

HAMPSHIRE  
BOROUGH OF RUSHMOOR  
TOWN AND COUNTRY PLANNING ACT, 1971  
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1973 1977

To:— Mr. I. H. Smith,  
2, Nutley Close,  
Yateley,  
Camberley, Surrey.

Reference No.: RSH 01811

In pursuance of their powers under the above-mentioned Act and Order, the Council, as the local planning authority, hereby PERMIT **change of use from veterinary surgery to residential at 74 Elton Road, Aldershot, Hants.**

in accordance with your application received on **29th March, 1978** and the plans and particulars submitted in connection therewith and subject also to due compliance with the conditions specified hereunder:—  
*(amended plans received 28th April, 1978)*

- 1. The development hereby permitted must be begun within a period of five years beginning with the date on which this permission is granted.

Planning permissions other than Outline permissions where another period is specified in case of limited period permissions or retentions.

The reasons for the conditions above are:—

- 1. To comply with Section 41 of the Town and Country Planning Act, 1971.

- NOTE:—(1) This permission does not purport to convey any approval or consent which may be required under the Town and Country Planning Act, 1971, otherwise than under Sections 29—34 and where by virtue of Section 55 the permission operates as a "listed building consent", or which may be required under any other Acts, including any Byelaws, Orders or Regulations made under such other Acts.
- (2) Developers are reminded that the grant of planning permission does not entitle them to obstruct a right of way and that, if it is necessary to stop up or divert a right of way in order to enable the development to be carried out, they should apply without delay:—
    - (a) in the case of a footpath or bridleway, for an Authority under Section 210 of the Town and Country Planning Act, 1971;
    - (b) in any other case to the Secretary of State for the Environment for an Order under Section 209 of the Town and Country Planning Act, 1971;
  - (3) Attention is drawn to the provisions of Section 43 of the Hampshire County Council Act, 1972, relating to access for the Fire Brigade as set out overleaf.

2 & 4, Queens Road,  
Aldershot, GU11 3JD.  
Telephone: Aldershot 22441.

Town Planning Officer.

Date **12 MAY 1978**

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## NOTIFICATION

(1) If the applicant is aggrieved by the decision of the local planning authority to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 36 of the Town and Country Planning Act, 1971, within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Department of the Environment, Caxton House, Tothill Street, London, SW1H 9LZ. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the Order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him. (The statutory requirements are those set out in Section 36(7) of the Town and Country Planning Act, 1971, namely Sections 29(1), 30(1), 67 and 74 of the Act).

(2) In cases where a Government Department has expressed views on the proposals which are incorporated in the reasons for the imposition of conditions and the applicant wishes to lodge an appeal against such decision then a representative from that Government Department will attend any Planning Inquiry and be available to give evidence if the appellant asks for the presence of such a witness at the Inquiry. In such cases the appellant should notify the Council at the address given on the front of this form without delay. The representative would not be liable to cross-examination on questions of Ministerial policy but only on matters of fact and expert opinion.

(3) If permission to develop the land is granted subject to conditions whether by the local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the county district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act, 1971.

(4) In certain circumstances, a claim may be made against the local planning authority for compensation where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 169 of the Town and Country Planning Act, 1971.

(5) The applicant is recommended to retain this form with the title deeds of the property.

### IMPORTANT

Any failure to adhere to the details of the plans hereby approved or to comply with any conditions detailed in this notice constitutes a contravention of the provisions of the Town and Country Planning Act, 1971, in respect of which enforcement action may be taken.

If it is desired to depart in any way from the approved proposals, you should consult the Council at the address overleaf before carrying out the development.

### HAMPSHIRE COUNTY COUNCIL ACT, 1972

43.—(1) Subject to the provisions of subsection (3) of this section, where plans for the erection of a building are in accordance with building regulations deposited with a local authority, the local authority, after consultation with the Council, shall reject the plans if they show:—

- (a) that the building will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be fought effectively; or
- (b) that the building will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be fought effectively.

(2) Subject as aforesaid, where plans for the extension of a building are in accordance with building regulations deposited with a local authority, the local authority after consultation with the Council, shall reject the plans if they show:—

- (a) that the extension will be such as to effect the adequacy of the means of access by the fire brigade to the building and that the building as extended will not be provided with such means of access by the fire brigade as are necessary to enable a fire in the building to be fought effectively; or
- (b) that the extension will interfere with the means of access by the fire brigade to a neighbouring building to such an extent as to render those means insufficient to enable a fire in the neighbouring building to be fought effectively.

(3) This section shall not apply in relation to the erection or extension of a building in pursuance of a planning permission given under the Act of 1971 unless notice of the provisions of this section is endorsed on or accompanies the planning permission so given.

(4) In this section "access by the fire brigade" means access by members of one or more fire brigades and their appliances, and references to a neighbouring building are, in relation to a neighbouring building for the erection, alteration or extension of which plans have been passed, reference to the neighbouring building as erected, altered or extended in accordance with those plans.

(5) If a local authority reject the plans under the authority of this section, the notice given in pursuance of subsection (2) of Section 64 of the Act of 1936 shall specify that the plans have been so rejected.

(6) Any question arising under this section between a local authority and the person by whom or on whose behalf, plans are deposited as to whether the local authority ought to pass the plans, may, on the application of that person, be determined by a magistrates' court.