

Planning Services
South Holland District
Council
Priory Road
Spalding
Lincolnshire
United Kingdom
PE11 2XE

24 April 2024

Dear Sir / Madam

Scania Spalding, 5 Wardentree Park, Pinchbeck, Spalding PE11 3ZN

Certificate of Lawfulness of Proposed Use or Development

We write on behalf of our client, Scania Spalding, to submit an application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) in relation a proposed extension of floorspace to their existing warehouse building located at 5 Wardentree Park, Spalding PE11 3ZN.

Scania is a world-leading provider of transport solutions, including trucks and buses for heavy transport applications combined with an extensive product-related service offering. Scania is also a leading provider of industrial and marine engines.

This application seeks confirmation that planning permission is not required for the proposed extension and is therefore compliant with A.3 (Class H) Parts H1 and H2 of Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended).

The site and planning history background

The Scania Spalding warehouse building is located at 5 Wardentree Park, Pinchbeck, Spalding PE11 3ZN.

The proposal site is within the defined settlement limits of Pinchbeck and within an industrial area. The surrounding area is characterised by buildings of varying ages, design and size. The image below shows the location of the site in relation to surrounding properties.



The planning history for the application site is as follows:

Reference	Location	Proposal	Received Type	Status
H14-0857-18	5 Wardentree Park Pinchbeck Spalding PE11 3ZN	Proposed signage	28-08-18 ADVERTISEMENT	Approved
H14-1122-03	Plot 5 Wardentree Park Wardentree Lane Spalding	Extension to distribution depot	11-09-03 FULL	Approved

The proposal

The proposal is to extend the existing warehouse/depot building currently used for storage of spare parts.

The proposed extension is on the south eastern elevation of the building and would cover 54 sqm with a loading eaves height of circa 4 metres. The proposed height of the roofline extension will be circa 4.6 metres. The proposed extension will be constructed in brick with a roof constructed from sheet tin. This will match the existing.

The additional floorspace will be used for additional storage of parts i.e. the same use as the existing building. The existing building extends to c700sqm

Purpose of CLOPUD Application

The purpose of this application is to confirm that the proposed floorspace extension would be lawful and does not require planning permission as it complies with conditions specific to extending or altering industrial buildings/warehouses (as set out below) and therefore complies with the provisions of the Permitted Development Order.

Class H, ‘The erection, extension or alteration of an industrial building or a warehouse’ - Part H (1) and (2) of Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended).

The PDO lists a number of criteria to be met with regards to proposed extensions to an industrial building or warehouse. The clauses relevant to this proposal are listed below.

Part B of H(1) states that ‘*Development is not permitted by Class H if...*

(b)the gross floor space of the original building would be exceeded by more than

(i)in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser)’.

Other relevant clauses include:

‘(d)the height of the building as extended or altered would exceed—

(i)if within 10 metres of a boundary of the curtilage of the premises, 5 metres;

(ii)in all other cases, the height of the building being extended or altered;

(e)any part of the development would be within 5 metres of any boundary of the curtilage of the premises;

(f)the development would lead to a reduction in the space available for the parking or turning of vehicles’.

Part H (2) states that an extension or alteration of an industrial building is permitted by Class H subject to the following conditions:

- (a) the development is within the curtilage of an existing industrial building or warehouse;*
- (b) any building as erected, extended or altered is only to be used—*
 - (i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;*
 - (ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;*
- (c) no building as erected, extended or altered is used to provide employee facilities—*
 - (i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or*
 - (ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 1999 M18'*
- (d) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and*
- (e) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.*

The procedure

The procedure under section 192 of the TCPA 1990 for the LPA to issue a CLOPUD needs to establish that:

- a) A proposed use is lawful; or
- b) Any operations that are proposed in, on, over or under the land are lawful.

In accordance with Section 192 of the Act, applications for Lawful Development Certificates for proposed use are required to include the following information:-

- a) Specify the land to which it relates

The application relates to a warehouse building located at 5 Wardentree Park, Pinchbeck, Spalding PE11 3UG.

b) Describe the use or operation in question;

The current operation is for industrial purposes (storage of truck parts);

c) Give the reasons for determining the use or operations to be lawful:-

Summary - Planning permission is not required for the proposed extension of existing floorspace because it falls under the terms of Permitted Development Rights for industrial warehouse/buildings.

The proposal accords with criteria within **Class H, 'The erection, extension or alteration of an industrial building or a warehouse'** - Part H (1) and (2) of Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended).

In summary the proposal accords with the above as it fulfils the following criteria:

Part H1:

- Does not exceed more than 10 percent of the existing floorspace or 500 square metres (whichever is lesser);
- The proposed height of the extension does not exceed the existing building and the building is 14m away from the curtilage of the site;

The proposal meets the following conditions of Part H2:

- the development is within the curtilage of an existing industrial building;
- the extended building is only to be used for additional storage area for the existing building operations;
- the extension is proposed to be constructed in materials that have a similar external appearance to those used for the existing building;

Planning Balance/Assessment

Nature of the proposed extension – The proposed extension will add 54 sqm of additional floorspace to the existing warehouse building to be used for storage purposes for truck parts. The extension is 14m away from the curtilage of the site and extends to 4.6m tall (which is lower than the height of the existing building).

No Article 4 Direction has been introduced in this area and as a result, the overriding criteria/conditions are set out in Part H (2) of Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended).

d) Specify the day of the application for the certificate

The date of this application is the date shown on this covering letter.

It is for the local authority to make a decision of whether or not to grant a CLOPUD, essentially as to the legality of the proposed works. Matters relating to the planning merits of the proposals are not relevant in the determination of a CLOPUD.

This application seeks to demonstrate that the proposed extension constitute Permitted Development and do not require an application for planning permission by virtue of the works meeting the relevant criteria related to the proposed extension of the warehouse building. This application is seeking a Certificate of Lawfulness to confirm this position.

Application Documentation

The application is submitted via the planning portal (Ref: PP-13004633) and contains the following documents:-

Covering letter

Application forms

Site location plan

Existing and proposed planning drawings

We look forward to receiving confirmation that this Certificate submission has been received and validated and if you have any further queries please contact Faye Wright of this office on 07812 140 099

Yours faithfully



For and on behalf of

Forward Planning and Development Limited