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TOWN AND COUNTRY PLANNING ACT 1990 PRIOR NOTIFICATION

Reference: H20-0239-26 **Date of Decision:** 14th May 2026
Applicant: Mitch-Tech Group Ltd
Lynn House
Mill Lane
Sutton St James
Spalding
PE12 0EJ
Location: Lynn House Mill Lane Sutton St James Spalding
Description: Change of Use of Barn to Flexible Commercial Use

South Holland District Council, in pursuance of the provisions of the Town and Country Planning Act 1990 (as amended), hereby give notice that permission has been REFUSED (or equivalent) for the development referred to above, for the following reason(s):

- 1 Schedule 2, Part 3, Class R of the General Permitted Development Order, 2015, permits the change of use of agricultural buildings to a flexible commercial use falling within Use Classes B2, B8, C1, E, or F2(c).

Paragraph R.2(d) expands on this, stating:

"where the site is to be used for general industrial purposes within Class B2, it must only be used for the processing of

(i) raw goods, excluding livestock, which are produced on the site and are to be sold on the site, or

(ii) raw goods mentioned in paragraph (i) together with goods ancillary to the processing of those raw goods"

Whilst a final specified use has not been stated on the submitted application form, it has been indicated by the Applicant that the intended principal activity of the proposed use would be the fabrication of pipe work, utilising bare steel from a mill. It is considered that

the proposed use would B2 in nature. However, the proposal would not involve the processing of raw goods produced on site, as the steel would have to be imported from a steel mill offsite.

As such, the proposed use would exceed the limitations of Class R, and would therefore not constitute permitted development under Schedule 2, Part 3, Class R of the General Permitted Development Order, 2015.

- 2 In any event, if the proposal was to be assessed as a flexible commercial use, without a specified final use/use class, then the necessary assessment under Paragraph R.3(1)(b) of the General Permitted Development Order, 2015, could not be reasonably undertaken. The transport and highways impacts and the noise implications would vary so substantially between alternative uses permitted under Class R, that an assessment on all eventualities could not reasonably be taken.

As such, it cannot be said that the proposal would not have an unacceptable impact with regard to the conditions listed in R.3(1)(b), and accordingly, Prior Approval would be required.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

The determined plans are:

- 1752-P-301 Rev 1.0 - Site Location Plan
- 1752-P-108 Rev 1.0 - Workshop - Proposed Elevations
- 1752-P-107 Rev 1.0 - Workshop - Layout & Roof Plan (Proposed)
- 1752-P-115 Rev 1.0 - Barn Structure - Existing Elevations
- 1752-P-114 Rev 1.0 - Barn Structure - Existing Layout & Roof Plan
- Supporting Statement
- Hix & Son Brochure for Farm Machinery Sale
- Evidence to Verify Application
- Flood Risk Assessment, dated March 2026, prepared by Innervision Design



Phil Norman

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://appeal-planning-decision.service.gov.uk/before-you-start>. 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.