

## Appeals Progress Report

### 1. New Appeals

- 1.1 Appeal against the Refusal of planning permission for the “Erection of a pair of semi-detached two storey 3-bed houses” at **Car Park at Carmarthen Close, Farnborough** – ref: 24/00240/FUL. This appeal is to be considered under the Written Representations procedure.
- 1.2 Appeal against refusal of planning permission for “Continued use of land and building for car wash and valeting” at **116 Chapel Lane, Farnborough** – ref 24/00202/FULPP. This appeal is to be considered under the Written Representations procedure.

### 2. Decided Appeals

- 2.1 Appeal against refusal of planning permission for “Demolition of 14 garages and erection of 2 light industrial units (Use Class E(g)(iii)) with parking” at **Garage Block, Cold Harbour Lane, Farnborough**, 23/00763/FULPP.
- 2.2 Planning permission was refused under delegated powers in December 2023 for the following reasons:-

*1. Having regard to the constrained nature of the site, the proximity to residential properties, the poor access to the main highway network, the lack of detail as to the nature of the businesses that would occupy the units and the vehicle movements that would be associated with them and lack any details of any highway improvement works, the Council is unable to conclude that the proposals will not adversely affect residential amenity or highway safety. The proposal is thereby contrary to Policies DE1, PC1 and IN2 of the Rushmoor Local Plan and the Car & Cycle Parking Standards SPD.*

*2. The proposals fail to make a positive contribution towards improving the quality of the built environment and to respect the character and appearance of the local area, contrary to Policy DE1 of the Rushmoor Local Plan.*

*3. In absence of a Tree Survey & Arboricultural Impact Assessment that relates specifically to the development proposed, it has not been satisfactorily demonstrated that the health and stability of amenity trees on the adjoining land will be safeguarded, contrary to Policy NE3 of the Rushmoor Local Plan.*

- 2.3 The Inspector noted that the Appellant had submitted a Tree Survey and Arboricultural Assessment at the outset of the appeal, which the Council considered was acceptable and therefore that the Council did not wish to defend its third reason for refusal. The Inspector therefore considered that the main determining issues for the appeal to be the effect of the development on:

(i) highway safety; (ii) the living conditions of neighbouring occupiers; and (iii) the character and appearance of the site and surrounding area.

- 2.4 The Inspector supported the Council's conclusions that having regard to the narrow access point onto Fernhill Road, the lack of turning facilities on site or within the access track and the lack of adequate parking, particularly for commercial waste and delivery vehicles, concluding that they could not satisfactorily conclude that the proposal would not lead to severe harm to highway safety. Accordingly, they found the proposal to conflict with the aims of Policy IN2 of the Local Plan. This policy amongst other matters requires development not to have a severe impact on the operation of, or safety of the local or strategic road network. The proposal would also noted not adhere to the aims of the Council's Car and Cycle Parking Standards Supplementary Planning Document, in respect of providing a suitable level of vehicle parking.
- 2.5 The Inspector noted the proximity of the appeal site to residential premises but considered that any adverse impact on residential amenity would be limited and could be mitigated by the imposition of suitable conditions.
- 2.6 The Inspector found that the development would not lead to any detrimental impacts on the character or appearance of the area due to its modest scale and proximity to other commercial development. The inspector also considered that the use for commercial purposes would not harm the character of the area. Consequently, the proposal was not considered to conflict with Local Plan Policy DE1. The Policy, amongst other matters, seeks for new developments to positively contribute to the quality of the built environment, including through respecting the character and appearance of the local area.
- 2.7 The Inspector noted that the appeal scheme would provide socio-economic benefits through the delivery of light industrial units in a sustainable location, however, such benefits had not been quantified by the appellant. Given the scale and (seemingly speculative) nature of the appeal proposal they were considered likely to be somewhat limited and the Inspector did not consider that they would outweigh the identified harm to highway safety.
- 2.8 In conclusion, the Inspector did not find that the proposal would harm the character or appearance of the area or living conditions of neighbouring residents. However, due to its potential impacts upon highway safety, it would remain in conflict with the development plan taken as a whole. There were no material considerations worthy of sufficient weight to justify a decision other than in accordance with the development plan. The appeal was therefore **DISMISSED**.
- 2.9 Appeal against non-determination of planning application for "Proposed Click and Collect facility, construction of new access and exit routes, landscaping and associated works" at **ASDA, Westmead, Farnborough** - 23/00442/FULPP refers.
- 2.10 The Council validated the application on 28 June 2023 but did not determine this application because it was considered that the application was invalid as the

correct Formal Notices had not been served as required and the Certificate of Ownership was not correct. The Council considered that the Appellant did not take the necessary steps to validate the application in a timely manner and the application was declared to be permanently invalid on 6 October 2023.

- 2.11 However, the Appellants lodged an appeal on the basis that the application was in fact valid, and that the Council had failed to determine within the statutory time frame for the application. The Inspector noted that there was a disagreement between the two parties as to whether the application was valid, but concluded that if there was a breach of the notification requirements, it appeared to be a very minor technical breach and that no interested parties or landowners were disadvantaged as a result. As such, the Inspector was satisfied that this case should be treated as a valid appeal.
- 2.12 In such cases, the Local Planning Authority are invited to state what its decision would have been on the Appeal proposals had they been in a position to determine them. The application was a follow-up proposal to an earlier planning application 21/00074/FULPP for “Construction of new Home Shopping storage areas and associated cold-rooms, construction of new click & collect canopy and associated steelworks and associated works” that was refused by the Council and was subsequently dismissed at appeal APP/P1750/W/24/3337804 refers. While the Inspector did not support all the Council’s reasons for refusal, they did agree that the proposal would have a detrimental impact on the amenity of the area through a reduction in the landscaped area and the removal amenity trees. The Council advised that they would have declined to determine the current proposal on the basis that it was not sufficiently different from the earlier scheme so as to represent a genuine attempt to address the previous reason for refusal.
- 2.13 Notwithstanding this, the Inspector advised that they were satisfied that the scheme before them was sufficiently different to the previous appeal scheme, notably due to the fact that the proposed canopy had been omitted, that a larger area of the grass verge would be retained, and that none of the trees on the site would be removed. On this basis, the Inspector considered that the main issue for this appeal was the effect of the proposed development on the character and appearance of the area.
- 2.14 The Inspector commented that the appeal site comprises a small parking area and a grass verge that contains various mature trees. The surroundings are highly urbanised with numerous industrial-style buildings. In this context, the existing grass verge and other small areas of planting make an important contribution to the character and appearance of the immediate area by providing some relief from the otherwise visually harsh surroundings. The proposed scheme had mitigated the impact of the development to some extent when compared to the previous appeal scheme. However, the fact remained that the proposal would still involve the removal of a relatively large part of the existing grass verge in order to facilitate the provision of the entry and exit points, as well as the click and collect facility itself. The Inspector considered that this would erode the verdancy of the verge area and add to the urbanisation of the surroundings thereby resulting in clear and obvious harm.

- 2.15 The inspect noted that the appellant's Tree Survey Report (January 2023) sets out how the development could take place without causing harm to the existing trees, all of which would be retained. However, the report notes that some pruning of branches would be required to enable vehicles to enter the click and collect facility. Indeed, the Inspector observed on their visit that the trees in that area have some very low hanging branches that, in their view, enhanced the character of the area. In the Inspector's view the pruning would therefore likely add to the harm that they had identified.
- 2.16 The Inspector noted that the Council had recently served a Tree Preservation Order which includes all of the trees on the verge, but stated, for the avoidance of doubt, this had not altered their decision.
- 2.17 The Inspector therefore concluded that the proposed development would result in harm to the character and appearance of the area; and therefore conflict with Policies DE1, DE6 and NE3 of the Rushmoor Local Plan (2019), the relevant aspects of which seek to ensure that development is well designed and that it preserves character and appearance. The appeal was therefore **DISMISSED**.

### **3. Recommendation**

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

**Tim Mills**  
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