White & Sons Est. 1817

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PINS Ref: APP/Z2825/W/24/3350602
15 November 2024

Harrison Dun
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Mr Dun,

Response Statement
Appeal by Freight Forwarding Solutions
Site Address: Freight Forwarding Solutions Ltd, Unit 1, Horsham Trade Park, Foundry Lane, Horsham, West Sussex RH13 5PX

Please take this letter as a response to the Council's Statement of Case alongside the third-party responses.

LPA Statement of Case

The Council's Statement of Case appears to misinterpret the supporting information. The appellant's case is not wholly reliant on the available water bills and clearly caution would need to be applied here. As explained in the appellant's Statement, the applicant moved into the premises on 22/10/2021 and so the third available water bill dated on 22 September 2022 crosses over to the period when the previous use had been in situ with the bill before that date issued on 27 September 2019. It is evident that the Council have jumped to a false conclusion that the existing use uses more water when the case is not as simple as that.

There are a number of variables which further illustrate the inaccuracy of the Council's opinion here and the first of which draws on the fact that a fuller picture of water usage for the car repair / servicing garage was not obtainable and so it cannot be claimed that a greater water usage applies. As such, this simply places a greater level of reliance on the BREEAM calculations for the use and this is what the Council should

have afforded weight to in line with their own website guidance which refers to this method if the water usage is unclear or based on estimated bills.

The second factor which the Council have not considered is the crossover period between uses and general the time frame (2019 – 2022) during the global pandemic with lockdowns and this would have certainly skewed any water usage, meaning that this source of data cannot be relied upon when determining the water usage of such a use outside of this period. It is widely known that the Government DVSA extended MOTs by 6 months during this period to reflect the fact that the public could not get their vehicles tested. We simply do not know how the former use operated during Covid and to do so will be pure speculation. Motor repair / servicing business were like many other businesses significantly impacted, with forced lockdowns and social distancing so there would have been a reduction in staffing and thus water usage. As such the Council's claim that the existing use is not water neutral is simply unfounded on their part for the reasons given and simply shows how they are actively not looking to work positively or proactively with applicants and would rather see proposals refused than approved.

The Council stress the necessity of a Water Neutrality Statement for every application. However, if this was the case then their validation team should have requested this at a validation stage, which was clearly not the case here. It is not appropriate to state that the necessity of a document when one was not requested initially, or during the course of the application. The Council have been inconsistent in requesting the information i.e. asking for it on some applications before a decision is issued and not on others demonstrating an inequity between applicants.

Third party representations

The appeal appears to have attracted many objections from local residents. We would like to take this opportunity to respond to these.

It is apparent that the main objections are unrelated to the Council's reason for refusal as the comments by and large allege that the business has operated outside normal operating hours. Most importantly the use currently operating does not have any set operating hours set out in any conditions as permission was refused. The appellant has informally worked with the Council's compliance officers to resolve the concerns and has already implemented steps to ensure that noise is minimised with some operational aspects being relocated recently to another site to avoid activities outside of normal operating hours. These are clearly steps to acknowledge the complaints received.

There have also been significant problems with security at the site and some of the noise could be attributed with security attending the site to respond to incidents. The appellant has employed a company to monitor security matters alongside other businesses in the trading estate.

Whilst residents are entitled to peaceful environments outside normal operating hours, it is to a degree not understood why the appellant is receiving the blame, considering

that there are out of hours deliveries being received by other companies in the trading estate. Moreover, local residents would have been aware that living close to a trading estate is likely to generate some degree of noise, particularly use for servicing and repairs. To simply assume that there will be no disturbance is somewhat irrational.

One resident has gone to the lengths of overly scrutinising the supporting information for the appeal. However, it is clear, like the Council they have no accurate alternative information to suggest anything further with regards to water usage other than covered within the appellant's statement. For the reasons already mentioned in response to the Council's statement of case, the water use around the pandemic cannot simply be relied upon in addition to where you have an overlap between uses. Moreover, the alleged employment figures mooted by the neighbours cannot be accurately relied upon, whereas the appellant had in fact approached the previous owner of the vehicle repair business to ascertain this information. This simply shines a light on the inaccuracy of [redacted] claim that the employment figures were far lower. Their suggestion of lower staff numbers employed has no basis as they would have been unlikely to count employees, with some being within the building and perhaps associated with back office functions with these fluctuating from day to day and at different times. The employment density floorspace figures are a more reliable means of assessing likely water usage and between different operators which have been factored into the BREEAM calculator that is specifically advocated by the Council and supports the appellant's case.

Based on the above it is surprising that there isn't more local support for the appeal as the application would allow for the hours of operation to be conditioned and thus enforced against should a breach arise. Based on the current situation, the business is operating with no controls or obligation to keep to any specific operating times.

Conditions – We have no objection to the proposed conditions.

I trust that the above is satisfactory, if you have any queries, please feel free to contact me.

[redacted]