

**From:**  
**To:** [West1](#)  
**Cc:** [Chris France](#); [Planning](#)  
**Subject:** RE: APP/W9500/W/20/3256879 - The Plough Inn, Boonhill Road, Fadmoor, Kirkbymoorside  
**Date:** 10 March 2021 16:08:13

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Thank you for your kind consideration.

For information in case it may be helpful, please be aware we have a detailed Timeline of events from closure of the premises up to March 3<sup>rd</sup> 2021. The National Park Planning Authority have a copy of it, and if they wish to share it with you we have no objection.

Best Regards

Gerry McMahon – Administrator  
Fadmoor Community Pub Limited

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**From:** West1 <[west1@planninginspectorate.gov.uk](mailto:west1@planninginspectorate.gov.uk)>  
**Sent:** 10 March 2021 13:43  
**To:** Gerry McMahon <  
**Cc:** [c.france@northyorkmoors.org.uk](mailto:c.france@northyorkmoors.org.uk);  
[planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)  
**Subject:** FW: APP/W9500/W/20/3256879 - The Plough Inn, Boonhill Road, Fadmoor, Kirkbymoorside  
**Importance:** High

Dear Mr McMahon

Having considered your comments and the reason for the delay in their submission, the Inspector will accept them. Your comments, and this exchange, will be copied to the appellant and the authority for their information.

Regards

Pauline Dun (on behalf of Adam Hill)  
Case Officer

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**From:** Gerry McMahon  
**Sent:** 08 March 2021 16:52  
**To:** West1 <[west1@planninginspectorate.gov.uk](mailto:west1@planninginspectorate.gov.uk)>  
**Cc:** Chris France <[c.france@northyorkmoors.org.uk](mailto:c.france@northyorkmoors.org.uk)>  
**Subject:** RE: APP/W9500/W/20/3256879 - The Plough Inn, Boonhill Road, Fadmoor, Kirkbymoorside

Thank You for your reply.

The message below was sent to the National Park Planning Authority on February 14<sup>th</sup> 2021 with the attachments, but we were advised by Officers to submit it as a “Rule 6” Party which turned out not to be applicable in this case. Due to this misunderstanding it was not entered on the portal, as with hindsight the National Park Planning Authority now recognise it would have been better to do. They will confirm receipt of it on February 14<sup>th</sup> if necessary, they are willing to

enter it on the portal at the date submitted if you prefer, and I have copied Chris France on this message in case you wish to confirm.

Planning Meeting 14th Jan 2021

Dear Chris and National Park Officers

We appreciated the decision that supported the community of Fadmoor in the meeting and we understand that officers have to deliberate such issues in a planning context, but we also think it is important to be aware of the wider context and issues that are much more relevant to local communities, and we are grateful that the committee can take a broader view.

The picture of The Plough presented in the meeting is somewhat tidier than the reality, so we have attached a photo of what it actually looks like as a reminder of what we have to live with every day.

Two issues arose in the meeting that we wish to follow up. Those are as below:

### **Royal Oak statements**

Change of use applications can be expected to propose the alternative of the Royal Oak, but it is regrettable that it is consistently emphasised as an alternative for the people of Fadmoor supported by a photo of the road between the villages from Google Maps which gives a misleading impression.

The pavement is unsafe for reasons that have been pointed out before but may not have been taken seriously, so we would like those reasons recorded to avoid misleading an inspector in case of possible viewing of the meeting transcript in the appeal process.

Firstly the road is unlit, and secondly it is a dual use footpath with specially angled kerbs for pedestrians, farm traffic, trucks etc to mount it which they do daily to pass traffic coming in the opposite direction while pedestrians are on the footpath. This happens all the time, regularly at speed and late into the night when agricultural equipment is in operation often with tractors, heavily laden trailers and wide loads passing each other and there have been near misses. The photo attached shows what happens, there are plenty of tyre marks in the snow all along the path where others have been before and we regularly find wheel trims and mirrors at the side of the path.

The Royal Oak is clearly not an appropriate alternative, but that is certainly not a criticism of the operators. It has inadequate room layout and car parking, it is on a busy main crossroads opposite a school, it has nowhere near the facilities of The Plough and even the operators themselves concede it is not run as a local pub. It has also been deemed inappropriate for the community of Fadmoor for various reasons specified in previous planning applications.

The Royal Oak and The Plough in Fadmoor are in the same ownership, operated by a single company with no other listed assets. The trading history from Companies House records shows losses every year from the foundation of the company in 2002 to Jan 2020 which appear to average over £40000 per year, and represent around 80% of the fixed asset value.

The shareholders are entitled to operate the company however they choose but it does mean that the Royal Oak could be declared unviable at any time the owner chooses. It was marketed and withdrawn recently as pointed out to the National Park at the time, and it's future stability is entirely at the owner's discretion. In reality it could be completely insolvent but for the financial support of the shareholders.

There may be personal reasons for trading in such a way, but it does indicate that no business in the same ownership can be viewed as secure and suggests a possible hidden agenda of change of use for both premises to development sites, which the applicant is continually attempting to do with The Plough at the expense of the community it has served successfully for well over 200 years.

### **Ten year timescale statements**

It is wrong to claim that the community and Ryedale District Council have had ten years to pursue compulsory purchase for the reasons below, and we would also like those comments to be corrected in case a transcript goes before the Appeal Inspectorate.

We have a detailed timeline of events to support those reasons which include:

- Parish meetings, discussion and formulation of community plans.
- Professional surveys, market assessments and preparation of a community offer to purchase.
- Unauthorised occupation.
- Unintended consequences of Government action resulting in two years temporary authorised occupation.
- Change of use applications refused or withdrawn.
- Further unauthorised occupation until 2017.
- Meetings with the National Park and Ryedale District Council on the subject of S215 and CPO.
- Preparation, request, approval and formation of a Community Benefit Society regulated by the FCA with Plunkett Foundation, which was necessary to instigate a request for CPO before the formal application could be submitted to RDC on 3<sup>rd</sup> September 2019.

Another reason for the issue not reaching a conclusion sooner is failure to serve a Section 215 notice that the community first requested through the Parish Meeting on 22<sup>nd</sup> December 2017 (over three years ago) and many times since. We know it was the stated intention but it did not happen which is why the appearance of the premises continued to deteriorate and the owner was able to continue unchallenged abuse of the community.

The community of Fadmoor holds the view that the best way to secure the future of The Plough is in community ownership. We have always been willing to negotiate purchase of the premises for a fair price, but we have also believed that the threat of compulsory action could be the only possible way for negotiation to support the community and leisure destinations we already have.

The owner has declared opposition to the community of Fadmoor understood to be for resisting closure of the premises, then seeking to penalise the residents by removing The Plough from

existence, making it look disgraceful to assist the process of finding a loophole in planning policies to take it away. The neglected state of the buildings was believed to be intentional on vacating the premises after unauthorised occupation, and has been reinforced by overheard conversation recently.

We have no personal animosity towards the owners, never discuss The Plough with their employees, we don't speak to the media and when any community plans have been quoted it is from correspondence leaked and not from us. Employees, family and friends support the applicant for obvious reasons but few others considering that 90% of respondents to anonymous survey support reopening of The Plough.

We admire the business achievements of the owner, but resentment for the people of Fadmoor resisting the loss of what was the focal point of our village, and belittling efforts to reinstate it is regrettable.

Our five year business plan indicates that The Plough is entirely feasible as a community business. The plan has been professionally validated, we are prepared to justify every detail of it and we are capable of renovation of the premises with local people.

RDC's intention to pursue CPO is in progress, the proposal should go before Senior Management Board soon and we are optimistic that the process can proceed in weeks rather than months.

### **Community action – Record of achievements and action in progress**

National Park Officers may not be aware, but we have an established record in Fadmoor over more than five years of running very successful and profitable events. The 2020 event was postponed due to the pandemic but the 2019 event attracted over 500 people on Fadmoor Green which councillors who attended can verify. The Plough would have enjoyed a huge bonus every year during and after the events had it been open, but the owner's uncooperative attitude even included obstruction of the adjacent area with parked vehicles when events were in progress.

Finally, for your further information we are in process of negotiating a lease on land close to The Plough for events that Fadmoor Community Pub Limited will be licensed to operate when present restrictions are lifted, so we will have an open air community pub in Fadmoor while we are excluded from The Plough premises.

Best Regards

Gerry McMahon – Administrator  
Fadmoor Community Pub Limited  
E&OE

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**From:** West1 <[west1@planninginspectorate.gov.uk](mailto:west1@planninginspectorate.gov.uk)>

**Sent:** 08 March 2021 15:07

**To:** Gerry McMahon

**Subject:** RE: APP/W9500/W/20/3256879 - The Plough Inn, Boonhill Road, Fadmoor, Kirkbymoorside

Dear Mr McMahon

There is no requirement for you to produce a statement in order to take part in the discussion on the day at the Hearing. The Inspector already has a copy of the comments you made in response to the original planning application. As the deadline for representations to the appeal has now passed, please send a copy of the comments you refer to and the Inspector will decide if they will, exceptionally, be taken into account. If they are, then they will be sent to the appellant.

Regards

Pauline Dun (on behalf of Adam Hill)  
Case Officer

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**From:** Gerry McMahon  
**Sent:** 07 March 2021 17:32  
**To:** West1 <[west1@planninginspectorate.gov.uk](mailto:west1@planninginspectorate.gov.uk)>  
**Subject:** RE: APP/W9500/W/20/3256879 - The Plough Inn, Boonhill Road, Fadmoor, Kirkbymoorside

Dear Mr Hill

Thank you for the detail you sent me on Friday March 5<sup>th</sup> in relation to which I have two questions.

1. I notice a date of March 3<sup>rd</sup> in relation to statements but I was not able to prepare it until I received your confirmation of being able to participate. Please advise if you require a statement from me, and if so can I submit it tomorrow.
2. We also sent some relevant observations following the last Planning Committee meeting to the National Park Planning Authority, but they have asked us to send them directly to the Inspectorate, so do we send those observations to be published on the Portal in the usual way, or can we send those to you which if necessary I can also do tomorrow.

If you require me to clarify the above you can reach me by phone on

Best Regards

Gerry McMahon – Administrator  
Fadmoor Community Pub Limited

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**From:** West1 <[west1@planninginspectorate.gov.uk](mailto:west1@planninginspectorate.gov.uk)>  
**Sent:** 05 March 2021 14:47  
**To:** Gerry McMahon  
**Subject:** APP/W9500/W/20/3256879 - The Plough Inn, Boonhill Road, Fadmoor, Kirkbymoorside

Dear Gerry McMahon

Please find attached the joining instructions for the hearing on 23 March. I also attach for your information only, a copy the pre-hearing note from the inspector sent to the Appellant and North York Moors National Park Authority.

Kind Regards, Adam Hill

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