

## Appeals Progress Report

### 1. Appeal decision

#### 1 Elms Road, Aldershot

Appeal against refusal of planning permission for rebuilding of vehicle repair workshop (following fire damage) in same footprint, other than previous unauthorised eastern side extension, with associated parking.

An application for costs was also made against the Council.

#### 1.1 Permission was refused on 18 February 2021 for the following reason:

'The proposed development would give rise to a development involving activity detrimental to the residential amenity of surrounding properties and is thereby considered to be unacceptable having regard to Policies DE1 and DE10 of the Rushmoor Local Plan'.

#### 1.2 The former building was substantially destroyed by a fire in February 2020. In determining the appeal, the Inspector considered the main issues to be the effect of the proposal on the living condition of the occupiers of neighbouring properties, with regard to noise, air and light pollution impacts.

#### 1.3 The Inspector attached considerable weight to the fact that that the site has long been used for general vehicle mechanical and bodywork repairs and servicing, tyre fitting and MOT testing, and is lawful, and the replacement building would be the same footprint and height and in the same location as the former building. Modern building materials and insulated roller shutter doors would secure an improved acoustic environment and the approval provides the opportunity to introduce controls on operating hours, storage of materials, and requiring submission of details around noise mitigation measures, external lighting and the operation of the paint spray booth.

#### 1.4 The Inspector did not consider safety concerns around fire constituted a reason for dismissal given the requirements for the building to comply with other legislation that covers fire safety, and that Hampshire Fire Services raised no objection.

### **DECISION: APPEAL ALLOWED**

#### 1.5 A separate application for an award of costs was made against the Council relating to the planning merits of the appeal. The appellant stated that Council Members acted unreasonably by failing to take the professional advice of the Council Officers without adequate reasons to do so and ignoring the fact that the commercial use was extant.

- 1.6 The Inspector declined the application for costs on the grounds that the Council did not act unreasonably having regard to factors including the proximity of the site to surrounding residential properties, the Class B2 Industrial Use of the site and the large number of objections from local residents who have experience of living close to the site. The Inspector considered the Council took sufficient account of the nature of the development. The Inspector stated 'The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made of the contrary view' and the reason for refusal was complete, precise, specific and relevant to the application decision having regard to noise, air pollution and light pollution impacts and was substantiated in the Statement of Case.

**DECISION: APPLICATION FOR COSTS REFUSED**

**2. Recommendation**

- 2.1 It is recommended that the report be **NOTED**.

**Tim Mills**  
**Head of Economy, Planning and Strategic Housing**