



Our Ref:RMID2319/L06
Your Ref: APP/J3720/C/18/3213430

21 May 2019

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

Dear Sir/ Madam,

Enforcement Appeal by Euro Garages Limited
Site Address: Service Station, Banbury Road, Gaydon, WARWICK, CV35 0HA

Euro Garages Limited – Appeal Statement

Further to our letter dated 8 October 2018 which set out our grounds for appeal on behalf of Euro Garages Limited, this submission comprises our statement providing further details for our appeal.

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.”

Grounds of appeal

Your letter dated 12 April 2019 accepts that the appeal should proceed on 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.

Appeal on Ground F

The Enforcement 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.

As we have previously stated, the unauthorised development has been subject to a planning application 16/02749/FUL and an appeal APP/J3720/W/17/3190869.

Erection of two extensions

Policy AS.10 of the Core Strategy supports development for business and economic growth within the districts Villages and Countryside where appropriate, and states under part (n) of the policy that an extension to a business in its established location, particularly if it would be unreasonable to expect the business to relocate in order to expand is acceptable in principle.

The delegated officers report relating to application 16/02749/ FUL states that due to the scale of the development and its intended use as an extension to the existing shop that the principle of development is acceptable.

The Officers report assessed the proposals in relation to the impact on the landscape and character of the area and impact on residential amenity and concludes that the development accords with paragraph 115 of the NPPF and policy CS9 and CS15 of the Core Strategy.

Indeed the conclusion of the Officers report states that;

The development would not cause any undue harm and is in accordance with National and Local Policy as set out in the NPPF and the districts adopted Core Strategy 2011 to 2031.

Paragraph 3 of the Inspectors Decision (3190869) agrees with the position that the shop extension and replacement storage unit comply with policies CS.1 and AS.10 of the Stratford on Avon Core Strategy.

It is therefore considered that the extensions to the existing building are acceptable and comply with planning policy. The Officers report accepts and confirms in their delegated report that the scale of the extensions are acceptable.

It is therefore considered that, in accordance with ground f that an application for retrospective consent for the extensions to the shop will provide a suitable remedy to regularise the alleged breach so that the development is acceptable.

Engineering operation to reconfigure the parking layout

The reason for refusal of application 16/02749/FUL and reason for dismissal of the appeal (3190869) were the effect of the development on highway grounds. Namely that the proposed development provided insufficient visibility splays as a result of amendments to the parking area.

In paragraph 6 of the Inspectors Decision, the relevant guidance to be applied to the assessment of the proposals is identified based on the traffic speed survey carried out. The relevant guidance in relation to visibility splays is confirmed as being that contained within Manual for Streets (MfS) and Manual for Streets 2 (MfS2).

Paragraph 7 of the Inspectors decision continues to clarify the required splays sought by MfS in relation to the service station as 2.4m x 59m in relation to oncoming southbound traffic on the same side of the road as the service station, and a splay of 2.4m x 45m in relation to northbound traffic on the opposite side of the road.

It is acknowledged that the existing visibility splay on site and on the plan considered by the Inspector provided substandard visibility splays with regard to southbound traffic.

However, in relation to the appeal against enforcement action under ground F, it is clear that changes could be made to the layout to achieve the required visibility splays as confirmed by the Inspector in Paragraph 7 of the decision.

Enclosed with this statement is a layout plan PL104b showing that visibility splays of 2.4x 59m can be achieved in both directions with bollards placed to the front of each parking space to maintain the visibility splay. Also enclosed are separate plans detailing the visibility splays and tracking of the site, Plan Ref CAP 0011 P02 and 0012 P02.

The plans attached form part of the application for retrospective planning permission for the development which is currently pending with Stratford on Avon Council, referred to in our grounds of appeal, reference 18/03008FUL.

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.

We trust that the above statement and enclosed information showing the proposed layout can achieve the required visibility standards provides sufficient evidence so that the appeal can be allowed under grounds f and g.

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



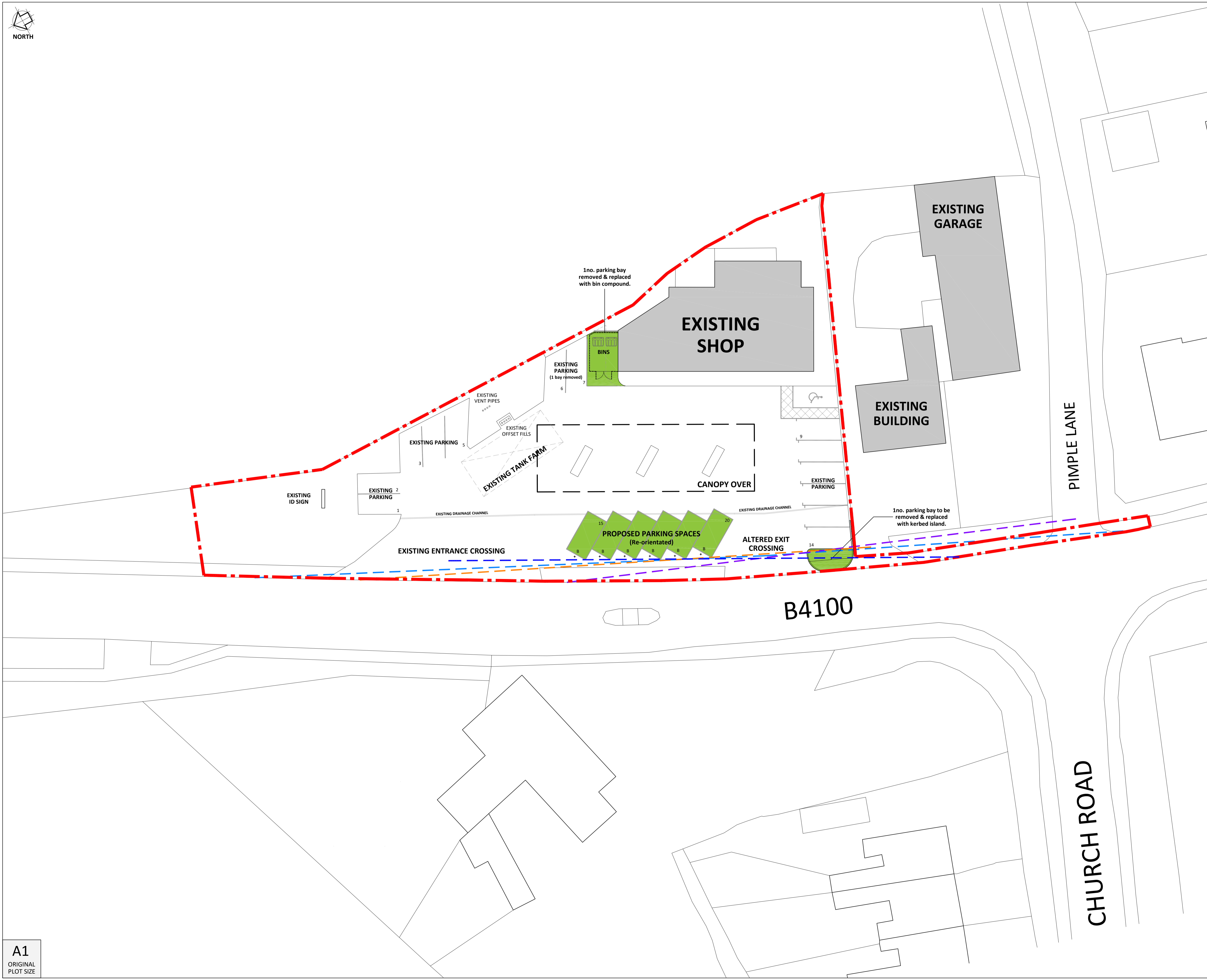
NORTH

GENERAL NOTES

1. This plan has been prepared for the submission and approval under Town and Country Planning only.
2. Fuel installation to be fully compliant with all relevant current Licensing and Environmental Standard and Regulations.

SCHEDULE OF AREAS	
Total Site Area - Red line	0.33 Ha / 0.83 Acre
Pre-Existing PFS Shop (G.E.A)	170m ² / 1830ft ²
Pre-Existing PFS Shop (G.I.A)	153m ² / 1645ft ²
Existing PFS Shop (G.E.A)	230m ² / 2475ft ²
Existing PFS Shop (G.I.A)	210m ² / 2260ft ²
Pre-Existing Parking	8 spaces
Existing Parking	23 spaces
Proposed Parking	20 spaces

- Proposed alterations to parking bays.
- 2.4 x 59m Visibility Splay - Exit Crossing
- 2.4 x 59m Visibility Splay - Adjacent Cottage/Garage
- 2.4 x 59m Visibility Splay - Pimple Lane
- 2.4 x 59m Visibility Splay - Entrance Crossing



Rev	Date	Comments
B	20.11.18	Visibility splay added to entrance crossing & 6no. bollards added to proposal.
A	31.10.18	Proposed parking bays reduced to 20 in total.

STATUS	PLANNING
PROPOSAL	Proposed Service Station
SITE LOCATION	GAYDON SERVICE STATION Banbury Road, Gaydon, CV35 0HA
TITLE	PROPOSED SITE PLAN



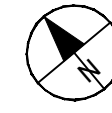
JENNINGS DESIGN LIMITED

York House, Valley Court, Canal Road,
Bradford, West Yorkshire, BD1 4SP.
TEL. No. 01274 395422
FAX. No. 01274 395427
E-mail office@jen305.com

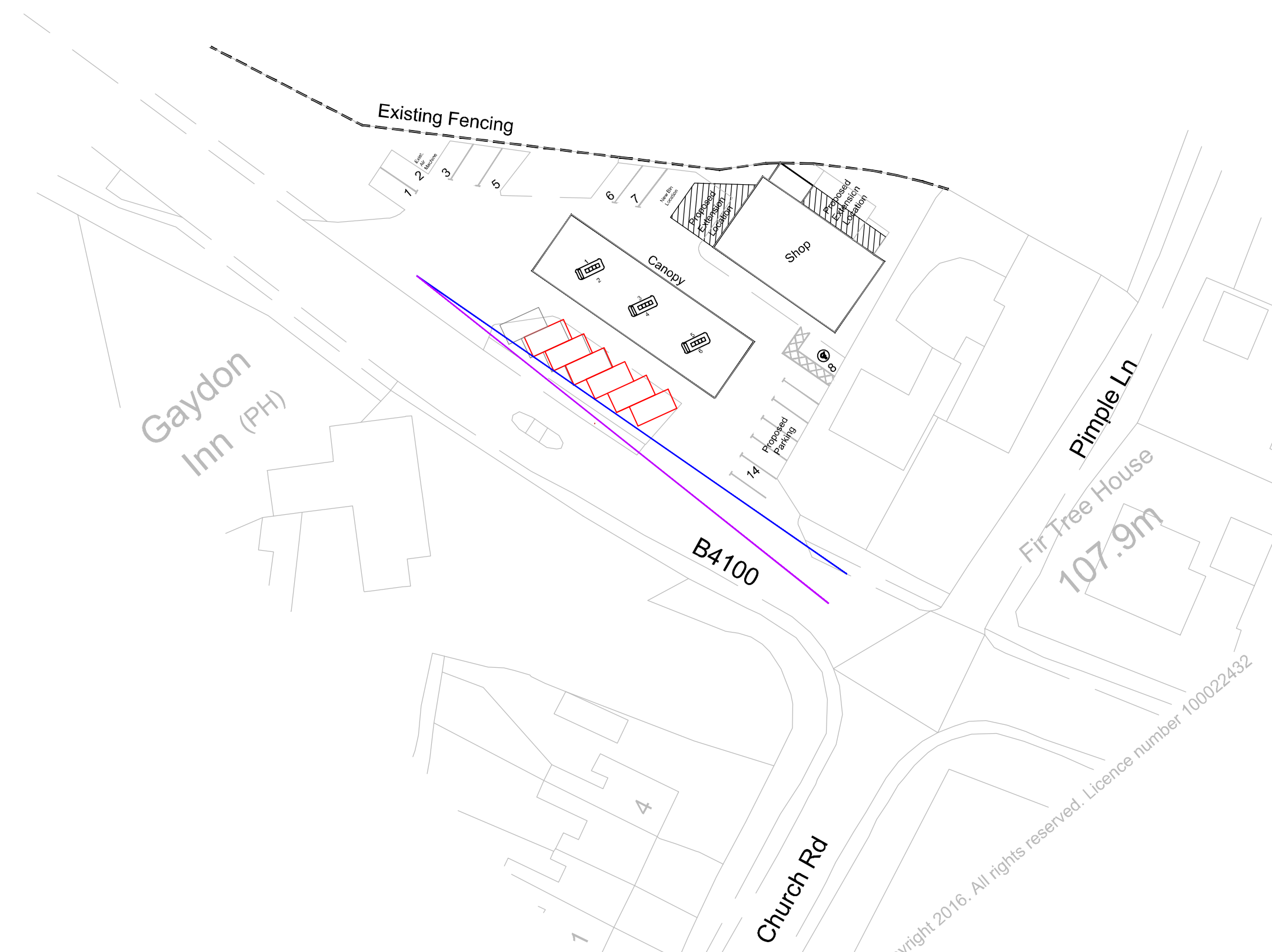
Drawn by: SF	Checked by: NJJ
Date: OCTOBER 2018	Scales: 1:200 @ A1

PLAN NO.	160984 - PL - 104b
SCALE - METRES - 1:200	

A1 ORIGINAL PLOT SIZE



- KEY:**
- 2.4m x 59m Visibility Splay at: The Entrance Crossing Access
 - 2.4m x 59m Alternative Visibility Splay at The Entrance Crossing Access
 - Revised Location of the Proposed Car Parking Spaces



P02	KK	WA	WA	FOR INFORMATION	March 2019
P01	KK	WA	WA	FOR INFORMATION	Oct 2018
Rev	Drawn	Chkd	App'd	Description	Date

Purpose of Issue
INFORMATION

Classification

Client
EUROGARAGES

Project
GAYDON HIGHWAYS

Drawing
VISIBILITY SPLAY AT THE ENTRANCE CROSSING ACCESS

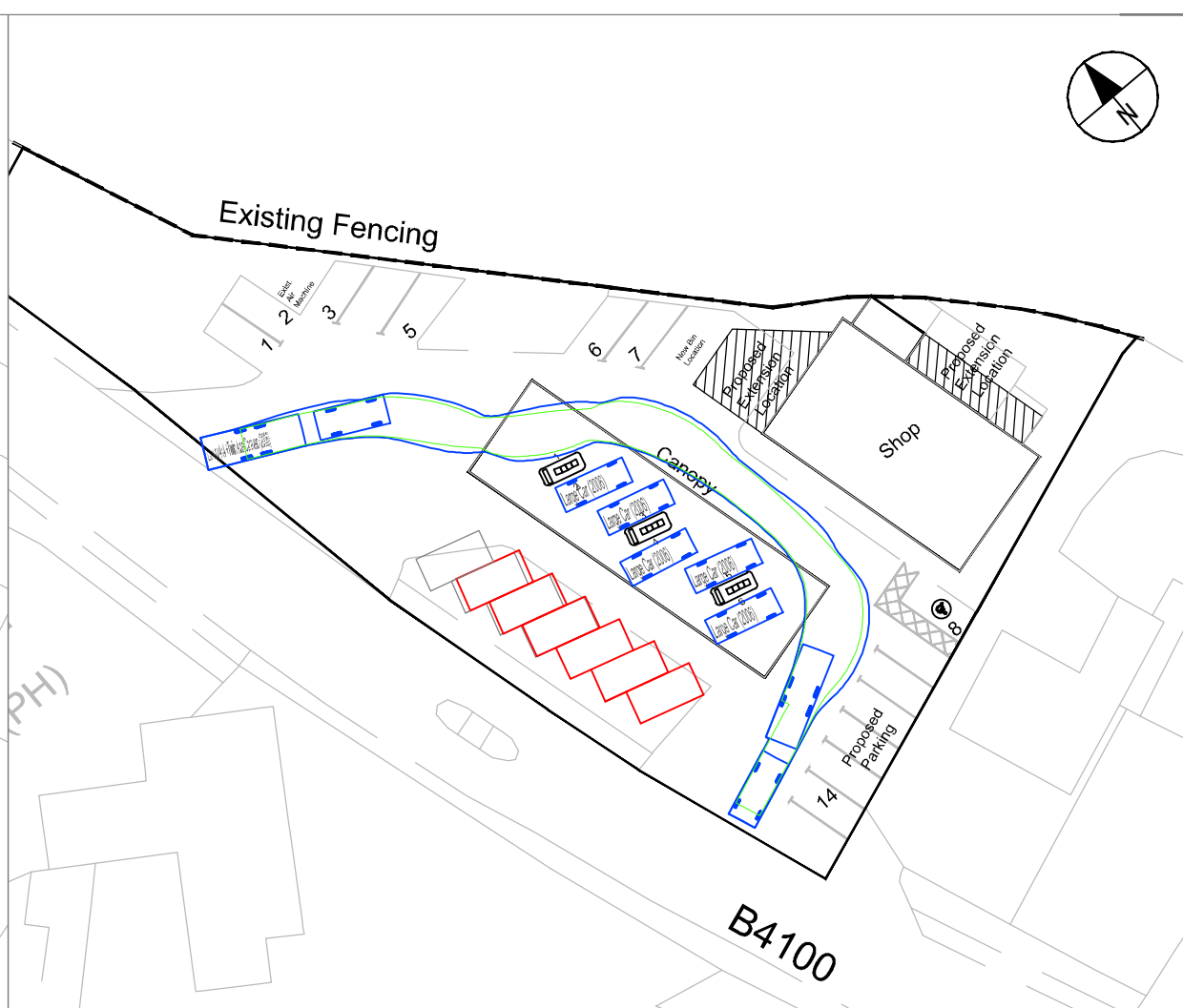
Scale @ A3	Drawn	Checked	Approved
1:500	KK	WA	-

Project No.	Date
CS091269-01	Oct 2018

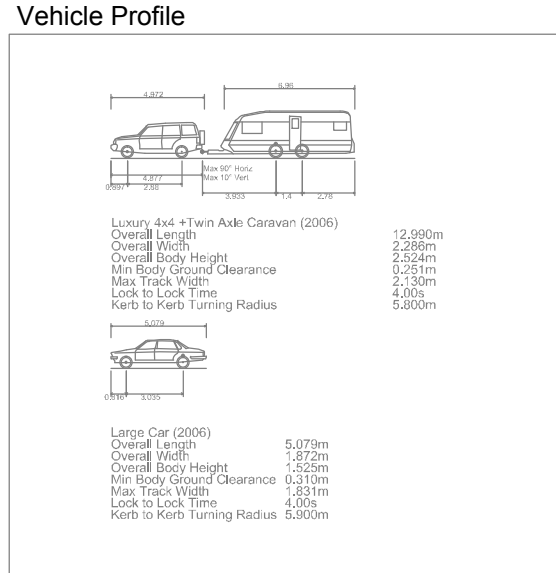
Drawing Identifier	BS1192 Compliant
Project - Originator - Asset - Location - File Type - Role - Number	rev
CS091269 -CAP-0100-PW-DR-C-0011	P02

CAPITA
Highways & Infrastructure
 CastleWay House, 17 Preston New Road, Blackburn, BB2 1AU
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 Capita Property and Infrastructure Ltd.

Print Date: 08/03/2019 15:12:02



KEY:
 — Revised Location of the Proposed Car Parking Spaces



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

P02	KK	WA	WA	FOR INFORMATION	March 2019
P01	KK	WA	WA	FOR INFORMATION	Oct 2018
Rev	Drawn	Chkd	App'd	Description	Date

Purpose of Issue
INFORMATION

Classification

Client

EUROGARAGES

Project

GAYDON HIGHWAYS

Drawing
SWEPT PATH ANALYSIS

Scale @ A3	Drawn	Checked	Approved
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1:500	KK	WA	-
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Project No.	Date
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CS091269-01 Oct 2018

Drawing Identifier	BS1192 Compliant
Project - Originator - Asset - Location - File Type - Role - Number	rev
CS091269 -CAP-0100-PW-DR-C-0012	P02

CAPITA
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