

Appeal Decision

Site visit made on 8 August 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th September 2024

Appeal Ref: APP/P1750/W/24/3337804

ASDA, Westmead, Farnborough, Hampshire GU14 7LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Cundale (Asda Stores Limited) against Rushmoor Borough Council.
 - The application Ref is 23/00442/FULPP.
 - The development proposed is a Click and Collect facility, construction of new access and exit routes, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. I have determined this appeal on the basis of the Council's failure to determine the planning application within the statutory timescale. However, I have had regard to the Council's appeal statement which outlines that, in their view, the application could not be determined because the proposed development is very similar to that put forward within a previously dismissed appeal¹, and that the Inspector's concerns at that time have not been overcome.
3. I am satisfied that the scheme before me is sufficiently different to the previous appeal, notably due to the fact that the proposed canopy has 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.
4. On that basis, the main issue for this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. 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 do make an important contribution to the

¹ Appeal reference: APP/P1750/W/21/3289492

character and appearance of the immediate area by providing some relief from the otherwise visually harsh surroundings.

6. The proposed scheme has mitigated the impact of the development to some extent when compared to the previous appeal. However, the fact remains 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. This would erode the verdancy of the verge area and add to the urbanisation of the surroundings thereby resulting in clear and obvious harm.
7. 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, I observed on my visit that the trees in that area have some very low hanging branches that, in my view, enhance the character of the area. The pruning would therefore likely add to the harm that I have identified.
8. I note that the Council has recently served a Tree Preservation Order which includes all of the trees on the verge. However, for the avoidance of doubt, this has not altered my decision.
9. I therefore conclude that the proposed development would result in harm to the character and appearance of the area. It would 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.

Other Matters

10. I note that there appears to be a disagreement between the main parties regarding the validity of the original planning application. From the evidence before me, it appears that the application was initially validated on 24th June 2023, and that formal notification of it subsequently being considered invalid was only provided on 6th October.
11. Furthermore, if there was a breach of the notification requirements, it appears that it was a very minor technical breach and that no interested parties or landowners were disadvantaged as a result. As such, I am satisfied that this should be treated as a valid appeal.

Conclusion

12. The proposed development conflicts with the development plan when considered as a whole. Whilst the provision of the click and collect area would have some economic benefits for the local area, and may provide some benefits for customers, any such benefits are likely to be limited.

13. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR