

**From:**

**Subject:** FW: APP/W9500/C/21/3272453 Silpho Brow Farm West  
**Date:** 11 June 2021 15:23:57  
**Attachments:** [Public 2019-03-11 Consultation Responses.pdf](#)  
[Public 2019-01-28 Plans.pdf](#)  
[2019-05-17 Public - Officer Delegated Report.pdf](#)  
[2019-05-17 Public - Decision Notice.pdf](#)

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**From:** Cathy Edwards

**Sent:** 05 April 2021 00:01

**To:**

**Subject:** APP/W9500/C/21/3272453 Silpho Brow Farm West

Additional info - email no.1 (we have slow internet so have to send things in small amounts)

Re Silpho Brow Farm West - Enforcement / planning appeal.

Please find attached details of a nearby similar proposals/ developments granted planning permission. We will be referring to these in our statement of case and elsewhere as they are relevant.

Many thanks,  
Lou Smith

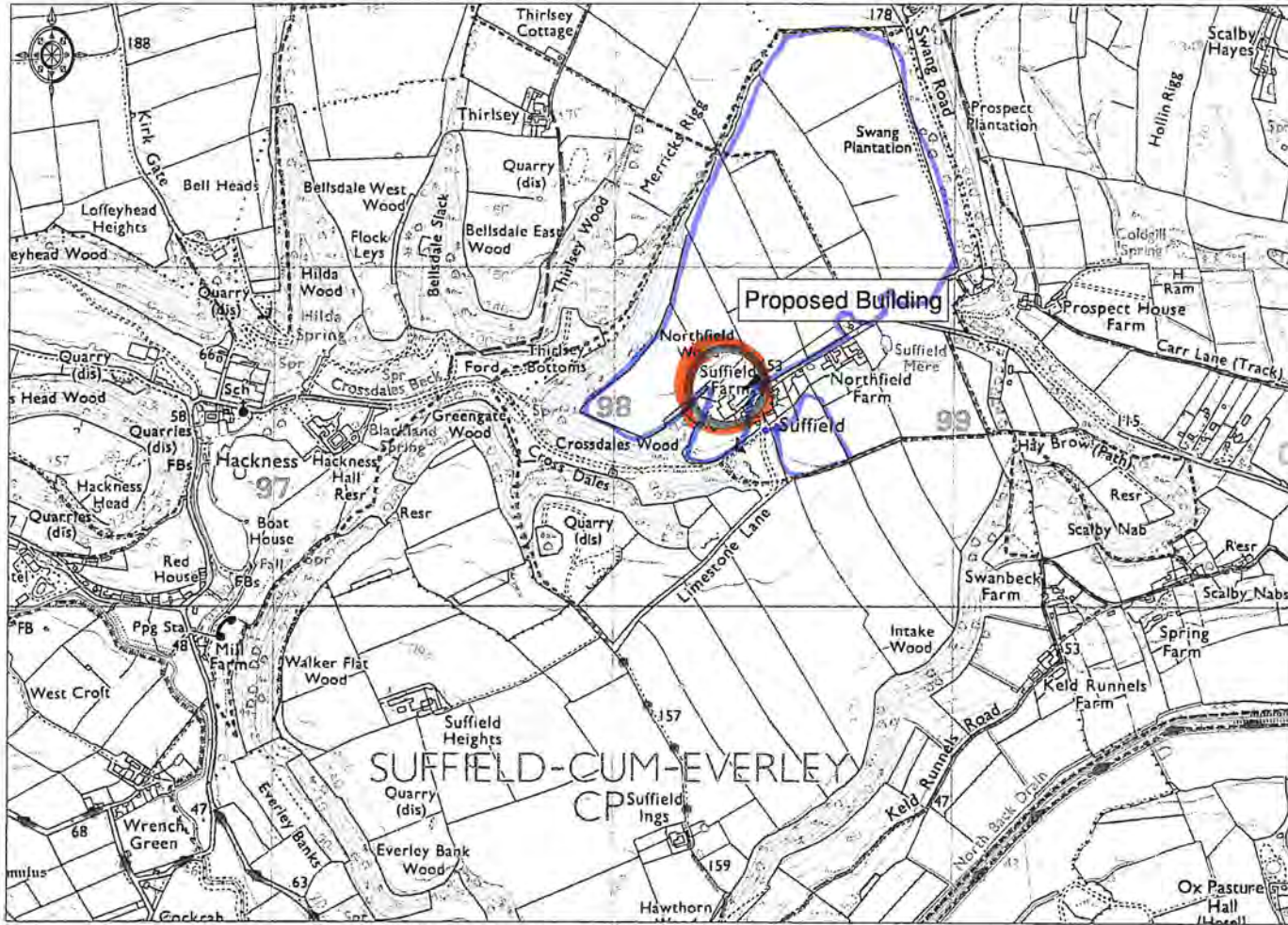
Suffield farm  
Site Plan

SE 9890 3556



Scale 1:1250

NYMINDA  
28 JAN 2019



Ordnance Survey © Crown Copyright 2018. All rights reserved. Licence number 100022432. Plotted Scale - 1:20000



JE Lockey and Son

NYMNPDA  
 28 JAN 2019

**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: Mr Paul Lockey  
Suffield Farm  
Suffield  
Scarborough  
YO13 0BJ

The above named Authority being the Planning Authority for the purposes of your application validated 11 February 2019, in respect of proposed development for the purposes of **change of use of agricultural building to Use Class B8 (Storage or Distribution) (retrospective)** at **Suffield Farm, Suffield** has considered your application and has **granted** permission for the proposed development subject to the following conditions:

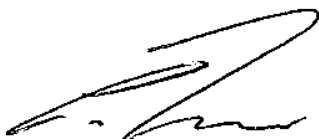
1. The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
2. The premises shall not be used other than as storage and distribution (Use Class B8) and shall not be used for any other purposes within the Town and Country Planning (Use Classes) Order 2010 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, or within Schedule 2, Part 3, Classes A-V of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).

**Reasons for Conditions**

1. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
2. In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.

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

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Mr C M France  
Director of Planning

Date 17 May 2019

**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 or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State of Department of Communities and Local Government 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. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
4. 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.
5. 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.

# North York Moors National Park Authority

District/Borough: Scarborough Borough Council  
(South)  
Parish: Suffield-Cum-Everley

Application No. NYM/2019/0056/FL

**Proposal: change of use of agricultural building to Use Class B8 (Storage or Distribution) (retrospective)**

**Location: Suffield Farm, Suffield**

**Decision Date: 08 April 2019**

**Extended to:**

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## Consultations

**Parish** – No objections

**Highways** – No objections

**Environmental Health Officer** – No objections

**Site Notice Expiry Date** – 26 March 2019

**Others** -

## Director of Planning's Recommendation

**Approval** subject to the following condition(s):

- 1 **Strict Accordance With the Plans/Specifications or Minor Variations**  
The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
- 2 **Use Restricted to That Specifically Proposed (inserts)**  
The premises shall not be used other than as storage and distribution (Use Class B8) and shall not be used for any other purposes within the Town and Country Planning (Use Classes) Order 2010 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, or within Schedule 2, Part 3, Classes A-V of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).

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**Application Number: NYM/2019/0056/FL**

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**Reason(s) for Condition(s)**

- 1 For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
- 2 In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.





**Application Number: NYM/2019/0056/FL**

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**Background**

Retrospective planning permission is sought for the change of use of an agricultural building at Suffield Farm, Suffield. The building is located adjacent to the road on the approach to Suffield village.

The building is proposed to be used for storage and distribution (Use Class B8)

**Main Issues**

Development Policy 10 supports the re-use of existing buildings where the building has sufficient land and storage space attached for the functional needs of the proposed use and it does not adversely affect the character of the area.

The building is located within a large steading and therefore there is considered to be adequate storage space for the proposed use. The Highways Authority has been consulted on this proposal and the existing access arrangements are considered suitable for the proposed use and level of activity. The Parish Council were also consulted and no objections were raised. In view of the above, it is considered that the change of use is in accordance with adopted policies and planning approval is recommended.

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

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**From:**  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2019/0056/FL  
**Date:** 10 March 2019 15:06:12

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## **Change of use of agricultural building to Use Class B8 (retrospective) at Suffield Farm, Suffield.**

The above application has been considered by Hackness & Harwood Dale Group Parish Council and no objections are offered.

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

Annan,  
41 Scalby Road,  
Burniston,  
Scarborough

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



**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**

**Application No:** **NYM19/056/FL**

**Proposed Development:** change of use of agricultural building to Use Class B8 (Storage or Distribution) (retrospective)

**Location:** Suffield Farm, Suffield

**Applicant:** Mr Paul Lockey

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

**Area Ref:** 4/19/25E **Tel:**

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

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

**Date:** 1 March 2019

**FAO:** Harriet Frank **Copies to:**

There are **no local highway authority objections** to the proposed retrospective change of use of an existing farm building to class B8 useage.

**Signed:**

**Issued by:**

Whitby Highways Office  
Discovery Way  
Whitby  
North Yorkshire  
YO22 4PZ

*For Corporate Director for Business and Environmental Services*

**e-mail:**

**From:**  
**To:** [Planning](#)  
**Subject:** Ref: NYM/2019/0056/FL Retrospective Application for change to B8 at Suffield Farm, Suffield, Scarborough.  
**Date:** 22 February 2019 14:20:28

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*F.A.Of: Miss Harriet Frank – Case Officer*

Consultation Response from Commercial Services, Scarborough Borough Council

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Thank you for your letter via Email, of 18 February 2019. This relates to the storage of 'catering equipment' in a courtyard farm building, belonging to Suffield Farm.

After considering the application details, I have no adverse comments to make.

Tony Abbs  
Environmental Health Officer—(Part-time)  
Commercial Regulation Section  
Scarborough Borough Council