



**Hinckley & Bosworth
Borough Council**

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Application for a Lawful Development Certificate for an Existing Use or Operation or Activity, including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Matthew

Surname

Thompson

Company Name

Address

Address line 1

16 Trent Bridge

Address line 2

Address line 3

Town/City

Coalville

County

Leicestershire

Country

United Kingdom

Postcode

LE67 4EE

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- ☒ An existing use
☐ Existing building works
☐ An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

This application seeks a Certificate of Lawfulness under Section 191 of the Town and Country Planning Act 1990 to confirm the existing lawful use of the land and building known as the Former Water Tower, Roe House Lane, Leicestershire, as falling within Use Class B8 (Storage and Distribution) under the Town and Country Planning (Use Classes) Order 1987 (as amended).

The land and building comprise a single planning unit consisting of:

A disused but structurally sound reinforced concrete water tower (constructed in 1973);

The immediately surrounding enclosed compound, historically used for operational access and service infrastructure associated with the tower.

The current activity includes:

The external storage of intermediate bulk containers (IBCs) of molasses—both full and empty—used in distillery operations.

The storage of materials and other equipment relating to ongoing site maintenance and preparation.

Periodic vehicle access for the delivery and removal of stored items.

Passive use of the internal structure of the water tower as part of the overall planning unit.

No building works have been undertaken that would constitute development requiring planning permission.

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

Where the use, building works or activity began **before 25 April 2024**

- ☒ The use began more than 10 years before the date of this application
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The change of use to use as a single dwelling house began more than four years before the date of this application.
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Where the use, building works or activity began on or after 25 April 2024

- ☐ The use, building works or activity began more than 10 years before the date of this application.
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years.
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- ☐ Yes
- ☒ No

Please state why a Lawful Development Certificate should be granted

The previous planning application (23/01176/FUL) submitted by the former owner described the site as containing 103 sqm of B8 floorspace. This was accepted without objection by both the Council and Planning Inspector during consideration and appeal.

The building originally operated as a functional water tower following its construction in 1973. Case law and planning appeal decisions (including APP/F9498/W/15/3134763, APP/X1118/W/18/3194959, and APP/P1133/W/16/3163943) have consistently confirmed that the storage of water within a tank or tower constitutes a Class B8 use.

No lawful planning permission has ever been granted to change the use of the building or site to any other class. The temporary introduction of telecommunications apparatus (via GDO consents in 1997 and 1999 and a full application in 2006) did not constitute a material change of use, nor was the site ever subdivided into separate planning units. The apparatus was ancillary and reversible (and has since been reversed with no physical sign of its existence remaining), and no internal works were carried out.

The site remains a single coherent planning unit. Following removal of telecoms equipment (believed completed c.2014–2015), the current use includes open-air storage of IBCs and distillery infrastructure. The building itself, though not currently accessed internally, is in sound condition and remains integral to the overall site use.

On the balance of probabilities, there has been no material change of use, no abandonment, and no breach of conditions. Accordingly, the applicant respectfully requests that the Council issue a Certificate of Lawful Existing Use for Class B8 (Storage and Distribution).

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

24-08-1973

In the case of an existing use or activity in breach of conditions has there been any interruption?

- ☐ Yes
- ☒ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

☐ Yes

☒ No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

☐ Yes

☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes

☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

☐ The agent

☒ The applicant

☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes

☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

N/A

Date (must be pre-application submission)

01/07/2025

Details of the pre-application advice received

informal advise was received from Tim Hartley by email on 1st July in relation to the planning classification of the former water tower. The council indicated that a certificate of lawful existing use would be the most appropriate mechanism for determining the status of the site. it was also confirmed that professional representation was not considered necessary for such an application.

Tim Hartley is quoted in this email exchange as saying (on the 10th July) "as previously set out, thinking that the tower has a B8 use is not an unreasonable starting point and indeed might be the end point also"

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
☐ Lessee
☐ Occupier
☐ Other

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff**
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
☒ No

Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Matthew Thompson

Date

28/07/2025