaluation

Section 191 of the Town and Country Planning Act 1990 states that if the local planning authority is provided with information satisfying them of the lawfulness, at the time of the application, of the development they shall issue a certificate to that effect and in any other case the application should be refused.

The relevant time limit in the change of use of any building(s) is ten years being with the date of the breach as set out under Section 171B(2) of the 1990 Act.

The burden of proof in satisfying the requirement of Section 191 falls to the applicant to establish that the use of the buildings for the storage of shotguns, firearms and ammunition commenced at least 10years before the date of the application, on or before 7th August 2015, and continued without any significant interruption thereafter.

Planning Policy Guidance sets out that if a local planning authority has no evidence itself, or any from other parties, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided that the applicant's evidence

alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

Whether the local planning authority is satisfied, on the balance of all probabilities, that the buildings have been in use for the storage of shotguns, firearms and ammunition for a continuous period in excess of ten years.

An application seeking a lawful development certificate for the use of the two buildings under application H11-0481-24 was refused in January this year for the following reason:

*Insufficient evidence has been submitted that establishes that the two storage units on site at 4A Gimmels Gate has subsisted for a continuous period of ten years with no cease in trade, that submitted records are not continuous for the entire 10 year period, police records show records that differ from the application premises showing both 4 and 4A Gimmels Gate, and information from Business Rates does not record a business operating from the site for 10 years. As such on the balance of probabilities the case has not been proven that the use has subsisted for 10 years on a continuous basis and it has therefore not been possible to establish a lawful use, immune from enforcement action. The use on site is therefore not a lawful use.*

As evidence, the applicant has submitted a signed and witnessed Statutory Declaration, and signed and witnessed Statutory Declarations by two separate third parties.

The applicant's Statutory Declaration states:

*The building edged in blue was erected 01/01/2000 and has been used as a commercial storage unit and is legally approved for firearm storage. Originally the building edged in blue was used for staging storage and workshops for my commercial business Flat Out Staging Ltd which started in September 1997 and ceased trading in March 2013 and was official dissolved in 2016. The building edged in blue has been used for ammunition storage since 2006 for personal and commercial use since 2014.*

*The building edged green is in the form of a shipping container and has been used to store firearms placed on the site in 2007.*

*Both buildings on the site have been approved legally for the storage of firearms and ammunition for over 15years in respect of the building edged blue and 10years in respect of the building edged green. Both these buildings are inspected annually by Lincolnshire Police and kept to the highest legal security standards enforced by Lincolnshire Police.*"

The Statutory Declaration from a third party, Gordon Berry, states he has stored his shotgun and cartridges in the respective buildings since 8th June 2012 and *"can confirm that the buildings showed edged blue and green on the Plan have been used by the Appellant as Firearms and ammunition storage from June 2012."*

The third Statutory Declaration is from Anna Madison, who states, *"firearms belonging to my former husband are stored in the secure facilities with Mr Heading at 4a Gimmels Gate and have been since 2013 to date."*

The record of the business Flat Out Staging Ltd on Companies House states this business started in September 1997, the last accounts were filed in March 2013 and the company was dissolved in March 2016. This factual information accords with the applicant's sworn Statutory Declaration. In addition, the supporting Planning Statement advises that there are no financial accounts or business rates paid for the firearms and ammunition business as it is not a commercial business, the applicant offers customers of the business The Priory Clay Target Centre Ltd the use of the storage facility free of charge, nor is the Registered Firearms Dealer licence held by the applicant a commercial business. Companies House records show The Priory Clay Target Centre Ltd as an active company.

Additional evidence provided by the applicant includes Google Earth images showing the presence of the buildings in 2016, along with a photograph provided by Lincolnshire Police from 2009 of the structures in situ. Whilst this evidence shows that the buildings have been present on the site for more than 10years they are not evidence that the structures have been used continuously during that period for the uses for which a lawful development certificate is sought. Moreover, little weight is attached to the supporting information provided which was submitted as evidence in respect of

application H11-0481-24 given that this was considered insufficient to grant a certificate under that application.

Nonetheless, considering the evidence contained within the Statutory Declarations, the dates of which are corroborated in part by information on Companies House, it is clear that the buildings have been used for shotguns, firearms and ammunition storage for a continuous period of more that 10years. The local planning authority has no evidence itself or from any other parties to contradict or otherwise make the applicant's version of events less than probable.

**Conclusion**.

The submitted evidence alone is sufficiently precise and unambiguous on the balance of probability, to demonstrate that the use of the buildings for the storage of shotguns, firearms and ammunition commenced on or before 7th August 2015 and has continued since first commencement for a continuous period of ten years prior to the submission of the Lawful Development Certificate on 7th August 2025.

It is considered that the use of the buildings for the storage of shotguns, firearms and ammunition has been justified in a manner sufficiently robust, precise and unambiguous to justify issuing a Certificate under Section 191 of The Town and Country Planning Act 1990.

**Additional Considerations**

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

**Recommendation**

It is recommended that the lawful development certificate is granted for the reasons set out in the report above.