

North York Moors National Park Authority

District: Scarborough Borough Council (South)
App No. NYM/2019/0431/FL
Parish: Harwood Dale

Proposal: 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 toilet block, replacement summerhouse and gravel surfacing of field entrance to assist with drainage together with fenced external storage area (part retrospective)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 toilet block, replacement summerhouse and gravel surfacing of field entrance to assist with drainage together with fenced external storage area (part retrospective)

Location: Silpho Brow Farm West, Sur Gate, Silpho

Applicant: Edwards, Silpho Brow Farm West, Sur Gate, Silpho, Scarborough, YO13 0JP

Date for Decision: 09 September 2019

Grid Ref: 498091 493296

Director of Planning's Recommendation

Approval subject to the following condition(s):

1. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations
2. WPDR12 Site Licence Required
3. RSUO01 Use Restricted to That Specifically Proposed (horse rescue centre and associated commercial storage)(Class B8 or D2)
4. RSUO00 The portacabin workers accommodation hereby approved shall not be occupied as a separate independent dwelling and shall remain ancillary to the business known as "All for Horses" at Silpho Brow Farm West, and shall not be sold or leased separately without a further grant of planning permission from the Local Planning Authority.

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Condition(s) continued

5. RSUO00 There shall be no commercial use of the stables hereby permitted and it shall be used only for the horses kept in association with the horse rescue charity ancillary to the occupation of the property known as Silpho Brow Farm West and for no other purposes, including livery or riding lessons, unless a separate grant of planning permission has first been obtained from the Local Planning Authority.
6. RSUO00 No open days or training events shall be held at the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.
7. RSUO00 The summerhouse hereby approved shall only be used for domestic purposes ancillary to the occupation of the host dwelling and for no other purpose.
8. GACS01 Hours of Use of Machinery
9. GACS00 No goods shall be displayed, stored, sold or offered for sale and no storage of materials, machinery, vehicles, waste or other items in association with the use hereby approved shall take place outside the areas edged in red on the amended site plan received on 22/08/2019 without the prior written agreement of the Local Planning Authority. There shall also be no storage of materials, machinery, vehicles, waste or other items on the land immediately to the northwest of the red line, adjoining the boundary of Silpho Brow Farm East. For the avoidance of doubt this includes all the areas edged in blue on the submitted plans.
10. GACS07 External Lighting – Submit Details
11. GACS19 Details of Manure Storage and Waste to be Agreed
12. DRGE00 Within 3 months of the date of this permission the development hereby permitted shall be carried out in accordance with the approved non-mains drainage assessment (Foul Drainage Assessment Form) dated 18 October 2019 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

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Condition(s) continued

13. HWAY00 Within 3 months of the date of this permission the access(es) to the site shall be set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- a. The crossing of the highway verge (to be used as a field access only) shall be constructed in accordance with the approved details and/or Standard Detail number E9A.
 - b. 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.
 - c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details shown on drawing (insert drawing number) and maintained thereafter to prevent such discharges.
 - d. 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.
- All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
14. HWAY00 Within 3 months of the date of this permission full details of the following shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- i) vehicular turning arrangements;
 - ii) manoeuvring arrangements;
 - iii) loading and unloading arrangements.
15. HWAY00 Within 4 months of the date of this permission the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 12 shall be:
- i) constructed in accordance with the submitted drawing to be submitted under Condition 14 above;
 - ii) are available for use unless otherwise approved in writing by the Local Planning Authority.
- Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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Condition(s) continued

16. HWAY00 Within 3 months of the date of this permission the details of the following off site required highway improvement works, works listed below shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:
- a. 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.
 - b. 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.
17. HWAY00 Within 4 months of the date of this permission the following highway works shall have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 16:
- a. 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.
18. RSU00 The portacabin workers accommodation hereby approved shall be removed from the site within five years of the date of this permission.
19. LNDS01 Landscaping Scheme Required (hedge planting along the south eastern boundary)
20. MISC00 Within 3 months of the date of this permission, a fence of at least 1.6 metre in height shall be installed around the perimeter of the external storage area hereby approved shall thereafter be so maintained.
21. GACS00 No more than 30 horses or ponies shall be stabled or grazed at any time on any of the land within the red and blue line of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

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Informative(s)

1. Private Access/Verge Crossings: Construction Requirements
2. Details of Access, Turning and Parking
3. Adjacent Public Rights of Way
4. The applicant should consult with both North Yorkshire Building Control and North Yorkshire Fire Service to ensure that all relevant regulations are complied with.





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Consultations

Parish – 16/9/2019 – Object – It seems that many of the things proposed in the application are 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 three 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

23/08/2020 - Additional Parish Council Comments - The Parish Councillor for Silpho, Cllr. Pat Foxton, attended the 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 were located throughout the buildings the site visit was allowed to access. He comments following the site visit as follows:-

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.

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Consultations continued

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.

Highways – 3/9/2019 – Recommend Conditions – Beacon Brow Road 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 (Comments superseded by those received on 24/12/2019).

30/9/2019 – The measurements on the turning plan 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.

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. 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.

24/12/2019 – 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, to be constructed to the satisfaction of the local Highway Authority.

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Consultations continued

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. This is not an acceptable location for a turning area 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. 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.

Environment Agency – 21/8/2019 – Object – In this instance inadequate information has been submitted. 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.

3/10/2019 – Additional information - Maintain our previous objection. 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. A separate tank may be required for either excess load, or to separate from the neighbours altogether.

30/10/2019 – Further additional information – **Remove objection** - Have reviewed the Document titled 'septic tank information' dated 2019-10-21, (including FDA1 Form). It will be acceptable if the measure(s) detailed in the non-mains drainage assessment are implemented and secured by way of a planning condition on any planning permission. However, 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.

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.

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3/12/2019 – We have reviewed the information submitted and our previous comments in our letter dated 30 October 2019 remain valid.

Environmental Health – 27/8/2019 – Licencing – the licencing regime does not cover such activities unless there is an element of “riding establishment”. **Housing Team** – no comments received.

Police – Traffic – No response received

North Yorkshire Building Control Partnership – 17/01/2020 – 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. 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. Any concerns regarding the fire safety of an existing non-domestic building should be directed to the local Fire and Rescue Service. Similarly any concerns relating to living conditions should be directed to the Environmental Health department at Scarborough Borough Council.

British Horse Society – No comments received

North Yorkshire Fire & Rescue Service – No objection

10/01/2020 – Object on the basis that until sufficient information has been submitted to determine if adequate access and facilities for the fire service can be met, there may be an unacceptable life risk due to people sleeping in the portacabin.

15/01/2020 – No comment/objection (These comments submitted by the Fire Officer following his visit to the site. A site visit was arranged by the Fire Officer in order to properly understand the plans and also to look at the access route and assess if suitable for a fire engine to be able to get to and turn around at the premises.

Advertisement Expiry Date – 29 August 2019

Others – 25/7/2019 – Jacqui Shipman, Silpho Brow Cottage, Silpho Brow – Object

The septic tank which serves both properties was not working and was polluting a waterway. The Environment Agency put us on notice that it required an urgent replacement. This was done in full consultation with the Environment Agency and building regulatory requirements. You may recall the previous occupant of Silpho Brow Farm West obtained planning permission for holiday cottages and the current applicants advised that should they carry out that development or require any other additional sewage requirements that they would install a separate system.

The current system will not cope with the additional usage proposed. As this is a retrospective application, it appears that the actions of the applicant have been overloading the system for some time and this means that untreated effluent has been discharged into the waterway.

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27/8/2019 - In 1994 Silpho Brow Farm was divided into three properties with a covenant that states 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 application address has not 'always been a farm' and since the 7 January 1994 the Application address has **not** been a 'Farm' .The applicants requirement for 'Commercial Storage' is contrary to the Covenant. The applicants request to use the site for horse rescue & rehabilitation is also contrary to the Covenant.

Object for the following reasons:-

- The application does not fit any Core Policy within 'The Planning Framework'
- The only 'Core Policy' that should be given further consideration is Core Policy H Supporting the Rural Economy
- It is considered by many to be an 'eyesore' and other objections refer to this.
- The applicant has inconvenienced and caused nuisance to neighbouring properties.
- The 1.5 jobs created appear to have been filled by two of the three Trustees of the Charity who are the occupants of the premises. The one full time and additional part-time employment opportunities that may have been created are far outweighed by the adverse impact the development has had both on the natural beauty of the landscape and the local community.
- Manure - The current manure pile has not been removed or spread since 2015 and continues to increase in size.
- If manure is exchanged with neighbouring farms for straw then the removal of the manure and the delivery of straw will create additional traffic.
- The portacabin spans almost two bays of the agricultural barn
- 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 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.
- The area of the gravel surfacing of field entrance is excessive.
- Road Traffic - 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. In addition, there are many deliveries of hay and straw on articulated tractor & trailer combinations.
- In parts, the application documents are misleading, incorrect and do not detail the applicants full activities. The intensity of numbers that graze the land exceed both the Planning Authorities guideline of 1 equine per 2 acres and also the Department for Environment, Food and Rural Affairs guidance of 0.5 to 1 hectare per equine (The applicant states the total site is 10.11 hectares and there is usually in excess of 30 ponies upon it).

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- 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 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.
- The fencing of the fields and along the highway is in poor condition and is insufficient.
- Failure to Enhance the National Park. It is questionable what the Applicant has done to enhance the natural beauty of the National Park.

For these reasons the application should be refused.

27/9/2019 - Following the submission of further comments by the applicant I am writing to confirm that my objection still stands.

The restrictive Covenants (relating to farm use only) should be considered by the Planning Authority as they were applied at the time the Planning Authority granted permissions for the farm to be developed into three properties.

The Environment Agency has objected to the application, NYCC Highways Department have objected for the reasons that they have stated and the local Parish Council voted unanimously to object to this application. The applicant and five objectors attended the meeting.

The applicant has stated that their activities cause minimal traffic but the owners of the only other three properties on the lane have all objected because the traffic has increased substantially. Visitors and delivery vans attending the applicants address use the private drive entrances of other properties on the lane to turn around and also pull into private properties to request directions. At the Parish Council Meeting, a local Parish Councillor also advised other Councillors how 'many white vans' entered his own yard requesting directions to the Applicants address each week. The applicant has submitted confidential information to the Planning Officer to show that their online sales are low. All three immediate neighbours disagree and there is information available on the Charity Commission Website that is published for public viewing and supports my objection.

The applicant purchased the application address in 2015 and Internet Sales according to the publicly published Charity accounts for 2015 – 2018 range between £3,000 to £8,000. This shows a significant year on year increase and provides further evidence of the goods arriving and leaving the applicants address and hence the increased volumes of large

delivery vans that we have encountered. The increased traffic causes significant inconvenience and unauthorised use of our private properties.

31/10/2019 - The Environment Agency and NYCC Highways have made further comments. In response to those comments I would like to make the following comments;

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The EA response advises that in order to overcome the EA objection, the applicant should provide a full FD1 Assessment and submit details of a reputable contractor to demonstrate that the discharge will be brought back in line with the General Binding Rules.

NYCC advise that it is necessary for the construction of passing places along Beacon Brow Road and I assume these will be at the Applicants cost. Where will these be and, given the previous excess mud deposits on the road will there be a requirement for them to be constructed to highway standards by a contractor whom is authorised to work within a public highway? With regards to the construction of passing places (and for the safety of all users of Beacon Brow Road) what will be the timescale for the installation of them? Whilst the applicant has provided further information regarding a turning area, there don't appear to be any comments to address either the prevention of surface water discharge onto the existing highway or the correct construction of the verge crossing. As this is a retrospective application, I assume both of the above are currently required before the application is considered at a Planning Meeting.

2/8/2019 – Mrs Elaine Tranter, 2 Suspension Cottages, Sneaton Lane, Ruswarp – Object. There seems to be little evidence of rehabilitation and rehoming. There appears to be at least 30 horses on 10 hectares, the fields are in an appalling condition and are scattered with dangerous objects and inadequate fencing with horses often loose on the road. Overall the premises are an unsightly eyesore in an otherwise beautiful area of the National Park. The portacabin and caravans appear totally inadequate for staff/volunteers.

6/8/2019 – Sarah Woodward, Highbank, Wrea Head, Scalby – Object. I am concerned as to the suitability and conditions these horses are kept in. The plans have no provision for isolation or quarantine stabling. Equine flu and strangles, both highly contagious diseases have been identified in this area. Yet there appears to be no provision for dealing with an outbreak of infectious disease which would impact both the rescue horses/ponies and those equines passing by on the public access routes. On a recent occasion I counted approximately 30 equines on the land relating to this application. Given recommended stocking densities is 1 – 1.5 acres per equine, depending on size breeding etc. I am concerned at the number of equines on the available grazing. I appreciate native ponies are hardy but even taking this into account I still have concerns over the numbers involved. There appears to be very little grass currently and this situation will only deteriorate as we progress into winter.

The equines on pasture to the south of the property have very little or no shelter and are in open exposed fields. Shelter in summer from flies, sun and heat is as important as being able to shelter from winter weather.

I also find it unacceptable the appearance of the property and its land, it is an eyesore.

Given this is in the National Park it has more resemblance to a scrap yard than an area of natural beauty.

18/8/2019 - Mr John and Jane Duffy of Surgate Brow Farm, Silpho – Object. Our farm is situated at the end of the single track lane leading to Silpho Brow Farm West. Silpho Brow Farm was originally farmed as a single dairy farm, along with an adjoining small cottage. The farm was then sold and divided into three dwellings; this was initially opposed by the NYM

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planning department on the grounds that it was unsafe to have more traffic on such a narrow lane. Most of the land was sold off to neighbouring farmers, generating more traffic and heavy farm machinery used the lane to access the fields. More recently further permission was given for a holiday cottage to be added to one of the dwellings. The lane is also used by walkers, horse riders and cyclists.

Our farm land is on either side of this increasingly busy lane. We rely on being able to drive our sheep along the lane from the fields to our farm buildings. This is becoming increasingly difficult. The lane is single track with a blind double bend where it crosses a stream. It is bounded by high hedges and bracken and it is not possible to see vehicles coming on some sections. There is one passing place, but none on our section of the lane. Our field gateways are increasingly being used as passing places, leaving them muddy with deep ruts in winter and making access to our fields more difficult.

We have several concerns with this application.

1. The Charity is seeking to recruit volunteers, generating further traffic on the lane. The applicants have suggested that volunteers could arrive by foot or bicycle; this is totally impractical as the farm is situated on a steep hill and subject to severe weather in winter.
2. If planning permission is granted for the conversion of the existing agricultural buildings into stables for 30 horses, the property ceases to be a farm and becomes stables. There would be nothing to prevent the current owners or any future owner from using the site as a riding stable or livery yard. This would generate an enormous volume of traffic, using trailers and horse boxes. So a yard with 30 stables could generate 120 vehicle movements (there and back) daily.
3. Increase in the number of delivery vans using the lane. Much of this traffic is generated by the online sales business run from the farm. The application to change the use of the agricultural buildings to use for "commercial storage" surely represents an escalation of these business activities.

For all the reasons given above and to protect the tranquillity of this part of the National Park, we urge the NYM planning committee to refuse this application.

14/01/2020 – We note that the volume of traffic has declined significantly while the application is pending. We would suggest that the applicant could use a PO Box, possibly at Burniston or Ayton, meaning the applicant could visit the post office every couple of days which would involve significantly less vehicle movements.

We are also concerned about the proposed passing places. We have farmed here for 30 years and have in that time have renovated hedges and looked after verges at our own expense and have never used pesticides so are full of wild flowers. In 1994 the National Park considered more passing places would be harmful to this ancient road. Creating passing places would damage this beautiful environment. Instead we would like you to consider ways in which the applicants could reduce traffic.

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19/8/2019 – Shirley Baines, 89 Hoxton Road, Scarborough – Object. This is a Bridleway and I rode through the land in winter months when there were 30+ ponies.

1. The landscape had changed considerably, mud from corner to corner of all the fields the ponies were in with ponies standing knee deep in mud.
2. The ponies had a small amount of old haylage. No obvious water trough.
3. Many ponies had their heads down looking depressed standing in mud and nothing to eat.
4. Many had rugs on which didn't look waterproof and looked very uncomfortable.
5. Fencing looked in a poor state and there were metal objects in the lower field.

I was horrified and concerned that ponies could be kept like this and felt these ponies needed rescuing again. I know mud is inevitable with horses in winter but there were too many together and no spare fields to rotate and rest.

24/8/2019 – Ian and Christine Mackenzie, Silpho Brow Farm East – Object. We are immediate neighbours and have sympathy with the aims of the applicant in running a horse rescue Charity; therefore we would like to be able to support this application. Unfortunately, we cannot. It is very unfortunate that works and activities have been undertaken by the applicant for some years prior to obtaining the necessary consents that are now being sought. We are particularly concerned that approval of this application will be regarded as a "green light" and lead to a further expansion in existing commercial activities, and potentially other new activities being introduced.

Prior to 2014, Silpho Brow Farm West was a residential dwelling, whereas the site has now largely been "industrialised". This change of use has had significant impact on traffic and the local environment, as detailed below. We submit that the site is and will remain wholly unsuitable for any use or event that is open to the public

Highways and access is unsuitable - Despite the applicant's comments, it appears that there is still no satisfactory means for commercial vehicles to turn at the applicant's property. The private entrance to our drive and the adjoining property is still regularly used for turning, and on occasion drivers of delivery vehicles have opened our gates and entered our property to use our turning area, which is situated several hundred metres from the public highway. This is unacceptable.

Environmental considerations - the entrance to our property is awash with liquid mud throughout the winter months. We also have considerable concern about the nature of the commercial storage being undertaken.

We have no objection in principle to the summerhouse. However, we would ask that a planning condition be created restricting the use of any new summerhouse to social or domestic purposes only, so that a new structure cannot be used for further commercial storage or for the accommodation of more workers.

26/8/2019 – Pauline Lupton, 132 Hailgate, Howden – Support. They were the only Charity to support me when I was faced with rehoming several horses. One in particular I was facing putting to sleep due to behavioural issues. I have visited several times in the past two years and have tried to support them by doing home checks for horses. They take great care to match owners and horses and insist that potential adopters visit and spend time with a

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potentially suitable horse to assess their compatibility. To do this she needs accommodation to make the visits economical. She also needs accommodation for staff and students as horses need care 24/7 every day of the year. I have only ever seen minimal traffic going to the farm belonging to staff and helpers. The applicant has forged good relationships with local farms who provide hay and haylage for the horses at good rates.

27/8/2019 – Mrs Joanne Richardson of Lyndhurst, Main Road, Gilberdyke – Support. I am an experienced horse owner who just over a year ago took on a very well looked after pony. We visited the farm on four occasions before collecting. On all occasions we never passed or even saw another vehicle on the single track down to the Farm and when collecting we used a horse trailer and had no issue navigating the single track road. On first arrival the farm does look a little unkempt but when you go in to meet the horses and ponies they are well looked after. What is clearly not understood by some people is that this is a working farm with a high number of animals that have been rescued from extremely poor conditions. We visited during the winter months and yes it was muddy (as is to be expected) but horses were warm, dry and well fed. I hope 'all for horses' can continue the great work they are doing in rescuing animals that are in desperate need and would ultimately be put to sleep, these horses and ponies can and do go on to have a great life.

27/8/2019 – Mrs Gill Dixon PGCE,MA,BHScHons,RGN, Riverside Farm, Skelton, Howden – Support. I have visited this site on several occasions and have found hard working people working tirelessly in their efforts to help ponies who would otherwise have been slaughtered or possibly abused. The horses all looked absolutely relaxed, well covered and stress free, living in a herd in as natural a way as possible. Mrs Edwards puts their welfare over and above everything and whilst the hours she works may detract from aesthetics in the cosmetic appearance of some areas of the land that is because the welfare of the ponies is considered the priority. Mrs Edwards is often up through the night assisting those that have additional welfare needs and she is very knowledgeable re the specific needs of these animals. The Charity is situated in a quiet location and served by a narrow road which has always been free of any traffic when I have visited and there has never been an issue getting to the farm.

28/8/2019 – Mrs V Almond, 7 Queens Drive, Goole – Support. This venture is of very low impact on wildlife and if anything it enhances it. It is not detrimental to this wonderful area. The applicant devotes her life to helping these animals. I've been to visit on numerous occasions and never passed a soul on the road. The wonderful work this lady and her few volunteers do is a credit to human kindness. This lady is out in all-weather to make sure these horses are fed and watered, they live naturally in a herd and it's wonderful to see.

28/8/2019 – Bethany Messruther, 4 Vernon Grove, Scarborough – Support. I regularly attend All For Horses in my capacity as an animal physiotherapist to treat their horses and ponies when needed and provide continued maintenance physiotherapy treatments. The horses and ponies are very happy, relaxed and healthy.

They enjoy living in a natural herd environment, along with care and support as needed from experienced and well qualified people. I treat horses at the sanctuary throughout the year. I also keep my horse in the local area so ride through and walk my dog in the area regularly at least once or twice a week and rarely meet any traffic on the road. The sanctuary isn't the

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tidest place but the owners and staff are currently clearly working on improving the appearance; this obviously takes time and money and has to run alongside providing the horses with all their needs.

27/8/2019 – Owen & Audrey Welford, Craigielee, Robin Hoods Bay – Support. This establishment is needed for the care of rescued and abandoned horses and ponies.

The people need all the help and support to continue the excellent care and welfare of the animals as they are doing at present.

28/8/2019 – Amy Garbutt, 225 Rotherham Road, Maltby, Rotherham – Support. I found a mare that had been in their care since 2015. We viewed the mare and a couple more horses that were in their care. The weather was cold so the horses had their rugs on so they were warm, and were all sharing some big bales of hay until the grass started to grow through. The herd was happy and calm, with no problems at all. The rescue workers suggested meeting the horses a minimum of three times before rehoming them, so they are calm and comfortable for when they move homes. During our stay, we visited the yard twice a day at different times. While doing this daily routine, we encountered two vehicles for the entire three days, one vehicle being a Royal mail van.

The rescue had been amazing with all their hard work around the clock and their support. They are an amazing charity who does amazing work.

11/9/2019 – Lesleyanne Freeman, Deepdale, Main Road, Beelsby, Grimsby – Support. I went three times to see a specific horse as it is the rescue's policy that prospective owners get to know the horse and it you. The horse I was interested in had been mistreated before she arrived and had been very nervous of people. Cathy and her team had nurtured and cared for her for over a year. The horse has absolutely thrived and is a pleasure to own and ride and I was so glad I could offer a horse in need a loving home for life. My donation was also helpful towards food and vet bills and all the other costs. These horse rescues up and down the country are a lifeline for abused and unwanted horses and ponies and they are essential for animal welfare. The Charity does an excellent and essential job.

I cannot imagine why anyone would object to the plans for the farm, especially given its very rural location and it not being in anyone's way or causing any detriment to anyone. The location is ideal for helping horses who have been abused or abandoned to regain their confidence and trust.

If the plans are not approved the horses could lose their home and once again face fear and an uncertain future.

12/9/2019 – Sandra Bewell-Frost, David T Frost, Amy Curtis, Chloe Curtis, 5 Hewley Drive, West Ayton – Support. We have been dedicated supporters of this horse rescue charity for a number of years and visit the farm to spend time with the horses and ponies, grooming and giving what love we can to these animals. We are full of admiration for the love and care given, for their skills, and for the specialist care they give to horses who can barely just suck in liquid food, who are almost too weak to stand, and to those whose painful wounds and infections need treatment. It is also a beautiful sight to see these horses

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recovering, regaining their trust and confidence, and enjoying the peaceful retreat of the grassland pastures on the farm. It is also clear to see that all the resources and donations are invested in the work of the charity. The farm facilities are basic but adequate, although it is equally clear to see how well organised and run this charity is, and how much hard work is going into improvements on an ongoing basis.

The farm is beautifully peaceful at the end of the country lane, perfect for this place of rescue. On our numerous visits we have only once encountered another vehicle, which was the council bin collection reversing into the nearby drive - this did not cause us or them any inconvenience.

We feel that it is in keeping with farm use, is properly managed, and is a much-needed resource in the Scarborough area where there is a high level of horse and pony ownership. Without the rescue work on this farm I fear that our area would suffer much as others such as the north east where malnutrition and abandoned horses and ponies are commonplace for the authorities to deal with.

23/9/2019 - Ann Owen, 143 Stepney Rd, Scarborough - I have worked for All for horses since end of September 2018. I work five days a week 8.30- 4.30/5 caring for the horses I am a BHSAI with 40 years' experience working with horses.

Background

Silpho Brow Farm West is situated in an isolated location and comprises one of a group of three dwellings; a pair of semi-detached properties and a detached dwelling that is a converted barn.

The properties are reached via a long and winding single track lane, which is also a public bridleway. Vehicular access is gained onto this lane, via a steep and narrow junction with

another partly single track lane known as Waites Lane, an unclassified road which leads from Silpho to Harwood Dale and Burniston.

Silpho Brow Farm West comprises the main house (the western half of the pair of semis) two substantial Dutch barns, and an L-shaped pair of traditional stone barns. To the north east, is the converted barn that comprises the adjacent property and its garaging, previously known as "The Shippon" but now known as "Silpho Brow Farm East". To the east is the attached dwelling known as "Silpho Brow Cottage".

In 2008, planning permission was granted to convert the traditional barn attached to the house into a two bedroom holiday cottage. This permission was never implemented.

This current application follows on from investigations by the Authority's Enforcement Team and seeks retrospective planning permission for the change of use of the agricultural buildings within the curtilage of Silpho Brow Farm West to the stabling of horses and

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commercial storage in connection with a horse rescue, rehabilitation and horse rehoming Charity. The application includes the retention of a touring caravan and portacabin, situated between the house and the agricultural buildings, used as a workers restroom and workers overnight accommodation (two single bedrooms). It is also proposed to site a replacement domestic summerhouse adjacent the western boundary of the property and to provide a toilet block, located immediately to the rear of the barn to provide two toilets and shower room.

The summerhouse would be timber clad with a maximum height of 2.2m, 3.04m wide x 2.3m deep. The toilet building would be a small lean-to structure faced with blockwork to match the barn with dark grey roof, possibly with solar panels installed. The building would measure 3m wide x 1.6m deep with a height to the eaves of 2.10m and to the highest part of the roof of 2.7m. Foul water drainage would be dealt with by a new sewerage treatment plant, to which the Environment Agency does not object.

Officers are aware of press reports citing a general increase in horses and ponies being abandoned or not being properly cared for following the recession of 2008.

In support of the application the applicant has stated that:-

The farm was purchased as a place for horses and ponies to graze in herds and recover. The Charity grazes horses here, finds them new homes and sells donated items by mail order to raise funds to cover running costs. Horses typically stay for a few months to a couple of years. The fields provide them with more than enough grass, and they are in a good, safe, herd environment. Our horses are well cared for by skilled and experienced people, and all the welfare officers sent here by 3rd parties have always been very happy with both our experience and the quality of the horse care that we provide.

If the ponies did not have enough to eat or were not in a healthy condition then this would have been mentioned by the various welfare officers from larger welfare Charities who have been called to the site on several occasions. On each occasion they have been happy with the care we provide.

Livestock density is based on the weight of the animal and the DEFRA guidelines apply to horses (variable weight but typically around 500kg), not to the small native ponies that we typically care for. We have only four horses; the others are ponies that typically weigh around 200 - 300kg, although some weigh far less.

We are not seeking planning permission for 30 stables. We have fewer than 30 ponies, in three fields and are seeking permission to retain the five existing stables, located in the existing barn, originally created from the sheep pens which were already in there when we bought the farm. The ponies only come in if in need of veterinary attention. The rest of the two modern barns are used for storage, and for farm operations, such as feed and machinery storage. This makes good use of the buildings without causing the noise/smells etc. usually associated with livestock farms which could affect neighbours.

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The overnight accommodation is for volunteer workers who help look after the animals; many are veterinary and other students attending the farm as part of their studies. Typical stays range from 2-4 weeks. The portacabin is used *instead* of the house bedrooms, so there is no increased usage. We try to have two students all the time, but do have gaps where we don't have any students, especially between September and April. We have one full time staff member who works five days a week, and one part time member who works two days per week.

Our day volunteers come from a wide range of society, including ex-military recovering from PTSD, local people of all ages and some are referred by health support agencies, such as those suffering from dementia or learning difficulties that are otherwise excluded from volunteering opportunities.

They are sometimes fed in the fields during the worst winter weather, usually in round bale feeders. Tractors do deliver hay and straw – three to six deliveries per year; they both unload and turn around in our property. Statements that a large number of vans call at our farm are untrue.

We are not planning to use gravel in the top gateway, but intend to use locally quarried stone; 30 mm clean on top and larger stone beneath. None of our gateways open onto the public highway; we changed all the gateways to open inwards immediately upon purchasing the farm.

In terms of commercial storage, we sell donated and other items on line to raise funds for the charity, mostly horse bridles and rugs etc. Our staff and volunteers mostly collect donated items in their vehicles and bring them when they come and occasionally members of the public bring donations. If someone purchases online and wants to collect in person, this is done by arrangement. Collection in this way happened about six times in the last six months. Most items are dispatched in small packages and collected by Royal Mail or courier.

In terms of employment we have created one new permanent full time job, since 2014, which involves looking after the farm, land, horses and volunteers. We are not a retail operation and do not have opening hours but volunteers normally come between 10am and 4pm.

In summary, in addition to being sustainable and of benefit to our local community, we feel that our use of the farm and buildings is better all-round and with less environmental impact than that of a non-farming family living here and commuting to work and school.

The red line denoted compound area is big enough to accommodate all non-agricultural items out of sight, and when the suggested enclosing fence is completed the whole farm will look much better.

The Parish Council's comments and decision were understandably based on the information they had before them on the day, and we feel the points they raised have now been addressed.

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Background continued

This application was deferred at the February 2020 Planning Committee Meeting to undertake a Committee Site Visit to view the site and its impact in the landscape and the impact of the keeping of horses on the character and appearance of the locality. Owing to the social distancing restrictions associated with fighting the Covid-19 pandemic the site visit was delayed. That site visit took place on place on the 21 August 2020.

Main Issues

Planning Policy

Local Plan

Policy BL1 (Employment and Training) of the Local Plan seeks to support development of small scale employment development in the open countryside where it re-uses existing permanent buildings; is linked to an existing business, does not have a detrimental impact on the character of the local and wider landscape, there is sufficient land for storage and parking and there is no unacceptable harm in terms of noise, activity or traffic generation.

Policy BL11 (Commercial Horse Related Development) seeks to permit commercial horse related development where there is an existing dwelling, there is no adverse visual impact on the locality, there is no harm to neighbouring amenity, there are safe equestrian routes, there is adequate car parking and the development is of an appropriate scale.

Policy CO2 (Transport) states that new development will only be permitted where it is of a scale which the adjacent road network has the capacity to serve.

The Local Plan has now been adopted and these Policies can be given considerable weight.

Material Considerations

Landscape Impact

A public bridleway runs immediately to the north west of the application site. There are also other footpaths and bridleways in the locality but these are at some distance away. The application site itself is largely contained within existing buildings and the defined outside area immediately to the west of the buildings. The fields to the north west and south east are used for grazing and do not form part of the application and consequently the visibility of these from such public viewpoints are not a material planning consideration in the context of this application (the fields are used for horse grazing and this does not constitute a change of use requiring planning permission) As set out above, the majority of the development is contained within existing buildings and it is not considered that the visual impact of activities and storage in the defined storage area, closely related to existing buildings on the site, or the visual impact of the caravan and portacabin would have an unacceptable wider landscape impact. The site is well screened from the wider area and, with the access to the property being screened by tree planting and a recently installed boundary fence. However, it is acknowledged that the screening of the south eastern boundary could be improved with additional hedge planting, to screen the caravan, portacabin and compound.

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Main Issues continued

The buildings used in conjunction with the horse rescue charity were originally built for agricultural purposes and will not be altered externally, other than the addition of a small timber lean-to to provide a toilet; consequently, the appearance of the site remains of an agricultural nature, albeit with horse related paraphernalia and storage of items for sale, in addition to other farm equipment.

The caravan and portacabin are located well within the site, screened from the neighbouring properties by existing buildings. Again whilst this area of the site is untidy and the structures are not of particularly good quality, they would not result in undue harm to the landscape, due to their context immediately adjacent the large modern agricultural buildings. However, the use of portacabins to meet long term needs are not considered appropriate within the National Park setting and consequently, it is recommended that this is only given a temporary permission, whilst the applicants consider a more appropriate means of accommodating volunteers.

The proposed summerhouse is small in scale and replaces an existing structure and the blockwork lean-to toilet block would be attached to the blockwork modern agricultural building. Neither of these structures would have a detrimental impact on the character of the locality.

Outside storage is, and has been undertaken in other parts of the site and appears visually unattractive, but if permission is granted with the recommended conditions, the Authority can ensure, through a Breach of Condition Notice if necessary, that the unattractive storage activities related to this charity are confined to the areas approved, which are away from neighbouring residential properties and not prominent in the landscape and thus achieve a net environmental improvement.

In view of the above, the impact on landscape character is considered acceptable, and there is no conflict with Strategic Policy G of the Local Plan.

Activity Levels and Highway Safety

The development does generate activity in terms of volunteers and staff and online charity sales, but it is not considered that the comings and goings generated by this are greater than could be expected from managing the associated land for agricultural purposes. Whilst it is accepted that the business is likely to result in an increase in courier vans, this is a wider issue resulting from ever increasing online shopping. However, the Highway Authority has not objected, provided that the applicant agrees to create passing places along the highway, that turning facilities are provided within the site and the access to the field is surfaced satisfactorily. The applicant has agreed to this and such a requirement would be subject to conditions attached to any planning permission. Concerns have been raised by third parties regarding the ecological impact resulting from the proposed passing places and consequently, the Highway Authority are liaising with the Authority's Woodland and Ecology Officers to ensure the best location and means of construction of such places.

The Highway Authority has suggested the most appropriate locations for passing places where there is sufficient level highway available to allow a passing place to be constructed.

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Main Issues continued

Most other locations 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. Furthermore, one is currently partially constructed and used as field accesses and an informal passing place already.

The Highway Authority has clarified that the works would be paid for by the applicant who would also have to enter into a legal agreement (S278 of the Highways Act 1980) before works could begin. The LHA would closely supervise the construction, which would have to be undertaken by an approved contractor to the specification of the LHA.

Fire Safety and Building Regulations

Both the Fire Officer at North Yorkshire Fire & Rescue and North Yorkshire Building Control Partnership has been consulted on this application, following concerns expressed by third parties. They were not originally consulted as the development does not fall within the criteria set out by these regulatory bodies for when they wish to be consulted. The Fire Officer has visited the site and has advised they have no objections to the development at the site and is satisfied that the Fire Authority can satisfactorily access the site. North Yorkshire Building Control has also confirmed that they have no objections and that the proposed toilet building would be considered under a separate building regulations application.

Consequently, due to these comments, there are no material planning grounds to refuse this application for fire safety or building regulations reasons.

Equestrian Use and Animal Welfare

This proposal is not for a commercial equestrian use, and it is not a facility providing horse riding, schooling or livery. Consequently, the activity levels generated by such a commercial equestrian use would not occur, albeit some additional activity is generated by the selling of goods to generate an income for the Charity. Furthermore, the proposal does not relate to the use of the surrounding land as the horses are 'grazing' the land (a continuation of agricultural use), rather than the use of the land being changed to the "keeping of horse for recreational purposes". This does not constitute development. Whilst the numbers of horses are often more than would normally be expected to be grazed, the majority of horses are smaller or hardier pony species, which don't require the same quality and amount of grassland. Nevertheless, the proposal is considered to meet the requirements set out by Policy BL11, as there is a dwelling on site, the site is close to equestrian routes, and the use of the buildings for stabling and associated storage would not harm neighbouring amenities by reason of disturbance or smell.

Third parties have expressed concerns regarding animal welfare conditions. The applicant has set out why she considers the application supports animal welfare. The British Horse Society has been consulted on this application but has made no comments.

Neighbouring Amenity

Objections have been received regarding activity levels, increased traffic, the untidy nature of the site and concerns that the foul drainage facilities are inadequate.

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Main Issues continued

Storage of materials has occurred on the northern side of the site, between the buildings and the access drive to Silpho Brow Farm East. This has resulted in harm to the amenities of that adjacent dwelling, due to the visual impact from their property. However, the revised site plan requested defines the area of storage to be within the buildings and on a fenced compound on the land immediately to the west of the buildings, away from the neighbouring properties, and this would be conditioned, and enforced through a Breach of Condition Notice if necessary.

On the basis that the area for storage will be controlled by conditions and the Highway Authority has no objections, subject to conditions, it is considered that these concerns have been satisfactorily addressed.

Foul Drainage

The applicants have worked with the Environment Agency and have revised the proposed drainage arrangements in accordance with their requirements, and are proposing to install a separate sewage treatment plant.

It is therefore considered that the concerns expressed by the neighbouring occupiers, relating to this issue have been satisfactorily addressed.

Conclusion

It is considered that on the basis of the additional information submitted, and that the Highway Authority and Environment Agency consider that the concerns expressed by third parties can be dealt with by conditions, the operation of a Horse Rescue facility at this site represents a suitable re-use of these modern farm buildings which would not have a detrimental impact on the character of the locality and would not be contrary to the Local Plan Policies referred to above.

Consequently approval is recommended.

Pre-commencement Conditions

N/A

Contribution to Management Plan Objectives

There are no relevant Policies within the Management Plan.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including the inclusion of passing places, improved foul drainage facilities, and defined outside storage areas.