

The principal objector

27th August 2019

1. Background

We had a civilised relationship with this neighbour until around the end of 2017 – they were friendly prior to our refusal to participate in an insurance claim relating to their access track. The marked deterioration in our relationship with the principal objector commenced not long after we had contributed to a shared replacement sewage treatment system (made necessary following their dispute with another neighbour), and also provided them with advice and support with one of their other neighbour disputes, which they told us was an unprovoked attack on them.

Silpho Brow Farm

The 'Background' of the Farm detailed by the Applicant is incorrect and may mislead the Planning Authority to believe that the application site 'Silpho Brow Farm West' is indeed a 'Farm' when it is not.

The correct background details are confirmed by Property titles held at The Land Registry and are as follows;

In 1994. Silpho Brow Farm was divided into 3 properties by its owner. The 3 properties were named 'Silpho Brow Farm West', 'The Shippon', 'Silpho Brow Cottage'. In addition, there are separate parcels of Agricultural Land that the Applicant has put under the 'umbrella' of Silpho Brow Farm West but these are actually separate Property Titles entirely.

On 7th January 1994 the owner of all 3 properties sold the first of them, known as Silpho Brow Farm West (the Applicants address) as a "Residential Dwelling". A Covenant of the same date affects not only the purchaser at that time but also its "Successors in Title" i.e. the Applicant. The Covenant states (Third Schedule) that "The purchaser (now The Applicant) covenants 'Not to use the property or any part of it or suffer it to be used otherwise than as a private dwelling house and/or a smallholding'".

The Covenant also shows the extent of the boundary for Silpho Brow Farm West by way of the 'Plan'. The other parcels of land used by the Applicant for the keeping of ponies are actually parcels of Agricultural Land under entirely separate Property Titles.

On 22nd January 1998, the sale of the second property 'The Shippon' (Now known as Silpho Brow Farm East) was sold and this is detailed by Land Registry Title Number NYK201086.

Finally on 2nd June 2000, the final property 'Silpho Brow Cottage' was sold and subsequently the remaining Farm Entitlements were transferred to the occupants of that address. It is Silpho Brow Cottage that was the final part of the original farm to be sold and which retained its documented rights to continue 'all farming' activities.

This is not relevant. The Planning Authority are aware of the true status and history of the 3 properties.

The status of Silpho Brow Cottage/The Shippon is not relevant to this application, nor is the fact that land is held on separate titles.

For clarification, the Cottage deeds (NYK 250726 (attached) appear to be similar to those for Silpho Brow Farm West. For clarification, the Cottage deeds (NYK 250726 (attached) appear to be similar to those for Silpho Brow Farm West. Why would a small cottage with no outbuildings of any kind and only an acre or so of paddock be designated as a farm? It makes no sense that the adjoining property with several thousand square feet of livestock and other buildings and many acres of land was not engaged in farming!

None of this is relevant to this planning application.

The application address has not 'always been a farm' as stated by the Applicant. Since the 7th January 1994 the Application address has not been a 'Farm' and this is evidenced by the covenant that restricts its use to that of 'Residential and/or smallholding use'.

Definitions of smallholding:

Cambridge Online Dictionary (2019):

1. *Noun* an area of land that is used for farming but is much smaller than a typical farm
2. *Noun* (property) A small piece of land used for farming

Wikipedia (2019):

"In British English usage, a smallholding is a piece of land and its adjacent living quarters for the smallholder and stabling for farm animals. It is usually smaller than a farm but larger than an allotment, usually under 50 acres (20 ha). It is often established for breeding farm animals organically on free-range pastures. "

This confirms that our statements re. "farm/farming" are appropriate and correct, and that the purpose is appropriate.

The Applicants requirement for 'Commercial Storage' is contrary to the Covenant to which the property is bound. The Applicants request to use the site for horse rescue & rehabilitation is also contrary to the Covenant.

Diversification into equestrian (cottage industry or holiday lets for that matter) is an accepted and normal use for farms/smallholdings.

Rescue and rehabilitation of horses falls under equestrian, it being essentially the same but without the commercial element.

The covenants prohibit the keeping of pigs in certain areas and also prohibit the siting of more than one caravan. The application does not breach either of these covenants and there are no other relevant covenants, therefore the objector's statement that our activities are prohibited by covenant is incorrect.

"Commercial storage" is a broadly used term; running a holiday cottage/photography/plumbing/horse livery businesses from home are also commercial operations, whatever the scale.

Our “commercial storage” consists mostly of racking with boxes of horse tack, rugs and other donated items, for sale by mail order and is on a small, non-industrial scale.

Subsection 2 - There is insufficient land for storage, parking and vehicular turning . NYCC have detailed the lack of a suitable turning area and the necessity for additional storage space is detailed by the Applicant. Articulated wagons and tractors /trailers regularly deliver large numbers of round bales of hay & straw and are unable to turn around on the proposed site which sits at the end of a single track road. The requirement for additional storage and the lack of a vehicular turning point deems that subsection 2 is not met.

These statements are incorrect.

There is indeed adequate space for turning articulated wagons (lorries), not that we have any need for commercial deliveries requiring this type of vehicle. On the few occasions when it is necessary for a tractor fitted with a trailer to deliver hay, they unload in our field where there is plenty of turning space.

Subsection 3 - The portacabin and caravan do have an adverse impact on the area as they are unsightly and poorly maintained. This is evidenced in the Applicants own photographs.

The Planning Authority are best placed to decide on impact and appearance.

Subsection 4 - The existing access is not adequate. NYCC have commented on various matters including the lack of ‘pull off’ points along this single track lane. There are many delivery/collection vans each day (on average 4-6 per day) and there are no public passing places along the single track public access road.

We are aware of the submission that suggests that the access road is inadequate. However, this submission did not appear to take account of the reality of the actual very low usage of this access road.

The statement that there are “many delivery/collection vans each day (on average 4-6 per day)” is incorrect. Someone routinely photographs/videos our activities, including visiting vehicles, and would most certainly have supplied evidence had these traffic volumes existed.

Subsection 1 - Additional dwellings are required to manage the site i.e. the portacabin and the caravan. Therefore this subsection does not apply.

Additional dwellings are not created, nor are any required to manage the site. The 2 portacabin bedrooms are used by students and others who come here to help and learn from us.

Subsection 2 - Both immediate neighbours and the only other occupants of the property on the lane are affected by nuisance from the development. The occupants of all 3 properties leading to the application address have objected.

There is no nuisance. Two of the 3 neighbours have a history of objecting to virtually every application in this location, which they are entitled to do. The third are close friends and supporters of the principal objector.

Subsection 4 – This does not apply as there is insufficient parking for the employees, visitors and the ‘open days’ that the Applicants hold. Similarly, there is no turning area for the large delivery vehicles that bring bulk quantities of hay/straw. This has been addressed in detail by NYCC in their comments.

The existing parking available within the curtilage of the farm is more than adequate for the number of visitors and others.

We have never held a public open day.

The event that the objector is describing as an ‘open day’ was a weekend educational workshop on horse behaviour (see flyer attached). As with all the other events we organise, the workshops did not take place at the farm but in the local village halls and rooms. There was a practical element which did occur at the farm, by invitation, which resulted in 2 additional vehicles visiting the site for approximately one hour on two days.

As the organisers of the event, our name and postcode was of course on the literature, however the event was a pre booking only event, with the hall venue address only supplied to those who had booked, as numbers were strictly limited (to 8 participants). We can understand why the principal objector may have incorrectly assumed that these events would be held on our site, because people needed to actually book the event in order to be supplied with the actual venue addresses. However, their assumption was incorrect.

Subsection 5 - The proposal is not of an appropriate scale and is not proportionate to the existing buildings. Appendix 3 Ariel photograph refers.

Our activities and proposal are small scale and fit well with the existing buildings.

Planning Application NYM/2019/0431/FL is considered by many to be an ‘eyesore’ and other objections refer to this.

The bulk of objections flow from what appears to be organised opposition based on incorrect information, including social media statements (see attached), orchestrated by the principal objector.

It is notable that some words and phrases used appear to have been copied and pasted into some other objectors’ complaints, all of whom are friends of the principal objector. All genuine concerns are addressed elsewhere.

The actions of the Applicant may put the local equine community at risk. Equines are regularly brought onto the premises (adjacent to a ‘green road’ and also a bridleway) and yet the Applicant has failed to detail any isolation stable or suitable isolation area as required in the Dept for Environment, Food and Rural Affairs guidance (Appendix 5 attached). Equine Flu & Strangles are two highly contagious diseases currently affecting the equine world and, to protect the local equine community, suitable isolation areas are required.

This statement is incorrect. We take horses in when space is created by rehoming, which averages 5 per year – hardly “regular”.

As a direct result of the principal objector’s various statements, we have been visited and inspected by several horse welfare Charities, all of whom were very happy with the care our ponies receive. It is a great shame that the limited resources of these organisations have been wasted in this way.

The objector is aware that we have excellent isolation facilities (3x 16 x 16 foot stables within a barn) that are used to quarantine new arrivals (minimum 3 weeks) and accommodation to house unwell horses if needed (2x separate 16 x 16 foot stables at the opposite end of the barn). We have rescued horses for many years and have never had a case of Strangles, Flu, or any contagious or infectious disease for that matter.

As per DEFRA guidelines (5.4), our isolation facilities are well equipped, including PPE, footbaths, disinfection facilities, boots, clothes changing etc.

As our horses do not attend shows and other equine events, they are in fact statistically less likely to pick up infections than the equines owned by some objectors. They are also healthier than many domesticated horses, due to living outside in herds and having a low stress lifestyle due to their emotional and physical needs being met.

The Applicant has inconvenienced and caused nuisance to neighbouring properties. The 1.5 jobs created appear to have been filled by 2 of the 3 Trustees of the charity who are the occupants of the premises.

No neighbours are affected by 'nuisance/inconvenience'.

Trustees do not have paid roles. The Planning Authority have been supplied with full details of paid staff, in confidence, to protect their privacy.

There is clearly a conflict as detailed in Section 62 of the 1995 Act detailed above. The one full time and additional part-time employment opportunities that may have been created are far out weighed by the adverse impact the development has had both on the natural beauty of the landscape and the local community.

Even if the creation of two permanent jobs had not created additional local employment, the work of the charity brings numerous benefits to the local and wider area with minimal impact.

Appendix 3 shows Aerial photographs from 2002, 2017, 2018 and 2019. The position of the manure heap is denoted by an arrow. It has never been removed or spread and continues to grow in size. This is evidenced by the photographs.

Larger heaps retain heat (required for the manure to rot) and therefore rot better. Some was removed and spread in 2018, the rest is being left to rot down further. Given that we have on average 2 horses stabled (at night) from Nov-Mar and 0 to 1 in at other times, our manure production is low. We currently do not have enough manure to fill a 7 tonne muck trailer. One side of the muck heap is actually a large heap of soil, created when the previous owner dug out and landscaped the garden. The principal objector is aware of this. The muck heap is correctly situated, away from buildings/watercourses etc. and causes no problem.

The horse droppings in the field are not removed as is required particularly when equines are intensively grazed.

This is detailed in the Dept for Environment, Food & Rural Affairs Equine Welfare Document Page 10 Para 1.3. (Appendix 5 attached).

We have mostly small native ponies requiring a fraction of the grass needed by a full sized horse, as stated in the planning application and detailed elsewhere. Our ponies are tested for worms

regularly and have low or very low worm counts over very long periods of time – this would not be the case if the fields were “intensively” grazed or droppings not managed appropriately.

There is however, no actual requirement to remove droppings from fields.

Droppings are regularly removed from the bottom field, as evidenced by the principal objector’s photos. They are put in piles (shown in the objector’s photos) to be collected by a tractor bucket.

2019 aerial photograph – supplied by the principal objector - all the small piles of droppings (from the regular droppings collections) are located away from watercourses

If manure is exchanged with neighbouring farms for straw then the removal of the manure and the delivery of straw will create additional traffic. Given the current value of straw and the fact that most neighbouring farms have biomass boilers, the Applicants comments regarding exchanges for manure are unlikely to take place. The Applicants comments should be substantiated.

Should the application be given consent then after careful consideration should be given for the correct siting and storage of the manure, a Condition should be applied stating the site and the frequency /process for clearance.

The objector appears to confuse “requirements” with guidance/best practice. The manure is stored on farm and will be spread as per DEFRA requirements at the appropriate time. We have no difficulty complying with manure requirements or guidance.

We are able to supply written confirmation that the manure will be exchanged for straw by one of our neighbouring farmers, should the NYMPA require this. This will be in confidence to protect the identity of the farmer concerned, due to concerns mentioned elsewhere.

The objector appears unaware that the massive cost increase in manufactured fertilisers has led to an increase in demand for organic fertilisers such as rotted manure.

Few people would consider one muck spreader load every couple of years to be described as “additional traffic”. The delivery of straw/hay per year is detailed elsewhere.

Horse manure is classed as waste unless the exemptions apply that are detailed by the legislation (Appendix 7). In order to satisfy the Planning Authority that the manure is correctly stored and disposed of, the Applicant should clearly identify the parcels of Agricultural Land upon which the manure will be spread and the frequency of such actions. If the Applicant intends to do this on the land owned by the Charity then, as each piece adjoins a watercourse, the Applicant should satisfy the Planning Authority of the precautions that will be taken in order to prevent the pollution of watercourses and neighbouring properties as detailed in Appendix 7. The Applicant has not provided details of the other land upon which the waste will be spread so that it can be grazed by other species. The Applicant does not appear to have any other land.

Our droppings/manure are not classed as waste as their storage and use fully complies with DEFRA.

DEFRA guidelines (as supplied by the objector):

“Manure is not considered waste if all of the following apply:

- Used as a soil fertiliser
- Used lawfully for spreading on clearly identified pieces of agricultural land

- Only stored to be used for spreading on agricultural land”

Ours easily complies with this. We have no problem complying with DEFRA. Once the manure has sufficiently rotted it will be spread as per the normal farming requirements.

Solid waste - On the one occasion we had this (e.g. haylage bale wrap), we hired a small skip to put it into. We rarely use haylage as it is too rich for our ponies, however in 2017/18 we had to use some due to the hay shortage crisis.

Whilst the plans provided do not show the correct scale and size of the caravan and portacabin they also fail to demonstrate the visual impact on the landscape. The caravan & portacabin can be viewed from footpaths, bridleways and other public rights of way and are not in keeping with the other buildings or the open countryside in which this property sits. They are particularly unsightly and poorly maintained.

The portacabin and caravan are small and blend in well against the barn and other adjoining buildings.

The aerial and other photographs show that the portacabin is well screened by mature trees. The plans give a good idea of the layout and the exact dimensions of each is clearly stated on the planning application.

Siting of Replacement Summerhouse.

The summerhouse sits well away from the property and does not appear to have been granted the necessary permissions for its initial construction. Furthermore it is immediately adjacent to a local authority maintained highway.

Irrelevant. The summerhouse predates our ownership and the Planning Authority are aware of its correct planning status.

At 168 square metres, the size of the area the Applicant intends to gravel is excessive. The size is beyond that required to simply “gravel a gateway”. The plans should detail the size (to scale) in relation to both the road and the width of a single standard farm gate that is required for ‘access only’ as detailed by NYCC. Gravel is not a suitable finish for the area and the NYCC highway authority has also detailed this.

Locally quarried stone, not gravel is to be used. The purpose of having a larger area is so that mud will fall off the tractor tyres before it reaches the road. It also minimises the risk of water running into the gateway if we have another very wet winter.

If the Planning Authority consider that the area is too big, we have no problem saving money and stoning a smaller area, or not stoning the area at all, as the benefits to ourselves are small.

The Applicant has allowed mud to be deposited on the highway and has failed to respond to correspondence from NYCC as confirmed in the NYCC comments. The mud deposited by the Applicant has had a detrimental affect on neighbouring properties and also legitimate users of the road and bridlepath.

Previously and at public expense, NYCC had to clear the road of mud with a digger

This is incorrect. NYCC carried out pothole repairs and other maintenance on the road with machines. To do this the entire access road was cleared of all deposits, including the grass growing in the middle of it.

More mud than normal was indeed deposited on a small part of the public highway the following winter, just outside our field gateway, during the wettest UK winter on record.

It occurred when we went in and out of the field with the tractor, which we do on average twice a week in winter. We do of course scrape up mud left on the road by our tractor.

It is fair to say that many of the rural roads in the area at that time also suffered from deposits of mud; it was unavoidable because of the well documented weather conditions at that time. Water and mud was running off most people's fields that year. The objector complained regularly to the Highways Authority and others, despite the fact that we cleaned the road regularly both by hand with a shovel and/or a tractor attachment in order to consider our neighbours.

Some mud is inevitable in rural areas, and there are often similar deposits nearby, created by going in and out of fields during other necessary normal farming activity.

Additionally, the Applicants unauthorised excavations in the field ruptured a drain that has not yet been repaired. This exacerbates the mud and floods the road. This has been detailed fully by NYCC in the submission of their comments. If the Applicant repaired the drain and provided suitable additional drainage as requested by NYCC it would greatly reduce the problem without the necessity to gravel such a large area (168 square metres)

This statement is incorrect. The applicant engaged a highly skilled and experienced contractor to scrape off the top layer of mud to minimise the mud on the road, and carry out necessary repairs and improvements to the land drainage in our 15 acre field. This work improved the drainage.

Road Traffic

The Applicant says that "there is no significant amount of traffic generated by our activities" this is incorrect. There are several delivery vans each day that deliver and collect to & from the property. As the property sits on a single track lane and there is no turning point, the delivery vans use private land belonging to ourselves and our neighbours upon which to turn around. This has also been detailed in the objection by the Applicants other immediate neighbour.

This is incorrect and has been addressed elsewhere.

There is no need for anyone coming to us to use either neighbour's property for turning. We also have people incorrectly arriving at our property when looking for neighbours. We just accept that as part of living at the end of a rural road.

Appendix 4 attached shows that the Applicant has generated 787 Ebay sales/purchases in the last 12 months. These are only the sales/purchases that have received feedback and so the total sales/purchases may be much higher than the 15 per week already evidenced in Appendix 4.

Evidence of exact sales has been provided to NYMPA in confidence.

The Applicant also states that "many of these sold items are dispatched in small packages that are collected by Royal Mail" This is misleading as many of the items are large items that require

collection. Appendices 4a,b,c & d show items that the Applicant is advertising for sale today (27/8/19) i.e. a catering trailer, two large vehicle trailers and vehicle ramps.

Our core sales are small items in jiffy bags. As part of our yard tidying and upgrading of equipment we most certainly are selling a few larger, collection only items such as trailers at the moment. As stated in the listings, collection is not normally from the farm, although some of this information appears to have been removed from the copy listings by someone. We are legally obliged to provide our business name and address in Ebay sales listings. The listing description supplied by the objector states the collection postcode, which is not the farm. Most larger items are bought by local people, and we can deliver locally, so there is no significant traffic generation as we would combine this with other journeys.

It must also be borne in mind that not only do these items require 'shipping out' when sold, the Applicant is also 'shipping them in' all of which causes additional traffic along a single track lane. The lane has 2 blind corners and no public highway pull-in points (confirmed by NYCC response to this application).

This statement is neither relevant nor correct as "shipping in" does not exist – virtually all items are collected by our own car or van while we are out shopping or when we are in the village at our bi monthly tack sale. Jiffy bags and tape for packaging arrive via Royal Mail with everyone else's post.

In addition, there are many deliveries of hay and straw on articulated tractor & trailer combinations. These have at times completely blocked the road to legitimate users of the highway and bridlepath. Furthermore, significant danger has been caused as at times, these vehicles have reverse the entire length of the lane (approx. 1 mile) as the property does not have a turning area large enough to accommodate them

As detailed elsewhere, we have around 4 to 6 deliveries of round bales of hay/straw per year, the largest bale trailer holds 36 bales and is turned and unloaded within our field (below the farm house). There is no need for anyone to reverse down any roads. It would be impossible for our ponies to physically eat the amounts of hay the objector states are being delivered. If we did not have horses here, and either kept livestock or grew crops to sell, we would be going in and out of fields with tractors, implements, spreaders, trailers, balers etc. all year round – far more than anything which goes on now as the land management would need to be more intensive.

The land used for the ponies is 'agricultural land' and yet the Applicant has not applied for a change of use'. The ponies are intensively grazed on 2 large areas of land and there is no allowance for grazing rotation, pasture rest and the clearance of droppings. The intensity of numbers that graze the land exceed both the Planning Authorities guideline of 1 equine per 2 acres and also the Dept for Environment, Food and Rural Affairs guidance of 0.5 to 1 hectare per equine (Appendix 5 page 9 refers). The Applicant states the total site is 10.11 hectares and there is usually in excess of 30 ponies upon it.

There is no "intensive grazing".

We currently have 21 ponies and four horses on 10.11 hectares. We have an average of 26-28. The only time we had more than that was when we took in some surplus and unwanted but healthy miniature Shetland foals, which have all now been rehomed.

A horse's best and most natural diet consists of up to 16 hours a day grazing low nutrient grass and other plants that have bulk but little nutritional value. In the UK, most farmland grass (including ours) is too rich for ponies and health issues such as laminitis can result from consuming too much grass and/or being overweight. Our ponies, in fact, have plenty of grass and some are bordering on overweight. The DEFRA guidelines, which recommend a stocking density of 1-1.5 acres per horse must be taken in context – the ideal figure is much lower for small native ponies such as ours, which weigh a fraction of a horses' weight and would become obese and develop life threatening health issues on that much grass.

In addition, when horses are kept in large herds of up to 14 as ours are, the space requirement becomes far less than if they were kept individually or in small groups of 2-4.

The BHS guidelines suggest less than ¼ to ½ an acre of "mediocre grazing" for horses susceptible to laminitis, which at least around 75 % of our ponies are. Putting a pony 24/7 on a tiny area of ¼ to ½ acre would provide a very poor quality of life (horses require a larger area in which to move and exercise), hence our grazing of herds in larger areas.

We in fact have more grass than we need.

The objector is free to manage their own land as they see fit, and should accept that others do the same.

If our ponies were living in the conditions stated by the objector, they would not be as they are – happy, healthy and with good worm control.

The Applicant has erected a fence on the boundary of the highway which is unsightly and approximately 2 metres high when the permitted height is 1 metre. The Applicant has not sought the necessary consents for its erection.

The fence was erected to provide privacy, and the Planning Authority have given us advice on it.

The Applicant runs 'open days' such as the one detailed in Appendix 6 attached

This statement is incorrect as there are no open days.

Sewage

The Applicant advises that the existing sewage treatment plant that serves the property is sufficient to process the effluent from the proposed development. This is incorrect and has been addressed separately by us, The Environment Agency and the company who installed the system.

This statement is incorrect. We share a sewage treatment plant with the objectors. The manufacturers/installers of this system stated that it would need to be emptied each year but in fact to date it has only needed to be emptied after two years, which indicates that it is more than adequate and is certainly not being overloaded.

Our usage of our part of the system has not changed in any way, however on 19/7/19 the objector stated by email (attached) that we have been using the system to excess and that the system had failed its test. We have taken this statement up with both Dalton's, who installed the system, and with the Environment Agency, who have been helpful. They have confirmed to us that the system has not been tested by them.

Based on information supplied by the objector, Dalton's wrote an undated letter, which confirms the capacity of the system that they installed but little else of relevance.

To remove the necessity for contact with the objector we will however be happy to sell our share of the system, which is used by the objector for their own needs and that of their holiday cottage and horse livery etc., and install our own system instead. Accordingly, we have suggested this course of action to the principal objector.

There is more detail about the sewage and our usage under "Environment Agency".

Fencing

The fencing of the fields and along the highway is in poor condition and is insufficient. Ponies regularly escape onto the highway and neighbouring properties causing danger and damage.

The ponies have not escaped due to our own fencing, nor do they "regularly escape" "causing danger and damage".

Appendix 8A is available on the Charity Commission website. Whilst the latest accounts are significantly overdue, the latest filed accounts evidences that the charity is in an extremely good financial position and has the funds not only to replace the fencing but to make good the site (and the problems it causes) generally.

The timber was purchased some time ago to replace this fence. It will be installed as part of our ongoing improvements.

Although it is true to say that the accounts are overdue, this is not unusual for small charities that have limited resources and do not have adequate in-house accounting facilities.

This statement is incorrect. The accounts clearly show that the charity operates on a financial shoestring and does not have cash available for immediate improvements.

All For Horses was incorporated into The Animal Hostel Trust in 2015 and was therefore de-registered with the Charity Commission. The applicant continues to use the name "All For Horses" partly because it more descriptive of our equine aims and activities than "The Animal Hostel Trust".

In view of the already 'sprawling' effect of this development (Appendix 3 refers) should any works to the field entrance be permitted, the use of the area should be limited. As stated by NYCC this should be a 'field entrance' only and not a turning point, as such the standard width agricultural gate that was in situ prior to the Applicants purchase of the land should now be reinstated. Additionally, there should not be any storage/placing of any stationary object (wheeled or non-wheeled) either temporarily or permanently.

These statements are either inaccurate/inappropriate or addressed elsewhere.

In 2017 NYCC had to clear the mud from the road caused by the Applicant. The Applicant has failed to respond to NYCC regarding concerns that they have raised. This is evidenced in the comments from NYCC.

Incorrect, addressed elsewhere.

Since 2017 the Planning Authority Enforcement Officers have attended the application address in an attempt to rectify the problems caused by the Applicant. Some 20 months later the Applicant has presented this application whilst allowing the land and buildings to fall into their current state. (Appendix 3 refers)

We are following the helpful and constructive advice received from the National Park planning and Enforcement officers. It should be borne in mind that Rome was not built in a day.

Whilst the Applicant has detailed in depth how their ponies are kept in a way that they feel is similar to a natural herd it clearly contravenes recognised expert guidance from the Dept for Environment, Food & Rural Affairs (Appendix 5).

The objector's own (DEFRA) guidance notes confirm that our methods are correct and appropriate, as do the BHS and other respected guidelines.

It is questionable what the Applicant has done to enhance the natural beauty of the National Park. The land is now unsightly, over poached with little quality grazing and the landscape is very different to what it was prior to the Applicants purchase (Appendix 3).

This statement is incorrect and unhelpful in that, following the unusual wet weather conditions over the 2017 to 2018 winter, much rural land that supported livestock is poached in places. Neighbouring farms have similar issues.

As nearly all of our animals are ponies, which are in susceptible to Laminitis, they cannot be grazed on rich pasture land and both the amount and quality of the grass we have is suitable for their needs.

At the time of writing the Applicant has received 2 comments of support for the charitable work looking after ponies. It should however be noted how those comments detail that the authors have visited the site 'many times' and this further demonstrates the intensification of traffic that causes so many members of the public and NYCC concern.

As pointed out by these supporters, each would-be adopter is required to visit the pony that they wish to adopt 3 times. In an average year we will rehome 5 ponies, creating 45 trips per year – that is less than one car a week.

There is no problem with the intensity of the traffic and these visits do not therefore create or intensify the perceived problem. A typical family with 2 or 3 school age children and working parents would generate many times more road use than we ever could. This level of usage was taken into account when the original planning permission was granted, following input from Highways.

We have a small number of volunteers who visit when they are able, sometimes once a month sometimes every year or so if they have moved away. Some arrive by bike along Beacon Brow Road from Scalby, some come by car.

Exact visitor and volunteer numbers have been supplied to the planning Authority in confidence. Not all volunteers are based at the farm - some help us from home, or at events held elsewhere.

Objection 3 Summary.

If the “Core Strategy & Development Policies’ document is used as a point of reference, this retrospective planning application appears to do nothing to conserve and enhance the beauty of the North York Moors National Park and the site is considered an eyesore by many people.

The actions of the Applicant have caused/continue to cause considerable inconvenience, nuisance and danger to neighbouring properties and legitimate users of the highway and bridlepath.

These statements are incorrect and are dealt with elsewhere.

Whilst it is clearly the Applicants intention to support equines to rehabilitate & recover, the visual impact of the site and the nuisance and inconvenience caused to neighbouring properties and members of the public is disproportionate to this cause.

We do not cause nuisance or inconvenience.

There are 3 neighbours situated along the single-track lane and all have objected.

2 of the 3 neighbours have a history of objecting to virtually every application in this location, the third are close friends and supporters of the most prolific objector

Independent bodies (NYCC and The Environment Agency) have objected.

The objections of NYCC and The Environment Agency were based on inaccurate information provided to them and have been addressed elsewhere

In many parts the Applicants statement is misleading. The application plans are not to scale and are insufficient. The application does not detail the full extent of the activities conducted by the Applicant.

This statement is incorrect.

The Planning Authority should consider that if the application is approved it could be considered a ‘green light’ for the ‘change of use’ of the agricultural land upon which the ponies graze. Equines are not classed as “agricultural’ animals unless they either farm the land e.g. shire horses used to plough or alternatively, if they are bred for meat/hides.

This is a retrospective application. The Applicant has had 4 years to present the business and the property in the best light possible to be successful in its application yet it has failed to do so. As confirmed by NYCC, the Applicant has not responded to them regarding the various concerns raised with regards to the public highway. Planning Enforcement officers have visited the property for approximately 20 months and the current state of the land & buildings is after much ‘clearing up’ yet it is still an eyesore (appendix 3 2019 photograph refers).

These statements are incorrect and/or are addressed elsewhere.

If permission is granted, it is questionable if the Applicant will adhere to any planning conditions that may be applied as, to date they have not done anything to alleviate the concerns raised by NYCC or their immediate neighbours. It would perhaps have been good practice to make some attempt to alleviate the concerns of NYCC, The National Parks Enforcement Officers and their neighbours before submitting this application. If the applicant was not prepared to take these steps prior to the application they certainly may have no incentive to alleviate these concerns if permission is granted.

We are always prepared to listen to, and do our best to resolve any genuine concerns, we have had constructive discussions with the Enforcement team, and have also done a great deal to try and accommodate our neighbour's wishes.

Given the objector's own history and actions, the comments regarding enforcement and planning condition adherence are surprising.

Finally, the Applicant has not enhanced or preserved any of National Parks qualities. The Applicant has caused inconvenience to members of the public, visitors to their own premises, official bodies and neighbours.

This is incorrect.