

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H14-0948-25      **Applicant:** Industrotech Ltd  
**Proposal:** Installation of 2 doorways for goods in & out & reposition 1 fire exit  
**Location:** The Flaxmill Flaxmill Lane Pinchbeck  
**Terminal Date:** 4th December 2025

### Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

### National Guidance

National Planning Policy Framework December 2024

### Representations:

	Object	Support	No Obj.	Comments
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## CASE OFFICER ASSESSMENT

### Description of Proposal

This is a lawful development certificate application made under Section 192 of the Town and Country Planning Act, 1990, seeking to ascertain whether the installation of 2 doorways for goods in & out & reposition 1 fire exit at the Flaxmill, Pinchbeck would be lawful.

### Site Description

The site is within the settlement boundaries of Pinchbeck, as outlined within the South East Lincolnshire Local Plan, 2019. The site is a large commercial building located towards the west of the settlement. The river Glen runs immediately to its west. Crossgate Bridge is approximately 30m north of the site. The site is comprised of various uses, which primarily fall within Use Class B2, B8 or E.

### Relevant History

H14-0513-81 - Outline - Erection of single span steel and asbestos/iron structure. Approved 29/04/81

### Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

### 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.

## **Key Planning Considerations**

### Evaluation

The planning history for the site has been investigated. As detailed within the submission, no planning application was submitted or can be retrieved in relation to the creation of doors, described within this lawful development application. Subsequently the Local Planning Authority has not granted permission for this development. Permitted Development rights had not been removed by any previous permissions

### Relevant Statutory Provisions

In relation to proposed uses, Section 192 of the Town and Country Planning Act, 1990, states that:

"(1) If any person wishes to ascertain whether-

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall-

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use or operations to be lawful; and

(d) specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness."

Furthermore, Section 3 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) provides that:

"(1A) Subject to the provisions of this Order, where a building or other land is situated in England and is used for a purpose of any class specified in - (a) Part B or C of Schedule 1, or (b) Schedule 2, the use of that building or that other land, or if specified, the use of part of that building or the other land ("part use"), for any other purpose of the same class is not to be taken to involve development of the land.

(2) References in paragraph (1) and (1A) to a building include references to land occupied with the building and used for the same purposes.

(3) A use which is included in and ordinarily incidental to any use in a class specified in Schedule 1 or 2 is not excluded from the use to which it is incidental merely because it is specified in Schedule 1 or 2 as a separate use."

### Existing Use Class of the Building

Within the submitted application form, the existing Use Class of the building is stated to be B2 and E. The building is made up of several different units which are broadly independent of each other, bar sharing services such as entrances.

The proposed roller doors would serve Units 3 and 6, with the fire exit also serving Unit 6. These units are occupied by Class E uses. It is considered that the individual units can be considered as individual planning units considering that the doors would not be a shared piece of infrastructure.

General Permitted Development Order, 2015 - Schedule 2, Part 7, Class A

Schedule 2, Part 7, Class A of the Town and Country Planning (General Permitted) (England) Order 2015 (as amended) (GPDO) allows for the extension or alteration of a commercial, business or service establishment.

Section A.1 of the GPDO outlines that development is not permitted by Class A if

*"(a) 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*

*(aa) article 2(3) land, or*

*(bb) a site of special scientific interest,*

*25% or 50 square metres (whichever is the lesser);*

*(ii) in any other case, 50% or 100 square metres (whichever is the lesser);*

*(b) the height of the building as extended would exceed 4 metres;*

*(c) any part of the development (other than an alteration)*

*(i) is on land which*

*(aa) adjoins other premises which are used for a purpose falling within any of the classes in Part C (residential premises or institutions) of Schedule 1 to the Use Classes Order,*

*(bb) is article 2(3) land, or*

*(cc) is a site of special scientific interest, and*

*(ii) is within 2 metres of any boundary of the curtilage of the premises;*

*(d) the development would be within the curtilage of a listed building;*

*(e) any alteration would be on article 2(3) land;*

*(f) the development would consist of or include the construction or provision of a verandah, balcony or raised platform;*

*(g) any part of the development would extend beyond the front of any existing building ;*

*(h) the development would involve the insertion or creation of a new shop front or the alteration or replacement of an existing shop front; or*

*(i) the development would involve the installation or replacement of a security grill or shutter on a shop front."*

Assessing the proposal against the above, it is considered that the limitations have been met and the proposal can be considered to be permitted under Class A, subject to conformity with the relevant conditions outlined in A.2. These are considered below.

*Development is permitted by Class A subject to the following conditions*

*(a) any alteration is at ground floor level only;*

*(b) any extension 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; and*

*(c) any extension or alteration is only to be used as part of, or for a purpose incidental to, the use of the commercial, business or service establishment."*

The conditions of A.2 have been met. The proposed doors are at ground level and would be incidental to the existing commercial uses on the site. On this basis, the requirements of Class A have been met.

A.3 clarifies that for purposes of Class A " commercial, business or service premises " means a building, or part of a building, used for any purpose within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order and includes buildings with other uses in other parts as long as the other uses are not within the parts being altered or extended". As outlined in this report, the proposal would comply with this interpretation, seeing as the development would

only serve the individual units.

The proposal conforms to the above requirements, and can therefore be considered to be permitted development under Schedule 2, Part 7, Class A of the GPDO.

## **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.

## **Conclusion**

The planning history of the site was investigated and permitted development rights had not been removed by any previous permissions. The proposed extension conforms to the limitations of Schedule 2, Part 7, Class A of the General Permitted Development Order, 2015.

Further to the above assessment, the proposal, if built fully in accordance with the submitted plans, would constitute permitted development under Schedule 2, Part 7, Class A of the General Permitted Development Order, 2015.

## **Recommendation**

Based on the assessment detailed above, it is recommended that the proposal should be deemed lawful under Delegated Authority.