DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0997-21**	**Applicant:**	**Mr R Taylor**
Proposal:	Use of site as light industrial, horticultural & agricultural		
Location:	Stockwell Gate Holbeach Spalding		
Terminal Date:	17th December 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Not applicable for a S191 application as it is a legal determination.

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks the granting of a Certificate of Lawfulness for use of land/buildings at Stockwell Gate for use as light industrial, horticultural & agricultural.

Site Description

The site is located on the northern side of Stockwell Gate East and is occupied by a range of buildings, plus hardstanding. It is surrounded by perimeter fencing, with two main access points.

A house (Rose House) and bungalow (Canina Lodge) are located to the east of the premises.

Recent Planning History

H23-0329-92 - Full - Change of use of land for lorry/car park - Granted 1 April 1993.

H23-0915-93 - Full - Change of use to workshop and store - Granted 22 December 1993.

H23-0089-96 - Full - New fascia to existing building - Granted 13 March 1996.

Material Considerations

The application seeks the granting of a Certificate of Lawfulness for use of land/buildings at Stockwell Gate for use as light industrial, horticultural & agricultural.

This is a legal determination and planning policy is not therefore relevant to the determination as to whether the claimed use is indeed lawful. The test which the application must meet is that the use has been on-going for a continuous period of 10 years, although it is not necessary for the use to be on-going at the time of the application provided the use has not been lost by operation of law (ie by way of abandonment, the formation of a new planning unit, or a further material change of use). The evidence submitted must be considered on the balance of probability.

The applicant has submitted evidence indicating what each unit within the site has been used for, which is as follows:

Unit 1 - Owner occupied (A W Taylor Ltd?). Insufficient details have been submitted relating to its use over the last 10 years.
Unit 2 - Owner occupied. Farm stores prior to 2019. Used by TCM Distribution from 2019 - present. TCM's business is the sale of plants and distribution from grower to retailer (horticultural delivery/distribution service).
Unit 3 - Alpha Handling & Forklifts (1990's - 2005). Presently an agricultural use.
Unit 4 - Drains R Us (2010- present). Storage of equipment. Drainage specialists in clearing blocked drains, etc.
Unit 5 - Pyramid Home Improvements (2018-2020). Presently Robin Hood Electrical?
Units 6 -10 - Mainly empty because incomplete.
Unit 11 - Production Line Maintenance Ltd (Storage of equipment) - 2018-2021. Electrical installation? Presently vacant. No details submitted of who occupied the unit prior to 2018.
Unit 12 - Empty because incomplete.

Yard - Used as parking area for farm machinery, equipment and trailers, plus occupants of units.

It is considered that insufficient evidence has been submitted to demonstrate that the site has had a continuous mixed use of light industrial, horticultural & agricultural for a period of at least ten years. Moreover, some of the uses referred to, for example horticultural distribution and storage (Use Class B8), do not appear to fall within a light industrial (Class E), horticultural or agricultural use.

Given the above it is therefore recommended that the application for a certificate of lawful use be refused.