



Our Ref:RMID2319/L05

8 October 2018

The Planning Inspectorate
Room 4a
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Sir/ Madam,

**ENFORCEMENT APPEAL
STRATFORD ON AVON DISTRICT COUNCIL CASE NUMBER 16/00732/ENGENTF
GAYDON SERVICE STATION, BANBURY ROAD, GAYDON, CV35 0HA**

Appeal on behalf of:

- **Euro Garages Ltd, Euro House, Beehive Trading Park, Haslingden Road, Blackburn, BB1 2EE**

The enforcement notice relates to the alleged breach;

“Without planning permission, the erection of two extensions (in the approximate positions shaded on the Plan) and associated engineering operations to reconfigure the parking layout on the land.”

The purpose of the appeal is set against ground f and g, that is;

- f) that changes could be made to make the development acceptable;**
- g) that the time proposed is too short.**

For clarity, this submission will set out the response to the Enforcement Notice in respect of the grounds outlined above.

Appeal on Ground F

The Notice requires that the extensions to the shop are demolished and elevations reinstated and that the parking layout and kerb lines are reinstated to that permitted in 2005.

The unauthorised development has been subject to a planning application 16/02749/FUL and an appeal APP/J3720/W/17/3190869. Both the council officers and the Planning Inspector considered that the extensions to the shop were acceptable and complied with relevant national and local planning policies.

The application and appeal were dismissed on highway grounds due to insufficient visibility splays. In his decision, the Inspector confirmed the visibility splays required to ensure the highway safety is maintained.

The Appellant is in the process of finalising an application for retrospective planning permission for the extensions to the shop and for proposed amendments to the parking layout to ensure the required visibility splays are delivered. The application is due to be submitted in the next few days, Planning portal reference PP07323252. The attached plans 'Proposed parking with swept path and visibility splay, and Parking layout by Capita to be submitted with the application show that minor amendments can be made to ensure the provision of additional car parking on the site that has no detriment to highway safety.

It is considered that an application for retrospective consent for the extensions to the shop and for planning permission for amendments to the parking layout will provide a suitable remedy to the alleged breach.

Appeal on Ground G

The Appellant considers it unreasonable to enforce against the extensions to the shop and parking layout and considers the development is acceptable. If the appeal is dismissed it is considered more time should be given to comply with the notice.

Stratford on Avon Council has given 4 months to comply with the notice which requires;

- Demolition of the extensions
- Reinstatement of the elevations of the sales building
- Removal of all materials associated with the demolition of the extensions from the site
- Reinstatement of the previous parking arrangement
- Reinstatement of the previous kerb lines.

The extensions to the shop are currently occupied by a franchise providing food and beverages for passing motorists. The second extension is used as storage for the petrol filling station shop.

Amendments to the store layout and alternative storage arrangements would have to be made for the short and longer term prior to the removal of the extensions. The structures would then have to be demolished and the resulting debris removed, which would then require more time for organisation and to undertake the demolition in a proper and safe manner.

The additional parking spaces are used by customers visiting the site, the reinstatement of the previous layout would require time for organisation to undertake the works in a proper and safe manner.

To make the changes outline in Section 5 of the Enforcement Notice, the Appellant respectfully requests that a period of at least 6 months be given for compliance.

I trust that the above and completed appeal form are in order and allow for the appeal to be validated. I look forward to hearing from you in due course, however, if I can be of any further assistance then please do not hesitate to contact me on 0114 3540220.

Yours faithfully

Rachael Martin

**Rachael Martin BA (Hons) DIP TP, MRTPI
Associate**

Enc – As detailed above

The Planning Inspectorate

ENFORCEMENT NOTICE APPEAL FORM (Online Version)

WARNING: The appeal **must** be received by the Inspectorate **before** the effective date of the local planning authority's enforcement notice.

Appeal Reference: APP/J3720/C/18/3213430

A. APPELLANT DETAILS

Name

...

Company/Group Name

Euro Garages Limited

Address

Euro House
Beehive Trading Park Haslingden Road
Blackburn
BB1 2EE

Preferred contact method

Email Post

A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice?

Yes No

B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes No

Name

Mrs Rachael Martin

Company/Group Name

ID Planning

Address

I D Planning, 7th Floor, The Balance
2 Pinfold Street
SHEFFIELD
S1 2GU

Phone number

01143540220

Email

rachael@idplanning.co.uk

Your reference

RMID2619

Preferred contact method

Email Post

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Stratford-on-Avon District Council

LPA reference number (if applicable)

16/00732/ENGENTF

Date of issue of enforcement notice

02/10/2018

Effective date of enforcement notice

06/11/2018

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes

No



Does the appeal relate to an existing property?

Yes

No



Address

Service Station, Banbury Road
Gaydon
WARWICK
CV35 0HA

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes

No



What is your/the appellant's interest in the land/building?

Owner



Tenant



Mortgagee



None of the above



E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes

No



(a) That planning permission should be granted for what is alleged in the notice.



(b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.



(c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").



(d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.



(e) The notice was not properly served on everyone with an interest in the land.



(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.



The facts are set out in

[see 'Appeal Documents' section](#)

(g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why.



The facts are set out in

[see 'Appeal Documents' section](#)

F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

2. Hearing

3. Inquiry

You must give detailed reasons below or in a separate document why you think an inquiry is necessary. The reasons are set out in

the box below

It is considered an Inquiry will enable a thorough consideration of the site history and discussion into the proposed breach. The changes that could be made to make the development acceptable can also be considered.

(a) How long do you estimate the inquiry will last?

1 day(s)

(b) How many witnesses do you intend to call?

2

(c) Is there any further information relevant to the inquiry which you need to tell us about?

Yes

No

G. FEE FOR THE DEEMED PLANNING APPLICATION

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice?

Yes

No

2. Are there any planning reasons why a fee should not be paid for this appeal?

Yes

No

If no, and you have pleaded ground (a) to have the deemed planning application considered as part of your appeal, you must pay the fee shown in the explanatory note accompanying your Enforcement Notice.

H. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes

No

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

[see 'Appeal Documents' section](#)

02. Plan (if applicable and not already attached)

[see 'Appeal Documents' section](#)

J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my

knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature

Mrs Rachael Martin

Date

08/10/2018 10:20:14

Name

Mrs Rachael Martin

On behalf of

. . .

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018. Further information about our Data Protection policy can be found on our website under Privacy Statement.

K. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

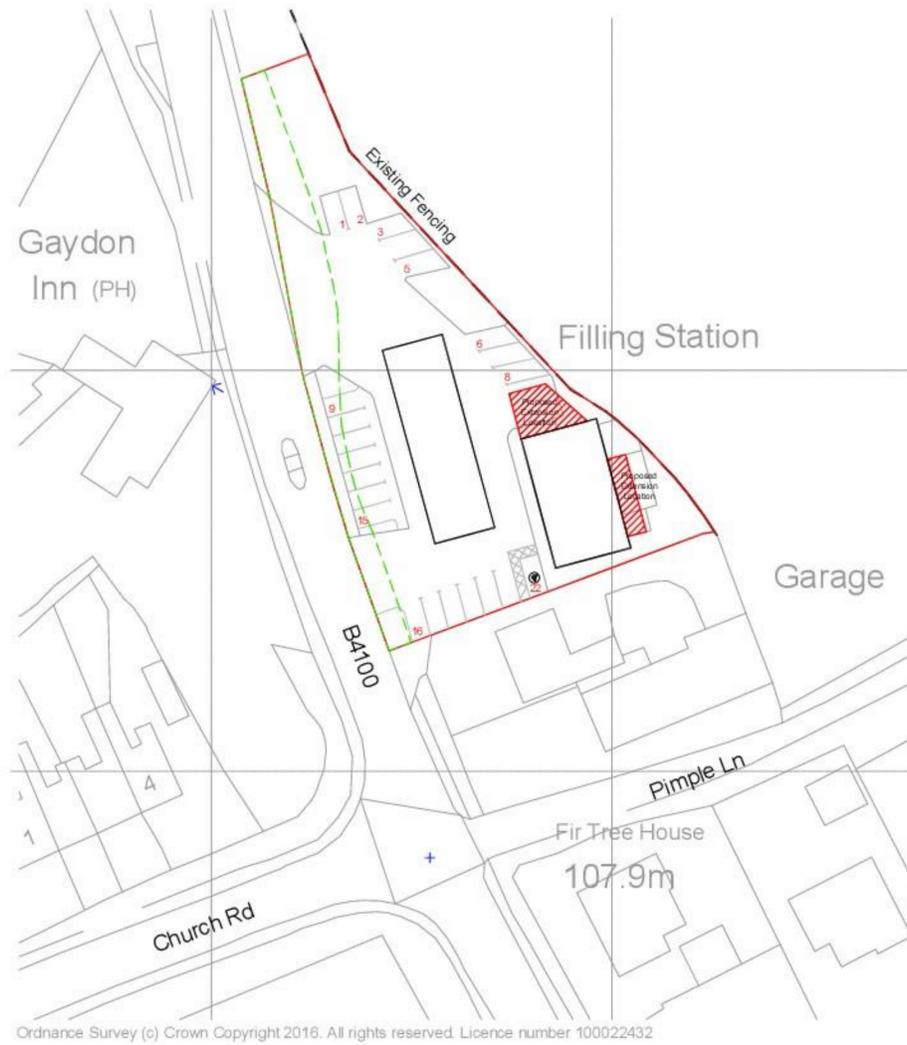
Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section:	GROUPS AND FACTS
Document Description:	Facts to support that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.
File name:	05 Enforcement Appeal Letter 8.10.18.pdf
File name:	Proposed parking and visibility splay 59m.pdf
File name:	Proposed Site Layout.pdf
Relates to Section:	GROUPS AND FACTS
Document Description:	Facts to support why the time given to comply with the notice is too short. Also state what you consider to be a reasonable compliance period, and why.
File name:	05 Enforcement Appeal Letter 8.10.18.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. The Enforcement Notice.
File name:	enforcement Notice 2.10.18.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02. The Plan.
File name:	04 Existing Site Plan.pdf
Completed by	MRS RACHAEL MARTIN
Date	08/10/2018 10:20:14

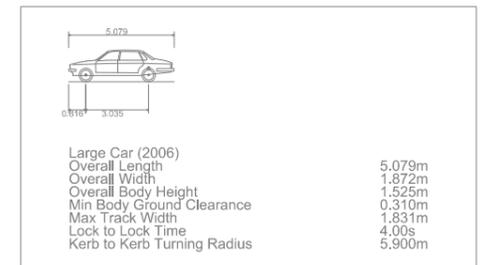




SCALE 1:500

KEY:

- 2.4m x 59m Visibility Splay at: Adjacent Cottage/Garage
 - Site Egress
 - Pimple Lane
- Vehicle Profile



- Forward Gear (Vehicle Body)
- Reverse Gear (Vehicle Body)
- Forward Gear (Chassis)
- Reverse Gear (Chassis)

Rev	Dwn	Chk'd	App'd	Description	Date
Purpose of Issue					
INFORMATION					
Classification					

Client

EUROGARAGES

Project

GAYDON HIGHWAYS

Drawing
**PROPOSED PARKING WITH
 SWEEP PATH ANALYSIS &
 VISIBILITY SPLAY**

Scale @ A3 Drawn Checked Approved

AS SHOWN KK WA -

Project No. Date

CS091269-01 **AUG 17**

Drawing Identifier BS1192 Compliant

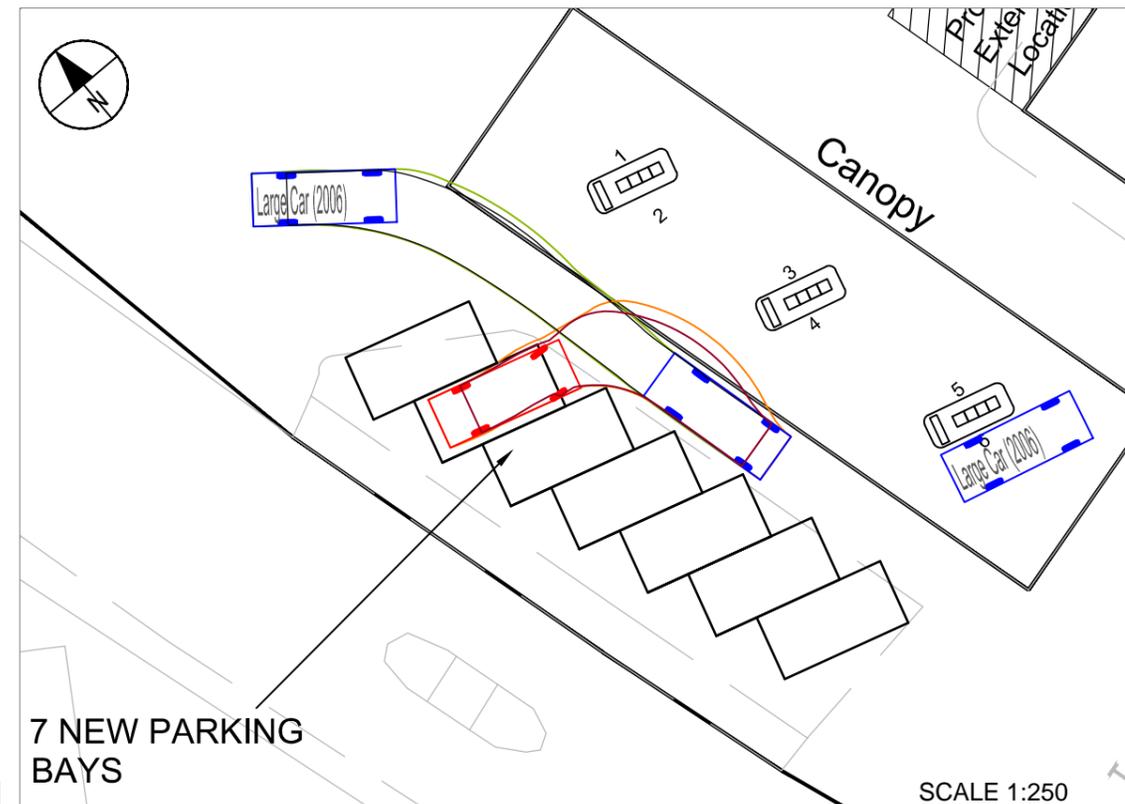
Project - Originator - Asset - Location - File Type - Role - Number rev

CS091269 -CAP-0100-PW-DR-C-0007 101

CAPITA
Highways & Infrastructure

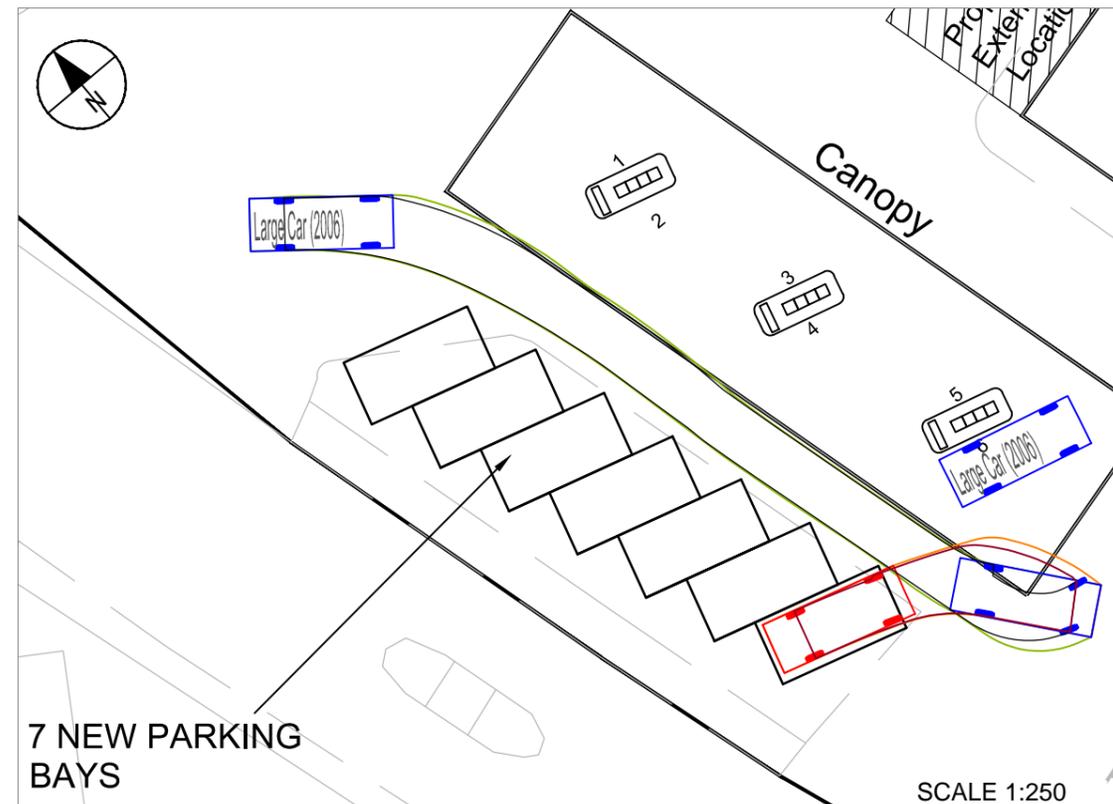
CastleWay House, 17 Preston New Road, Blackburn, BB2 1AU
 01254 273000

www.capitaproperty.co.uk
 Capita Property and Infrastructure Ltd.



7 NEW PARKING BAYS

SCALE 1:250



7 NEW PARKING BAYS

SCALE 1:250



KEY:

Vehicle Profile



Large Car (2006)	
Overall Length	5.079m
Overall Width	1.872m
Overall Body Height	1.525m
Min Body Ground Clearance	0.310m
Max Track Width	1.831m
Lock to Lock Time	4.00s
Kerb to Kerb Turning Radius	5.900m

- Forward Gear (Vehicle Body)
- Reverse Gear (Vehicle Body)
- Forward Gear (Chassis)
- Reverse Gear (Chassis)

P01	KK	WA	WA	FOR INFORMATION	Oct 2018
Rev	Dwn	Chkd	Appd	Description	Date

Purpose of Issue
INFORMATION

Classification

Client

EUROGARAGES

Project

GAYDON HIGHWAYS

Drawing

**SWEP PATH ANALYSIS
LARGE CAR**

Scale @ A3	Drawn	Checked	Approved
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1:250	KK	WA	-
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Project No.	Date
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CS091269-01	Oct 2018
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Drawing Identifier	BS1192 Compliant
Project - Originator - Asset - Location - File Type - Role - Number	rev
CS091269 -CAP-0100-PW-DR-C-0009	P01

CAPITA
Highways & Infrastructure
 CastleWay House, 17 Preston New Road, Blackburn, BB2 1AU
 01254 273000
www.capitaproperty.co.uk
 Capita Property and Infrastructure Ltd.

Existing Fencing

1
2
3
4
5
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7

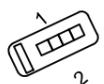
New Bin Location

Proposed Extension Location

Proposed Extension Location

Canopy

Shop



Large Car (2006)

8

14
Proposed Parking

B4100

Print Date: 02/10/2018 13:33:10