

**Town and Country Planning Act 1990  
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for  
Permission to Carry out Development**

To Edwards  
Silpho Brow Farm West  
Sur Gate  
Silpho  
Scarborough  
YO13 0JP

The above named Authority being the Planning Authority for the purposes of your application validated 15 July 2019, in respect of **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) at Silpho Brow Farm West, Sur Gate, Silpho**, has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. The retention of the horse rescue centre would be contrary to Policies SPC, SPG, and BL1 of the North York Moors National Park Local Plan (July 2020) as it has failed to demonstrate that it can operate without:
  - i) causing a detrimental impact on the character and appearance of the local and wider landscape arising from poor winter land management leading to harmful poaching of the grazing fields.
  - ii) resulting in unacceptable harm to the character and appearance of the local and wider landscape and the amenities of nearby residents and users of the nearby Public Rights of Way in terms of; traffic movements associated with the online sales, the excessive amount of external plant, and equipment and the ancillary volunteer caravan accommodation and volunteer amenity structure.
2. 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, which has the highest level of protection as set out in the National Planning Policy Framework paragraph 172.

**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; however the associated impacts from the use, associated internal and external storage, retail operation, impacts on amenities of neighbours and impacts of grazing horses could not be mitigated to an acceptable level.



Mr C M France  
Director of Planning

Date 14 September 2020

Please Note your Rights of Appeal are attached to this Decision Notice

## **Rights of Appeal**

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for non-householder development, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice (12 weeks in the case of a minor commercial application). The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

**Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN**  
(Tel: 0303 444 00 00) or online at [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals)

### **Notes**

1. Please note, only the applicant possesses the right of appeal.
2. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
3. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
4. Prospective appellants requesting an inquiry into their appeal must notify the Local Planning Authority and Planning Inspectorate via email ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days prior to appeal submission.