**Appendix 8-**
Copy of letter dated 1 June 2023 from applicant relative to objections associated with PL/2023/02422

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Our Reference: 1163P/CertAppLet2 /AB

**Becky Jones**
Development Management
Economic Development and Planning
County Hall
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1 June2023

Dear Ms Jones

**Unit 7 Ash Hill Common, Certificate of Established Use Breach of Condition.**
**Application Reference: PL/2023/02422**

We write on behalf of the applicants associated with the above following review of the submitted representations by both Saviour and Karen Ann Cassar, as detailed on the Council's web site. We make a number of general observations, whilst providing comment on some of the specific's points raised, although ultimately do not believe that the submissions constitute evidence to counter the case presented by the applicant. As such, there is little to be gained by providing a line-by-line review.

Although Mr and Mrs Cassar provided extensive detail on the situation at the site, it is noted that only anecdotal comment has been made relative to the primary issue, being the period of activity. The applicant has provided sworn statutory declarations from three independent persons in support of the application, whereas the complainants have simply provided signed statements with no supporting evidence to demonstrate that access was not being obtained prior to 2019. As attested by the applicant, the nature of the business has not changed throughout its operation and it would make no sense for practices to have suddenly changed in 2019 as has been alleged.

Although Mr and Mrs Cassar raise a number of concerns, being a Certificate of Lawfulness submission there is a need for the Council to deal with fact and not to debate the merits or otherwise of the extended hours of operation.

Much of the material provided by the Cassar's demonstrates that the activity has been causing problems and accordingly confirms that it has been taking place outside of the permitted hours, as the applicant has stated.

In viewing the content of the two submissions it is noted that the majority of points/ paragraphs are the same. As the submission of Karen Ann Casar is the longer it seems appropriate to reflect on points raised within that document and the paragraph being responded to is highlighted. For completeness the number in brackets highlights the corresponding paragraph within Saviour Cassar's submission:

- 2 (2) Comments regarding liquidation are not considered relevant to the Certificate of Lawfulness. The site is still running as Floor fix Ltd, trading as Floortrak Uk
- 7 (6) Comments regarding the expectation around commercial vehicles is noted, although not considered relevant. It is confirmed that the applicants have been renting units from the Jewells since circa 2004
- 9 (7) Information contained at SC1 is of interest, but there is nothing to detail which room the indicated spends related to. Regardless, it does not provide evidence of changed activities
- 10 (8) As confirmed within the Certificate application evidence the activity on the track and at site has been unchanged since the applicant commenced occupation of a unit at Ash Hill Common. Paragraph is anecdotal and no substantiating evidence is given
- 11 (9) It can be noted that the complainant noticed 'lights of vehicles' rather than the noise of vehicles. This being the case, activity could have been taking place without lights being apparent
- 13 (11) Vehicles that have used the track have always been personal and commercial and there has never been an alternative arrangement for staff to access the site and their work vans. Access arrangements have never changed since the applicant started trading from the site and it is difficult to think of a situation that might have resulted in the type of change that is being suggested
- 14 (12) It is not understood how a change in personnel would affect traffic and hours of activity
- 18 (16) It could be suggested that the complainants were focused on gathering evidence relative to Floortrak activity. This said, there are a number of references to private vehicles, the ownership of which may be unclear. Separation distances would make it difficult for the complainant to fully understand who vehicles belong to. That said, the applicant is not challenging the fact that the Floortrak staff utilise the track and parking area outside of permitted hours on an on-going basis
- 19 (17) It is not clear how the complainants can clearly see vehicles if they are not on site themselves. It is emphasised that Darren Martin has submitted a formal declaration, unlike the complainants
- 20 (18) It is again highlighted that Colin Robert has submitted a formal declaration, unlike the complainants
- 21 (19) The error in the statement by Sam Marston is the date of incorporation of Floor Fix Ltd. Although unfortunate, it is clarified in other statements and by independent evidence available from Companies House. The business in 2014 was Floor Fix Ltd trading as Floortrak Uk
- 22 (20) No evidence is provided within the complainant's submission to prove that the *'operation has not been happening since 2012'*. Those people best able to confirm the situation are those that have been carrying out the activity, being the applicant and their staff. That said, in this instance, the applicant has provided evidence from the landlord who lives immediately adjacent to the site and thus perfectly placed to provide fully informed comment. Again, they have provided a formal declaration, unlike the complainants
- 23 and 24 (21 and 22) It is accepted that some of the photographs that have been used to support the passing comment regarding the semi commercial nature of the wider area are out of date (photographs 9 and 10), although the non-residential use was clear from site visits. That said, the comments from the complainants serve to update on the new operations that are located locally, which fully illustrate the semi commercial nature of the wider area. Accordingly, it is not considered that this point is devalued
- 27 (25) It is difficult to understand how the complainant can challenge the applicant's '*belief*'. Appreciating this, it is confirmed that there is a need for staff to access the units outside of consented hours to collect keys and equipment for example, necessitating the switching on of lights etc. Notwithstanding this, the unit itself is not operating in that the office is not manned or open for business

- 30 (28) On the matter of CCTV it is confirmed that the applicant does operate such equipment but only retains this detail for short periods due to issues about data storage. They certainly do not retain 10 years' worth of information. Time sheets are not utilised. Appreciating this, the information provided by the claimants effectively demonstrate daily access
- 31 (29) It is once again highlighted that the vehicles using the track have remained the same personal, commercial and delivery vehicles. Prior to this it was used for HGV's on a daily basis associated with the pig farm
- 32 (30) Exhibit SC6 is not considered to relate to Floortrak activities. The indicated area is believed to have been damaged due to large vehicles reversing into RR Parts not vehicles travelling up or down to Floortrak
- 35 (33) Although not an issue of the Certificate submission it is contended that no verges have been damaged, a fact which is clear to see as the track has stayed the same width for its entire life with a lot of natural/ wild growth all around

We hope that the above is of use and will enable the Council to move forward to a positive determination. That said, should you have any queries or require anything further from the applicant please feel free to contact me.

Yours faithfully



Adrian Barker
Director- Planning

C.C Mr Luke Marston, Floortrak

Enc.