

Agenda item: **Decision maker:** Planning Committee**Subject:** Enforcement appeal decision relating to land rear of 5-7 Spur Road, Cosham**Report by:** Claire Upton-Brown  
City Development Manager**Ward affected:** Cosham**Key decision (over £250k):****1. Purpose of report**

To advise the Committee of the outcome of the appeal.

**2. Recommendations**

That the report is noted.

**3. Background**

An Enforcement Notice was served in February 2013 against the unauthorised change of use from use as a service area and parking area ancillary to the use of numbers 5 and 7 Spur Road to a commercial hand car wash. The reasons for the issue and service of the Notice related to the use of the site as a hand car wash resulting in increased noise, general disturbance and potential nuisance from spray to detriment of the amenities of the occupiers of neighbouring premises, that structures associated with the unauthorised use were of an unsympathetic design and poor appearance and that the intensive use of the site access serving the hand car wash is likely to increase conflict in traffic movements close to an existing junction resulting in additional hazard and inconvenience to all users of the road.

A previous retrospective planning application (12/00112/FUL) was refused in March 2012 with the reasons for refusal being similar to those reasons why the Notice was served.

The grounds of appeal related to whether planning permission should be granted for the use of the land as a car wash. In considering the appeal the Inspector opined that "the car wash is creating unacceptable noise and disturbance for occupiers" and that it "conflicts with the aims of policy PCS23 of

the Portsmouth Plan which ... seeks to protect the amenities of neighbouring occupiers".

In terms of highway safety the Inspector concluded that "the site cannot accommodate more than two or three vehicles and still allow them to turn to leave the site in forward gear, which I consider to be essential in maintaining highway safety for both pedestrians and vehicles on Spur Road" and that " "if several customers attempted to use the facility at the same time ... the risks to both pedestrians and vehicles would increase, particularly as the area is already close to a major roundabout and a bus stop which could prove distracting to drivers on the road..."

The appeal was dismissed and the Notice upheld.

**4. Reasons for recommendations**

For information to the Planning Committee

**5. Equality impact assessment (EIA)**

None.

**6. Head of legal services' comments**

The report is for information only.

**7. Head of finance's comments**

The report is for information only.

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Signed by:

**Appendices:**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:



<b>Title of document</b>	<b>Location</b>
Enforcement file 11/00227/ENF	Planning Services
Inspector's decision notice APP/Z1775/C/13/2194355	Planning Services