



South Tyneside Council

Reference:	250757
Location:	Faltec Europe 5 Didcot Way Boldon Colliery NE35 9PD
Ward:	Boldon Colliery
Description:	Application for a Lawful Development Certificate for the proposed construction of a new substation
Recommendation:	
Case Officer:	Emma Thomas
Case Officer Contact No.:	0191 4247593 or 07741105284

Description of the Site

This application relates to an existing industrial unit in Boldon Business Park, Boldon Colliery.

Description of the Proposal

This application is for a lawful development certificate for the proposed construction of a detached substation which would be located adjacent to the EV car parking bays within the curtilage of premises. The proposed substation is required to provide electrical infrastructure necessary to support the continued operation of the undertaking from the existing premises.

Summary of Consultation Responses

Not applicable.

Summary of Representations

No responses received

Legal context & government guidance

Section 192 (1) of the Act States:

If any person wishes to ascertain whether— (a)any proposed use of buildings or other land; or (b)any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question

Section 192 (2) of the Act States:

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Section 192 (4) of the Act States:

The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

Government Guidance (online and in relation to lawful development certificates for proposed development under section 192) includes that:

“A local planning authority needs to ask “if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?”

Government Guidance (online, with respect of proposed development under section 192) goes on to state that, in the granting of an application it means that:

“any proposed use or development in accordance with it must be presumed as lawful, unless there is a material change before the use or development has begun (section 192(4)). Examples of such a material change include:

- a direction under article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 taking away the particular permitted development right relevant to the certificate; or*
- a statutory amendment to permitted development rights”*

Assessment of the details submitted by the applicant and other evidence of the Council

The application seeks a certificate of lawful development for the proposed construction of a substation adjacent to the EV car parking bays. The application site is located on Didcot Way within the Didcot Way Industrial Estate. There are no permitted development rights removed for this address.

The premises is a lawful B2 (General Industrial) use. Permitted development rights for ‘the erection, extension or alteration of an industrial building or a warehouse’ are set out in Schedule 2, Part 7, Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed detached substation enclosure located within the curtilage of a lawful B2 premises meets the relevant Class H limitations, including being less than 200m² GFA and less than 10% of the GFA of the original building, more than 5m from all boundaries, compliant in height, and causing no reduction in parking/turning. Therefore, the proposed development meets the requirements and does not conflict with this part of the GDPO.

Therefore, based on the submitted information, it is considered that the proposed development would not require planning permission, as it would be permitted development under Schedule 2, Part 7, Class H of the GDPO.

As such, it is recommended that a Lawful Development Certificate is granted.

Recommendation

Grant Permission No Conditions

List of plans etc. for standard note on decision

Plan Reference

Drg. No. 00_051 Rev P01 - Proposed Elevations - Received 10/12/2025

Drg. No. 00_900 Rev P01 - Proposed Site Plan - Received 10/12/2025

Drg. No. 90_001 Rev P01 - Site Location Plan - Received 10/12/2025

Case officer: Emma Thomas

Signed: *Emma Thomas*

Date: 28/01/2025

Authorised Signatory: Seán Gallagher

Date: 29/01/2026