

Refusal of Planning Permission

Name and address of applicant

V.W. Breakers UK Ltd
The Old Smithy
Highgate
Leverton
Boston
PE22 0AW

Name and address of agent (if any)

Design and Management.co.uk
West Fen
Frithville
Boston
PE22 7EX

Part I - Particulars of application

Date of application:
17 February 2022

Application No.
B/22/0201
LCC Ref. No.
PL/0035/22

Particulars and location of development:

For change of use from Use Class B1/haulage depot to end of life vehicles (ELV) dismantling facility at V.W. Breakers UK Ltd, The Old Smithy, Highgate, Leverton

Part II - Particulars of decision

The Lincolnshire County Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **permission has been refused** for the carrying out of the development referred to in Part I hereof for the following reasons:-

1. The proposed development lies within the open countryside and would establish an entirely new small-scale waste management facility in a rural location. The site is not well located to the market or source of wastes that is intended to serve and the applicant has failed to demonstrate a proven need or sufficiently robust case to justify the establishment of such a facility in this rural location. The proposed development is therefore contrary to Policy 1 of the South East Lincolnshire Local Plan and has failed to demonstrate full compliance with Policy W7 of the Lincolnshire Minerals and Waste Local Plan.

Date: 26 July 2022

County Offices, Newland,
Lincoln LN1 1YL

N McBride

Head of Planning
Lincolnshire County Council

2. The closest residential property to the development immediately abuts the proposal site. The property is in separate ownership to the proposal site and is no longer financially linked or associated with the current permitted use(s) of the site. Insufficient evidence or information has been presented to demonstrate that impacts such as noise could be controlled to an acceptable level or to support or justify exposure of the residents (current and future) to higher levels of noise or disruption than might otherwise be acceptable. The development therefore has the potential to have an unacceptable adverse impact on the amenity of the residents of this property and so is contrary to Policy 2 of the South East Lincolnshire Local Plan and Policy DM3 and full compliance with Policy W7 of the Lincolnshire Minerals and Waste Local Plan.
3. The existing corrugated steel fencing and use of storage containers and trailers as a form of boundary treatment around the site is not appropriate as they have an unacceptable visual impact and are incongruous with the rural character and charm of the local area. The retention of these structures is therefore not suitable and is contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan and Policies DM3, DM6 and full compliance with Policy W7 of the Lincolnshire Minerals and Waste Local Plan.

Informative

Attention is drawn to:

- (i) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by seeking further information from the applicant in response to issues raised and processing the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of receipt of this notice. (Appeals must be made either electronically via the Planning Portal at <https://www.gov.uk/government/organisations/planning-inspectorate> or by using a form which can be obtained by contacting the Customer Support Team on 0303 444 00 00). The Secretary of State has a power to allow a longer period for the giving notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving of a notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by them. Please note, only the applicant possesses the right of appeal.
2. Applicants that want a planning appeal to follow the Inquiry procedure should notify the local planning authority and the Planning Inspectorate at least 10 working days before submitting their planning appeal. Further information and a copy of the template notification form can be found here: <https://www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal>
The form should be emailed to Lincolnshire County Council at dev_planningenquiries@lincolnshire.gov.uk and the Planning Inspectorate at inquiryappeals@planninginspectorate.gov.uk
3. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, they may serve on the council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
4. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.