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Via Email: Teame3@planninginspectorate.gov.uk

Date: 6th December 2024

Your Ref: APP/R5510/C/24/3346324, APP/R5510/W/24/3346230, APP/R5510/W/24/3349506

Our Ref: 157

Dear Ms Simpson

Town and Country Planning Act 1990

Appeals by Car Giant Ltd, References: APP/R5510/C/24/3346324, APP/R5510/W/24/3346230 and APP/R5510/W/24/3349506

Site Addresses: 386 Glebe Farm, West End Road, Ruislip, HA4 6QX

We write to respond on behalf of the Appellant, Car Giant Ltd, to the London Borough of Hillingdon's Statements of Case, received on 4th October 2024 for the Enforcement Appeal Reference APP/R5510/C/24/3346324 and the two S78 Appeals References APP/R5510/W/24/3346230 and APP/R5510/W/24/3349506.

Appellant's Response to LPA SoC Appeal Reference APP/R5510/W/24/3346324 – The Enforcement Appeal

Ground e) – Notice not properly served

The Appellant's SoC clearly details the basis for appeal on Ground e) on the basis that the Notice was not served as required by S172 of the Town & Country Planning Act 1990 since it was served only to "occupier/ owner" and not the named occupying tenant.

Ground f) – Steps required to comply are excessive

The Appellant's SoC clearly details the basis for appeal on Ground f) on the basis that the six slender lighting poles do not fall within the definition of paragraph 154 of the NPPF and the lawful use of the site has already departed from a Green Belt use.

Ground g) – The time given to comply is too short

The Appellant's SoC clearly details the basis for appeal on Ground g) on the basis that it would be unsafe to operate the site after dark and the timescale of one month is too short to secure consent. A timescale of six months is considered appropriate.

Appellant's Response to LPA SoC Appeal Reference APP/R5510/W/24/3346230 – The First Retrospective S78 Appeal

No comments are raised to the LPA's SoC for the First Retrospective S78 Appeal. The Appellant as stated in the Second S78 Statement of Case is advocating the Inspector allows the Second Retrospective S78 Appeal and the improved floodlamps and controls with suggested conditions.

Appellant's Response to LPA SoC Appeal Reference APP/R5510/W/24/3349506 – The Second Retrospective S78 Appeal

The Council in paragraph 2.32 of its SoC, considers that the appellant has not demonstrated very special circumstances (VSC). VSC is not defined in the NPPF or other legislation and is a matter of planning judgement for the decision maker accounting for the consideration of wider social, economic and environmental benefits. The Appellant's SoC in paragraphs 2.32 to 2.34 makes the VSC case of the scarcity of such open storage sites that contribute to the wider economy of London and the south-east, as an affordable storage site with excellent transport connections and the need for safe operation of the site in line with its 24 hr operation. There are no conditions restricting the hours of use and no known complaints about its hours of operation given its mixed commercial, residential, military and sporting location. VSC is not confined to the consideration of public benefits as inferred in paragraph 2.7 of the LPAs SoC.

The Appellant is not advocating that the location of numerous streetlights and floodlights in the vicinity of the site, is a precedent for the floodlights installed on the Appeal site, as suggested by the LPA in its SoC paragraph 2.10. The proliferation of numerous streetlights, as well as sports and RAF airport floodlights is however a material consideration in assessing the context of the site and how the appeal floodlights are perceived in this site environment. The environment is, as stated by the Appellant, an urban/suburban mixed-use context.

The proposed replacement floodlamps with suggested conditions, are controlled, limit light spill outside the site boundaries and with fall dark if no activities are occurring on site. The lighting poles could also be reduced in height as suggested by the Appellant in its draft conditions (paragraph 5.9 of SoC).

The Appellant in its combined SoC (paragraphs 2.58 to 2.60) has responded to the Council's incorrect assessment that the proposed replacement floodlamps are of a higher specification than the unauthorised lighting (LPAs SoC 2.18). The proposed replacement floodlamps are fully compliant with the CIBSE guidelines for the site's context. All information submitted with the Second Retrospective Appeal application to the LPA, fully assessed the impact on the nearest residential receptors, with negligible light spill.

Should the Inspector allow this S78 Appeal, the Appellant agrees with the conditions set out in Appendix 1 of the LPAs SoC but with the additions of the conditions set out in paragraph 5.9 of its own SoC.

Yours sincerely



Mary Power
Director
PowerHaus Consultancy Ltd