

HACKNESS & HARWOOD DALE GROUP PARISH COUNCIL

Mrs J. Marley, Clerk to the Parish Council,
Annan, 41 Scalby Road, Burniston, Scarborough, YO13 0HN

The Parish Council objected to application NYM/2019/0431/FL, refusal of which is the subject of appeal 3262806. The enforcement action has ensued as a result of the refused development continuing to take place. That enforcement action is now the subject of an appeal.

At the time of the original application the Parish Council expressed concerns 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 3 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 took the view that while the sentiment behind the enterprise was good, the proposals were 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 were concerns regarding the land drainage and the adequacy/drainage of the septic tank serving the property.

Council therefore objected to the application as submitted on the grounds it was 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.

A site visit to the property by the North York Moors Planning Committee took place in August 2020 (11 months after the Council's original comments were submitted). One of the Parish Councillors attended as PC representative. The general impression he got was one of untidiness, disorganisation and a chaotic and cluttered setup where piles of things (ostensibly for sale by the charity) were located throughout the buildings the site visit was allowed to access. Specific observations made included:-

1. 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.
2. 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.

3. 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.

In the event, the application was refused. The development continued to occur hence enforcement action and this appeal. The refusal itself has also been appealed.

The site itself is visible from footpaths and bridleways. Please see short file (IMG_2129.mp4) with the first 4 seconds of a 14 second video taken on smartphone on 22nd February 2020 from public right of way overlooking the farm.

Nothing has happened to give the Parish Council cause to think that the original refusal or subsequent enforcement action is inappropriate or the appellant's stated grounds for the appeal against the enforcement are applicable.

Please note these comments relate to appeal 3272453 (LEAD) and 3272454 (CHILD)