

SECTION 192 PLANNING STATEMENT

Application for a Certificate of Lawfulness of proposed 24 hour opening of Morrisons Warminster Fuel Station, Weymouth Street, Warminster, Wiltshire, BA12 9NT



RETAIL ROADSIDE DESIGN AND PLANNING

Elta House
Birmingham Road
Stratford upon Avon
CV37 0AQ
+44(0)1789 414202
enquiries@adcockassociates.co.uk
www.adcockassociates.co.uk



PLANNING STATEMENT

Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991
Section 192 application to the local planning authority to ascertain whether the proposed 24 hour opening of Morrisons Warminster fuel Station would be lawful.

The local planning authority's planning search pages have been examined which revealed the historic planning applications, Noted below:

W/01/00406/ADV Proposal Petrol station canopy sign

W/05/01088/ADV Various new and replacement signage due to change of ownership

It appears from the local planning authority public records that there have been no planning applications granted with conditions that restrict opening hours of the service station.

The current opening hours exercised by the service station will be by default.

APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE

An application needs to describe precisely what is being applied for and the land to which the application relates.

In the case of applications for proposed use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. (www.gov.uk/guidance/lawful-development-certificates)

The local planning authority's planning search page is relied upon to record planning applications submitted on a registered site. The planning search page for this site records two applications. Neither of these applications restrict opening hours.

In the absence of Conditional planning approvals recorded by the local planning authority the applicant applies for a Certificate of Lawful Development, certifying that proposed 24-hour opening would be lawful. The applicant submits there is no evidence to establish that opening hours have been restricted in the process of granting planning permission for the service station.

Evidence of the grant of planning permission is generated by the Council and recorded on their planning portal. Reliance has been taken from the Council's planning online search results.

The Town and Country Planning (Development Management Procedure) (England) Order 2010, Register of applications paragraph 36; 2. Each local planning register authority shall keep, in 2 parts, a register of every application for planning permission relating to their area, 5 (b) the decision, if any, of the local planning authority in respect to the application, the date of such decision and the name of the local planning authority.