

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: STRATFORD-ON-AVON DISTRICT COUNCIL ("the Council")

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act; at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and enclosures to which it refers contain important additional information.

2. **THE LAND AFFECTED**

Gaydon Service Station, Banbury Road, Gaydon, Warwickshire, CV35 0HA ("the Land"), shown edged red on the attached plan ("the Plan")

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

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.

4. **REASONS FOR ISSUING AN ENFORCEMENT NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last 4 years.

1. The unauthorised development extends the retail floorspace of the existing lawful sales building. The extension is occupied by a further franchise which increases the level of choice available (retail offer) to potential customers visiting the site. To accommodate the increased level of customers likely to visit the site by vehicles, associated with the extended retail outlet, engineering operations have been carried out to create additional parking spaces on the forecourt area. The reconfiguration of the parking layout has resulted in new parking spaces being created within the visibility splays of the southern vehicular access of the site.

The reconfiguration of the parking layout results in the provision of new parking spaces in a location which significantly deteriorates the visibility splays associated with vehicles as they egress the site onto the Gaydon Road. The unauthorised development is therefore considered to introduce a detrimental impact to highway safety which is contrary to Policy CS.26 of the Stratford-on-Avon Core Strategy (2011-2031) and paragraph 102 of the NPPF.

The District Council does not consider that planning permission should be granted because planning conditions could not overcome the objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

- a) Demolish the extensions which are identified in the shaded areas on the attached Plan.
- b) Reinstall the north and east elevation of the sales building with external facing materials to match the host building.
- c) Remove all materials associated with the demolition of the extensions and re-instatement of the sales building elevations (as required by steps a) and b) above) from the Land.
- d) Re-instate the parking arrangement approved by planning permission 16/00391/VARY in accordance with Drawing No. 020 Rev.A received by the Local Planning Authority on the 4 April 2005 (a copy is attached to this Notice).
- e) Re-instate the kerb lines which are shown to be retained on Drawing No. 020 Rev.A received by the Local Planning Authority on the 4 April 2005 (a copy is attached to this Notice).

6. TIME FOR COMPLIANCE

- a) – e) inclusive within 4 months from the date this Notice takes effect

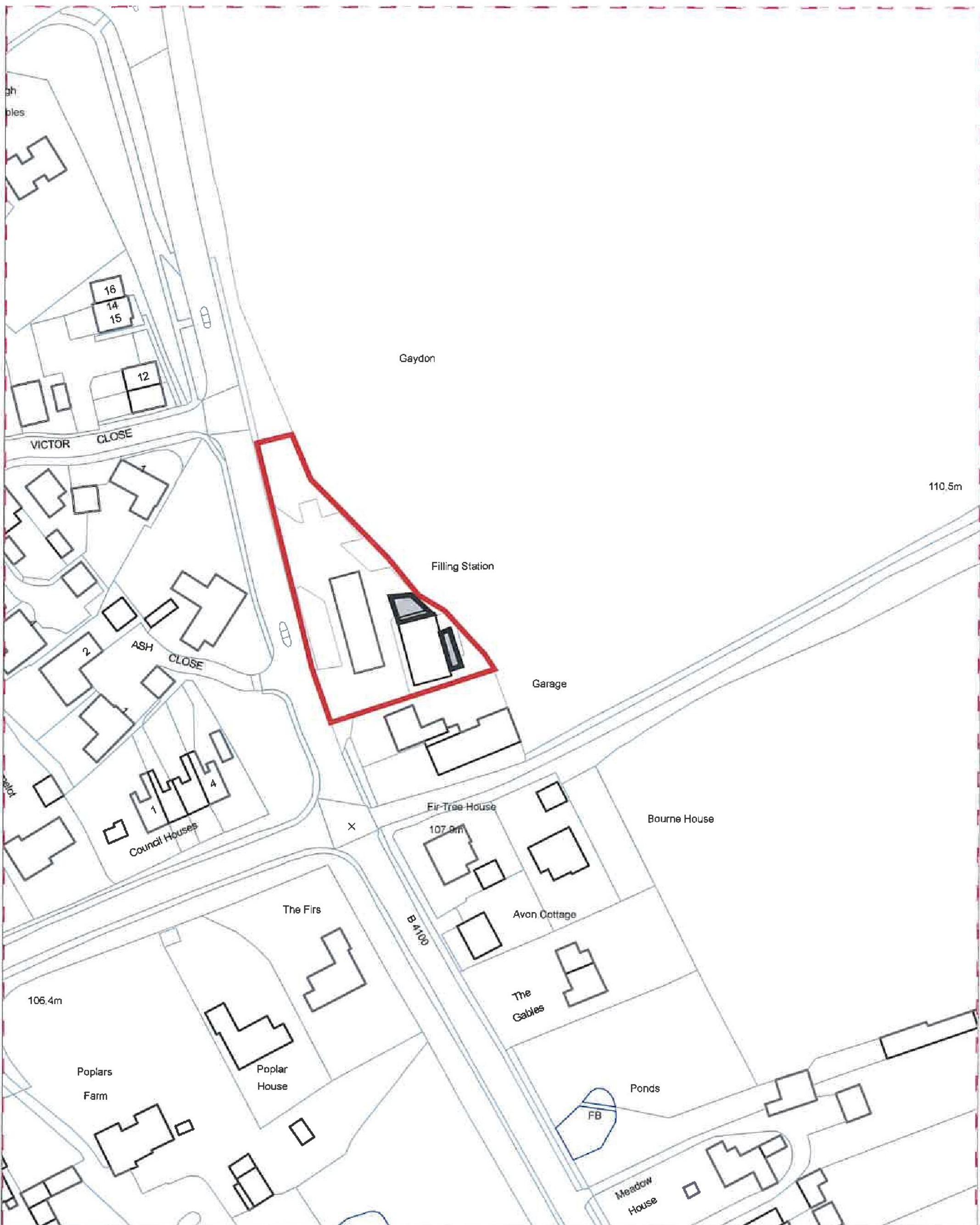
7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **6 November 2018** unless an appeal is made against it beforehand.

Dated: 2 OCTOBER 2018

Signed.....
Clare Eynon - Planning Manager
(Performance, Appeals & Enforcement)

On behalf of:-
Stratford-on-Avon District Council,
Elizabeth House,
Church Street,
STRATFORD-UPON-AVON,
Warwickshire
CV37 6HX



ANNEX**YOUR RIGHT OF APPEAL**

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before **6 November 2018**.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £924 for the deemed application. You should pay the full amount of the fee to Stratford-on-Avon District Council.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

If you submit a retrospective planning application after the enforcement notice is issued, the Local Planning Authority may decline to determine your application under section 70C of the Act (as amended). You cannot appeal against a decision to decline to determine your planning application. Therefore if the Local Planning Authority does decline any retrospective application the only way you could ask for the planning merits of the alleged development to be considered is to appeal on ground (a) on your enforcement appeal and pay the fee.

However if you (or anyone else) had already submitted a retrospective planning application and the enforcement notice is issued before the time to decide the application has expired, no-one can appeal against the enforcement notice on ground (a). Although a planning appeal can be pursued if the Local Planning Authority refuse or fail to determine the planning application. This is specified at section 174 (2A)(b) of the Act (as amended).


The Planning Inspectorate has published new guidance on how to Appeal against an Enforcement Notice. It relates to all Notices served on or after 6 April 2012.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on **6 November 2018** and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

LIST OF NAMES AND ADDRESSES OF THE PERSONS ON WHOM A COPY OF THE ENFORCEMENT NOTICE HAS BEEN SERVED

[Redacted content]



A compass rose with eight points. The top point is labeled 'N' for North. The text 'APPROX NORTH' is written vertically along the top-left point of the rose.



A	2No. parking spaces added, lollipop sign moved, road markings added to crossovers & 4No. crossover signs added	03.05	cjr	est
	Revision	Date	By	Chk

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COTEBA
(LIMITED)

Job
GAYDON SERVICE STATION
BANBURY ROAD
GAYDON

Drawing
PROPOSED REDEVELOPMENT
PROPOSED SITE LAYOUT

Job No. 6018	Drawing No. 020
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