

**THE METROPOLITAN BOROUGH OF SOLIHULL
(SHIRLEY TOWN CENTRE REDEVELOPMENT)
COMPULSORY PURCHASE ORDER 2007
TOWN AND COUNTRY PLANNING ACT 1990
THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
AND THE ACQUISITION OF LAND ACT 1981**

**STATEMENT OF CASE
ON BEHALF OF WILF GILBERT (STAFFS) LIMITED
172 STRATFORD ROAD SHIRLEY B90 3BQ**

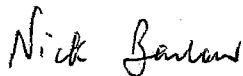
I, Nicholas Philip Barlow BSc (Hons) FRICS, FAAV, of Barlow Associates Limited Chartered Surveyors, act for Wilf Gilbert (Staffs) Limited and set out below their case in general opposition and objection to the above Compulsory Purchase Order and with specific regard to Plots 20, 21, 22 and part of Plot 23, as set out in the said CPO. Our original holding objection dated the 16th August 2007 and more detailed objection of the 5th September 2007 are attached.

- A) The notice and plan is defective. Further, it is unclear and thus my clients do not actually know what it is that Solihull Council seek to acquire. The plots listed above seem to us to be the plots that our clients own. However, the plots listed as affecting our clients property on the CPO are plots 17 and 18, but my clients do not believe they own these.
- B) The scheme is sufficiently unclear to the effect that our clients do not know what part or parts of their land are being taken, nor do they know precisely what it is they will be given in exchange, nor what rights they will continue to have to access their property and to park vehicles and generally to service it for satellite dishes/radio and TV masts.
- C) As it is so unclear, the Order should not be confirmed.
- D) Further, the Order and the new buildings sought under the Order will interrupt both rights of light to my clients' property and rights of transmission for satellite TV and radio waves for the aerials required as essential elements for my clients' business as Bookmakers. No alternative provision has been made for these to allow for the continuance of my clients' business. The scheme has thus not been properly planned and thought through and should not be approved.

- E) My clients object to the loss of their parking area and uninterrupted access thereto.
- F) My clients and I had been in negotiation with Shirley Advance, the Developer, to give effect to an agreed Private Treaty transaction which would have negated the need for a CPO. Having agreed matters subject to contract, the proposed contract produced to our lawyers gave my clients different inadequate and lesser rights than those negotiated - thus, they sought to renege on the agreement reached. My clients, through the nature of their business require a freehold with unfettered access but, instead, they were offered a leasehold with limited and uncertain access.
- G) Our clients maintain the scheme is unnecessary. A redevelopment scheme such as this should be justified by "need". However, my clients maintain that there is no need or justification for the scheme as trading has continued to increase over the last five years.

My clients maintain the scheme is unjustified, unnecessary, ill-thought out and the CPO should be rejected.

Signed:

A handwritten signature in black ink that reads 'Nick Barlow'.

Nicholas P Barlow BSc(Hons) FRICS FAAV
of Barlow Associates Limited

Date: 21 March 2008

Attachments: Letter to Ms K Kerswell, Chief Executive of Solihull Metropolitan Borough Council, dated 16th August 2007.

Letter to Secretary of State for Communities and Local Government dated 5th September 2007.

Directors: Nicholas P. Barlow BSc (Hons) FRICS FAAV Caroline J. Barlow BSc MRICS

NPB/kg/GC44V
16 August 2007

Tel: (01676) 522552
Fax: (01676) 523399

Ms K Kerswell
Chief Executive
Solihull Metropolitan Borough Council
Council House
Solihull
West Midlands
B91 3QT

RECORDED DELIVERY

Dear Madam

**WILF GILBERT (STAFFS) LIMITED
172 STRATFORD ROAD SHIRLEY**

**THE METROPOLITAN BOROUGH OF SOLIHULL (SHIRLEY TOWN CENTRE
REDEVELOPMENT) COMPULSORY PURCHASE ORDER 2007**

We act for the above clients who own 172 Stratford Road, Shirley. We understand from notices in the vicinity that they are affected by the Compulsory Purchase Order, although they have not had any specific written information or a Compulsory Purchase Order delivered to them direct.

In our capacity as agents for them, we would be grateful to receive a copy of the CPO but please take this letter as a holding objection to the above scheme.

We are in negotiation with Shirley Advance to effect a Private Treaty transaction which will deal with the Compulsory Purchase. However, recent correspondence from the lawyers acting for Shirley Advance is on a different basis to that agreed.

Our objection, which we hope we will be able to withdraw, is that the land being acquired is freehold and our clients are being offered lesser rights in lieu. More particularly, the nature of our clients business means that they require freehold ownership with unfettered access; instead, they are being offered limited rights with limited access. In addition, the proposed buildings will interrupt rights of light to their property and rights of transmission for aerials which are used for the transmission of electronic information to the betting shop. This information is essential to the proper functioning of the business and no provisions have been made for this to be dealt with.

Continued./..



Continuation..2..
16 August 2007
Ms K Kerswell - Solihull Metropolitan Borough Council

Please acknowledge this letter and please supply us with details of the CPO in respect of the above property.

Yours faithfully
BARLOW ASSOCIATES LIMITED

N P BARLOW

Direct Dial: 01676 526730
Direct Dial: 01676 526702 (Kay Gleeson)

COPY

NPB/KW/kg/GC.44V

5 September 2007

Secretary of State for Communities and Local Government
5 St Philips Place
Colmore Row
Birmingham
B3 2PW

Dear Sirs,

**THE METROPOLITAN BOROUGH OF SOLIHULL (SHIRLEY TOWN CENTRE
REDEVELOPMENT) - COMPULSORY PURCHASE ORDER 2007**

WILF GILBERT (STAFFS) LIMITED - 172 STRATFORD ROAD, SHIRLEY

We act for the above property owners who have received a copy of the above compulsory purchase order and write to raise the following objections.

We confirm that we act for Wilf Gilbert (Staffs) Limited who occupy 172 Stratford Road, Shirley. The property is owned by Graham and Geoffrey Gilbert. Our objections are as follows:-

1. We believe that the notices and the plan do not marry up and are incorrect. We believe that our clients own plots 20, 21 and 22 and part of plot 23. However, on the schedule we believe that these may be listed as plots 17 and 18. By way of clarity, plots 20 and 21 appear from the map to be the service yard to the rear of 172 Stratford Road which is definitely owned by our clients. Plot 22, and also we believe part of plot 23, is also owned by our client and is the fire escape to that property.
2. The proposed Compulsory Purchase Order and new building will interrupt both rights of light to our clients property and rights of transmission for radio waves for the aerials which are used for the transmission of electronic information within the betting shop. No provisions have been made to deal with these items.

Continued../..



Continuation..2..
5 September 2007
Secretary of State for Communities and Local Government

3. We have been in negotiation with Shirley Advance to effect a private treaty transaction which would overcome the need for the compulsory purchase. We still hope this may be put into effect. However, in recent correspondence from the lawyers acting for Shirley Advance, they are proposing to alter the basis upon which negotiation has taken place; more particularly land that is being offered to our client to replace that which is being taken by the Compulsory Purchase Order with associated rights are less, firstly, than we were being offered and secondly less than the freehold that is currently owned. Our clients, through the nature of their business, require the freehold ownership with unfettered access; instead they are being offered limited rights with limited access.

Please acknowledge safe receipt.

Yours faithfully
BARLOW ASSOCIATES LIMITED

N P BARLOW

Direct Dial: 01676 526730
Direct Dial: 01676 526702 (Kay Gleeson)

COPY

cc Messrs G and G Gilbert