

Appeals Progress Report

1. Appeal decision

1.1 244 Farnborough Road, Farnborough

Appeal against refusal of planning permission for “Erection of a three-storey building comprising flexible use of either A1/A2 on ground floor with 2 x two-bedroom residential units to the upper floors and associated parking” (20/00127/FULPP). Permission refused for the following reasons:

1. *“The proposal does not provide the required number of off-road residential parking spaces under the adopted Rushmoor Borough Council Parking Standards SPD (2017) and would not meet the operational needs of the proposed development. It also fails to demonstrate that adequate cycle storage for the residential use of the sit can be provided. It is therefore contrary to Policy IN2 of the Rushmoor Local Plan (2019) and Principles 3,6 and 18 of the Rushmoor Car and Cycle Parking Standards SPD (2017).”*
 2. *The proposed development, by reason of lack of available space in the communal service yard because it is shared with the adjoining building 244-248 Farnborough Road, 244A Farnborough Road and 1 and 1A Salisbury Road, has failed to demonstrate that it can provide adequate refuse storage areas for the proposed building and this would have a materially adverse impact on occupant amenity and in this regard the proposal is contrary to Policy IN2 of the Rushmoor Local Plan (2019).*
 3. *The proposal fails to make provision for an appropriate Special Protection Area Mitigation and Avoidance contribution towards suitable accessible natural green space, and strategic access management measures in order to address the impact of the proposed development upon the nature conservation interest and objectives of the Thames Basin Heaths Special Protection Area. The proposal is thereby contrary to the requirements of the Habitats Regulations, Policy NE1 of the adopted New Rushmoor Local Plan (2014-2032) and save Policy NRM6 of the South East Plan”.*
- 1.2 In determining the appeal, the Inspector considered the main issues to be i) whether there was adequate provision for off-road vehicle and cycle parking, ii) whether there was adequate provision for refuse storage, and iii) the effect of the proposed development on the integrity of the Thames Basin Heaths Special Protection Area.
- 1.3 The Inspector did not support the Council’s reason for refusal regarding the shortfall in provision of off-road car parking spaces. He argued the proximity to the site of town centre services, employment opportunities and the train station justified non-compliance with the Council’s residential Parking Standards, given the minor shortfall in required spaces in the particular scheme represented.

- 1.4 The Inspector considered that due to a number of existing and competing demands in the rear service yard from the surrounding buildings and the proposed development, that the proposed refuse and recycling storage arrangements were poor. He supported the Council's reason for refusal in this regard and given the uncertainty around these demands, he did not feel that a condition would be appropriate to resolve this issue. The Inspector felt that the proposal was contrary to Policy IN2 of the adopted Local Plan in relation to provision of refuse storage.
- 1.5 The Inspector had no evidence before him, by an agreement or planning obligation, that measures had been implemented to mitigate the impact of the scheme upon the Thames Basin Heaths Special Protection Area. He concluded that the proposed development would harm the integrity of the SPA and that the application was contrary to Policy NE1 of the Rushmoor Local Plan, Policy NRM6 of the South East Plan and the NPPF.
- 1.6 The appellant applied for costs on the grounds that the Council had demonstrated an inconsistent approach to advice and the determination of the application considering previous history on the site. The Inspector concluded that whilst this differed from previous decisions, there had been a change in circumstances since then, namely, a new policy framework. The decision of the Council was not inconsistent, and unreasonable behaviour had not been demonstrated.

DECISION: APPEAL DISMISSED and APPLICATION FOR COSTS DISMISSED

1. New Appeals

- 1.1. Two new appeals have been received and 'started' by the Planning Inspectorate since the last committee meeting.
- 1.2. 68 Salisbury Road, Farnborough, GU14 7AG: Against the refusal of a Certificate Of Lawful Existing Use: Use of dwellinghouse as a House in Multiple Occupation with 8 bedsitting rooms and shared facilities. (19/00237/EDC). The decision was made under delegated powers, the Appeal will be considered by way of the written method.
- 1.3. The Chestnuts, 34 Church Circle, Farnborough, GU14 6QQ: Against the Refusal of Planning Permission for the formation of a dormer window to the front of the garage roof to facilitate a habitable room. The decision was made under delegated powers and the Appeal will be considered by way of the 'fast track householder' appeal process.

2. Recommendation

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

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