



COTSWOLD DISTRICT COUNCIL

COTSWOLD DISTRICT COUNCIL TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Agent
ArchiWildish
Unit C
Wixford Park
Georges Elm Lane
Bidford On Avon
B50 4JS

Applicant
Mr Peter Gilder
Scrap Haulage Yard Gilder
Fosseway
Lower Slaughter
Gloucestershire
GL54 2EY

Redevelopment of existing scrap yard and haulage depot to create Electric Car Charging Service Station and Associated Works at Scrap Haulage Yard Gilder Fosseway Lower Slaughter Gloucestershire GL54 2EY

**APPLICATION REF: 18/01681/FUL
FILE REF: CD.2243/Z**

DATE 13th November 2019

DECISION NOTICE

In pursuance of their powers under the above Act, the Council **REFUSES** permission for the above development for the following reason(s).

1 The proposed development will result in an over-provision of infrastructure at an unsustainable location that has not been sufficiently demonstrated as a suitable location for the delivery of the policies of the NPPF or emerging policy on electric vehicle charging and would generate an unsustainable level of vehicular movement. As such, establishing the level of infrastructure proposed at this location would result in a privately operated facility that over-provides electric vehicle charging infrastructure which would have a wider impact on strategic planning. In addition, the proposed development has failed to provide for freight movements as a non-motorway service station located upon a highway (A429) that has a high proportion of Heavy Goods Vehicle movements. The proposal is therefore contrary to Section 9 of the NPPF, specifically paragraphs 105, 107 and 110, and Policy INF10 of the Cotswold District Local Plan.

INFORMATIVES :-

1 Please note that the proposed development set out in this application would be liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), however, no CIL is payable as the Cotswold CIL Charging Schedule gives this type of development a zero rate.

However, if the nature of the development were to change, you are advised to contact the Council to discuss the requirement for planning permission and CIL liability.

Note: Statement in respect of the positive and proactive approach undertaken by the Local Planning Authority

In accordance with the requirements of paragraph 38 of the NPPF, the Local Planning Authority has worked with the applicant(s) in a positive and creative manner that improve the economic, social and environmental conditions of the area and in order to seek solutions to overcome the planning objections and the conflict with Development Plan Policy. Negotiations have, however, been unsuccessful in this case to achieve sustainable development.

Your attention is drawn to the NOTES overleaf.

Nigel Adams

Nigel Adams
Head of Paid Service

INFORMATION ABOUT THIS DECISION

This is the Council's formal decision on your application. As your application has been refused, the refusal reasons are set out. If there is anything about the refusal reasons that you do not understand, then please contact Customer Services, Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX Tel 01285 623000.

ENFORCEMENT

As your application has been refused, then you cannot carry out the work or use that you applied for.

If you fail to comply with this Decision Notice, then you could be in contravention of the Town and Country Planning Act 1990 or other legislation. In such circumstances, the Council may well initiate enforcement action.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision for neither of the above and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

* **householder application means** (a) an application for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development, but does not include (i) an application for change of use; (ii) an application to change the number of dwellings in a building.

Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX Tel 01285 623000 www.cotswold.gov.uk

AUGUST 2019