Kingsley Smith Solicitors LLP
The Joiners Shop
The Historic Dockyard
Chatham
Kent
ME4 4TZ

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990
PRIOR NOTIFICATION

Reference:	H20-0574-26	**Date of Decision:**	6th August 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 agricultural building to flexible commercial use pursuant to Class R		

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 following:
"Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use -
(a)falling within one of the following provisions of the Use Classes Order
(i)Class B2 (general industrial) of Schedule 1;
(ii)Class B8 (storage or distribution) of Schedule1;
(iii)Class C1 (hotels) of Schedule 1;
(iv)Class E (commercial, business or service) of Schedule 2; or
(v)Class F.2(c) (outdoor sport or recreation) of Schedule 2; or
(b)for the provision of agricultural training"

The Order is explicit that a use must fall within one Use Class. The Supporting Statement,

submitted as a part of this application by the Applicant, has explicitly requested a change of use to an E(g) and a B8 use. As two uses are proposed, the parameters of Class R of the General Permitted Development Order, 2015 have been exceeded.

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 Notwithstanding the above reason for refusal, it is considered that the intended use of the building, as described within the submitted Supporting Statement, would fall within a B2 Use Class.

Paragraph R.2(d) states:
"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 and maintenance of various equipment. It is considered that the proposed use would be B2 in nature. However, the proposal would not involve the processing of raw goods produced on site, as the steel and goods would have to be imported from areas 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.

3 Notwithstanding the above reasons for refusal, the proper function of the proposed business would necessitate land outside of the defined site area, as outlined in red within drawing no. 1752-P-301 Rev 1.0. As such, the long term parking, highways/access, and noise implications cannot be assured indefinitely, given that they would fall outside of the 'red line' site and could be severed at a later date. Accordingly, the proposal would exceed the limitations of 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-302 Rev 1.0 - Existing Site Layout
-Evidence/Supporting Information to Verify Application
-BNG Exemption Statement
-Flood Risk Assessment, dated March 2026



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://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.