

## **List of Core Documents**

### **CD1 Enforcement Questionnaire including attachments (previously submitted):**

- Committee Report 16 January 2020 recommending approval
- 15 January 2020- Members Update Sheet - This planning application has been removed from the Planning Committee Agenda due to an objection having been received from North Yorkshire Fire & Rescue Service
- Committee Report 3 September 2020 recommending approval (virtual meeting)
- 2 September 2020-Members update sheet- including draft reason for refusal
- Internal memo 14/09/20 updated reason for refusal
- 14/9/20 Copy of reason for refusal-notice of decision
- Policies, BL1, BL11, CO2
- Letter to Parish Council re appeal
- Delegated Authority for Enforcement Action
- Screening Opinion
- Enforcement Notice
- List of those notified of appeal
- Policies SPA, SPG, CO2

### **CD2 Authority's Appeal statement, including appendix (previously submitted):**

- Letter to Mr Garry Edwards 21 December 2018
- Zoopla images of barn 2011
- Aerial image 2 November 2014
- Aerial image 22 June 2018
- List of Conditions

### **CD3 Statement of Common Ground (to be submitted)**

### **CD4 Table of Common/Uncommon Ground (to be submitted)**

### **CD 5 Rosie Gee Proof of Evidence, including attachments:**

- CD6 Land Registry for 15 acre field NYK122545
- CD7 Title Plan for 15 acre field NYK122545
- CD8 Land Registry Farmhouse and land surrounding NYK148861
- CD9 Title Plan Farmhouse and land surrounding NYK148861
- CD10 Time Line
- CD 11 Sales Details Zoopla

- CD12 Public Plans submitted with application
- CD13 27 February 2020 Committee Report for Meeting-recommendation for approval
- CD14 27 February Committee minutes Deferred for Site Visit and for Applicant to submit further information regarding Business Plan and Financial details regarding their ability to comply with extensive mitigations works envisaged.
- CD15 21 August 2020 – committee site visit minute
- CD16 2 September 2020 Members update sheet- draft reason for refusal as insufficient info submitted to address the concerns.
- CD17 14 September 2020 -clearing memo with additional reason for refusal added
- CD18- Minutes form Planning Committee meeting 3 September 2020
- CD19- Copy of Strategic Policy E
- CD20-Mark Hill Proof of Evidence
- CD21-Whin Covet Appeal Decision NYM179-2003-ENF

## **Proof of Evidence for Public Inquiry**

**8 July 2022**

### **North York Moors National Park Authority**

### **Town and Country Planning Act 1990**

#### **Appeal by**

All for Horses Rescue and Rehoming, Ms Cathy Edwards (planning appeal 3262806), Ms Cathy Edwards (enforcement appeal 3272453) (Lead) and Ms Lou Smith (appeal 3272454) (Child)

#### **Against**

Refusal of planning permission for change of use of agricultural buildings for the purposes of stabling horses and commercial storage in connection with the use of the site as a horse rescue, rehabilitation and horse rehoming charity, retention of touring caravan for workers rest room, retention of portacabin for use as workers accommodation, siting of toilet block, replacement summerhouse and gravel surfacing of field entrance to assist with drainage together with fenced external storage area (part retrospective), and,

Enforcement Notice dated 1 March 2021 alleging: Without planning permission;

The change of use of the Land for the purposes of keeping of horses and ponies and stabling horses and ponies, together with associated storage of items including the storage and or use of a portable building, a caravan, plant, equipment and materials:

The undertaking of unauthorised engineering works to install drainage.

#### **Location**

Silpho Brow Farm West, Silpho Brow, SCARBOROUGH, YO13 0JP

## **Qualifications and Experience**

1. My name is Rosie Gee, and I am employed by the North York Moors National Park Authority (“the Authority”) in the post of Planning Enforcement Team Leader. I have a Bachelor of Arts Degree (Honours) in Geography and a Masters Degree in Town and Country Planning, having graduated in 1998.
2. I have worked in planning and enforcement roles for just over 24 years, since 1998. During that period, I have dealt with general planning casework and planning applications in addition to enforcement matters. I have worked for the Authority since 2006 and have worked with the enforcement team since 2010 and have been in my current post since 2018.
3. I am a chartered member of the Royal Town Planning Institute (MRTPI) since 25 April 2001.
4. I understand my duty to the Inquiry and have complied, and will continue to comply, with that duty. The evidence that I have prepared and provide for these appeals is true and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed in this proof of evidence are my true and professional opinions
5. I am very familiar with this case, having become involved in this case in 2018, 3 years after the development was brought to our attention.

## **Background**

6. The untidy condition of the site and surrounding land together with unauthorised engineering works on land was first brought to the Authority’s attention in April 2015 (see timeline CD10) and various complaints have been received over the years. An intensification in recent years of the use of the site has resulted in increased outside storage at the site in connection with a material change of use for commercial purposes and resulted in an enforcement investigation.

## **Authority Planning Application Assessment**

7. A planning application NYM/2019/0431/FL was submitted to seek to regularise the use of land. The matter had to be determined at Planning Committee as a result of the number of objections received. The application was refused on 14 September 2020 (see timeline CD10).
8. I have read the proof of evidence of Mark Hill (see CD 20) in relation to the committee process (paragraphs 9-12) and I agree with his summary.
9. The Officer’s view was finely balanced with concerns as to whether suitable mitigation could be funded, provided, delivered. The planning committee refused the application as per the updated verbal recommendation (see CD18). The clearing memo added the additional reason for refusal (CD 17).
10. As a result of refusal of planning permission an assessment of expediency took place, and an Enforcement Notice was served on the landowner and interested parties on 1 March 2021 with an effective date of 5 April 2021.

11. A further site visit has taken place on 10 March 2022 and showed that the unacceptable levels of outside storage remained -see photos CD10. A site visit took place on the 16 June 2022, see photos CD10. External storage had been slightly reduced but was still at unacceptable levels, see photos CD10. I accept that the opening of the charity shop will have a modest impact on the reduction of items, but this is not going to reduce the storage to an acceptable level because of the size and nature of the items stored. I have read the proof of evidence submitted by Mark Hill in relation to storage (para 13/14) and agree with his views.
12. Whilst the Authority has referred to the fact that there is some policy support for the use of land and buildings for keeping horses and storage in connection with a horse rescue charity, this does not currently have lawful use as the appellant contends. It is important to note that policy support is premised on good land management, lack of unacceptable visual impact from external storage and lack of amenity harm from associated traffic movements and visitors and volunteers/staff.
13. The appellant has been given ample opportunity to demonstrate that for a horse rescue business of this nature and extent that suitable mitigation could be funded and provided to resolve the negative impacts of the proposal.
14. My view is that it was therefore a reasonable and correct decision to assess that, on the balance of probabilities, the unacceptable negative impact of the proposal would not be adequately mitigated, and that the planning permission should be refused, and an enforcement notice served. Despite the small amount of improvement at the site my view remains the same that the appeal should be dismissed, and the enforcement notice upheld.

### **Recent Improvements**

15. To a great extent the modest improvements in external storage and vehicle movements and reduction in number of horses at the site is due to the effect of Covid 19, in that the horse rescue use operation has reduced significantly. The improvement in the condition of the land is also due to this and good summer weather. I also think it is relevant that even though the appellant has had 3 years to demonstrate to the Authority and now a planning inspector that they can fund and provide suitable mitigation and have failed to do so. I am also aware of the appellants failure to remove stored materials at the site dealt with in the Whin Covet appeal, see CD21. If the appeal was allowed and planning permission granted the normal operations and activity would resume and all of the level of previous impact on the balance of probabilities will occur again.

### **Claimed 10 year immunity from Enforcement Action**

16. I do not believe that the appellant is correct to claim that the use of the 15 acre field and barns have been used as they suggest for well over 10 years. I believe that a combination of information suggests that the use was not in place at the level and intensity that it was at the point when the enforcement notice was served. This information includes the 'Zoopla' sales document dated October 2011 (CD11) showing 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 at this time. There is also the aerial photo from 2 November 2014 (appendix to CD2) showing that the land surrounding the barn and field does not have large areas of outside storage. Furthermore, references in social media as mentioned in the Authority's statement of case (para. 5.28-5.33) that suggest when the use commenced when the appellants took ownership in 2014.

17. Since the landowner took legal ownership of the property known as Silpho Brow Farm West on 3 October 2014 (Land Registry Title Document NYK148861 confirms), CD7 and CD 9, the storage of goods and the use of land for commercial purposes has developed. The Authority will leave parties in the appeal to submit information in respect of the use between 2010 and 2014.
18. Even if the Inspector was to accept the appellants claim of immunity my view would still be that this horse rescue operation will still create unacceptable, negative impacts.
19. On balance, the Authority consider that although the appellants may have been familiar with the site prior to 2014, and needed land and buildings to store goods relocated from their former residence whilst they were in rented accommodation in Scalby, there is insufficient evidence to demonstrate that the use of land and buildings in connection with the commercial horse rescue use commenced before 2014 when the land and property was purchased (October 2014 (farmhouse) and 2015 (15acre field). The timeline (CD 10) helps clarify the various changes that have taken place.

## **Conclusion**

20. I believe it was reasonable and correct for the Authority to refuse planning permission and serve the enforcement notice and despite modest improvements since then I believe it is reasonable and correct that both appeals be dismissed.

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



# Official copy of register of title

Title number NYK122545

Edition date 19.10.2015

- This official copy shows the entries on the register of title on 18 JAN 2021 at 09:45:07.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 18 Jan 2021.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Durham Office.

## A: Property Register

This register describes the land and estate comprised in the title.

NORTH YORKSHIRE : SCARBOROUGH

- 1 (28.03.1990) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land at Silpho Brow Farm, Silpho, Scarborough (YO13 0JP).

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (19.10.2015) PROPRIETOR: GARRY HUMPHREY EDWARDS of 3 Bakes Street, Bradford BD7 3EX the trustees of the charity known as The Animal Hostel Trust and LOUISA RUTH SMITH of 3 Bakes Street, Bradford BD7 3EX the trustees of the charity known as The Animal Hostel Trust.
- 2 (19.10.2015) The value stated as at 19 October 2015 was £50,000.
- 3 (19.10.2015) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.
- 4 (19.10.2015) RESTRICTION: No disposition by the proprietor of the registered estate to which section 117-121 or section 124 of the Charities Act 2011 applies is to be registered unless the instrument contains a certificate complying with section 122(3) or section 125(2) of that Act as appropriate.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (28.03.1990) A Conveyance dated 24 August 1954 made between (1) The Right Honourable Patrick Robin Gilbert (Fourth) Baron Derwent (2) Coutts and Company and (3) Herbert Wilfred Welburn and Eleanor Mary Welburn contains rights exceptions and reservations but neither the



Title number NYK122545

## C: Charges Register continued

original deed nor a certified copy or examined abstract thereof was produced on first registration.

End of register

**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

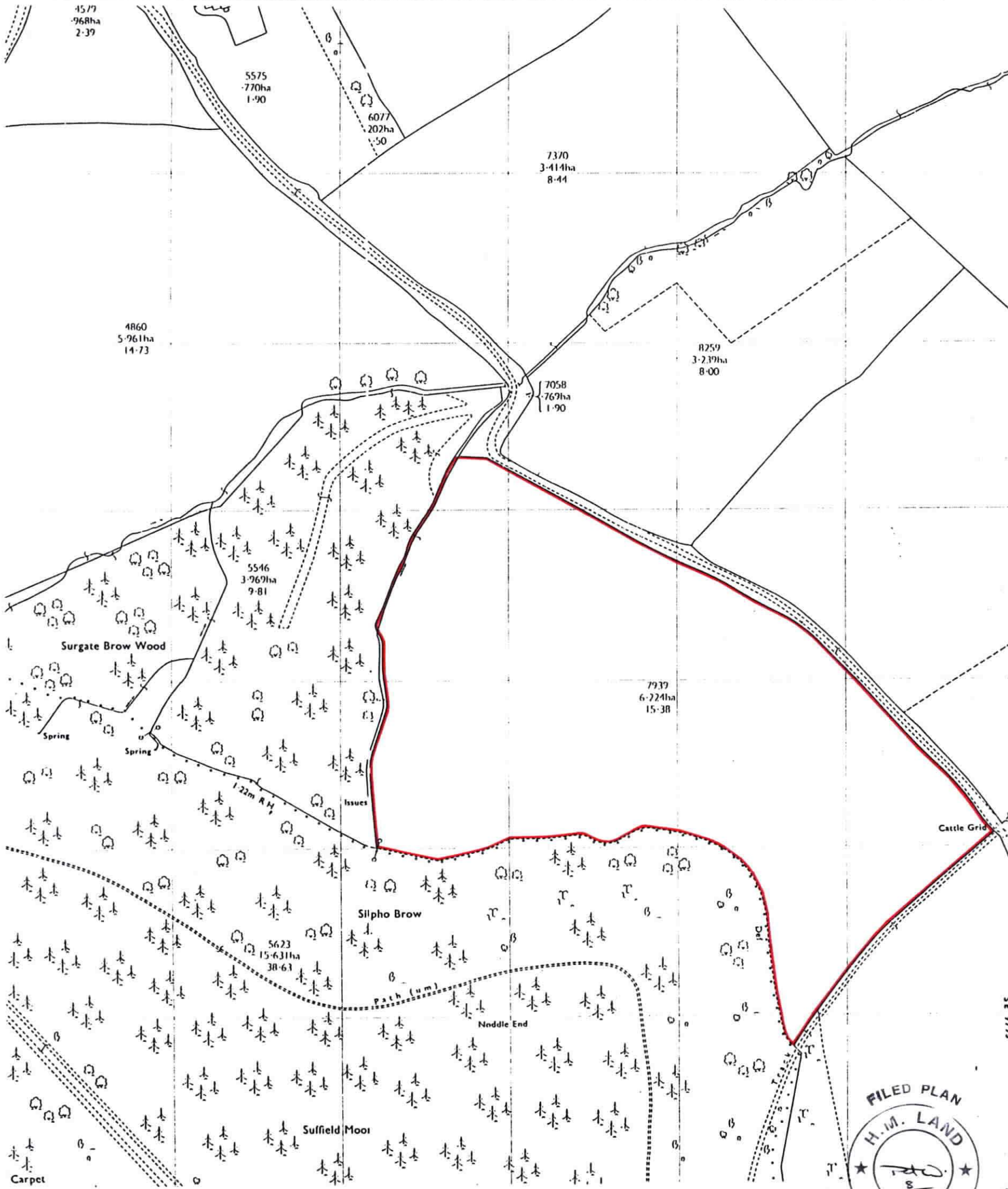
This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 18 January 2021 shows the state of this title plan on 18 January 2021 at 09:45:07. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by the HM Land Registry, Durham Office .

© Crown copyright. Produced by HM Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316.

H.M. LAND REGISTRY		TITLE NUMBER
		NYK 122545
ORDNANCE SURVEY PLAN REFERENCE	SE 9793 9893	Scale 1/2500
COUNTY	NORTH YORKSHIRE	DISTRICT
		SCARBOROUGH
		© Crown copyright



The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



# Official copy of register of title

Title number NYK148861

Edition date 01.12.2015

- This official copy shows the entries on the register of title on 15 JAN 2021 at 15:07:49.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 15 Jan 2021.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Durham Office.

## A: Property Register

This register describes the land and estate comprised in the title.

NORTH YORKSHIRE : SCARBOROUGH

- 1 The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Silpho Brow Farm West, Silpho, Scarborough (YO13 0JP) .
- 2 A Conveyance of the land edged and numbered 3 in blue on the title plan and other land dated 24 August 1954 made between (1) The Right Honourable Patrick Gilbert (Fourth) Baron Derwent (Vendor) (2) Coutts and Company and (3) Herbert Wilfred Welburn and Eleanor Mary Welburn is expressed to grant the following rights. The Conveyance also reserved the following rights and this registration takes effect subject thereto.

"Together with the right for the purchasers (in common with the vendor) to the flow of water as now enjoyed through the supply pipe from the South West corner of Field No 5 on the said plan Subject to the purchasers paying to the vendor a moiety of the cost of any renewals and repairs at the springhead and of the supply pipe passing through the property hereby conveyed.

And subject to and with the benefit of:- (a) a public Bridle Way running from the North West Corner of Field Number 7 South East across the property hereby conveyed to the North East Corner of Field Number 1 as shewn on the said plan; (b) a public Right of way from the North West Corner of Field Number 5 as shewn on the said plan.

EXCEPTING AND RESERVING unto the Vendor the said water supply pipe running through the property hereby conveyed from the South West corner of Field Number 5 to other property of the Vendor known as Kirkless Farm as shewn on the said plan and with liberty at all times for the Vendor by himself or the persons claiming through or under him or his Agents and workmen with or without materials to enter upon the property hereby conveyed for the purposes of inspecting maintaining repairing enlarging or renewing the said supply pipe at the cost of the Vendor or the persons claiming through or under him but without making or paying any compensation except for wilful damage the purchasers paying to the Vendor or the persons claiming through or under him a moiety of the cost of any necessary renewals and repairs at the springhead and to the supply pipe passing through the property hereby conveyed he the Vendor keeping the same cleansed and in good repair and condition"

## A: Property Register continued

NOTE: The Bridle Way, the Public right of way and fields No'd 1, 5, 7 and 22 referred to are shewn on the plan to the Conveyance dated 1 April 1970 referred to below.

- 3 A Conveyance of the land edged and numbered 1 in blue on the title plan and other land dated 1 January 1970 made between (1) Herbert Wilfred Welburn and Eleanor Mary Welburn and (2) Malcolm Trevor Dunn and Dorothy Mary Dunn is expressed to grant the following rights:-

There is included in this Conveyance the right for the Purchaser in common with the Vendors the owners and occupiers of the adjoining farm known as East End Farm and others entitled to a flow of water as now enjoyed through the supply pipe running under field Number 209 shown on the plan to the farm buildings and to connect to and use the septic tank at East End Farm with the necessary rights of entry for the purposes of renewal maintenance and repair subject to the Purchasers paying a proper proportion of the cost of any renewal and repair

NOTE: Copy plan filed under NYK76524.

- 4 The Conveyance dated 1 January 1970 referred to above contains the following provision:-

It is declared that the walls separating any of the buildings included in this Conveyance from the buildings of the adjoining farm and all spouts gutters gullies and pipes used jointly with the adjoining farm shall be joint and party walls gutters gullies and pipes and shall be maintainable and repairable accordingly.

- 5 The land has the benefit of the following rights granted by a Conveyance of the land edged and numbered 3 in blue on the title plan and other land dated 1 April 1970 made between (1) Herbert Wilfred Welburn and Eleanor Mary Welburn and (2) Clifford Wilfred Welburn and Jean Agnes Welburn (Purchasers):-

"There is included in this Conveyance a right of way for all purposes for the Purchasers the owners and occupiers of the Property over the road shown by a dotted line on the plan leading from the North-east corner of Field No 6 to the Property"

NOTE: Copy plan filed under NYK76606.

- 6 The Conveyance dated 1 April 1970 referred to above contains the following provision:-

"It is declared that the walls separating any of the buildings included in this Conveyance from the buildings of the adjoining farm and all spouts gutters gullies and pipes used jointly with the adjoining farm shall be joint and party walls gutters gullies and pipes and shall be maintainable and repairable accordingly"

- 7 The land has the benefit of the following rights granted by but is subject to the following rights reserved by a Conveyance of the land edged and numbered 1 and 2 in blue on the title plan and other land dated 7 April 1982 made between (1) Clifford Wilfred Welburn and Jean Agnes Welburn and (2) Fiona Iris Hilda Cardwell:-

TOGETHER WITH a right for all purposes over the road coloured blue on the said plan.

NOTE: No copy of the Plan referred to is held by Land Registry.

- 8 (25.02.1994) The land has the benefit of the rights granted by but is subject to the rights reserved by the Transfer dated 7 January 1994 referred to in the Charges Register.

- 9 (25.02.1994) The Transfer dated 7 January 1994 referred to above contains a provision as to boundary structures.

- 10 (01.05.2001) The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Transfer of the land tinted pink on the title plan dated 23 March 2001 made between (1) David Bell and Kathryn Denise Bell (Transferors) and (2) Peter Sydney Davey and Sheila Davey (Transferees):-

## A: Property Register continued

"The Property is transferred with the following rights for a period of Eighty years (The Perpetuity Period) as follows:-

(A) The right for the continued enjoyment of shelter and support as currently exists from the Transferors adjacent retained land

(B) The right of eaves drop (but not a right of drainage) in respect of the gutters on the North-West and South-East elevations of the property

(C) The right to come upon such part of the Transferors adjoining land as is necessary for the purposes of repair and maintenance of the property and the gutters subject to giving notice of such intention and subject to making good any damage caused as a result of the exercise of such right

.....  
..

There is reserved to the Transferors for the Perpetuity Period of Eighty years the right to the continued enjoyment of the shelter and support currently afforded by the Property over or in respect of the Transferors adjacent retained land"

- 11 (01.05.2001) The Transfer dated 23 March 2001 referred to above contains the following provision:-

"The Transferors and the Transferees hereby declare that with the exception of the express rights granted in clause 13 of this Transfer all easements, quasi easements, rights and quasi rights which may have existed heretofore in favour of the property over or under or in respect of the sellers retained land shall henceforth be extinguished

It is hereby agreed and declared between the Transferors and the Transferees that the whole of the boundary structure which divides the property from the sellers retained land is and forever shall remain the property of the Transferors"

- 12 (01.05.2001) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (03.10.2014) PROPRIETOR: GARRY HUMPHREY EDWARDS of 3 Bakes Street, Bradford BD7 3EX.  
2 (03.10.2014) The price stated to have been paid on 24 September 2014 was £225,000.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 The land is subject to the following rights reserved by a Conveyance of the land edged and numbered 1 and 2 in blue on the title plan and other land dated 24 August 1954 made between (1) The Right Honourable Patrick Robin Gilbert and (2) Herbert Wilfred Welburn and Eleanor Mary Welburn (Purchasers):-

EXCEPTING AND RESERVING unto the Vendor the said water supply pipe running through the property hereby conveyed from the South West corner of Field Number 5 to other property of the Vendor known as Kirkless Farm as shewn on the said plan and with liberty at all times for the vendor by himself or the persons claiming through or under him or his

## C: Charges Register continued

Agents and workmen with or without materials to enter upon the property hereby conveyed for the purposes of inspecting maintaining repairing enlarging or renewing the said supply pipe at the cost of the Vendor or the persons claiming through or under him a moiety of the cost of any necessary renewals and repairs at the springhead and to the supply pipe passing through the property hereby conveyed he the Vendor keeping the same cleansed and in good repair and condition

NOTE: Field Number 5 referred to lies to the West of the land in this title. Kirkless Farm lies to the North East of the land in this title.

- 2 A Conveyance of the land edged and numbered 3 in blue on the title plan and other land dated 3 May 1989 made between (1) Fiona Iris Hilda Cardwell (Vendor) and (2) Alan Roger Temple and Maureen Theresa Temple (Purchasers) contains the following covenants:-

"THE Purchasers for themselves and their successors in title jointly and severally covenant with the Vendor and her successors in title so as to bind the land hereby conveyed not to cause any damage or interference with the water supply pipes running through the property hereby conveyed"

- 3 (25.02.1994) A Transfer of the land in this title dated 7 January 1994 made between (1) Barrim Limited and (2) David Bell and Kathryn Denise Bell contains restrictive covenants.

NOTE: Original filed.

End of register



**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

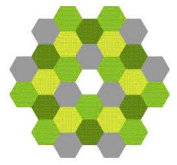
This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 15 January 2021 shows the state of this title plan on 15 January 2021 at 15:07:49. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

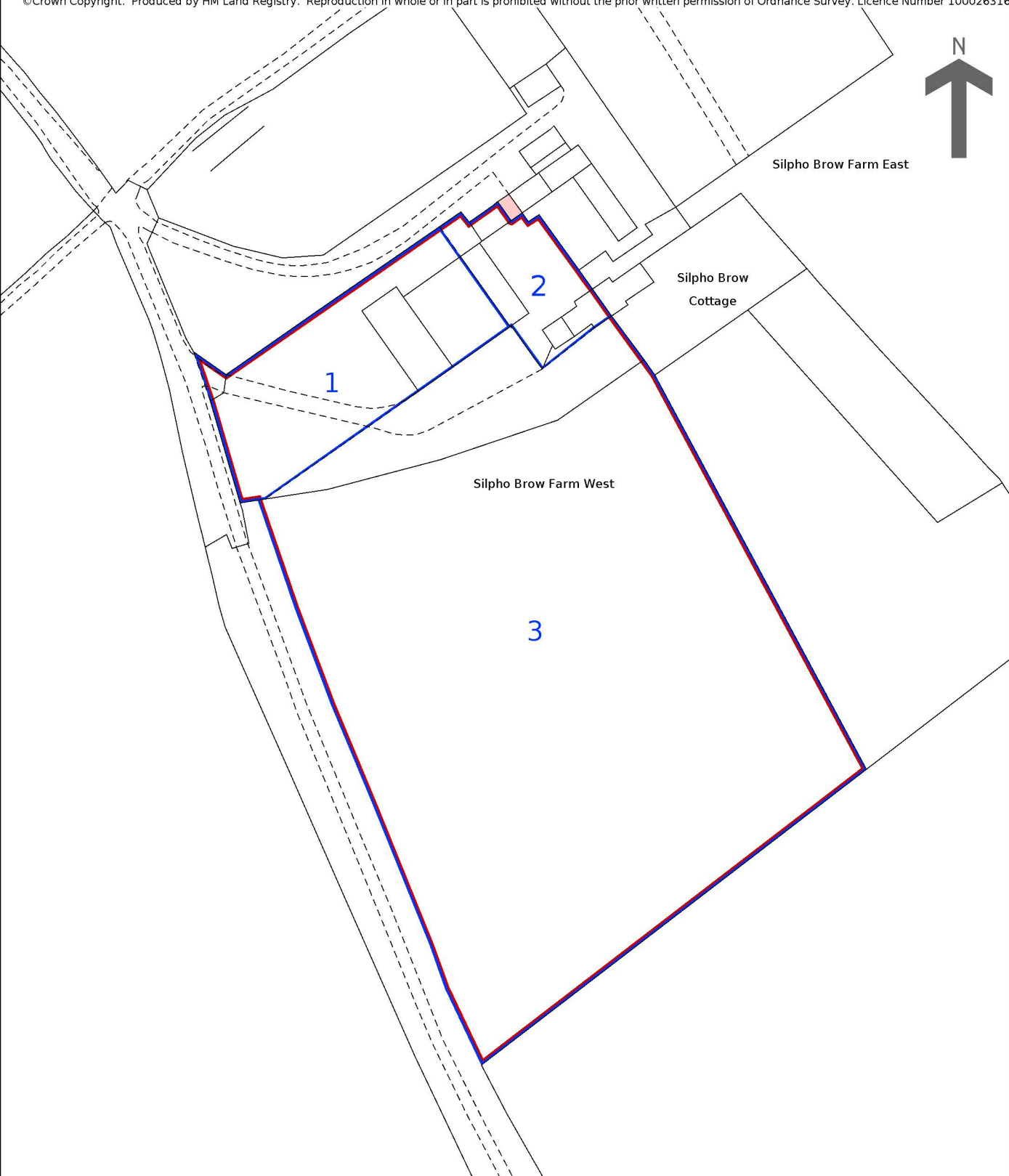
This title is dealt with by the HM Land Registry, Durham Office .

# HM Land Registry Official copy of title plan

Title number **NYK148861**  
Ordnance Survey map reference **SE9893SW**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **North Yorkshire :**  
**Scarborough**



© Crown Copyright. Produced by HM Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316



## Timeline

**2010** - point at which the appellant claims that the land shown as 11 and 12 on the plan accompanying the Enforcement Notice (EN) (CD1) and building 10 on the EN were being rented from the landowner at the time for keeping horses in connection with the horse rescue use and for storage of items for sale in connection with the horse rescue use.

**October 2011** – ‘Zoopla’ Sales Document (CD 11).

**3 October 2014** - landowner took legal ownership of the property known as Silpho Brow Fam West (Land Registry Title Document NYK148861 confirms). See CD8 and CD9.

**14 April 2015** - Enforcement complaint received regarding use of land and buildings- case opened.

**2 June 2015** - Local Planning Authority Notified of via a telephone call that the landowners had a caravan site on the land which they were renting out on a Workaway website (website now removed).

**21 November 2017** - LPA notified of various works taking place at the site including portacabin, touring caravan, use of land and buildings for unauthorised storage and a business, problems with deliveries and highway safety and access.

**December 2017** - photo received via email showing the land marked as area 11 and 12 on the plan accompanying the Enforcement Notice (CD4) as being excavated.

**17 June 2019**- planning application 2019/0431 submitted.

**16 Jan 2020** - Committee Meeting-recommendation for approval-removed from agenda due to objection from North Yorkshire Fire and Rescue.

**27 February 2020** - Committee Meeting-recommendation for approval

Members Update Sheet Deferred for Site Visit and for Applicant to submit further information regarding Business Plan and Financial details regarding their ability to comply with extensive mitigations works envisaged.

**21 August 2020** – committee site visit- insufficient info submitted to address the concerns. Following the committee site visit it appeared that there was still insufficient information submitted to address the concerns and due to the appearance of the site on the day of the visit a reason for refusal was drafted

**2 September 2020** - Members update sheet- draft reason for refusal

**3 September 2020** - Virtual Committee Meeting Recommendation changed with verbal update to refusal.

**14 September 2020** - clearing memo with additional reason for refusal added

**14 September 2020** - Planning refusal issued

**1 March 2021** - Enforcement Notice issued

## Photos

**21 November 2017**

**Photo showing 15 acre field (area 11 and 12 on plan attached to enforcement notice) being excavated at site entrance, grass and soil has been displaced exposing stone and clay sublayer.**



**21 August 2020**

**Photo showing view of 15 acre field entrance and horses. The entrance is muddy and there is mud on the road.**



**8 December 2020**

**Photo showing view looking west from Beacon Brow Road to 15 acre field shown as area 11 and 12 on the plan attached to the enforcement notice showing excavated site entrance with mud and debris spreading onto the highway.**



**21 August 2020-**

**Photo showing entrance to site showing that the access is muddy and incapable of accommodating vehicles for parking and turning.**



**8 December 2020**

**Photo showing view looking towards area 2 and 8 on the plan attached to the enforcement notice showing muddy site entrance and open storage and vehicles.**





**8 December 2020**

**Photo showing view looking east towards area 1 on the map attached to the Enforcement Notice showing open storage**



**16 June 2022**

**Photo showing view looking east towards area 1 on the map attached to the Enforcement Notice showing open storage has been reduced.**



**8 December 2020**

**Photo showing view looking east towards area 2 on the plan attached to the Enforcement Notice. The compound has post and rail fencing and is very visible.**



**10 March2022**

**Photo showing compound fencing in place to screen site (area 2 on map attached to the enforcement notice).**



**16 June 2022**

**Photo showing compound fencing is in place and ground is dry and capable of being parked on.**



**16 June 2022**

**Photo showing site entrance which is dry and relatively clear of stored goods**



**8 December 2020**

**Photo showing area 8 as shown on the plan attached to the Enforcement Notice which is muddy with outside storage and vehicles.**



**8 December 2020**

**Photo showing area 7 as shown on the plan attached to the enforcement notice. This shows the portacabin and touring caravan together with outside storage.**





**8 December 2020**

**Photo showing area 5 as shown on the plan attached to the enforcement notice with manure heaps.**



**10 March 2022**

**Photo showing area 4 on the plan attached to the enforcement notice showing concentration of open stored goods**



**21 August 2020**

**Photo showing view looking east towards Silpho Brow Farm West showing the land is muddy and poached**



**21 August 2020**

**Photo showing view looking north towards Silpho Brow Farm West showing the fields are muddy and poached**



**21 August 2020**

**Photo showing view looking north towards Silpho Brow Farm West where the land is muddy and poached.**



**16 June 2022**

**Photo showing land has revegetated and is green and not poached.**



Previously listed for sale on 8th Oct 2011


£375,000 Offers in region of - 3 bed semi-detached house

3 bed semi-detached house for sale in Silpho Brow Farm West, Silpho, Scarborough

Zoopla > North Yorkshire > Scarborough > Silpho > Silpho Brow Farm West,

**Property history of Silpho Brow Farm West, Silpho, Scarborough YO13 0JP, 8th Oct 2011**

Previously listed for sale on 8th Oct 2011  
**£375,000 Offers in region of** - 3 bed semi-detached house



Start photo slideshow      < 1 of 13 >      Main Image

https://www.zoopla.co.uk/property-history/silpho-brow-farm-west/silpho/scarborough/yo13-0jp/15622658/

**ZOOPLA**   For sale   To rent   House prices   New homes   News and guides   Find agents

Zoopla > North Yorkshire > Scarborough > Silpho > Silpho Brow Farm West,

**Property history of Silpho Brow Farm West, Silpho, Scarborough YO13 0JP, 8th Oct 2011**

Previously listed for sale on 8th Oct 2011  
**£375,000 Offers in region of** - 3 bed semi-detached house



## Property info

- [Full Property Details](#)
- [Full Brochure PDF](#)
- [Audio Tour](#)

## Property features

- Semi Detached Farmhouse
- Three Bedrooms
- Range Of Outbuildings
- Kitchen/Diner
- Approximately 3 Acres Land
- Potential To Acquire Further 7 Acres
- Fantastic Panoramic Country Views
- Gas Heating And Double Glazing
- Stamp duty incentive
- No onward chain

## Property description

\*\*\*priced realistically to sell with A stamp duty incentive and no onward chain\*\*\* A fantastic opportunity for the discerning buyer to acquire this semi detached farmhouse set in approximately 3 acres with A range of outbuildings and unparalleled open countryside views. There is also the opportunity to acquire a further 7 acres if required subject to separate negotiation. The house itself has a farmhouse style kitchen/diner downstairs with two further generous reception rooms, a spacious entrance/reception room and separate ground floor w/c. Upstairs the property has three further bedrooms and a four piece family bathroom. The property also benefits from gas heating and double glazing. Outside the property has an enclosed walled and fenced rear garden with access to the outbuildings and to the front of the property is a gravelled and decked patio garden with raised planted beds and excellent open aspect views ideal for entertaining with doors from the lounge and dining room. Located in the hamlet of Silpho Brow approximately 5 miles to the North of Scarborough the property gives anyone the feeling of country living without being too remote or detached from amenities as makes for either an excellent family home as it is currently being used or potential to run a range of businesses from (subject to obtaining relevant permissions). Viewing a must to fully appreciate this unique home and opportunity

### Outside

To the front and side of the property is a lawned orchard with mature fruit trees, gravelled garden with raised planted beds with railway sleepers, decked patio area, fenced and hedged boundaries. There is also a paddock ideal for horses and/or livestock. To the rear of the property is an enclosed lawned garden with walled and fenced boundaries and mature fruit trees. There is also the potential to acquire a further 7 acres subject to separate negotiations.

### Outbuildings

The property comes with a range of outbuildings including two substantial barns measuring 73' (22.4m) x 29' (9.0m) and 58' (17.6m) x 32' (10m) ideal for livestock, caravan/boat storage etc. Further outbuildings also include an outside office measuring 5.6m x 5.2m with double glazed doors to the front driveway, three storage rooms measuring (5.6 x 5.0), (5.3 x 5.2) and (5.2 x 2.3) Then the old granary which has planning permission for a holiday cottage measuring (9.6 x 3.9)











[Property info](#)

[Full Property Details](#)

[Full Brochure PDF](#)

[Audio Tour](#)

[Property features](#)

[Document title](#)

Semi Detached Farmhouse

Three Bedrooms

Range Of Outbuildings

Kitchen/Diner

Approximately 3 Acres Land

Potential To Acquire Further 7 Acres

Fantastic Panoramic Country Views

Gas Heating And Double Glazing

Stamp duty incentive

No onward chain

Property description

\*\*\*priced realistically to sell with A stamp duty incentive and no onward chain\*\*\* A fantastic opportunity for the discerning buyer to acquire this semi detached farmhouse set in approximately 3 acres with A range of outbuildings and unparalleled open countryside views. There is also the opportunity to acquire a further 7 acres if required subject to separate negotiation. The house itself has a farmhouse style kitchen/diner downstairs with two further generous reception rooms, a spacious entrance/reception room and separate ground floor w/c. Upstairs the property has three further bedrooms and a four piece family bathroom. The property also benefits from gas heating and double glazing. Outside the property has an enclosed walled and fenced rear garden with access to the outbuildings and to the front of the property is a gravelled and decked patio garden with raised planted beds and excellent open aspect views ideal for entertaining with doors from the lounge and dining room. Located in the hamlet of Silpho Brow approximately 5 miles to the North of Scarborough the property gives anyone the feeling of country living without being too remote or detached from amenities as makes for either an excellent family home as it is currently being used or potential to run a range of businesses from (subject to obtaining relevant permissions). Viewing a must to fully appreciate this unique home and opportunity

Accommodation comprising

Entrance/Reception

13' 2" x 11' 6" (4m x 3.5m) With entrance door, double glazed windows to the side and rear, tiled flooring, built in cupboard housing wall mounted boiler.

## Separate W/C

Fitted with low flush w/c and pedestal wash hand basin, radiator, tiled flooring and double glazed window to the side.

## Dining Room

18' 4" (max) x 15' 5" (max) (5.6m (max) x 4.7m (max)) Double glazed window to the front with excellent open aspect countryside views, built in cupboard housing combination boiler, radiator, double glazed door to the rear, stairs to the first floor with under stairs cupboard.

## Kitchen/Diner

18' 4" x 12' 9" (5.6m x 3.9m) Fitted with a range of wall and base units with work surfaces over, one and a half bowl sink, gas cooker point, space and provision for range cooker, integrated fridge/freezer, period tiled flooring, radiator, multi-fuel cast iron stove, double glazed window to the rear and Double glazed window to the front with excellent open aspect countryside views.

## Lounge

18' 0" x 16' 1" (5.5m x 4.9m) Double glazed double doors to the front garden and double glazed window with excellent open aspect countryside views, inset feature fireplace with multifuel stove, exposed brick and wood surround, exposed wood flooring, two radiators and wall light points.

## First Floor Landing

Double glazed window to the front with excellent open aspect countryside views.

## Bedroom One

12' 2" x 10' 2" (3.7m x 3.1m) Two double glazed window to the front with excellent open aspect countryside views, double glazed window to the side, radiator and access to the loft space.

#### Bedroom Two

11' 10" (max) x 10' 10" (max) (3.6m (max) x 3.3m (max)) Double glazed window to the front with excellent open aspect countryside views and radiator.

#### Bedroom Three

12' 9" (max) x 7' 7" (3.9m (max) x 2.3m) Double glazed window to the rear and radiator.

#### Bathroom

13' 2" (max) x 5' 3" (4m (max) x 1.6m) Fitted with four piece suite comprising panelled bath, step in shower, low flush w/c and pedestal wash hand basin, part tiled walls, heated towel rail and double glazed 'velux' window to the rear.

#### Outside

To the front and side of the property is a lawned orchard with mature fruit trees, gravelled garden with raised planted beds with railway sleepers, decked patio area, fenced and hedged boundaries. There is also a paddock ideal for horses and/or livestock. To the rear of the property is an enclosed lawned garden with walled and fenced boundaries and mature fruit trees. There is also the potential to acquire a further 7 acres subject to separate negotiations.

#### Outbuildings

The property comes with a range of outbuildings including two substantial barns measuring 73' (22.4m) x 29' (9.0m) and 58' (17.6m) x 32' (10m) ideal for livestock, caravan/boat storage etc. Further outbuildings also include an outside office measuring

5.6m x 5.2m with double glazed doors to the front driveway, three storage rooms measuring (5.6 x 5.0), (5.3 x 5.2) and (5.2 x 2.3) Then the old granary which has planning permission for a holiday cottage measuring (9.6 x 3.9).

Note

Please note: There are further images available online on or

Floorplan

Directions :-

From the train station leave Scarborough along Falsgrave and head North on the A171 Scalby Road into Newby. As you approach The Rosette public house on your left take the left hand turn into Hackness Road and follow the road round to your right over the bridge into Scalby. Continue straight on this road up the hill and leave Scalby past Hay Brow Crescent and close Close and proceed for approximately 1 mile and take the next available right hand turn signposted Silpho. Continue along this road for approximately another mile and you will see a left hand turn signposted Silpho. Continue past this turning and take the next available right hand turn signposted Silpho Brow. Proceed down the hill for approximately 1/4 mile and as the road bends round to the right there is right hand turn down a lane. Continue along this lane for approximately 1/4 mile and the property is the last driveway on your left through the gate and you will drive in with the big barn on your left.