

NOTICE OF REFUSAL TO ISSUE A CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

APPLICATION NO: PA/2024/174

Address/Agent:

Mrs Angela Simmonds
Mark Simmonds Planning Services
Mercury House
Willoughton Drive
Foxby Lane
GAINSBOROUGH
DN21 1DY

Applicant: Mr Richard Mills

North Lincolnshire Council hereby certify that on 14/12/2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and outlined in red on the plan attached to this Certificate would not have been lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:

In the context of relevant case law, it is the authority's view based on the information provided with this application that the operational development is associated with the change of use of the land but is not a fundamental component of the change of use. On the basis of information provided, the material change of use of the land occurred in August 2019, less than ten years ago. Having regard to relevant case law the local planning authority do not consider that the operational development is lawful for the purposes of development control, due to its relationship to an unauthorised change of use and it is subsequently not considered to be immune from planning enforcement action.

It is therefore recommended that a certificate of lawfulness under Section 191 of the Town and Country Planning Act 1990 (as amended) be refused.

First Schedule: Application for a lawful development certificate for existing operational development comprising of the construction of an area of hardstanding

Second Schedule: land at Sandtoft Industrial Estate, Doncaster, DN9 1PN

Dated: 28/02/2025

Signed:



**PP Rebecca Brown
Development Management Lead**

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 to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

Please note however:

If your application was for **householder development** (dwelling house extensions, alterations, garages, swimming pools, walls, fences, vehicular access, porches, satellite dishes etc) or for a minor commercial application then you must do so **within 12 weeks** of the date of this notice.

- Appeals can be made online at <https://www.gov.uk/planning-inspectorate>. 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 he 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 him 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 a development order.
- 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@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#)

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants 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 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 Part V1 of the Town and Country Planning Act 1990.