

## The Planning Inspectorate

### PLANNING APPEAL FORM (Online Version)

**WARNING:** The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

**Appeal Reference: APP/W9500/W/20/3262806**

#### A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

Ms C Edwards

Company/Group Name

All For Horses Rescue and Rehoming

Address

Silpho Brow Farm West  
Silpho Brow  
SCARBOROUGH  
YO13 0JP

Phone number

Email

Preferred contact method

Email  Post

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes  No

#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

North York Moors National Park Authority

LPA reference number

NYM/2019/0431/FL

Date of the application

15/07/2019

Did the LPA validate and register your application?

Yes  No

Did the LPA issue a decision?

Yes  No

Date of LPA's decision

14/09/2020

#### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes  No

Address

Silpho Brow Farm West  
Silpho Brow  
SCARBOROUGH  
YO13 0JP

Is the appeal site within a Green Belt? Yes  No

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes  No

### E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form? Yes  No

Please enter details of the proposed development. This should normally be taken from the planning application form.

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).

Area (in hectares) of the whole appeal site [e.g. 1234.56] 10.11 hectare(s)

Area of floor space of proposed development (in square metres) 469 sq metre(s)

Does the proposal include demolition of non-listed buildings within a conservation area? Yes  No

### F. REASON FOR THE APPEAL

**The reason for the appeal is that the LPA has:**

1. Refused planning permission for the development.
2. Refused permission to vary or remove a condition(s).
3. Refused prior approval of permitted development rights.
4. Granted planning permission for the development subject to conditions to which you object.
5. Refused approval of the matters reserved under an outline planning permission.
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.
7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above).
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.
9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation.

### G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

2. Hearing

You must give detailed reasons below or in a separate document why you think a hearing is necessary. The reasons are set out in

the box below

It is necessary for disputed items and facts to be clarified and discussed.

(a) Is there any further information relevant to the hearing which you need to tell us about?

No.

3. Inquiry

## H. FULL STATEMENT OF CASE

see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case? Yes  No

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available) Yes  No

(b) Have you made a costs application with this appeal? Yes  No

## I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

**I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;**

CERTIFICATE B

**I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:**

CERTIFICATE C and D

**If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.**

## I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.

## J. SUPPORTING DOCUMENTS

- 01. A copy of the original application form sent to the LPA.
- 02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form).
- 03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
- 04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
- 05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
- 05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
- 05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
- 06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.
- 06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
- 07. A copy of the design and access statement sent to the LPA (if required).
- 08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.
- 09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.
- 09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.
- 10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.
- 11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
  - (a) the relevant outline application;
  - (b) all plans sent at outline application stage;
  - (c) the original outline planning permission.
- 12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.
- 13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).
- 14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

**K. OTHER APPEALS**

Have you sent other appeals for this or nearby sites to us which have not yet Yes  No

been decided?

## L. CHECK SIGN AND DATE

### (All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

**Signature**

Ms C Edwards

**Date**

09/11/2020 14:15:28

**Name**

Ms C Edwards

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018. Further information about our Data Protection policy can be found on our website under Privacy Statement.

## M. NOW SEND

### Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:  
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

**You may wish to keep a copy of the completed form for your records.**

## N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

**You will not be sent any further reminders.**

### The documents listed below were uploaded with this form:

<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A copy of the full statement of case.
<b>File name:</b>	Planning appeal as submitted 8th Oct 2020 absolute final.docx
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	01. A copy of the original application sent to the LPA.
<b>File name:</b>	001_2019-06-17 Public - Planning Application.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
<b>File name:</b>	Decision Sept 2020.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
<b>File name:</b>	Location map June 2019.JPG
<b>File name:</b>	Location plan S Brow Fm West.doc
<b>File name:</b>	Block plan S. Brow Fm West.doc
<b>File name:</b>	Land plan.JPG
<b>File name:</b>	Farm plan.JPG
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
<b>File name:</b>	15 acre field 1.JPG
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
<b>File name:</b>	List of all plans, drawings and documents (1).docx
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	10. Any relevant correspondence with the LPA, including any supporting information submitted with your application in accordance with the list of local requirements.
<b>File name:</b>	D Shipman facebook 13.03.2020.docx
<b>File name:</b>	Shipman object all together revised 4.10.19.docx
<b>File name:</b>	Env Agy + Ecology Sept 2019.docx
<b>File name:</b>	J Shipman email re. septic tank July 2019.docx
<b>File name:</b>	Other 3rd party objections.docx

**File name:** Mackenzie objection Sept 18.docx  
**File name:** Shipman F book highlighted.pdf  
**File name:** Leaflet about All4Horses.pdf  
**File name:** A4 H Behaviour workshop flyer.pdf  
**File name:** Summary for Hilary 19.09.19.docx  
**File name:** TT leaflet aug 19.pdf  
**File name:** Highways submitted 18.09.19, revised 4.10.19.docx  
**File name:** Available informal passing places.pdf  
**File name:** P app form June 2019.docx  
**File name:** Sewage loads - shower + toilet room Oct 2019.docx  
**File name:** Shippon davey windows appn.pdf  
**File name:** Bottom 10 acres.jpg  
**File name:** CONFIDENTIAL.zip  
**File name:** Lane pic Feb 2018 1.JPG  
**File name:** Lane pic Feb 2018 2.JPG  
**File name:** Verges Sept 19.zip  
**File name:** Passing places, yard, field ent Sept 2019 1.zip  
**File name:** Passing places, yard, field ent Sept 2019 2.zip  
**File name:** Passing places, yard, field ent Sept 2019 3.zip  
**File name:** Passing places, yard, field ent Sept 2019 4.zip  
**File name:** Passing places, yard, field ent Sept 2019 5.zip  
**File name:** Passing places, yard, field ent Sept 2019 6.zip

**Completed by** MS C EDWARDS

**Date** 09/11/2020 14:15:28

## **Draft statement of common ground**

### **Silpho Brow Farm West planning appeal APP/W9500/W/20/3262806**

“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”

#### **Site history**

There were formerly two semi detached cottages, which operated as separate family farms, these comprised Silpho Brow Farm and East End Farm, each of which farmed a substantial acreage and had associated buildings.

Both farms and land were sold to a third party, who converted the East End Farm buildings into a dwelling (The Shippon, later renamed Silpho Brow Farm East), and demolished several farm buildings.

Silpho Brow Farm (West) was sold off in 1994, with a substantial acreage of land and all the remaining farm buildings, and continued as a farm.

The Shippon was sold off in approximately 1998 with a small paddock and a new building to house sheep.

The small cottage that had formerly been East End Farm was sold off in 2000 as Silpho Brow Cottage, with a total site area of 1.69 acres and no buildings.

#### **Planning consents**

##### **Silpho Brow Cottage**

2000 – erection of a timber barn (for horse stabling). Conditions imposed prohibiting future residential use.

2001 – amendments to design of barn, change of construction materials to stone and pantile

2009 – conversion of barn to garage and store

2009 – erection of 3 timber stables and store in paddock for private householder personal use only

2009 – extensions, conservatory and alterations to cottage

2014 – conversion of barn/garage/store to form holiday letting cottage



### **The Shippon (Silpho Brow Farm East)**

1996 – construction of a building to house sheep

2007 – dog kennel, hen hut and hardstanding (part retrospective)

2009 – replace wood windows with UPVC (retrospective)

### **Silpho Brow Farm West**

1997 – erection of pitched roofs over flat roofs

2008 – 1<sup>st</sup> floor side extension (not implemented)

2008 – change of use of barn to 2 bed holiday cottage (not implemented)

### **Silpho Brow Farm West (The appeal site), background.**

The farm is located at the end of the tarmac section of Beacon Brow Road, Silpho Brow, and consists of a 3 bedroom semi detached stone built house with gardens and orchard, yard areas, an L shaped range of traditional stone barns and 3 adjoining modern barns.

The appellant owns 24 acres of land around the holding and also farms other land locally.

The appellant moved into the barn and the 15 acre field in 2010, and subsequently purchased the farm house and buildings in 2014.

On the advice of the LPA, in 2019 a planning application was submitted to regularise the activities which had been taking place at the farm for some years.

The planning officers' report recommended approval subject to conditions, the decision was deferred by the planning committee pending a committee site visit. The site visit was delayed for several months due to the Covid 19 pandemic.

The planning committee refused the application in September 2020.

### **Relevant policies**

Planning Policy

Local Plan

Policy BL1 (Employment and Training)

Policy BL11 (Commercial Horse Related Development)

Policy CO2 (Transport)

SPC

SPG

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

### **Areas of agreement/disagreement**

#### **Agreed**

1. The site is untidy and some areas of the fields are muddy/poached in wet winter weather.

#### **Not agreed**

The cause of the untidiness is not the horse rescue charity operation, it is typical of many small farms and smallholdings, and will improve significantly once the charity is able to devote all of its time to running the site, rather than devote its limited resources to dealing with admin related to objector activities. The proposed fences around the storage compound and the planted hedge screening suggested by the LPA will ensure that the appearance is improved.

“poor winter land management leading to harmful poaching of the grazing fields”.

The muddy areas of the fields are not uncommon or unreasonable on livestock farms and do not affect the amenity of the area any more than other local farming practices. Building new internal fences to allow areas to be rested as part of the implementation of a pasture management plan will improve the visual impression of the fields.

In addition, it has now been discovered that the poor condition of the unsurfaced section of Beacon Brow Road and the overgrown trees is the responsibility of a public body. Work needs to be carried out by them to improve drainage and reduce mud deposits on the roadway, and we are awaiting their action.

Volunteer structures - the volunteer amenity structure ( 2 bedroomed portacabin) and the caravan (kitchen/rest room) were only ever intended to be short-term facilities. They will either be replaced with more modern versions of the same size with the involvement of the LPA, or alternative accommodation made from the farm buildings, by discussion with / applications to the LPA in the future.

The proposed toilet block will improve facilities, and both the portacabin and caravan are located adjacent to existing buildings and house, within the farm yard, having minimal impact.

“Insufficient information on the horse rescue centre business model has been submitted to demonstrate that suitable mitigation could be funded/provided to resolve the impacts described above together with insufficient demonstration of intent over the last 6 months to improve the character and appearance of the site and surrounding lands reinforces the unacceptability of the proposal to take place in a protected landscape.”

Further and better information was provided but this was submitted late, and it is clear from comments made by a number of planning committee members that they did not read this additional information.

It is accepted that relatively few improvements to the tidiness of the site were carried out during the six months prior to the committee visit, this was due entirely to the effects of the

Coronavirus pandemic, which resulted in the loss of two staff members and a severe reduction to our income and volunteer practical help. In pre pandemic times there are normally one full time (5 days pw) and one part time (1 – 2 days pw) staff members at the farm. There are normally up to 4 volunteers staying at the farm, who look after the animals and carry out other duties.

The retention of the horse rescue centre would not be contrary to Policies SPC, SPG, and BL1 of the North York Moors National Park Local Plan (July 2020).

Traffic - Only insignificant additional traffic movements are associated with online sales/charity activities, and the alleged level of traffic has been greatly exaggerated by objectors. We requested an official traffic survey from a public body, but this has not been carried out.

“... the excessive amount of external plant, and equipment”

Our plant and equipment such as tractors, their implements, a telehandler and closely related ancillary items is the minimum amount that is reasonably practicable for a small farm, which does not have the benefit of being able to contract out agricultural work to specialist contractors because of our small acreage.