

Enforcement Notice appeal APP/W9500/C/21/3272453

Silpho Brow Farm West, YO13 0JP

Lou Smith

Appellant statement of case and additional information

This appeal is proceeding under the agreed grounds of b, c,d,f,d g.

The appeal of Cathy Edwards for the Animal Hostel Trust (All For Horses) against this enforcement notice is proceeding under the same grounds, with the addition of ground a.

Our response to the delegated authorised enforcement action report and photographs

The vast majority of items in the photographs have been removed.

The barn storage is untidy as shown in the photos. There are piles of various types and sizes of horse rugs awaiting being bagged up and put on shelves. Each horse that wears rugs in winter has at least 3, because they can either become damaged or wet, so need changing, and we have a very good range of sizes to cater for all situations and size of horse. We have rugs from 2 foot up to 7 foot, in three inch increments, several of each size, which is a lot of rugs.

Outside storage, we have done what we can to improve this by building fences to screen the items, even though most of them are agricultural and not horse related.

Both the black horse trailers photographed have been sold and removed. They have been replaced by one newer one.

5. main issues

5.1 "Keeping of 19-20 horses all year round has caused poaching"

Until recently we had an average of 25 horses. Our horses are very happy and playful, they live naturally in small herds and run around together and love the excitement when the hunt goes past. This does affect the ground if the grass is short, which it had to be because it was too rich for most of our ponies. We also had several much wetter than normal winters, which caused exceptionally wet conditions. We accept that climate change has affected matters, and that we will have to have fewer horses grazing on our land. For the last 6 to 8 months we have had less than 20, currently 15 due to successful rehoming. We do accept that the land has become poached, and this has been made worse by a past lack of pasture maintenance, though we do not accept that this has had any significant effect on the wildlife living in the fields or surrounding area, therefore Strategic Policy E does not apply.

Our overall ethos of minimal chemical and fertiliser use far outweighs any effects caused by poaching, if compared with normal and / or "improved" or stock rearing grassland management in the area. Unlike most landowners, we have voluntarily taken small areas and created wildlife zones, these were paid for and created by ourselves to benefit the

ecology of the area and have contributed to the flora and fauna in our fields. In addition to hedge planting, we intend to create more "field corners" when more permanent fencing is installed.

In any case, we now have a pasture recovery and management plan in place which is already addressing the previous poaching and improving the land, both visually and physically. Having the correct species of grasses present will allow us to graze the horses on longer grass, thus reducing damage and mud. It needs to be said that since we bought the 15 acre field over 10 years ago and the farm fields 6 years ago we have not reseeded or fertilised it (other than liming on average every 3 years). The reason for this was that most of our horses are native ponies who are much healthier and happier in larger fields living on sparse grass, so it actually suited us to have areas with depleted grass as most of our ponies are classed as at risk of laminitis (a serious and life threatening metabolic illness commonly caused or aggravated by being overweight or eating rich grass). The very wet winters of the last 3 years did result in more damage to the fields than ever before, from machine use and horses, so changes in approach were required.

Now that we know the poached areas are an issue, we have corrected this mistake in our land management. Suitable, "horse and wildlife friendly" native species grass mixtures are now easily available, and are being incorporated as detailed in the pasture management plan.

5.2 The areas used for the "commercial storage" of the charity's items for sale are quite small, as detailed on the planning application plans. The barn contains many other things, not associated with the sales by the charity.

5.3 The portacabin has been sold and removed by the buyer.

5.4 The touring caravan has been removed from its location and put in the garden. It will be removed when sold.

5.5 Once the compound fences are completed, virtually all non agricultural items will not be on view from the Shippon's access track. There are and will always be some items on view, this is to be expected and is accepted by the LPA.

Drainage works in the 15 acre field - these are mostly complete and we are awaiting input from NYCC Highways over the necessary repairs needed to the road culvert to take away the surface water. There is further information and detail on this matter in the planning appeal.

The drainage works are nothing to do with the horse rescue or having horses on the fields.

6. The notice

6.1 Put out of sight or sold/removed

6.2 Gone

6.3 to be sold

6.4 Would not make that much difference to physical space

6.5 The horses are grazed, not kept. If it is decided that they are kept then this would affect our use of the farm fields and they would have to live on the 15 acre field. We do not believe that a change of use has occurred, however if it has, then the change on the 15 acre field occurred in excess of 10 years ago and it has been in continuous use as such since we moved on in 2010. If the use of the livestock barn for occasional stabling is not acceptable, then stabling on local farms and livery yards will be used when needed, as it was in previous times.

6.6 Please see above for drainage completion.

Already reseeded as per pasture management plan