



# The Planning Inspectorate

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Mrs Wendy Strangeway  
North York Moors National Park Authority  
Development Control Support Officer  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Your Ref: NYM0001/2021

Our Ref: APP/W9500/C/21/3272453

Further appeal references at foot of letter

05 August 2021

Dear Mrs Strangeway,

Town and Country Planning Act 1990  
Appeals by All For Horses Rescue and Rehoming, Ms Lou Smith  
Site Addresses: The land at Silpho Brow Farm West, Silpho, SCARBOROUGH,  
YO13 OJP and Silpho Brow Farm West, Silpho Brow, SCARBOROUGH, YO13 OJP

Please find attached the revised statement of case and final comments from the appellant for this appeal.

There should not be any changes to the content other than potentially libellous remarks being removed or rephrased.

Yours sincerely,

***Nick Manley***

Nick Manley

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>*

Linked cases: APP/W9500/C/21/3272454, APP/W9500/W/20/3262806

## **Submission of The appellant**

**Planning Inspectorate reference APP/W9500/C/21/3272453:**

**The land at Silpho Brow Farm West, YO13 0JP**

**Linked cases: APP/W9500/C/21/3272454, APP/W9500/W/20/3262806**

This is the appeal of Ms C. Edwards, on behalf of the Animal Hostel Trust/ All For Horses (The Appellant) from the decision dated 3/10/20 of the Planning Committee, North York Moors National Park Authority (LPA) together with the subsequent issue of an Enforcement Notice.

The agreed grounds of appeal are 3272453 (LEAD): (a), (b), (c), (d), (f), (g) as set out at Section 174(2) of the 1990 Act.

3272454 (CHILD) (a) (b), (c), (d), (f), (g)

### **Statement of case**

1. The Appellant asserts that the agreed grounds of appeal support the grant of planning consent because the retention of the horse rescue and rehoming centre is supported by the following Policies:

Core Policy A of the NYM Local Development Plan.  
Core Policy H of the NYM Local Development Plan  
Development Policies 1, 3, 10 and 17.  
Policies BL1, BL11 and CO2

In addition, all relevant policies accept the need for farm enterprises to diversify, and it is self-evident that a holding of our very limited size would not be viable and could not operate economically as a mixed, arable or livestock farm and that diversification is essential to survival. It is clear that even before Covid and Brexit, the LPA were aware of the need to encourage and support diversification.

### **2. The principal details of our initial application:**

- 2a. Change of use of part of agricultural buildings
- 2b. Retention of a touring caravan (5.4 x 2.1 metres)
- 2c. Retention of portacabin for use as workers accommodation.
- 2d. Replacement of existing small summerhouse
- 2e. Stoning of an area immediately within the main gate to our 15-acre field

Further information:

2a. The Appellant generates its essential operating income in a variety of ways, including farming (mostly hay production), donations, legacies, small grant applications and internet sales (including from our website and eBay).

Part of the barn is used to accommodate goods that are sold by these means. Existing sheep pens located within the barn are now used for stables when needed. Since Covid, the spare stables have also been used for storage of items awaiting sale.

2b. At the time of our planning application the small touring caravan was situated near the rear entrance to the house and was used as a rest and refreshment area by volunteers. This has since been taken out of use and put in the garden and will be removed when sold.

2c. At the time of our planning application the Portacabin was divided into two bedrooms and was used as accommodation by volunteers, most of whom needed accommodation because they typically travelled long distances to spend time with us. The portacabin rooms were used instead of the 2 available house bedrooms, for the reason detailed in the planning application, so there was no net increase in numbers using the bathroom facilities. The portacabin has since been sold and removed.

2d. The existing wooden summerhouse is beyond repair and so we applied for permission to replace it with a new structure of similar size.

2e. It is in the nature of livestock to congregate at field entrances and other areas, especially during the winter months, this creates deep muddy conditions. In addition, we need to use plant and machinery such as tractors, our telehandler and our quad in the field, which exacerbates the problem and which can also result in mud deposits on to the public highway, which needs to be removed, and so we applied for permission to lay an area of locally-quarried stone (measuring 14 x 12m) to permanently improve these issues.

### **3. Amendment to our application:**

We amended our application on the 18<sup>th</sup> November 2019 to apply for permission to build a small shower and toilet block attached to our modern barn and to install a wastewater treatment plant. We had previously entered into an arrangement with our immediate next-door neighbour (Mrs Shipman) that involved the joint purchase and installation in 2015 of a modern waste treatment plant to comply with new regulations, to replace the old shared septic tank system that was located within their curtilage. The original septic tank, which served both the properties and pre-dated both our own and the Shipman's occupation, was basically a tank to hold solids while the liquid part flowed into the watercourse along with rainwater, which was a common arrangement prior to modern regulations. An adjoining farmer complained to the Environment Agency that the Shipmans were polluting the stream, hence the shared upgrade to the system.

On 26/7/2019 Mrs Shipman claimed by email that we had misused the system, that it had failed a test allegedly carried out by the Environment Agency and it was clear that she proposed to prevent us from using the facilities that we had paid for. These statements misled the Parish Council, the LPA ecologist, the Environment Agency and others, and were eventually proved to have no basis in truth - the alleged "failed test" related to the old tank, years ago, not the new waste treatment plant, which is and was working at below capacity since its installation (based on the frequency of emptying, servicing checks and updated information, both provided by the original installer).

### **4. Technical consultee responses:**

The Environment agency withdrew their objection once the status of the "test" was clarified, we also added to our application a small separate waste system to cater for visitors, thus allaying any concerns.

Concerns were expressed by North Yorkshire County Council Local Highway Authority as they had been told that a significantly greater number of vehicles were visiting the farm than is the case, that the 15-acre field was routinely used to facilitate the turning around of vehicles and that our farm gates opened outwards onto the road.

Despite this, they did not object to planning consent, subject to conditions that were included in their submission and accepted by the LPA.

The Fire Officer had been supplied with incorrect information by a 3rd party, however, when they visited the farm they had no concerns.

LPA Ecologist - was concerned due to the incorrect allegations made regarding pollution of the watercourse - see Environment Agency above..

## **5. Private objectors.**

We anticipated that objections to our application may be made by people who may have considered that they would be affected by the granting of our planning consent. Honest objections are reasonable and, as applicants, we have a clear responsibility towards our neighbours and others. There were just three genuine objectors.

a. Mr and Mrs Duffy, of Surgate Brow Farm (which is situated at the beginning of the access road), objected to the amount of additional traffic that they believed would be generated by the grant of planning consent and, although we cannot accept the accuracy of their statements, we do accept that their objection was of a genuine nature. They also had reasonable concerns that we (or future owners) might develop a 30 horse livery yard or riding school, with massive implications on road use, these concerns were reasonable and also fully addressed.

b. Mr and Mrs Mackenzie, whose access track runs alongside the yard behind our barn also objected. We have always accepted that our site is untidy (although before Covid there had been a process of continual improvement), we have held discussions with them to try and address their concerns. The good quality panels now around the compound area were originally purchased to screen the area behind the barn.

It is relevant that they purchased their house some time after the Appellant purchased the farm and many years after we first started using it, so they were fully aware at the time of their purchase that they were moving next door to an untidy small working farm. Various farm and other equipment that is visible from their property was present before their purchase. Their house was on the market for at least 6 years, with numerous agents, and was eventually featured in a television lifestyle documentary. We should not be penalised because their entry into rural life is perhaps not as they expected.

They have complained about mud on the road, yet objected to the stoning of the field entrance. We did address their concerns in our responses.

c. Mrs Shipman, whose semi-detached house adjoins our farmhouse, was also entitled to object, and we had no problem with any concerns or genuine objections that she may have wished to make. However, Mrs Shipman has a long and unfortunate history with neighbours,

past and present, often resulting in complaints to various agencies, insurance claims, legal action and threats of legal action. Mrs Shipman previously worked as office manager for a local office of the NFU insurance company. Three people involved with the charity plus the LPA, North Yorkshire County Council and a local contractor have also recently received a threat of legal action (Appendix E) citing the NFU as the client and the Shipmans as the insured.

Mrs Shipman made a large number of submissions to the LPA, including a statement concerning the septic tank/waste disposal system referred to above and which the LPA knew to be false, and they were also fully aware of a large number of other patently false complaints made by her about our activities, these included but were not limited to alleged animal neglect, fire danger, inward-opening gates that she claimed to open outwards, excessive road traffic, criminal conduct and similar. The Agencies to which she complained, which include the Police, the Environment Agency, the Highways Authority, the Fire and Rescue Service and Scarborough Borough Council, together with charities such as the RSPCA, World Horse Welfare and The British Horse Society, all have to expend their limited and valuable resources investigating her false complaints, which also wastes a great deal of our own limited resources. At the time of writing, the latest complaints from Mrs Shipman resulted in a visit to our site by a police officer on 17/5/21, who was entirely satisfied that we were not disturbing birds' nests by cutting the garden hedge, and by an Environment Agency Officer on 28/5/21, who was entirely satisfied that we are not importing, storing or treating waste on to our site as claimed.

In addition to ourselves and our contractors' going about their lawful activities, visitors to our site are both photographed and videoed. Reports are made about behaviour to employers and/or to the police.

There were also several other objections, including some from people who had clearly not visited the site. These objections were directly solicited by Mrs Shipman, as part of her campaign against our planning application and the content of the objections was provided to the objectors by her. The LPA were aware of this, having been supplied with screenshots showing some of her Facebook activity, and it would have been appropriate for the planning committee to have taken this into account. It is obvious (and known by the LPA) that Mrs Shipman appears to be pursuing her own agenda and that few of her objections or complaints concern real occurrences or actual planning matters.

Mrs Shipman is entitled to object, and also to rally her friends and others to support her campaigns and objections, however, given the serious impact of the planning decision and the nature of some of the accusations made, including unfounded personal attacks on the integrity of the applicants' family members, the allegations should have been checked.

The LPA and some of the Planning Committee members are aware that Mrs Shipman ran a similar campaign over many years against the elderly couple who previously owned and lived at The Shippon (Silpho Brow Farm East).

d. Other objectors - we appreciate that based on plausible but misleading information provided to them, other objectors may have had genuine concerns, we, therefore, responded fully to these.

## **5. Roads/traffic.**

There is no significant amount of traffic generated by our activities and in line with our own environmental policies, we minimise traffic through car-sharing and bicycle use. Statements made by objectors to the effect that a large number of delivery vans visit our premises in connection with our eBay sales are patently untrue and would be proved to be so if The Highways Authority carried out the traffic survey that we requested.

Our activities result in far less road traffic than that of an average family with school-age or working children. Also, even if it was economically viable to operate as a smallholding/farm, the amount of road usage, the transport of hay and other foodstuffs, the need for farm vehicles to ingress and egress the fields and the amount of food consumed by either sheep or cattle would increase substantially.

We now (since the commencement of the Coronavirus pandemic) have shopping delivered to us by a local supermarket van, approximately once per ten days. We do have Transit-type vans that call on us to collect items sold via eBay, this normally occurs twice per week. The vast majority of sold items are however despatched either via Royal Mail or My Hermes, both of which use small car-type vans and collect from us when they are delivering to other properties in the area.

Although we discourage it, if someone purchases something online and wants to collect in person, we do allow it, or more often we meet them in Scalby village 4 miles away. This typically occurs about once per month. We fully accept that some of these visitors have inconvenienced neighbours by asking for directions, but this is part of rural life and we also receive visits from people who are looking for neighbouring properties, including van drivers and holiday cottage visitors, all of whom have to turn round in our property once we have provided directions.

We do what we can to avoid inconveniencing our neighbours by always emailing proposed visitors with very detailed road directions and our "What3words" location ([gratitude.solves.diary](https://www.what3words.com/)) detailed in Appendix B. This free app is very widely used in rural locations, where satellite navigation is of limited value because we share the same postcode with properties that are widely scattered over several miles.

## **6. Planning application history:**

We have worked closely with the LPA Officers, all of whom behaved in a professional, impartial and efficient manner at all times. The officers concerned know the site and the local area, having dealt with all the previous planning matters here over the years. Prior to about the 2<sup>nd</sup> September 2020, they recommended our application, based on a thorough evaluation and informed process. However, we understand that on or shortly before that date a planning committee meeting was held at which it was decided that the Chief Planning Officer would advise refusal of our application.

## **7. The Planning Committee Meeting**

The Planning Committee misdirected themselves when considering our planning application. We have supplied a recording of the planning committee meeting held on 3/10/20 to the Inspectorate, as we believe that it forms important evidence on which we rely. This was sent by post, due to inadequate broadband.

The following important points arose during the committee discussions:

- It is clear that several members experienced difficulty with the online format of their meeting, which appeared to be new to them, and also experienced difficulty in accessing the documents that had been supplied to them.
- Several members had clearly not read the documents that had been supplied to them.
- Some members may have been influenced by lobbying.
- It is clear that the members were concerned about the level of mess, untidiness, excessive outdoor storage and general appearance of the site at the time of their visit. These concerns were entirely justified and we shared those views. However, it is also clear that the members failed to take proper (or any) account of the massive difficulties that the Coronavirus pandemic had created and the resultant loss of resources, which included loss of staff, volunteers, revenue, commercial suppliers, the difficulty in obtaining materials and disposing of surplus items, and similar challenges. These difficulties were caused by unprecedented circumstances that had placed us in a major crisis situation over which we had no control.
- Some members clearly failed to understand the nature of the various plant, machinery and similar items that are stored in the yard and adjacent areas and failed to understand the need for its presence.
- Some committee members made ill-informed comments about the mud that affected the 15-acre field and it is clear that they failed to understand that a large part of that problem was directly caused by the fact that we could not address the mud until we gained planning consent to improve the situation by the addition of stone.
- Weight was also given to the state of the unsurfaced public highway between our 2 farm entrances - this has had no maintenance for at least 11 years (and none before that in recent decades that we know of) and is rutted and muddy. It belongs to the Shipmans and is maintainable by Highways. We offered to improve this by laying new stone at our own expense, however, our offer was rejected by the landowner. This area of land is outside our control and it is a lack of maintenance, not our farm's usage (which has been taking place for hundreds of years), that has made it the way it now is.
- Members who expressed concern about the poaching of our land also failed to understand that the poached conditions resulted largely from the unprecedented levels of rainfall during the previous recent winters, not helped by the need to remove some horses from the 15-acre field and to relocate them in smaller fields, due to flooding and extra poaching in the lower part of the 15-acre field (caused by 3rd party damage to the drainage pipe that previously carried water under the public highway from that field to a neighbouring field, owned by the Shipmans). These members also failed to understand that field maintenance work cannot be carried out during the winter months and that it was impossible to commence it during April 2020 as planned due to the Coronavirus pandemic.
- One member indicated that she felt that the horses were not cared for properly, based on photographs produced by an objector showing a muddy area within a 10-acre field. That member was not present for the visit. Had she visited, she would have found happy, relaxed and contented horses. They would not be that way if they were living in inadequate conditions.
- Comments were made about the appearance of the wiring in our barn - this is not relevant to planning matters, however this and the other peripheral comments that were also made clearly influenced the refusal decision. For the record, when we purchased the farm it was clear that the wiring was

outdated and unsafe. Because of this had ALL the wiring disconnected. Most of it is still in situ due to being inaccessible. Replacement LED lighting and waterproof switches and sockets were installed by a qualified electrician

- We accept that due to the impossible circumstances and the crisis we were in we had not been able to produce a pasture management plan and business plan as planned in time for the decision meeting, nor were we able to implement the changes suggested in the pre-application advice. However, there were other options open to the Committee instead of a blanket refusal and enforcement action encouragement. For example, a temporary permission would have allowed us to get onto a better footing, having already had our future in limbo for over a year at the time. The need for stone in the field gateway is not related to horses living there and could have been granted, improving the environment and relations with neighbours. We are not asking for special treatment because we are a charity and have a problem neighbour - these things are not uncommon - we just consider the actions of the committee to be unreasonable in the circumstances. We have been closed since March 2020, and the actions of the Committee added to our problems and most certainly did not help improve the appearance of the site.

We submit that:

- The LPA planning Committee, whilst obliged to take account of all objections, should have given the appropriate weight to those that emanated or which were orchestrated by Mrs Shipman.
- The planning committee should have taken into account the difficulties involved in recruiting and retaining staff, volunteers and contractors to do work at the farm given the level of harassment to which everyone coming here is subjected. The planning committee should have taken account of the extreme difficulties caused by the Coronavirus pandemic. The planning committee should have disregarded all political influences and false statements and that their decision should have been made only on the planning merits of the application before them.

### **8. Site history:**

We believe that Silpho Brow Farm dates from around the 1700s and has always been a farm. It consisted of a pair of semi-detached dwellings, with various buildings and holiday caravans, and both families farmed their respective land.

- Planning permission was granted to create a dwelling from the buildings formerly associated with what became Silpho Brow Cottage. This dwelling was called the Shippon, later renamed Silpho Brow Farm East. Silpho Brow Farm West retained its substantial buildings and was sold in 1994
- The (then) owners of the Shippon constructed a detached building to house their sheep and horses. Later owners were given permission for dog runs, hen accommodation, change of windows (following enforcement complaints) and also submitted a planning application to create a retail country store, outdoor shooting area and gun shop at The Shippon. The application was quite rightly refused, as it would have had a massive impact on the local area.
- The current owners of Silpho Brow Cottage built several extensions to their house, landscaped several external areas, and also built a detached garage/store/stable which they were then given permission to convert into a holiday cottage (which they market as a barn conversion). They also at around the same time were granted planning



permission for a large detached timber 3 stable block plus hard standing and feed storage facilities to house their own personal horses. These are detailed in Appendix E.

- Both the owners of Silpho Brow Cottage and the previous owners of the Shippon were the subject of several enforcement reports and investigations by other bodies over a period of years, between approximately 2001 and 2015. A small selection is included in Appendix E.
- Silpho Brow Farm West was granted planning permission in 2008 to convert the granary barn building into a two bed holiday cottage. Permission was also granted to create a second storey over the existing lounge to expand the living accommodation. Neither were carried out. They are included in Appendix E.

## **9. Appellant history:**

- The charity Animal Hostel Trust was established in 1987 and registered with the Charity Commission in 1990. Before 1987 the original officers and committee served as a branch of the RSPCA.
- A separate but related charity, All For Horses, operated in the Scarborough area for several years. In 2010 it purchased the 15-acre field, and later a 6-acre field, previously part of Silpho Brow Farm West, and also rented the barns situated at the farm.
- The Animal Hostel Trust purchased Silpho Brow Farm West in 2014 and at that point, All for Horses donated its assets to The Animal Hostel Trust and the two charities merged.
- The land comprising of Silpho Brow Farm West consists of approximately 24 acres of land, a three bedroomed semi-detached house, a modern barn and older stone-built barns.
- The charity is engaged in agricultural activity that does not require planning consent, both on its own land and on other land in the locality. However, relatively minor additional activities are also undertaken, mainly in connection with the essential generation of funds to meet operational costs, and some of these activities are subject to planning consent. Because of this, the charity consulted with the LPA and was advised by them to apply for retrospective planning consent. We took pre-application advice and this is contained in appendix D.
- Our application number NYM/2019/0431/FL was submitted on 17/06/2019 and registered on 22/07/2019.

## **10. Relevant planning decisions**

We consider the following planning decisions to be relevant and helpful:

1) Application No. NYM/2020/0826/FL, approved with conditions on 19.3.21 is very similar to our own application.

“use of land for the siting of 1 no. static caravan and 6 no. touring caravans for holiday letting purposes, use of part of an agricultural barn for caravan storage and equestrian stabling purposes together with use of a further agricultural building as indoor equestrian arena  
Location: Brook House Farm, Hawsker Applicant: Mrs Kathryn Rollinson, Brook House Farm , Hawsker, Whitby, YO22 4JY Date for Decision: 28 December 2020”

We submit that the granting of planning consent in this instance (the activity is perfectly reasonable and appropriate) will have created a much greater impact on the local (very rural) road network and will have resulted in far higher traffic volumes than anything we would ever do.

2). Application No. NYM/2019/0056/FL, is a further example of a retrospective planning application that was approved with conditions despite having a far greater impact on local

amenities and traffic. In this example, (which we have no objection to as it is a perfectly good use of a building) the application site is located between two sharp double bends in the road, on a hill, opposite an additional farm entrance and almost opposite a road junction, and involves the ingress and egress of heavy goods vehicles and farm traffic. There is also a produce stall at the junction. The Parish Council and Highways offered no objections or concerns. It may be helpful for the Inspector to visit this (nearby) site, for comparison purposes, as our own activities are tiny by comparison.

**3). Application No.** NYM/2008/0700/FL is a further example of a successful application and may be especially relevant as it applies to our own site (the application having been made by a previous owner). Planning consent was granted for the conversion of part of the barn into holiday accommodation, which has now lapsed. No objections were received from technical consultees.

4). Silpho Brow Cottage planning applications - Appendix E

5) The Shippon (Silpho Brow Farm East) planning applications Appendix E

### **11. Plant, machinery and outside storage**

Nearly all of the items stored externally consists of plant and machinery that is used for agricultural purposes (including essential maintenance equipment) and which is not related to the horse rescue and rehoming activities. All farms have a variety of different machinery, implements and attachments, we need to have a fairly comprehensive range because we are, as far as is reasonably practicable, self-sufficient and we have to avoid the need to rely on outside contractors. The reasons for this are as follows:

- Because we are a very small undertaking, those contractors who are willing to carry out our work naturally give priority to their larger customers, so we find it very difficult to get hay harvested, fertiliser spread, seeds sown and similar time-critical work carried out at the optimum times. Some implements, for example, our heavy field roller, weed wiper, chain harrow, drag, fertiliser spreader, back actor digger, small and medium-sized drotts and largest tractor are used very infrequently but are essential.
- Constant and unlawful harassment, carried out by a neighbour who accosts contractors and other visitors and who videos their activities whilst they carry out their lawful work creates great difficulty in getting people to work on our land.

### **12. Changes and improvements since the planning refusal**

- We have successfully rehomed several horses over the last year, this has meant we are have been able to reduce our numbers to 20 or less (currently 15).
- A pasture management plan is now in place, and includes measures to repair areas damaged by poaching and will also reduce future poaching. We have divided the fields up with electric fencing, and are now resting and reseeding areas, and have been able to apply much-needed fertiliser and selective herbicides to some areas. We have reseeded using tough and low sugar paddock grass species, which are slower to establish, but once grown will resist poaching better. We still had snow and freezing conditions here in April, followed by weeks or draught, so the reseeding has not had the best start, but is recovering and will result in significant improvements.
- We had expected to have staff and volunteers during the 2020/21 winter, that did not happen because of the pandemic. We arranged the round hay bales in the fields

ready to roll out by hand as needed, but this needs 2 people, which we did not have, This meant that the telehandler had to go in to get the bales, this caused a lot of damage to the fields, which is now being remedied. This year we will arrange the bales so that machine use is minimised. We have also now purchased a used medium-sized 4wd tractor, which causes less surface damage to wet fields.

- The drainage for surface water in the 15-acre field has been improved. The pipework is in place, and is awaiting reconnection to Highway's culvert once this has been repaired by Highways. The amount of water running into the gateway has further been reduced by leaving a ditch above the gateway. We are consulting with the LPA on whether this ditch should be retained - there is a pipe within the ditch to take water away, however, having a ditch, in addition, is highly effective. The bulk of this part of the field has now been reseeded, though growth is slow due to drought conditions.
- We have a massive backlog of items in the barn awaiting photography and sale, due to lack of resources due to the pandemic. Plastic crates have been purchased to allow these to be sorted and stored on racking in the barn, it is accepted that the storage prior to this was haphazard, not that we consider that should be a material planning concern. Low-value items are being boxed up and sent to auction sales (which were not taking place until a couple of months ago so this could not be done before). Because of this there is currently a higher volume of donated items being stored in the barn, this process is also taking time, as it has to be fitted in with other tasks such as outside tidying, planning appeal admin, horse care and income generation, for example. The nearest auction house is over 40 miles away and the sales are monthly and oversubscribed, so clearing the surplus cannot be done overnight.
- The same applies to external items, some of which we need to remove, to improve the site's appearance or due to upgrading or other changes. There are currently very few local farm sales where this type of item could normally be sold (they were cancelled last year), and it is proving more difficult and taking longer than expected to sell the surplus items online.
- We are working towards reducing the outside storage to an acceptable level.
- Our modern barn was created by putting a joining roof over two existing livestock buildings built before the era of large farm machinery, and is unsuitable for most of our equipment due to the difficulty getting it in and out with tractors, which is why it has traditionally been used for storage and livestock housing.
- It has been suggested that the best long term option for the equipment storage would be to construct a lean to building to cover the compound area. This would visually improve things and provide good quality cover for valuable machinery. The farm previously had additional buildings of similar size, which were demolished by a previous owner.
- As mentioned above, the portacabin has been sold and removed and the caravan has been relocated pending removal.

We have taken on board the recommendations that better quality accommodation should be provided, and that this can be created by the conversion of the barn as detailed in the lapsed previous planning consent. This will also generate an additional income stream. The planned screening and conversion should also be acceptable to the adjoining neighbour as the development will entail the removal of agricultural items stored there and is the same in other respects to the previously approved permission, of which they are aware.

The re-application for the holiday cottage NYM/2008/0700/FL is identical to the original successful application with the exception that the wastewater will go into a separate system to the existing farmhouse. Given that all concerns and objections raised at the time were taken into account by the LPA at the time of their decision, we request that a form of outline permission in principle is granted as part of this appeal, with details and conditions to be finalised by the LPA.

This will allow us to quickly progress the planned improvements to the farm overall. The development will be funded by our own fundraising. If this is not sufficient to demonstrate financial viability, we have a business sponsor who would be prepared to guarantee that they will fund it if need be.

### **Appendices:**

Appendix A contains the documents that were in the possession of the LPA at the time of their decision, together with a list of contents.

Appendix B contains documents that were not supplied to the LPA at the time of their decision, but which we consider relevant. This includes a list of contents.

Appendix C consists of a list of the various machinery used on site, together with an explanation of its purpose.

Appendix D contains the pre-application advice supplied by the LPA.

Appendix E contains various documents and planning applications

**Planning Inspectorate reference APP/W9500/C/21/3272453:**

**The land at Silpho Brow Farm West, YO13 0JP**

**The Appellant's response to the following comments of the Local Planning Authority**

*5.6 The use of land for a horse rescue charity does in principle represent a good use of land in this location and associated agricultural building for stabling horses. Indeed the Authority did recommend the application for approval and the decision was overturned by Members of the Planning Committee, see memorandum at page 53 of the documents submitted to the planning inspectorate as part of the appeal questionnaire.*

*5.7 It was considered that the applicants had not made suitable provision to ensure safe highway access and turning within the site associated with this more intensive use of the site where horse box trailers, volunteer/staff vehicles and delivery drivers bringing and removing goods associated with the use would result in more highway movements, further the intensive use of the land for grazing horses was having a detrimental visual impact on the land as was the outside storage of items relating to the use*

The Appellant has made all proper and necessary provision to ensure safe highway access and turning within the site. There is ample turning space and there is no need for any vehicle to leave the site in reverse gear.

The proposed improvements to turning and access provision resulted in Highways removing their objection.

The current use of the Appellant site has not resulted in more highway movements.

In a normal year, we will rehome about 5 horses, and will likely take in the same number. That means 10 horse trailer visits – less than one a month.

Emergency / vet transport visits also have to be taken into account – this has happened 3 times since 2010.

1.5 full time staff and 1 – 3 day volunteers coming on average one day per week has fewer vehicle movements than the busy working family with 6 young (under 13) children who previously lived here and went to school in taxis, like the families who lived here before them.

The Duffys mentioned the amount of traffic from deliveries / family living among their many objections to the Todds' holiday cottage application in 2008. It may be relevant that they have never objected to any of the Shipman's many planning applications, including a holiday cottage in 2010.

The LPA officers have visited the site on several occasions, unannounced, and have not encountered these "numerous vehicles" that the neighbours claim to visit our farm.

## 5.7

The Appellant accepts that, on occasions in the past (and especially during and following adverse weather conditions) the number of ponies and horses resulted in a detrimental visual impact on the land. This no longer obtains. Numbers have been reduced, the pasture management plan has started the repair process and the improvements will continue. We have invested seed, fertiliser and selective herbicide, which has not been done before

The Appellant accepts that the level of outside storage was not acceptable. We did not have the resources to deal with this at the time of refusal.

It needs to be mentioned that many images supplied by objectors are taken out of context or are years old, and that similar areas could be found in most farming sites.

*5.9 Further the storage of goods for sale within the agricultural barn was preventing this building from being used efficiently and effectively for agricultural storage, hay, horse tack and stabling of horses. Additionally the siting of a portable building and touring caravan for rest room and volunteer accommodation represented unacceptable development in a national park setting and were contrary to policy given their unacceptable and uncharacteristic appearance.*

For some time we have not had enough people with suitable skills to photograph and list items to sell. There is now a backlog of items awaiting sale, mostly small, lower value items. We also inherited quite a lot of furniture and other bulky items from the previous owner, who does not now want them. This has taken up a lot of normally useable space in the barn. It is therefore accepted that the barn storage is inefficient and that many small/medium sized items stored outside could and should be in the barn. This is being addressed by sorting items and packing them in the plastic crates purchased for this purpose.

The barn was constructed many years ago for livestock housing, before the advent of large tractors needing more space to turn, so is limited with regard to larger machinery and implement storage.

The stables are rarely used so have recently been used for overflow storage. They can quickly be emptied if needed.

*5.14 The cross over point from where the grazing of land by animals to the recreational keeping of animals is a matter for judgement. The Authority has historically taken the view that that cross over point tends to be reached when animals have to be fed as the grazing is insufficient. In The Authority's experience, where land is grazed with more than 1 horse per 2 acres this is considered to be about the point where a change of use of land for recreational or commercial keeping of animals has occurred for planning purposes. As the applicant has 25 acres and up to 30 horses, a change of use is considered to have occurred.*

The Appellant accepts that a density of one horse per two acres of grazing land is generally appropriate where large, active horses such as heavy horses, ex-racing horses etc. are concerned. However, the appellant site has only 4 horses and all other equines are ponies, which eat and weigh far less and which require substantially less grazing land. In the worst winter weather they do receive hay, for humane and comfort reasons, however they could physically and metabolically survive without it. Native ponies that live wild dig for roots and grass in snow, for example, however we do not consider that it is fair or reasonable to oblige captive animals to live that way.

In support of their year 2020 stable/barn application (NYM4/026/053/PA) for several horses, on a total site area of 1.7 acres (including the house, garden etc.) the Shipman's submitted BHS guidelines which were accepted by the LPA. The guidelines clearly state that many horses/ponies (such as our natives) will not require 2 acres of grazing, and that those needing less grass will have a better quality of life living in groups rather than small bare areas to restrict grass intake.

We have now reduced our numbers to 14, and intend to keep it below 20, in most cases below 15, so that concern no longer obtains.

In February of this year we had to move all the horses except two colts into the 15 acre field instead of having them in two herds. This was because we had to keep the 2 colts separate from the mares (they would normally have been castrated a year or so before, however the Government ruled that castrations were not essential, so they could not be done until recently). This delayed some of the work we planned to do on the 15 acres this spring (herbicide, reseeding, fert etc), though it did allow us to work on the farm field compartments, which are recovering well having had fertiliser, herbicide, overseeding and rolling this year.

The purpose/status / ownership of the grazing horses is not relevant. They graze here until a suitable home is found. This would be the same if they were bought and sold, or privately owned and sold on (for example if outgrown). If they did not live here they would be grazing fields on other farms.

If a change of use (keeping v grazing) is deemed to have occurred in the fields, the 15 acre field is beyond the scope of the enforcement notice as it has been used continuously for that purpose for over 10 years. Regardless of this, its appearance and condition is now being managed and improved.

*5.15 Additional traffic is believed to be generated as a result of traffic picking up and*

*dropping off donated goods for sale and horse rescue centre deliveries/associated staff/volunteers/visitor movements. Due to the narrow access road and inability for vehicles to turn around within the application site and leave in a forward gear- this was resulting in highway safety concerns for neighbouring residents and users of the green lane, especially in wet conditions when the site and entrance to the site became very muddy. Encroachment of vehicles onto neighbouring private driveways was occurring when vehicles attempted turning in order to leave the site.*

This belief is incorrect and additional traffic movements are not generated in respect of donated goods. One of the ways in which the appellant charity raises operating revenue is by means of “Table Top Sales” previously held every two months (which also raise public awareness and help us provide services) which, prior to the Coronavirus pandemic were held throughout North Yorkshire. Donated goods are sold at these events and, as most of the other sellers are private individuals who wish to be rid of unwanted horse items, they often (but not invariably) donate their unsold goods to our charity at the end of the sale. Horse tack is also often donated when we accept a horse into our care. It is extremely rare for members of the public to visit us in order to donate items – perhaps once or twice a month (pre - Covid).

The appellant accepts that vehicles have sometimes encroached onto neighbouring private driveways, as do their visitors on ours. However, there is no need to do so and every driver is specifically instructed to turn their vehicle around within our own property. This has nothing to do with the horse charity or storage – it is related to being the last one of 3 adjoining properties in a rural area, as previously stated. Traffic movements and visitors are fewer than a family with children. Last Sunday I was working behind the barn and a van drove into Mackenzie’s drive. Christine came out, the driver asked for Shipmans and was directed there, so he reversed out of their drive and continued his journey. The following week a van driver deposited a parcel in our yard and asked us for our name. We later found that the parcel was for Mackenzies. This is part of life.

If we were to sell one “collection” item per month (which we don’t, as we could not sell them that fast), that would possibly result in 12 visits per year – one a month, which needs to be put into perspective.

If all these alleged regular collections/ deliveries to our farm actually took place, the drivers would surely not need to ask for directions, as they would know where to go.

The unsurfaced/muddy area outside our gateway belongs to the Shipmans and is not in our control. We have offered to improve it.

*5.16 It is accepted that some agricultural machinery and equipment together with domestic ancillary associated horse box trailer and other horse related equipment could be reasonably sited on the land without being considered to constitute a*



*change of use for open storage. However it is considered that the amount of stored items at the site is excessive and is related to the scale and nature of the commercial horse rescue charity, some being items that have been acquired or donated and are to be later sold in order to fund the charitable use. This is over and above what would be reasonably expected in such a rural setting.*

We accept that the storage of items outside has spread out. We are currently reorganising and ruthlessly getting rid of anything we can do without. This will allow the necessary outdoor storage to be more orderly and reduced.

5.21

We were set back by the abnormally wet winter of 2017. We did manage to improve some areas of concern, though the admin side of dealing with one neighbour's demands took our limited resources away from physically improving matters.

*5.26 Photos shown in appendix 2 taken from a zoopla sales document dated October 2011 show an empty barn and the land immediately surrounding the barn is clear of outside storage suggesting that there was no storage within or outside the agricultural barn for commercial use in respect of horse rescue. Since the landowner took legal ownership of the property known as Silpho Brow Fam West on 3 October 2014 (Land Registry Title Document NYK148861 confirms) the storage of goods and the use of land for commercial purposes has developed.*

These photographs were taken by an estate agent for commercial purposes and did not reflect the true position. It is significant that although photographs that show the exterior of the modern barns are accurate, the photograph of the interior of these barns shows only one third of the interior. It does not show the central area of the (linking) roof, which collapsed as a result of heavy snowfall in 2010, nor does it show the other side of the barn to which the stored items had been moved for the purpose of the photograph. The previous owner ran several small businesses including by selling goods online and stored those goods in the barns.

The outdoor storage was kept to a minimum as both the farm and the Shippon were on the market and both were struggling to sell.

We moved onto the 15 acre field with the agreement of the vendor before completion as we had moved from elsewhere and urgently needed somewhere for the horses as well as putting our workshop and other items in the barn, where we also stored hay for sale and feeding.

5.27

We consider the site is primarily agricultural.

As part of the application to create “The Shippon” from the East End Farm farm buildings, NYM – 4 – 26 – 38B PA , and a later application for a building to house her sheep, the applicant, Mrs Taylor, who at the time owned Silpho Brow Farm West, confirmed to the LPA by letter from her agent, Cundalls, that she owned 100 acres and that it would be “farmed from the main house”. That property was then sold to the Bells as a working farm, along with land, by separate transactions, as is common with land sales. This clarifies the Mackenzie’s suggestion that our farm has never been a farm, despite having all the farm buildings and a substantial acreage. A 1997 planning application form submitted by the Bells, who lived and farmed from here, NYM4/026/0051PA, stated that they owned 176 acres of land. The LPA’s own report for that successful application states that “there are two farms here, created from one”, so there can be no doubt that farming traditionally existed here and has continued here since the sale by the Taylors, who then went on to live at the Shippon. The Bell’s application related to the replacement of the farmhouse flat roofs with pitched ones, and the building of a small extension.

*5.28 In an online website known as ‘Shoes on Backwards’, it states that the farm run by*

*Ms Smith has done so since 2014, when it was home to 17 rescue horses.*

The charity did purchase the final part of the land (farm field, 6 acres), in 2014, and the house and buildings later that year, and at that point took in residential volunteers.

*5.34 Ground (f) The steps required to comply with the requirements of the*

*5.48 The Planning Committee are made up of essentially local people who would be*

*aware of the weather during the lead up to the Planning Committee, the case put*

*forward by the Local Planning Authority does not turn on the need to submit detailed*

*metrological evidence. Good land management would be expected to take the*

*weather into account.*

We have taken on board all comments about the land, and this is reflected in the implementing of the Pasture management plan, which is already working well, despite the late spring start this year.

5.41

Some requirements have already been met

5.45

We request that the Inspector visits this site as there are both similarities and differences

5.47

We were not aware of the option for Ombudsman or Court actions. Given that some Planning Committee members clearly had read the case thoroughly, it would not be reasonable or helpful to raise an “official” complaint.

We did not have issue with members refusing the application as such – we have issue with some of their reasoning and acceptance of misinformation despite contradictory evidence.

Lockdown was a period of great activity and opportunity for many – for us everything was static, we could do nothing practical.

5.48

It is accepted that the land has not been managed in the past. Once we realised that this was causing problems we addressed this, however it could not be done overnight. The Planning Committee didn't allow for the effects of the pandemic on our organisation and resources. Judgements were made about what had and had not been done, yet we were coping with something which no one in living memory has known. During lockdown we continued to rehome, this helped reduce numbers, we also helped people and horses, many of whom were placed in dire and impossible situations.

5.49

It is accepted that the LPA had to find ways of functioning on line, and that the systems were not perfect.

We also did the best we could in the circumstances prior to the site visit.

## The Appellant's response to the following comments of Catriona Cook

Mrs Cook is a neighbour who is also a voluntary regional access officer of the British Horse Society and has long standing involvement with the local hunt.

We understand that she is also a good friend of the Shipmans. As far as the Appellant is aware, she does not represent the views of the British Horse Society itself, which raised no objections to our planning application.

We are sorry that Mrs Cook has become involved with something which long ago ceased to be about planning matters. Over the years we have sometimes met Mrs Cook while she was out riding, and would have thought she would have mentioned any concerns she or others had, as she would normally chat briefly. We are aware that Mrs Cook has campaigned for many years to preserve and improve bridleway access for horse riders in many areas, and we are surprised that nothing has been mentioned before.

The Cooks own land below our 15 acre field. The previous owner of the land (the Taylors) did not want to sell to the Shipmans, so the Cooks purchased it and then sold part of it to the Shipmans. This is documented by the Land Registry and elsewhere.

*1. The poor standard of fencing means that broken barbed wire and electric fencing can be found lying on the surface of both routes. If a pony or horse became entangled there could be a serious accident.*

The Inspector will be shown all of the areas described.

We are unsure of what or where this could refer to, as the majority of barbed wire and fallen down wire etc. on the nearby roads/ bridleways actually belongs to Mrs Cook, Mrs Shipman and others. Our land was previously used as a livestock farm and, as always with this type of land usage, was fenced with barbed wire. However, we removed nearly all of the barbed wire in our ownership very shortly after our purchase, with the exception of boundaries adjoining fields grazed by cattle and sheep. In any event, the vast majority of the Appellant's land alongside the tarmac section of Beacon Brow Road (the 15 acre field) lies well above the roadway and, even where barbed wire did exist, it would be impossible for road users to come into contact with it. Our farm fields have a boundary running along the unsurfaced section of Beacon Brow Road, a public highway, and do have both barbed wire and electric fence tape added to increase visibility, however it is well away from the highway track. This fence has been unchanged during our ownership, and all the other land nearby used by Cook's cattle for grazing has barbed wire fences, including the boundary along the tarmac section of Beacon Brow Road, so we are somewhat confused at the statements made, as it is not our barbed wire on that section.

There is barbed wire and tangled electric twine all along the track part of Shipman's bridleway, part of which is visible in various documents submitted, and barbed wire along both sides of the bridleway where it later continues down to Kirkless Farm. The bridleway leading to the woodland above the farm has a fence with barbed wire on top,. None of these fences are owned by ourselves.

*2. The illicit ground works have resulted in water flowing onto the road and then down*

*the bridleway causing erosion. In frosty conditions the road can become a sheet of ice which is extremely dangerous for horses.*

This statement is misleading. It is true that, in icy conditions, the road can become a sheet of ice that is extremely dangerous (to all road users) but this occurs throughout the entire length of the tarmac road, and is not limited to the part of the road that our own land borders. In addition to which, Surgate Brow/Waite Lane has a river of water running down it when it rains, which of course freezes in winter, rendering that entire road unsafe for riders.

*3. The complete length of the road is narrow with blind bends and the exit onto Waite Lane is also blind and steep. The road is not fit for the density of heavy traffic generated by the ebay business, and then mixed with children on ponies and bikes or adults on a young horse, is an accident waiting to happen.*

This would be a valid point if the traffic existed, which it does not.

*4. The proposed turning circle at what is labelled 'original farm entrance' (we used to own that field and it was never a farm entrance) would interfere with the riding public opening and closing the gate across Beacon Brow Road. There would also be damage to the surface of the public road through turning on a tight circle and is therefore not a suitable proposal.*

There is plenty of room, even for large tractors fitted with implements. The gate onto the track opens away from our entrance, so is no problem for riders or others. Both the Shipman's and Mackenzie's entrances are opposite the gateway on the nearby bridleway, and a bridleway goes through the entrance to Duffy's, which used to belong to a busy agricultural contractor, so we are unsure why this has been raised.

We only have ownership details since the 1990's, not that it matters. Mr Shipman's Appendix 2 showing a plan of our farm clearly shows 2 access tracks into our farm. We can show the Inspector the visible hardcore and road planings along this route.

*5. At present the delivery and collection vehicles for the business are breaking the law by reversing down the bridleway, whilst trying to find a turning place. It is both a crime and endangers users of the bridleway, to drive a motor vehicle upon a public path. This application does not address this.*

No vehicle related to us would ever need to do this, our farm is accessed via the Public Highway, not a bridleway.

We have no control over vehicles visiting the 2 neighbouring properties.

6. There are already curbed areas along the stream on Beacon Brow Road and at the Surgate cross roads, both of which cause no intrusion and blend well.

7. We accept that the fields have lacked maintenance in the past. This has now been addressed.

### **The Appellant's response to the following comments of John Duffy**

It should be noted that the Duffys have objected to virtually every planning application at Silpho Brow Farm, but none of the Shipmans' many applications, including the holiday cottage.

Comments about the busy family creating large amounts of traffic were put forward in Duffys objection to the (approved) 2008 Todds holiday cottage application. The family are no longer here, yet objections to their traffic are still being raised.

Duffys are unhappy about the proposed passing places – had they not exaggerated the traffic movements then Highways would probably not have wanted them.

When we received the Planning Officers approval report, we called in to Duffys to have a chat about the content, however Mr Duffy said he was going out and would get in touch. He did not, so discussions were not possible.

*A marked*

*increase in traffic along Beacon Brow Road, has occurred since All For Horses bought Silpho Brow Farm*

*West.*

This, together with the related statements, is incorrect and has been fully addressed elsewhere.

*The placing of a*

*sign advising "unsuitable for HGVs and no through road" at our end of Beacon Brow Road may have alleviated the problem of large lorries travelling to Silpho Brow Farm West and then being unable to turn around there, however it has not reduced the traffic passing through our farm. HGVs now unload*

*in a lay-by on Waites Lane and bulky goods are then recovered by heavy plant trundling backwards and*

*forwards between the lay-by and Silpho Brow Farm West.*

We have always unloaded things in the layby – this takes time but we do this to avoid the need for large vehicles to go down the lane. The placing of the sign at the entrance to Beacon Brow Road has no relevance. The "Heavy plant" referred to is our standard agricultural telehandler used very occasionally to unload large heavy items such as pallets of fencing materials from large vehicles that

park safely in the layby. Prior to our purchase of the telehandler we used a loader tractor for the same purpose, or a friendly neighbouring farmer helped with either a tractor or a telehandler.

By contrast, we have seen at least 3 vehicles over 7.5 tons deliver to the Shipmans premises (via the bridleway) in the last few months. We consider this to be inconsiderate, unnecessary and hazardous for all – the Shipmans have vehicles and trailers they could meet wagons with, if they chose.

It is possible that Mr and Mrs Duffy mistakenly believe that the wagons are visiting us.

### **The Appellant's response to the comments made by Mrs Jane Duffy**

The Appellant feels that Mrs Duffy's comments are essentially the same as those of her husband John Duffy, which we have addressed above. However, we feel that we should comment on the following content.

*I feel it is relevant that in November 2009, a company named Filey and Scarborough Trust, was prosecuted under the Environmental Protection Act 1990, because of environmental damage caused by improper storage of waste materials at various sites around Scarborough. The company directors were Mr Gary Humphrey Edwards, a trustee of All for Horses and Mrs Louisa Smith, until recently a trustee of All for Horses and mother of the appellant.*

Louisa Smith pleaded guilty to the entirely technical issue of incorrect storage in that plastics materials were stored together with non-plastics materials. This is not relevant to the current situation and in any event, Mrs Duffy should be aware of the provisions of the Rehabilitation of Offenders Act, 1974 (amended 2014) because this conviction was spent many years ago.

### **The Appellant's response to the comments made by Hackness & Harwood Dale Group Parish Council.**

We do not propose to address these comments in detail. We have already responded to their statements. The Parish Council discussed our planning application and was addressed at great length by the principal objector, under ten distinct headings. Most of the information provided to the council was untrue or greatly exaggerated. Our own representative was then invited to reply but was only allowed to address the first two points (whilst being shouted down and constantly interrupted), before being told that the council had run out of time and would make its decision without hearing further. An objector's recording of the meeting would clarify exactly what happened.

### **The Appellant's response to the comments made by KI & CM Mackenzie**

*The Planning Appeal form states that the appeal site is, or is part of, an agricultural holding. This is not*

*the case. The site is not and never has been an Agricultural Holding within the terms of the Agricultural*

*Holdings Act 1986.*

*The enforcement appeal form states that there has been uninterrupted farming at the appeal site “...for hundreds of years...” and commercial storage for over ten years, and that it has remained, in essence, a “farm” since the division of the original property into separate titles in the 1990s. It concludes that neighbours are seeking “to prevent its traditional and established use”. This is all incorrect.*

This is incorrect. Farming has indeed occurred here for many years and the land was also farmed following the division of the original property into separate titles. The Appellant believes that Mr and Mrs Mackenzie must be aware that their own house is a conversion from an original barn (some of which continues on to our own land). “Silpho Brow Farm” is believed to date from the 1700’s. Indeed, the advertising material issued by their other immediate neighbour, Mrs Shipman, states this to be the case.

*Land Registry records (NYK148861) show that it was the appeal site itself, with just three acres of land, that was initially carved out of the title to the farm. The appeal site was sold in Jan 1994 with numerous restrictive covenants including one restricting its use to “... a private dwelling house and/or a smallholding”.*

The farmhouse, various outbuildings and land is indeed used as a smallholding. As far as the Appellant is aware, the term “smallholding” is not clearly defined in English law but is understood to mean farming in a small area not exceeding about 50 acres. As we farm the land, we do indeed comply with the covenants. It may be helpful to note that one of the other covenants prevents the keeping of pigs, which indicates the assumption that other types of farming were permissible. There was another circa 100 acres farmed too, from Silpho Brow Farm West, in the 1990’s, by the Taylors, which appears to have been omitted from this calculation, and the Bells stated that they owned 176 acres of land in 1997 as part of their planning application relating to work on the main house. It is common for land to be sold in a separate transaction to the house and buildings where larger acreages are concerned.

- *As of today, the appellants have 151 items listed for sale on Ebay ranging in size from a caravan to small packages. Their trading history shows a further 210 items sold. The appellants trade from the appeal site. All these items will have been brought to the appeal site, and they will be despatched again, or collected by purchasers, from it.*



The Appellant does not trade in caravans and Mr and Mrs Mackenzie are fully aware that the caravan that is currently offered for sale on Ebay is the one that was previously used as a refreshment facility by volunteers and which is no longer needed. It has been on sale for over a year now. The Appellants do not “trade from the appeal site” within the recognised meaning of that phrase, as visitors are allowed only by appointment and there are no opening hours. Part of the appeal site is used for the storage of items intended for sale, referred to as “commercial storage”, nothing more. 210 items sold over a period of over a year or more is a few items a week, most of which fit into jiffy bags and are collected by a car or Post Office van.

- *The appellants have created a turning area for goods vehicles, but it appears to be either inadequate in size or in use for other purposes. We have been visited on numerous occasions by courier firms seeking to deliver to, or collect from, the appellant’s charity. Usually this is a bona fide mistake, but several drivers, when questioned, have told us that they chose to come down our drive to turn around because of the impossibility of doing so at the appeal site.*

We accept that some drivers may have asked for directions, despite having been sent detailed directions, together with the precise What3Words location. It happens, just as we are sometimes asked by other drivers for directions to their own and other locations. We cannot accept their statement that some drivers have told them that they prefer to turn around using their drive entrance, which would involve opening and closing at least one, usually two gates, because is far easier for them to turn around in our own large turning space.

- *As recently as 2 June this year, we witnessed a goods vehicle having to reverse from the appeal site approximately 500m back down the lane to turn around in a field entrance situated on the blind ‘S’ bend, which is about half way along the lane from the junction with Sur Gate.*

*3.3 The appellants have misrepresented the nature and impact of the external storage at the appeal site and their intentions regarding it.*

We know that this is incorrect because we saw this vehicle, which did not come to or from our site.

Further, there are many items of rusting agricultural equipment stored against our boundary that have not moved since our purchase of this property in 2015.

These objectors stated earlier in their comments that *“We moved to Silpho Brow in 2015 and are immediate neighbours of the appellant. Prior to moving here, and for a time afterwards, we had no reason to have concerns about the nature of operations on the appeal site and we believe we enjoyed a good relationship with the appellants.”*

We suggest that what has changed is the relationship itself. We are doing less activity than when they came here, the machines were there before they bought their house, they are now complaining about them. We welcomed them as neighbours, we have no problem with the constant mowing of

their field (although a better silencer on their ride-on lawnmower and a yappy dog would be appreciated) and we would wish them to enjoy their life here. However, their lack of control over their dogs has caused some friction. We are not personally affected by their dogs chasing a neighbouring farmer's sheep, but it should not be allowed to happen. Their dogs have frequently entered both our own yard and our field, one of our horses has been bitten and others have been chased. On one recent occasion, their dog attacked and seriously injured a rabbit immediately outside our entrance and this was ignored, leaving us to do carry out the essential and immediate humane destruction – which, for a vegan family, is a painful action to take. And, despite requests, they took over 2 years to trim their trees, which causes damage to our vehicles and restricts visibility. We do not think it unreasonable to expect townspeople who move into the countryside to adapt their own behaviour to suit their surroundings, rather than expect country people to make the changes.

*Further, there are many items of rusting agricultural equipment stored against our boundary that have not moved since our purchase of this property in 2015. This, to quote the planning officer's report of Sept 19, "... has resulted in harm to the amenities of that adjacent dwelling, due to the visual impact from their property." This area was specifically identified in condition 9 for clearance of all storage, but the appellant has told us on two occasions (the first at a meeting at our house to discuss the planning officer's report shortly after it was issued, the second in an informal conversation in March of this year) that she does not intend to comply fully with this condition, which she stated was "negotiable".*

- *Her statement must raise doubts as to whether there are other draft conditions that would be treated similarly.*

This is incorrect. The conversation did take place but has been misrepresented. What the Appellant's representative actually said was that all of the conditions were reasonable except for the one that required two passing places, which as Mr and Mrs Mackenzie know, were inserted in order to address the false claim about the high level of traffic. We told them that a commercial supporter had offered to pay for the installation of these passing places if necessary but that we felt that this particular condition as negotiable and that the passing places would not need to be built if a traffic survey was carried out.

#### Shipman comments

Laminitis is a very painful and debilitating metabolic illness affecting the feet – around 50% of our horses are at risk of laminitis because they are native easy keepers who need low nutrition – this is not the same as the "acute" laminitis described by Mrs Shipman and her helpful screenshot.

“At risk” means that the diet and exercise need to be correct to minimise the chance of laminitis occurring – living outdoors with space and a sensible amount and type of grass in a group of friends to exercise and play with is ideal for these horses. We have had two cases of acute laminitis since 2002. One needed a stable for a few weeks, the other was able to stay in the field with foot protection.

Once a horse has had laminitis they are more at risk of recurrence, so need careful monitoring and management. In days gone by this meant a miserable existence for the rest of the horses life by confining to a tiny area with poor hay and virtually no fresh grass, in the mistaken belief that any grass or good food would trigger another attack. In reality, in addition to the welfare issues from the poor quality of life, the lack of exercise and stress caused by this confinement make health problems more likely.

In recent years scientific research has shown that the horses that receive support and are integrated back into a more normal life have fewer recurrences. This does however require interest and effort by the owner. Grazing muzzles to restrict grass intake at certain times of the day, and track systems, which encourage horses to move and exercise more, all work well, and have been used by ourselves when horses needed it while recovering.

The 15 acre field was purchased prior to the registration of All For Horses as a charity, as the horse rescue activities have been taking place for many years. It was subsequently donated to the charity once formed.

Until relatively recently, several of our visitors befriended the Shipmans, and some have assisted her with her horses, one of which she does not have a very positive relationship with.

The selected letters and communications submitted are incomplete and do not show the true picture.

The comments regarding the drainage system have been addressed elsewhere, however we should mention that the Shipmans were aware that the portacabin was used as 2 bedrooms instead of the house, as this was discussed when we bought the waste system. It would have cost very little to have a larger system, however we all agreed that we had plenty of capacity - two in the cabin, one in the house, leaving two spares for visitors/staff. The infrequent emptying bears our low useage out as the Shipmans house and holiday cottage are extremely busy all year round.

The cabin has been here since around 2014, in fact the Shipmans put us in touch with the delivery company who moved it for us.

The Ebay items shown are helpful – we have more crates than we need, so put some on Ebay. The listings clearly show how many have been sold – zero for the pallets, and 7 lots of 3 since they were first listed months ago – hardly the hundreds being suggested. The reviews shown are 2019 and predate both the listing and our ownership of the crates, so seem to have been introduced from elsewhere. We don’t advertise the farm as a collection address, the collection postcode (which is not the farm address) appears not to be included in the screenshot.

Appendix 11 – demonstrates that claims made are greatly exaggerated, at best.

Appendix 19 – We confirm that both the yellow van and blue car belong to us, and that we do drive and park them on the public highway.

The alleged damage by an “articulated” vehicle (it was a rigid) was expected to be documented, so we have supplied a photo taken by ourselves the following morning, which shows scuffs, not “damage” – this is not a prize lawn, it is a verge. We did apologise for the driver (he simply took the wrong turning while following us), these things happen. One of the photos looks more like the time when the bin men drove down there, as the marks don’t correspond with where the wagon turned – I was there as I told him he had the wrong place.

Our own appendix E accurately shows the area after the turning.

None of our horses have ever escaped through the fence as described, nor have they damaged Shipmans property.

To clarify the Shipmans rather inaccurate statements about occupancy – Cathy finished a 4 year degree in Horse Behaviour last year, prior to that she studied A levels at York, so has only recently lived at the farm, she has worked here as a volunteer during holidays.

Garry lives 90 miles away and has never lived at the farm. He visits several times a year to volunteer.

Lou stays at the farm when there are not enough staff and volunteers to do the necessary jobs.

Details of trustees and their roles are in our business plan.