

From:
To: [Planning](#)
Cc:
Subject: Additional comments following Planning site visit - NYM/2019/0431
Date: 23 August 2020 19:39:29

The Parish Councillor for Silpho, Cllr. Pat Foxton, attended this site meeting as Parish Council representative. His comments (below) only serve to reinforce the Parish Council's concerns and misgivings in respect of this application. The general impression he got was one of untidiness, disorganisation and a chaotic and cluttered setup where piles of things (ostensibly for sale by the charity) were located throughout the buildings the site visit was allowed to access. He comments following the site visit as follows:-

----- Forwarded Message -----

Subject:Re: Planning site visit - Yes/No replies by 6pm Monday 17th August please
Date:Sun, 23 Aug 2020 15:07:24 +0000
From:patrick foxton
To:Mrs J. Marley, Clerk to Hackness & Harwood Dale Group Parish Council

Extra comments to our original objections to the planning application concerning Silpho Brow Farm West. Having attended the site visit on Friday 21st August 2020 at 2.00pm - my comments and recommendations are:

1. I would suggest most strongly that the National Park Planning Committee seeks to have an environmental assessment survey/study carried out as the outside area used for storage of all different types of products could possibly be a major cause for concern being so close to a water course.
2. The shed accommodation allegedly used for horse stabling in connection with the applicant's charitable business of rehoming horses and ponies seemed to be a mix of the two businesses. There were three fifteen ft. square open stable yards - but the access to these was encumbered by haphazard storage of all types of plastic containers and bags filled with clothing, packs of mattresses - all intermixed with small bales of hay severely restricting entrance and exit to that area.
3. I am led to believe that Silpho Brow Farm West water supply is fed by a spring. I would suggest concern should be addressed if this supply could be relied upon in case of a fire? I understand that properties fed by a spring water supply should have sufficient water storage on hand to help the fire brigade in the case of an emergency. I did not encounter this, nor was that information made available by the applicant. How reliable is that water supply, not only from a human requirement but also from an animal welfare issue?
4. Could there be a possibility that the Health and Safety Executive would have an issue with the applicant running these two types of businesses side by side in such a haphazard manner? Especially with regard to the applicant's own safety and the safety of volunteers and staff working on that site? Permission given to allow the

applicant to expand either or both businesses would , I suggest, compound the problems that I have mentioned already and should not be allowed.

5. The way the site is managed at the moment, I would suggest, is definitely not conducive to good neighbourly relations especially as part of the applicant's 'storage' arrangements of all manner of different products are stored in the garden adjacent to the neighbours dividing fence.
6. As the Parish Councillor for Silpho I can only suggest that the National Park Planning Committee does not recommend this application for approval - on the grounds previously stated.

--

J Marley (Mrs) CiLCA
Clerk to Hackness and Harwood Dale Group Parish Council
(comprising the parishes of Broxa cum Troutsdale, Darncombe cum Langdale End, Hackness, Harwood Dale, Silpho, and Suffield cum Everley).

Annan,
41 Scalby Road,
Burniston,
Scarborough
YO13 0HN

(NOTE - due to the high number of nuisance calls we've been
may be asked to leave a message
or give your name before your call is accepted.)

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Any opinions expressed are those of the author and not necessarily the view of the Council.

From: Kay Aitchison
Sent: 17 January 2020 14:49
To: Hilary Saunders
Subject: RE: New application post - NYM2019/0431/FL - Silpho Brow Farm West, Sur Gate, Silpho - Third Party

Hi Hilary

The locations I have suggested/ described as the most appropriate for passing places are shown on the attached plan and are the only locations where there is sufficient level highway available to allow a passing place to be constructed. The location (1) between the double bends and Silpho Brow East would appear to coincide with Mr and Mrs Duffy's suggested location.



The suggested location (2) just before the bends and the stream is the only flattish section of verge wide enough to be able to construct a passing place.



Most other location with enough available verge are not flat enough and would require significant engineering to retain the land to prevent the adjacent higher land from slipping into the highway

The two passing place locations would not have a massive impact on the ecology of the highway verge, one is currently partially constructed and used as field accesses and an informal passing place already.

In answer to their other queries, The works would be paid for by the applicant who must also enter into a legal agreement (S278 of the Highways Act 1980) before works could begin. The exact location must be agreed with the Local Highway Authority (LHA) with plans and construction drawings provided. The LHA will also closely supervise the construction, which MUST be undertaken by an approved contractor to the specification of the LHA.

I agree that the Ebay business should not be run from the applicants property Slpho Brow East but think that there is little that can be done to enforce this.

Hope this helps to answer the queries

Kind Regards

Kay Aitchison

Project Engineer

Area 3 Whitby

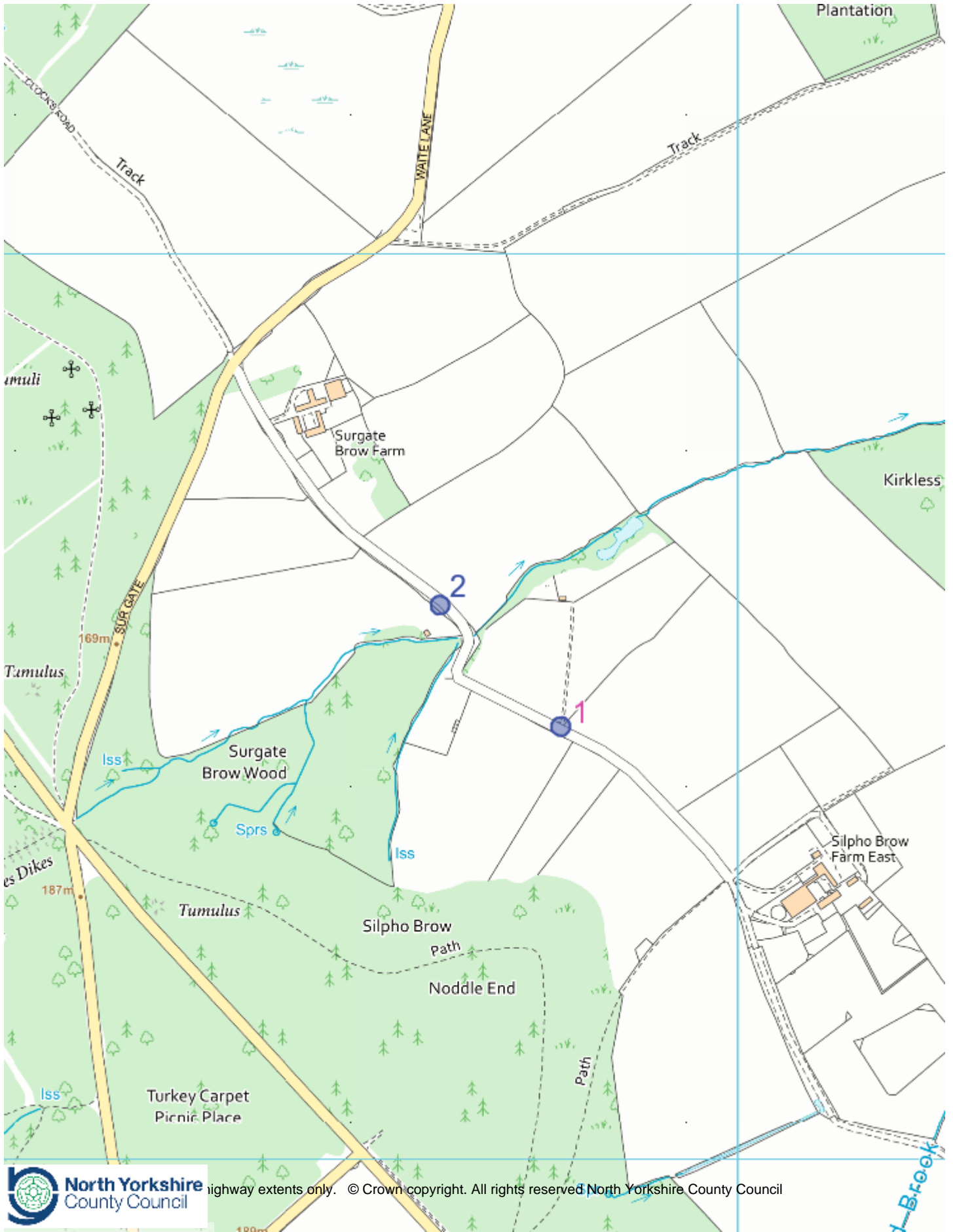
Whitby Highways Depot

Discovery Way

Whitby

YO22 4PZ

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Scale =
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From: Robert Harper
Sent: 17 January 2020 14:21
To: Hilary Saunders
Subject: RE: NYM/2019/0431/FL

Good afternoon Hilary,

Further to your recent email I can confirm that it appears from the submitted planning application documents that the only building work that will require building regulation approval is for the construction of the proposed toilet block and as such building regulation compliance will be assessed as part of the building control process once the applicant submits the details for the work to their chosen building control body.

It should be noted that the building regulations only apply when building works are carried out to materially alter or change the use of the building as described in The Building Regulations 2010 and as such they do not automatically apply to all existing buildings. Further guidance can be found in the web links below:-

<http://www.legislation.gov.uk/uksi/2010/2214/regulation/3/made>

<http://www.legislation.gov.uk/uksi/2010/2214/schedule/2/made>

Any concerns regarding the fire safety of an existing non-domestic building should be directed to the local Fire and Rescue Service in order that they can comment regarding any concerns relating to The Regulatory Reform (Fire Safety) Order. Similarly I would suggest that any concerns you have relating to the living conditions of staff should be directed to the Environmental Health department at Scarborough Borough Council who may wish to assess the situation and take any appropriate actions.

I do hope that this clarifies the situation but should you have any further queries regarding the Building Regulations then please do not hesitate to contact me.

Kind regards,

Rob.

Robert Harper. *BSc (Hons), DMS, MRICS, MIFireE, MCMI.*
Head of Building Control



Delivering Local Authority Building Control Services in Hambleton, Richmondshire, Ryedale, Scarborough and Selby

Suite 2 Coxwold House,
Tel:

Easingwold Business Park,
Mob:

Easingwold, YORK, YO61 3FB
Web site: www.nybcp.org



NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00392195
Job: 1186476

Scarborough Fire Station
North Marine Road
Scarborough
North Yorkshire
YO12 7EY

When telephoning please ask for: J Butterfield

15 January 2020

Dear Sir or Madam

The Occupier, Silpho Brow Farm West, Silpho, Scarborough, YO13 0JP

FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY

Receipt is acknowledged of your planning communication:

Dated: 06/ 01/2020

Plans No: NYM/2019/0431/FL

Your communication has been dealt with as follows:

At this stage in the planning approval process the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection/observation to the proposed development. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

The majority of information we collect regarding business fire safety is non-personalised information, however any personal data we collect will be managed in accordance with our Privacy Notice which can be viewed on our website, www.northyorksfire.gov.uk/about-us/yourdata.

Under the Regulatory Reform Order 2005 we are obliged to publish a public register of enforcement action which can be viewed via our website, www.northyorksfire.gov.uk/about-us/key-documents/links-registers.

The Occupier
Silpho Brow Farm West

Silpho
Scarborough
YO13 0JP

Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives

www.northyorksfire.gov.uk

Should you require further information please contact the officer whose name appears at the head of the letter.

Yours faithfully

J Butterfield



NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00392195
Job: 1186476

Scarborough Fire Station
North Marine Road
Scarborough
North Yorkshire
YO12 7EY

When telephoning please ask for: J Butterfield

08 January 2020

Dear Sir or Madam

The Occupier, Silpho Brow Farm West, Silpho, Scarborough, YO13 0JP

FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY

Receipt is acknowledged of your planning communication:

Dated: 06/ 01/2020
Plans No: NYM/2019/0431/FL

Your communication has been dealt with as follows:

At this stage in the planning process the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority offer the following observations to the proposed development on the following grounds:

The proposals/plans show insufficient detail for the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority to determine if the requirement B5 of Schedule 1 to the Building Regulations 2010 (as amended), access and facilities for the fire service will be met.

The majority of information we collect regarding business fire safety is non-personalised information, however any personal data we collect will be managed in accordance with our Privacy Notice which can be viewed on our website, www.northyorksfire.gov.uk/about-us/yourdata.

The Occupier
Silpho Brow Farm West

Silpho
Scarborough
YO13 0JP

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Should you require further information please contact the officer whose name appears at the head of the letter.

Yours faithfully

J Butterfield



NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00392195
Job: 1186476

Scarborough Fire Station
North Marine Road
Scarborough
North Yorkshire
YO12 7EY

When telephoning please ask for: J Butterfield

Tel:
Fax:

Email:

10 January 2020

Dear Sir or Madam

The Occupier, Silpho Brow Farm West, Silpho, Scarborough, YO13 0JP

FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY

Receipt is acknowledged of your planning communication:

Dated: 08 January 2020
Ref No: NYM/2019/0431/FL

Your communication has been dealt with as follows:

At this stage in the planning process the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority object to/offer the following observations to the proposed development on the following grounds:

The proposals/plans show insufficient detail for the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority to determine if the requirement B5 of Schedule 1 to the Building Regulations 2010 (as amended), access and facilities for the fire service will be met.

The majority of information we collect regarding business fire safety is non-personalised information, however any personal data we collect will be managed in accordance with our Privacy Notice which can be viewed on our website, www.northyorksfire.gov.uk/about-us/yourdata.

The Occupier
Silpho Brow Farm West

Silpho
Scarborough
YO13 0JP

Under the Regulatory Reform Order 2005 we are obliged to publish a public register of enforcement action which can be viewed via our website, www.northyorksfire.gov.uk/about-us/key-documents/links-registers.

Should you require further information please contact the officer whose name appears at the head of the letter.

Yours faithfully

J Butterfield

From: Kay Aitchison
Sent: 24 December 2019 11:41
To: Hilary Saunders
Subject: RE: Silpho Brow

Hi Hilary

Just sent it through, hope it makes sense, I've added toe passing places condition and slightly changed by original wording given some of the recent correspondence, attached is a plan showing the two locations I've looked at

Any questions let me know

Hope you have a fabulous Christmas and New Year

Kind Regards

Kay Aitchison

Project Engineer

Area 3 Whitby

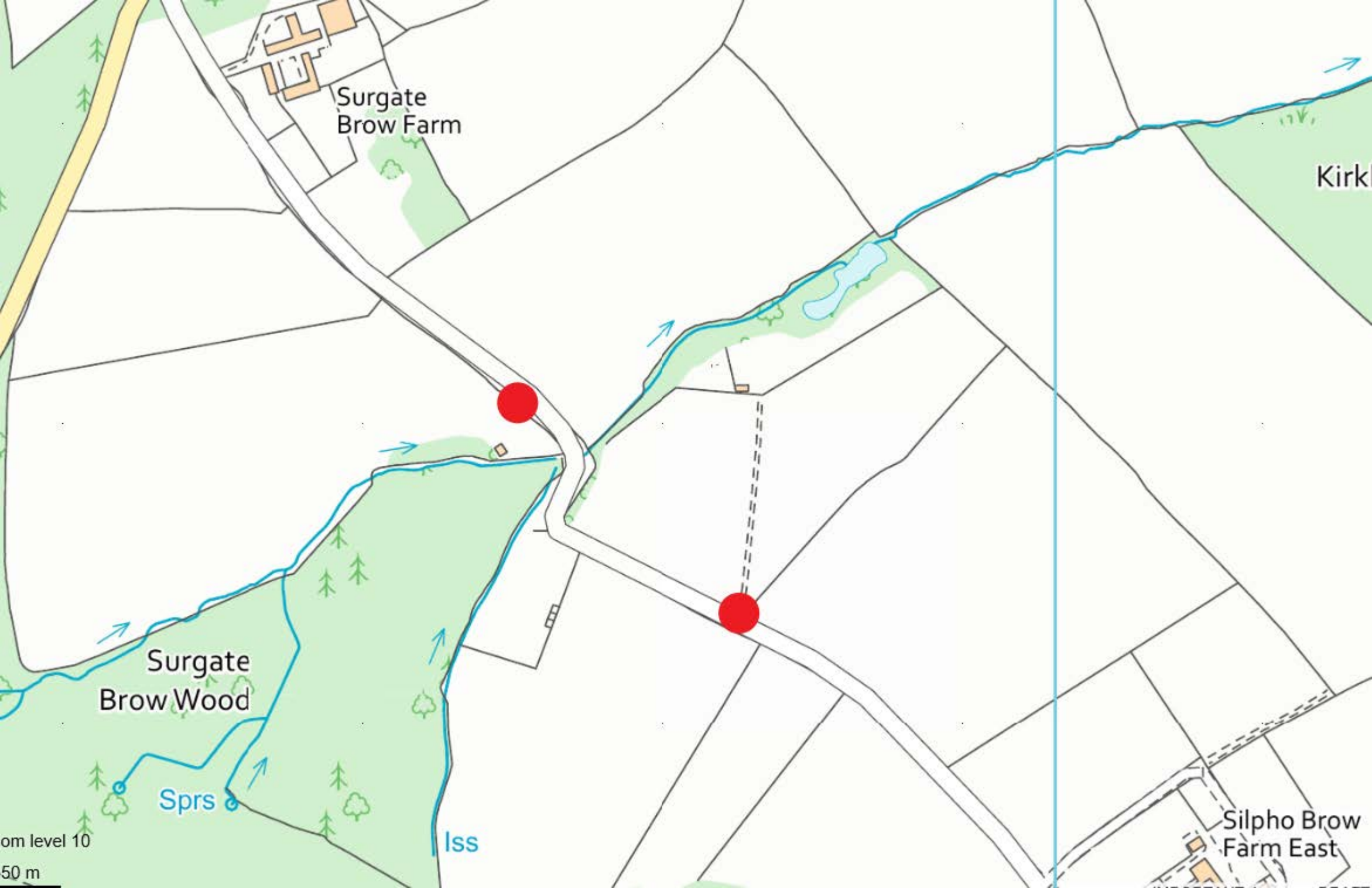
Whitby Highways Depot

Discovery Way

Whitby

YO22 4PZ

If you intend to reply to this message please respond to:



Surgate
Brow Farm

Kirk

Surgate
Brow Wood

Sprs

lss

Silpho Brow
Farm East

om level 10

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**NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No:

NYM19/431/FL

Proposed Development:

change of use of agricultural buildings for the purposes of stabling horses and commercial storage in connection with the use of the site as a horse rescue, rehabilitation and horse rehoming charity, retention of touring caravan for workers rest room, retention of portacabin for use as workers accommodation, siting of replacement summerhouse and gravel surfacing of field entrance to assist with drainage together with fenced external storage area

Location:

Silpho Brow Farm West, Sur Gate, Silpho

Applicant:

Edwards

CH Ref:

Case Officer: Kay Aitchison

Area Ref:

4/21/58C

Tel:

County Road No:

E-mail:

To:

North York Moors National Park
Authority
The Old Vicarage
Bondgate
Helmsley
YO62 5BP

Date:

24 December 2019

FAO:

Hilary Saunders

Copies to:

Note to the Planning Officer:

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The application is a retrospective application for buildings within the curtilage of the site, which the local highway authority do not have any objections too. The number of horses on the premises will require delivery of feed stuffs year round and given that Beacon Brow Road, Surgate is a narrow single track road with no passing places or turning head, the number of large vehicles required to deliver hay and straw to the property would be considered an intensification of use. This intensification could only be accommodated with improvements to the highway by construction of **2 no. passing places** in locations as identified along the length of Beacon Brow Road, Surgate, to be constructed to the satisfaction of the local highway authority.

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

NYM19/431/FL

The application also intends to gravel a field access. The use of loose material within the highway is not acceptable, any works within the highway should be constructed to the satisfaction of the local highway authority. The location was an existing gate into a field, however the applicant has excavated an area of the field for use as a turning area for vehicles delivering or collecting from the site. This area has not been surfaced and is currently soil, which during inclement weather is not suitable for any vehicles as should the vehicles not get stuck, they deposit mud over the highway. **The location is no longer signed as a turning area however it should still be noted that this is not an acceptable location** as it requires vehicles to reverse onto the highway at the junction of two other drive accesses. **A turning area to service Silpho Brow Farm West has been identified within the curtilage of the farm itself and should be large enough to allow any vehicle which may be required at the property to turn without encroaching onto the highway verge.** Vehicles should not be reversing along this narrow single track road to find a suitable turning point. The local highway authority have previously written to the applicant to request the appropriate construction of the new widened field gate but with no success. On my recent site inspection the field gate was still able to open out across the public highway causing an obstruction. Any gates should be **required to open into the field** and not be permitted to swing over the highway.

Consequently the Local Highway Authority recommends that the following **Conditions** are attached to any permission granted:

1. HC-07 Private Access/Verge Crossings: Construction Requirements - Field Access only - not turning area

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

- d. The crossing of the highway verge (**to be used as a field access only**) shall be constructed in accordance with Standard Detail number **E9A**.
- e. Any gates or barriers shall be erected a minimum distance of **2 metres** back from the carriageway of the existing highway and shall **not be able to swing over the existing or proposed highway**.
- g. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed and maintained thereafter to prevent such discharges
- h. The final surfacing of any private access within **2 metres** of the public highway shall **not contain any loose material** that is capable of being drawn on to the existing or proposed public highway.

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

NYM19/431/FL

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

HI-07 INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

REASON

In accordance with policy # and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

2. HC-14a DETAILS OF TURNING AND PARKING

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. loading and unloading arrangements.

HI-14 INFORMATIVE

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk

REASON

In accordance with policy # and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

3. HC-14b PROVISION OF APPROVED TURNING AND PARKING AREAS

No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number #:

- a. have been constructed in accordance with the drawing **to be submitted** (Reference **to be approved**)
- c. are available for use unless otherwise approved in writing by the Local Planning Authority.

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

NYM19/431/FL

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

REASON

In accordance with policy # and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

4. HC-12a APPROVAL OF DETAILS FOR SITE WORKS IN THE HIGHWAY

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the change of use of the building(s) or other works until:

(i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:.

b. 2 no constructed passing places - The provision of two passing places at locations to be fully agreed but generally in the section of lane, one northeast of the double bends and one between the bends and Silpho Brow Farms, each place shall provide a 5 metre minimum width carriageway width for a distance of 6 metres in length and provide 30 degree entry and exit tapers when completed, each passing place shall be constructed in accordance with NYCC standard passing place details unless otherwise agreed.

(iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

REASON

In accordance with policy # and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

5. HC-12c COMPLETION OF WORKS IN THE HIGHWAY

Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number:

b. 2 no constructed passing places - The provision of two passing places at locations to be fully agreed but generally in the section of lane one northeast of the double bends and one between the bends and Silpho Brow Farms, each place shall provide a 5 metre minimum width carriageway width for a distance of 6 metres in length and provide 30 degree entry and exit tapers when completed, each passing place shall be constructed in accordance with NYCC standard passing place details unless otherwise agreed.

REASON

In accordance with policy # and in the interests of the safety and convenience of highway users.

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No: **NYM19/431/FL**

Signed:

Kay Aitchison

For Corporate Director for Business and Environmental Services

Issued by:

Whitby Highways Office
Discovery Way
Whitby
North Yorkshire
YO22 4PZ

e-mail: _____

Mrs Hillary Saunders
North York Moors National Park
Development Control
The Old Vicarage Bondgate
Helmsley
York
YO62 5BP

Our ref: RA/2019/140490/04-L01
Your ref: NYM/2019/0431/FL
Date: 03 December 2019

Dear Hilary

APPLICATION FOR CHANGE OF USE OF AGRICULTURAL BUILDINGS FOR THE PURPOSES OF STABLING HORSES AND COMMERCIAL STORAGE IN CONNECTION WITH THE USE OF THE SITE AS A HORSE RESCUE, REHABILITATION AND HORSE REHOMING CHARITY, RETENTION OF TOURING CARAVAN FOR WORKERS REST ROOM, RETENTION OF PORTACABIN FOR USE AS WORKERS ACCOMMODATION, SITING OF REPLACEMENT SUMMERHOUSE AND GRAVEL SURFACING OF FIELD ENTRANCE TO ASSIST WITH DRAINAGE TOGETHER WITH FENCED EXTERNAL STORAGE

SILPHO BROW FARM WEST, SUR GATE, SILPHO

Thank you for your re-consultation regarding the above proposal which was received on 19 November 2019.

We have reviewed the information submitted and our previous comments in our letter dated 30 October 2019 remain valid.

Yours faithfully

Mr Fraser Tomlinson
Sustainable Places Planning Adviser

Direct Dial:
e-mail:
Team Direct Dial:
e-mail:

Mrs Hillary Saunders
North York Moors National Park
Development Control
The Old Vicarage Bondgate
Helmsley
York
YO62 5BP

Our ref: RA/2019/140490/03-L01
Your ref: NYM/2019/0431/FL
Date: 30 October 2019

Dear Hilary

APPLICATION FOR CHANGE OF USE OF AGRICULTURAL BUILDINGS FOR THE PURPOSES OF STABLING HORSES AND COMMERCIAL STORAGE IN CONNECTION WITH THE USE OF THE SITE AS A HORSE RESCUE, REHABILITATION AND HORSE REHOMING CHARITY, RETENTION OF TOURING CARAVAN FOR WORKERS REST ROOM, RETENTION OF PORTACABIN FOR USE AS WORKERS ACCOMMODATION, SITING OF REPLACEMENT SUMMERHOUSE AND GRAVEL SURFACING OF FIELD ENTRANCE TO ASSIST WITH DRAINAGE TOGETHER WITH FENCED EXTERNAL STORAGE

SILPHO BROW FARM WEST, SUR GATE, SILPHO

Thank you for your consultation regarding the above proposal which was received on 21 October 2019.

We have reviewed the following additional information submitted with the application;

- Document titled 'septic tank information' dated 2019-10-21, (including FDA1 Form)

Based on our review of the above we can now **remove objection** to the proposal, subject to condition. Our detailed comments are as follows.

Environment Agency position

The proposed development will be acceptable if the measure(s) detailed in the non-mains drainage assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

NOTE to Applicant / LPA;

Contrary to the assertion in the FDA1, this proposed discharge is **NOT** compliant with the General Binding Rules, and as such, a permit is required, due to the volume being in excess of 2m³ for a discharge to ground.

Guidance on how to apply for a permit can be found here: <https://www.gov.uk/permits-you-need-for-septic-tanks/apply-for-a-permit>

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved non-mains drainage assessment including the following specific mitigation measures detailed therein:

- Work on the new installation should not commence until a permit is granted
- Soakaways to be constructed to BS6297:2007
- No connection to watercourse or land drainage system and no part of the soakaway system is within 10 metres of any ditch or watercourse
- No siting of the septic tank within 50 metres or upslope of any well, spring or borehole used for private water supply

Reason

To ensure compliance with the Environmental Permitting (England and Wales) Regulations 2016.

We trust the above advice is useful.

If I can be of any further assistance, please don't hesitate to contact me.

Yours faithfully

Mr Fraser Tomlinson

Sustainable Places Planning Adviser

Direct Dial:

e-mail:

Team Direct Dial:

e-mail:

Mrs Hillary Saunders
North York Moors National Park
Development Control
The Old Vicarage Bondgate
Helmsley
York
YO62 5BP

Our ref: RA/2019/140490/02-L01
Your ref: NYM/2019/0431/FL
Date: 03 October 2019

Dear Hillary

APPLICATION FOR CHANGE OF USE OF AGRICULTURAL BUILDINGS FOR THE PURPOSES OF STABLING HORSES AND COMMERCIAL STORAGE IN CONNECTION WITH THE USE OF THE SITE AS A HORSE RESCUE, REHABILITATION AND HORSE REHOMING CHARITY, RETENTION OF TOURING CARAVAN FOR WORKERS REST ROOM, RETENTION OF PORTACABIN FOR USE AS WORKERS ACCOMMODATION, SITING OF REPLACEMENT SUMMERHOUSE AND GRAVEL SURFACING OF FIELD ENTRANCE TO ASSIST WITH DRAINAGE TOGETHER WITH FENCED EXTERNAL STORAGE

SILPHO BROW FARM WEST, SUR GATE, SILPHO

Thank you for your consultation regarding the above proposal which was received on 16 September 2019.

We have reviewed and note the additional information submitted by the applicant, however we must maintain our previous objection to the proposal as set out in our letter dated 21 August 2019. Our detailed comments are as follows.

Environment Agency Position

The applicant should still provide a full FD1 assessment as previously requested. This information must satisfactorily demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This information should include:

Details of an upgraded package STW, and submission of details of a reputable contractor to demonstrate that the discharge will be brought back into compliance with the General Binding rules

Further clarification

Environment Agency
Lateral 8 City Walk, LEEDS, LS11 9AT.

www.gov.uk/environment-agency

Cont/d..

When looking at whether the capacity of a package STW is sufficient – we assess the maximum potential load going into it.

A separate tank may be required for either excess load, or to separate from the neighbours altogether.

We trust the above advice is useful.

If I can be of any further assistance, please don't hesitate to contact me.

Yours faithfully

Mr Fraser Tomlinson
Sustainable Places Planning Adviser

From:
To: [Wendy Strangeway](#)
Cc: [Hilary Saunders](#)
Subject: RE: NYM/2019/0431/FL - Silpho Brow Farm West, Sur Gate, Silpho
Date: 30 September 2019 12:19:38
Attachments: [image002.png](#)

Hi Wendy, Hilary

Thank you for the plan submitted by the applicant which details a turning area for the above application. The measurements on the turning show that it meets the requirements for general small vehicles, cars and small transit type vans but would not be large enough for some of the larger vehicles which could reasonably be expected, e.g. horse boxes or vehicles with trailers. The turning area should be suitable for a minimum of rigid vehicles, such as a horse box or a vehicle with a horse trailer. There are turning space requirement drawings within the residential highway design guide on our website

<https://www.northyorks.gov.uk/road-adoption>

The applicant has submitted a long and detailed response to myself which I have advised should be submitted to yourselves for consideration. I can see my response and the applicants summary response on the planning site but not the applicants full nine page response.

Regarding the most recent information provided by the neighbour (via email from yourself 30th September), it only supports the most recent highway authority recommendation dated 12th August 2019

The intensification of use of Beacon Brow Road either for the provision of food/bedding or other horse related items or for the supporting web sales business would require passing places for the safety of all highway users, gates to open inwards and for the provision of a suitable sized turning space within the property. All my recommendations are purely highway related and witnessed during my own site visits (although I do not have any photos), and my knowledge of the local area. There should not be a turning area within the excavated unsurfaced area in the adjacent field which causes vehicles to also use the narrow highway and the opposite driveways and has on a number of occasions deposited significant quantities of mud on the highway. The new widened gateway should be surfaced within the highway to the local highway authority standard as submitted with my recommendation and as previously requested.

Kind Regards

Kay Aitchison

Project Engineer

Area 3 Whitby
Whitby Highways Depot
Discovery Way
Whitby
YO22 4PZ

If you intend to reply to this message please respond to:

From:
To:
Cc: [Area3 Whitby: Planning](#)
Subject: RE: NYM19/431/FL Silpho Brow Farm West
Date: 19 September 2019 15:52:09

Good afternoon

Thank you for the detailed response to the Highway Authority recommendation however these details should be sent to the Planning Authority who will be determining the application. The Highway Authority is consulted by the Planning Authority regarding the highway elements associated with any planning application. The Highways Authority response is made by its professional officers in line with nationally recognised standards and free from political or personal persuasion from outside sources. It will be for the relevant Planning Authority to determine approval or refusal of the application based upon the responses from all consultees. At the committee hearing, it will be up to local Members and members of the public to voice their concerns or support and for the Councillors on that particular Committee to take a view.

I note the comments you have raised regarding the recommendations I have made, however as stated in my previous response, I can assure you that the comments I have made are all highway related and are in response to my actual observations of your website and a site visit undertaken by myself and have NOT taken into account comments made by others.

The issues raised under the heading "Advice needed" are not directly related to your planning application and will be dealt with in a separate email.

Regards

Kay Aitchison

Project Engineer

Area 3 Whitby
Whitby Highways Depot
Discovery Way
Whitby
YO22 4PZ

If you intend to reply to this message please respond to:

From: Sophie Tolson **On Behalf Of** Area3 Whitby
Sent: 18 September 2019 11:57
To: Kay Aitchison
Subject: FW: NYM19/431/FL Silpho Brow Farm West

Sophie Tolson
Business Support Administrator
Area 3 - Whitby Highways

From: Cathy Edwards []
Sent: 18 September 2019 11:36
To: Area3 Whitby < >
Cc: Hilary Saunders
Subject: NYM19/431/FL Silpho Brow Farm West

Re. Local Highway Authority Considerations and Recommendations

NYM19/431/FL Silpho Brow Farm West

Dear Mrs Aitchison,

Attached is a detailed reply to the points raised, along with some background info.

I apologise for the time taken to finish this.

As it now covers several pages, I thought it sensible to include this short summary (see attached documents for greater details):

1. Our horses do not require the delivery of feedstuffs year-round, as unlike some livery yards we allow our horses a natural outside life 24/7 where possible, so they live off grass for most of the year and are not routinely stabled.
2. Tractors do deliver hay and straw – three to six deliveries per year, they both unload and turn around in our property.
3. Statements that a large number of vans call at our farm are untrue.
4. Regarding passing places, there are a handful of “informal” passing points in the form of field gateways and wide verges; tractors and 4x4s etc. heading to and from us or our neighbours can pass each other comfortably, though due to the low volume of traffic these are rarely needed or used – see the attached photos, taken last week.
5. Vehicles are not required to use either neighbours’ tracks or the highway to turn around, as we have an existing surfaced turning point within the curtilage of the farm. We ask all visitors to use this rather than the highway.
6. We are not planning to use gravel in the top gateway, as it would be an unsuitable finish. We intend to use locally quarried stone, 30 mm clean on top and larger stone beneath.
7. None of our gateways open onto the public highway; we changed all the gateways to open inwards immediately upon purchasing the farm, as we felt it safer. If one was opened outwards on your visit, I cannot imagine when this might have been. I assure you that we will continue to open all of our gates inwards.
8. Much of the detail we have provided would be clearer if we were to show you the areas discussed, hence our thoughts that a site visit would be helpful. If the

information we have now submitted does not fully address your concerns we would welcome a site visit.

Kind regards,

Cathy Edwards

Access your county council services online 24 hours a day, 7 days a week at www.northyorks.gov.uk.

WARNING

Any opinions or statements expressed in this e-mail are those of the individual and not necessarily those of North Yorkshire County Council.

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If you receive an automatic response stating that the recipient is away from the office and you wish to request information under either the Freedom of Information Act, the Data Protection Act or the Environmental Information Regulations please forward your request by e-mail to the Information Governance Team (infogov@northyorks.gov.uk) who will process your request.

North Yorkshire County Council.

From:
To: [Planning](#)
Subject: Comments on NYM/2019/0431/FL
Date: 14 September 2019 09:55:22

Change of use agricultural buildings to horse stabling and commercial storage connected with use of site as horse rescue/rehabilitation/rehoming charity, retain caravan for workers rest room, retain portacabin for workers accommodation, replacement summerhouse, gravel surfacing to field entrance, external storage area all at Silpho Brow Farm West, Silpho

Both applicant and objectors spoke to this application prior to it being considered by Council. It seemed that many of the things proposed in the application were already taking place. Concerns were expressed regarding the impact & problems caused by the number of vehicles accessing the property on a regular basis, since this included courier vans delivering/collecting items for the online retail business as well as staff. There were also concerns in respect of the land drainage and adequacy of the septic tank and the impact this would have on the nearby watercourse. A breach of covenant was also referred to - apparently when Silpho Brow Farm West had come into being in 1994 (by the original Silpho Brow Farm being split into 3 separate properties) a covenant had been placed on Silpho Brow Farm West requiring it only to be used as a private dwelling house and/or a smallholding.

Council is of the view that while the sentiment behind the enterprise is good, the proposals are an over-intensification.

The access road is part highway and part private - it is single track and there are no passing places yet there will be extra traffic. It is believed that some of the gates to fields adjacent the access road open into the road, which is not acceptable. There are concerns regarding the land drainage and the adequacy/drainage of the septic tank serving the property.

Council therefore objects to the application as submitted on the grounds it is contrary to:-

- NYMNP Adopted Local Plan Policy 17 and NYMNP Pre-Submission Draft Local Plan (April 2019) Policies BL11 Commercial horse Related Development
- NYMNP Adopted Local Plan Development Policy 1 and NYMNP Pre-Submission Draft Local Plan (April 2019) Policies ENV7 Environment Protection

--

J Marley (Mrs)
Clerk to Hackness and Harwood Dale Group Parish Council
(comprising the parishes of Broxa cum Troutsdale, Darncombe cum Langdale End, Hackness, Harwood Dale, Silpho, and Suffield cum Everley).

Annan,

41 Scalby Road,
Burniston,
Scarborough

**NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: **NYM19/431/FL - amended**

Proposed Development: change of use of agricultural buildings for the purposes of stabling horses and commercial storage in connection with the use of the site as a horse rescue, rehabilitation and horse rehoming charity, retention of touring caravan for workers rest room, retention of portacabin for use as workers accommodation, siting of replacement summerhouse and gravel surfacing of field entrance to assist with drainage together with fenced external storage area

Location: Silpho Brow Farm West, Sur Gate, Silpho

Applicant: Edwards

CH Ref: **Case Officer:** Kay Aitchison

Area Ref: 4/21/58C **Tel:**

County Road No: **E-mail:**

To: North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
YO62 5BP **Date:** 12 August 2019

FAO: Hilary Saunders **Copies to:**

Note to the Planning Officer:

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The application is a retrospective application for buildings within the curtilage of the site, which the local highway authority do not have any objections too. The number of horses on the premises will require delivery of feed stuffs year round and given that Beacon Brow Road, Surgate is a narrow single track road with no passing places or turning head, the number of large vehicles required to deliver hay and straw to the property would be considered an intensification of use. This intensification could only be accommodated with improvements to the highway by construction of passing places in suitable locations along the length of Surgate.

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

NYM19/431/FL

The application also intends to gravel a field access. The use of loose material within the highway is not acceptable, any works within the highway should be constructed to the satisfaction of the local highway authority. The location was an existing gate into a field, however the applicant has excavated an area of the field for use as a turning area for vehicles delivering or collecting from the site. This area has not been surfaced and is currently soil, which during inclement weather is not suitable for any vehicles as should the vehicles not get stuck, they deposit mud over the highway. **The location is signed by the applicant as a turning area however this is not an acceptable location** as it requires vehicles to reverse onto the highway at the junction of two other drive accesses. **A turning area to service Silpho Brow Farm West should be located within the curtilage of the farm itself and should be large enough to allow any vehicle which may be required at the property to turn without encroaching onto the highway.** Vehicles should not be reversing along this narrow single track road to find a suitable turning point. The local highway authority have previously written to the applicant to request the appropriate construction of the new widened field gate but with no success. On my recent site inspection the field gate was also opened out across the public highway causing an obstruction. Any gates should be **required to open into the field** and not be permitted to swing over the highway.

Consequently the Local Highway Authority recommends that the following **Conditions** are attached to any permission granted:

1. HC-07 Private Access/Verge Crossings: Construction Requirements - Field Access only - not turning area

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

- d. The crossing of the highway verge (**to be used as a field access only**) shall be constructed in accordance with Standard Detail number **E9A**.
- e. Any gates or barriers shall be erected a minimum distance of **2 metres** back from the carriageway of the existing highway and shall **not be able to swing over the existing or proposed highway**.
- g. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed and maintained thereafter to prevent such discharges
- h. The final surfacing of any private access within **2 metres** of the public highway shall **not contain any loose material** that is capable of being drawn on to the existing or proposed public highway.

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

NYM19/431/FL

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

HI-07 INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

REASON

In accordance with policy # and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

2. HC-14a DETAILS OF TURNING AND PARKING

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. loading and unloading arrangements.

HI-14 INFORMATIVE

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk

REASON

In accordance with policy # and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

3. HC-14b PROVISION OF APPROVED TURNING AND PARKING AREAS

No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number #:

- a. have been constructed in accordance with the drawing **to be submitted** (Reference **to be approved**)
- c. are available for use unless otherwise approved in writing by the Local Planning Authority.

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No: **NYM19/431/FL**

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

REASON

In accordance with policy # and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Signed:

Kay Aitchison

For Corporate Director for Business and Environmental Services

Issued by:

Whitby Highways Office
Discovery Way
Whitby
North Yorkshire
YO22 4PZ

e-mail: _____

Mrs Hillary Saunders
North York Moors National Park
Development Control
The Old Vicarage Bondgate
Helmsley
York
YO62 5BP

Our ref: RA/2019/140490/01-L01
Your ref: NYM/2019/0431/FL
Date: 21 August 2019

Dear Mrs Saunders

APPLICATION FOR CHANGE OF USE OF AGRICULTURAL BUILDINGS FOR THE PURPOSES OF STABLING HORSES AND COMMERCIAL STORAGE IN CONNECTION WITH THE USE OF THE SITE AS A HORSE RESCUE, REHABILITATION AND HORSE REHOMING CHARITY, RETENTION OF TOURING CARAVAN FOR WORKERS REST ROOM, RETENTION OF PORTACABIN FOR USE AS WORKERS ACCOMMODATION, SITING OF REPLACEMENT SUMMERHOUSE AND GRAVEL SURFACING OF FIELD ENTRANCE TO ASSIST WITH DRAINAGE TOGETHER WITH FENCED EXTERNAL STORAGE

SILPHO BROW FARM WEST, SUR GATE, SILPHO

Thank you for your consultation regarding the above proposal which was received on 6 august 2019.

We have reviewed the information submitted with the application and we **object** to the proposal. Our detailed comments are as follows.

Environment protection

We note the above application details and the comments made in regards to the existing foul drainage arrangements at this site.

We have reviewed the submitted details regarding the loading and operation of the shared package sewage treatment works (STW), and in the absence of any further submission from the applicant, the current package STW is and/or will be overloaded at times of full occupancy. As such we consider that the package STW is non-compliant with the General Binding Rules.

Environment Agency position

We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system but inadequate assessment of the risks of pollution to

the water environment has been provided by the applicant. We recommend that planning permission should be refused on this basis.

Reason(s)

The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances the planning practice guidance (PPG) (ref ID 34-020-20140306) advises that applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment. In this instance inadequate information has been submitted.

The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.

In particular, the submitted application fails to provide sufficient information to demonstrate that

- the current foul drainage system is of adequate capacity and is appropriately designed

Overcoming our objection

The applicant should provide a full FD1 assessment. This information must satisfactorily demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This information should include:

- Details of an upgraded package STW, and submission of details of a reputable contractor to demonstrate that the discharge will be brought back into compliance with the General Binding rules

We trust the above advice is useful.

If I can be of any further assistance, please don't hesitate to contact me.

Yours sincerely

Mr Fraser Tomlinson
Sustainable Places Planning Adviser

From: [Elspeth Ingleby](#)
To: [Hilary Saunders](#)
Cc: [Planning](#)
Subject: NYM/2019/0431/FL - Silpho Brow Farm West, Sur Gate, Silpho
Date: 21 August 2019 14:02:47

Dear Hilary,

I am concerned regarding the information submitted by the applicant's neighbour relating to the capacity of their shared septic tank and the probability of it already being beyond capacity. Looking at the information provided by the applicant regarding employment, it appears that they have on average 4-6 staff/volunteers on site daily (the higher number if the applicants themselves are not the paid staff mentioned) which is a considerable additional burden on the system in addition to the regular domestic use of themselves and their neighbours for whom it was already operating at or near capacity. It is not stated where the septic tank drains to, but I would assume from the information submitted by the applicant and their neighbour that the effluent from the tank goes directly into Grew Beck to the south as the nearest waterbody. Whilst incidences of alleged direct pollution from septic tanks are matters for the Environment Agency, I would be concerned to see the status quo (which is apparently beyond the capacity of the tank) being maintained through approval of this planning application until this matter has been resolved due to the potential risk to the aquatic environment. I see that the Environment Agency has been consulted regarding this application and I look forward to seeing their comments on the matter.

Many thanks,

Elspeth

Elspeth Ingleby MA_{Cantab} ACIEEM

Ecologist

North York Moors National Park Authority
The Old Vicarage, Bondgate, Helmsley, York YO62 5BP
Telephone: 01439 772700

**NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No:

NYM19/431/FL

Proposed Development:

change of use of agricultural buildings for the purposes of stabling horses and commercial storage in connection with the use of the site as a horse rescue, rehabilitation and horse rehoming charity, retention of touring caravan for workers rest room, retention of portacabin for use as workers accommodation, siting of replacement summerhouse and gravel surfacing of field entrance to assist with drainage together with fenced external storage area

Location:

Silpho Brow Farm West, Sur Gate, Silpho

Applicant:

Edwards

CH Ref:

Case Officer: Kay Aitchison

Area Ref:

4/21/58C

Tel:

County Road No:

E-mail:

To:

North York Moors National Park
Authority
The Old Vicarage
Bondgate
Helmsley
YO62 5BP

Date:

12 August 2019

FAO:

Hilary Saunders

Copies to:

Note to the Planning Officer:

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**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

NYM19/431/FL

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**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

NYM19/431/FL

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REASON

In accordance with policy # and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

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**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No: **NYM19/431/FL**

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

REASON

In accordance with policy # and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Signed:

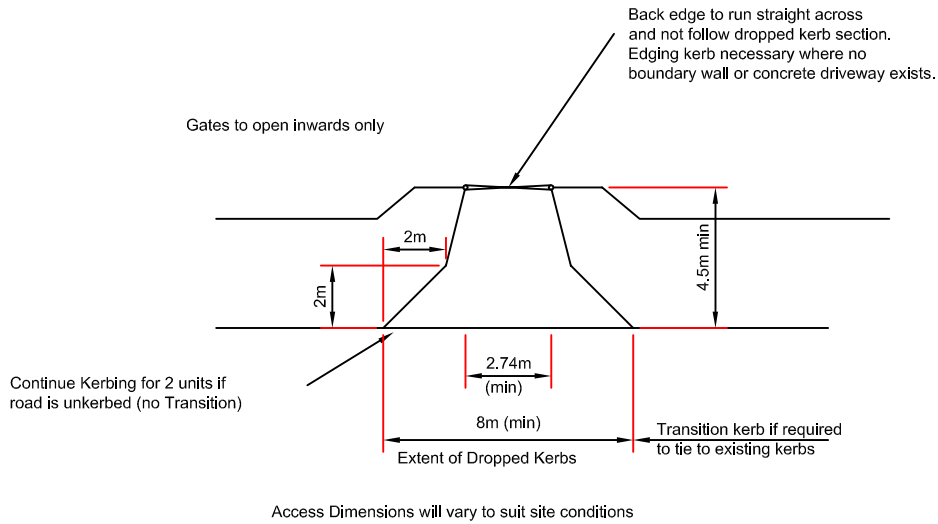
Kay Aitchison

For Corporate Director for Business and Environmental Services

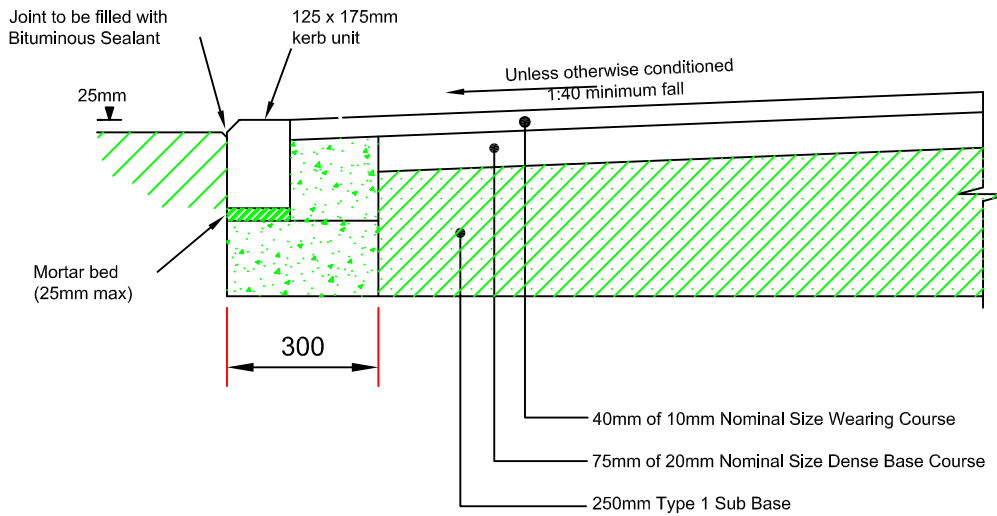
Issued by:

Whitby Highways Office
Discovery Way
Whitby
North Yorkshire
YO22 4PZ

e-mail: _____



PLAN VIEW



SECTION THROUGH MACADAM CROSSING

 <p>NORTH YORKSHIRE COUNTY COUNCIL Director of Environmental Services :- M O MOORE C Eng FICE F I H T D M S</p>	PROJECT :-	Environmental Services Development Control	DRAWN J.D.Putsey	SCALE:- NTS
	DRG. TITLE :-	Access Detail	CHECKED	DATE:- February 2002
			APPROVED	DRAWING No :- E9/ A
				Computer Filename : Stand Detail E9/A