

Appeals Progress Report

1. New Appeals

- 1.1 Two appeals have been lodged and started, relating to Units 1,2 and 3, 14 Camp Road, Farnborough, reached from Peabody Road Car Park, against a refused planning application and an Enforcement Notice. Council references are 25/00001/REFUSE and 25/0003/ENFA.
- 1.2 Units 1-3 and the forecourts in front at 14 Camp Road have been occupied by a vehicle service repair and MOT premises (Use Class B2) since at least summer 2023. A planning application to regularise the use was refused in November 2024, reference 24/00606/FULPP. The Council issued an Enforcement Notice that came into effect on 23 February. This identified the following breaches: 'A. Material change of use of the land from use for Mixed Use Class B8 Warehouse and Distribution with Use Class E Commercial office/light industrial/retail use, to a use for Class B2 General Industrial vehicle repair service, and B. unlawful building operations for the erection of steel awning structures outside Units 1 & 2'.
- 1.3 The Enforcement Notice has been appealed on the grounds that a) the permission should be granted for what is in the notice; b) that the breach of control has not occurred and f) the steps required to comply are excessive.
- 1.4 The appeals have been started by the Planning Inspectorate, and interested parties notified. The Council's Statements of Case are due in April.

2. Decided Appeals

- 2.1 Appeal against refusal of planning permission for "Continued use of land and building for car wash and valeting " at **116 Chapel Lane, Farnborough**, 24/00202/FULPP.
- 2.2 Planning permission was refused under delegated powers in August 2024 for the following reasons:-
 1. *The proposal to continue a hand car wash utilising jet washes would result in a significant and adverse impact upon residential amenity through noise, which is substantially greater than noise arising from the authorised use of the premises for vehicle sales and retail and for which there appears to be no practical means of mitigation. The use is considered to be incompatible with the adjoining residential properties and the proposal is contrary to Policies DE1 and DE10 of the Rushmoor Local Plan and the National Planning Policy Framework.*
- 2.3 The Inspector considered that the main issue is the effect of the proposed development on the living conditions of neighbouring residents with specific

regard to noise disturbance. The rearrest Residential Receptor (RR) is the garden of No.295A Fernhill Road, which adjoins the site to the north.

- 2.4 The Inspector noted that whilst the applicant and the Council's Environmental Health Officer had carried out noise assessments , there was a considerable discrepancy between the findings, which they attributed to the Council's measurement being taken at the RR whereas the appellant's assessment was based upon estimates. The Inspector noted that during their site visit, they observed that the jet washers were clearly audible over the surrounding background noise, and their intermittent use in relation to the ebb and flow of customers further emphasised their aural impact. As such, the Inspector was unconvinced the impact of the jet washers would be below that of background noise, as the appellants assessment concluded.
- 2.5 The Inspector therefore stated that on the evidence before them and through their own observations, they can only conclude that the noise disturbance from jet washers would be closer to the Council's values. This identified increase in noise is of such a magnitude that it would have a significantly detrimental impact on the living conditions of residential neighbours, especially when considering there is no proposed respite from the noise as the car wash currently operates every day of the week.
- 2.6 Consequently, for the above reasons, the Inspector considered that the proposal would have an unacceptably harmful effect on the living conditions of neighbouring residents with specific regard to noise disturbance. It would fail to comply with the Rushmoor Local Plan Policies DE1 and DE10, insofar as they seek new development to not cause harm to adjacent users by reason of noise pollution.
- 2.7 The appeal was therefore **DISMISSED**.

3. Recommendation

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

Tim Mills
Executive Head of Property & Growth