

North York Moors National Park Authority

Scarborough Borough Council (South) Parish: Harwood Dale	App No. NYM/2019/0431/FL
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Proposal: 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)

Location: Silpho Brow Farm West, Sur Gate, Silpho

Applicant: Edwards, Silpho Brow Farm West, Sur Gate, Silpho, Scarborough, YO13 0JP

Date for Decision: 09 September 2019

Grid Ref: 498091 493296

Director of Planning's Recommendation

Approval subject to the following conditions:

1. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations
2. WPDR12 Site Licence Required
3. RSUO01 Use Restricted to That Specifically Proposed (horse rescue centre and associated commercial storage)(Class B8 or D2)
4. RSUO00 The portacabin workers accommodation hereby approved shall not be occupied as a separate independent dwelling and shall remain ancillary to the business known as "All for Horses" at Silpho Brow Farm West, and shall not be sold or leased separately without a further grant of planning permission from the Local Planning Authority.
5. RSUO00 There shall be no commercial use of the stables hereby permitted and it shall be used only for the horses kept in association with the horse rescue charity ancillary to the occupation of the property known as Silpho Brow Farm West and for no other purposes, including livery or riding lessons, unless a separate grant of planning permission has first been obtained from the Local Planning Authority.
6. RSUO00 No open days or training events shall be held at the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.
7. RSUO00 The summerhouse hereby approved shall only be used for domestic purposes ancillary to the occupation of the host dwelling and for no other purpose.
8. GACS01 Hours of Use of Machinery

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Conditions continued

9. GACS00 No goods shall be displayed, stored, sold or offered for sale and no storage of materials, machinery, vehicles, waste or other items in association with the use hereby approved shall take place outside the areas edged in red on the amended site plan received on 22/08/2019 without the prior written agreement of the Local Planning Authority. There shall also be no storage of materials, machinery, vehicles, waste or other items on the land immediately to the northwest of the red line, adjoining the boundary of Silpho Brow Farm East. For the avoidance of doubt this includes all the areas edged in blue on the submitted plans.
10. GACS07 External Lighting – Submit Details
11. GACS19 Details of Manure Storage and Waste to be Agreed
12. DRGE00 Within 3 months of the date of this permission the development hereby permitted shall be carried out in accordance with the approved non-mains drainage assessment (Foul Drainage Assessment Form) dated 18 October 2019 including the following specific mitigation measures detailed therein:
- Work on the new installation should not commence until a permit is granted
 - Soakaways to be constructed to BS6297:2007
 - No connection to watercourse or land drainage system and no part of the soakaway system is within 10 metres of any ditch or watercourse
 - No siting of the septic tank within 50 metres or upslope of any well, spring or borehole used for private water supply
13. HWAY00 Within 3 months of the date of this permission the access(es) to the site shall be set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- a. The crossing of the highway verge (to be used as a field access only) shall be constructed in accordance with the approved details and/or Standard Detail number E9A.
 - b. Any gates or barriers shall be erected a minimum distance of 2 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details shown on drawing (insert drawing number) and maintained thereafter to prevent such discharges.
 - d. The final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
14. HWAY00 Within 3 months of the date of this permission full details of the following shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- i) vehicular turning arrangements;
 - ii) manoeuvring arrangements;
 - iii) loading and unloading arrangements.

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Conditions continued

15. HWAY00 Within 4 months of the date of this permission the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 12 shall be:
- i) constructed in accordance with the submitted drawing to be submitted under Condition 14 above;
 - ii) are available for use unless otherwise approved in writing by the Local Planning Authority.
- Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
16. HWAY00 Within 3 months of the date of this permission the details of the following off site required highway improvement works, works listed below shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:
- a. 2 no constructed passing places - The provision of two passing places at locations to be fully agreed but generally in the section of lane, one northeast of the double bends and one between the bends and Silpho Brow Farms, each place shall provide a 5 metre minimum width carriageway width for a distance of 6 metres in length and provide 30 degree entry and exit tapers when completed, each passing place shall be constructed in accordance with NYCC standard passing place details unless otherwise agreed.
 - b. A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.
17. HWAY00 Within 4 months of the date of this permission the following highway works shall have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 16:
- a. 2 no constructed passing places - The provision of two passing places at locations to be fully agreed but generally in the section of lane one northeast of the double bends and one between the bends and Silpho Brow Farms, each place shall provide a 5 metre minimum width carriageway width for a distance of 6 metres in length and provide 30 degree entry and exit tapers when completed, each passing place shall be constructed in accordance with NYCC standard passing place details unless otherwise agreed.
18. RSU00 The portacabin workers accommodation hereby approved shall be removed from the site within five years of the date of this permission.
19. LNDS01 Landscaping Scheme Required (hedge planting along the south eastern boundary)
20. MISC00 Within 3 months of the date of this permission, a fence of at least 1.6 metre in height shall be installed around the perimeter of the external storage area hereby approved shall thereafter be so maintained.
21. GACS00 No more than 30 horses or ponies shall be stabled or grazed at any time on any of the land within the red and blue line of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

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Informatives

1. Private Access/Verge Crossings: Construction Requirements
2. Details of Access, Turning and Parking
3. Adjacent Public Rights of Way
4. The applicant should consult with both North Yorkshire Building Control and North Yorkshire Fire Service to ensure that all relevant regulations are complied with.



North York Moors
National Park
Authority

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Scale: 1:1500



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27/03/2018 09:53

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Consultations

Parish – 16/9/2019 – Object – It seems that many of the things proposed in the application are already taking place. Concerns were expressed regarding the impact & problems caused by the number of vehicles accessing the property on a regular basis, since this included courier vans delivering/collecting items for the online retail business as well as staff. There were also concerns in respect of the land drainage and adequacy of the septic tank and the impact this would have on the nearby watercourse. A breach of covenant was also referred to - apparently when Silpho Brow Farm West had come into being in 1994 (by the original Silpho Brow Farm being split into three separate properties) a covenant had been placed on Silpho Brow Farm West requiring it only to be used as a private dwelling house and/or a smallholding.

Council is of the view that while the sentiment behind the enterprise is good, the proposals are an over-intensification.

The access road is part highway and part private - it is single track and there are no passing places yet there will be extra traffic. It is believed that some of the gates to fields adjacent the access road open into the road, which is not acceptable. There are concerns regarding the land drainage and the adequacy/drainage of the septic tank serving the property.

Council therefore objects to the application as submitted on the grounds it is contrary to:-

- NYMNP Adopted Local Plan Policy 17 and NYMNP Pre-Submission Draft Local Plan (April 2019) Policies BL11 Commercial horse Related Development
- NYMNP Adopted Local Plan Development Policy 1 and NYMNP Pre-Submission Draft Local Plan (April 2019) Policies ENV7 Environment Protection

Highways – 3/9/2019 – Recommend Conditions – Beacon Brow Road is a narrow single track road with no passing places or turning head, the number of large vehicles required to deliver hay and straw to the property would be considered an intensification of use (Comments superseded by those received on 24/12/2019).

30/9/2019 – The measurements on the turning plan show that it meets the requirements for general small vehicles, cars and small transit type vans but would not be large enough for some of the larger vehicles which could reasonably be expected, e.g. horse boxes or vehicles with trailers. The turning area should be suitable for a minimum of rigid vehicles, such as a horse box or a vehicle with a horse trailer.

The intensification of use of Beacon Brow Road either for the provision of food/bedding or other horse related items or for the supporting web sales business would require passing places for the safety of all highway users, gates to open inwards and for the provision of a suitable sized turning space within the property. There should not be a turning area within the excavated unsurfaced area in the adjacent field which causes vehicles to also use the narrow highway and the opposite driveways and has on a number of occasions deposited significant quantities of mud on the highway. The new widened gateway should be surfaced within the highway to the local highway authority standard.

24/12/2019 – This intensification could only be accommodated with improvements to the highway by construction of 2 no. passing places in locations as identified along the length of Beacon Brow Road, to be constructed to the satisfaction of the local Highway Authority.

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Consultations continued

The application also intends to gravel a field access. The use of loose material within the highway is not acceptable; any works within the highway should be constructed to the satisfaction of the local Highway Authority. The location was an existing gate into a field, however the applicant has excavated an area of the field for use as a turning area for vehicles delivering or collecting from the site. This area has not been surfaced and is currently soil, which during inclement weather is not suitable for any vehicles as should the vehicles not get stuck, they deposit mud over the highway. This is not an acceptable location for a turning area as it requires vehicles to reverse onto the highway at the junction of two other drive accesses. A turning area to service Silpho Brow Farm West has been identified within the curtilage of the farm itself and should be large enough to allow any vehicle which may be required at the property to turn without encroaching onto the highway verge. Vehicles should not be reversing along this narrow single track road to find a suitable turning point. On my recent site inspection the field gate was still able to open out across the public highway causing an obstruction. Any gates should be required to open into the field and not be permitted to swing over the highway.

Environment Agency – 21/8/2019 – Object – In this instance inadequate information has been submitted. In particular, the submitted application fails to provide sufficient information to demonstrate that the current foul drainage system is of adequate capacity and is appropriately designed.

Overcoming our objection - The applicant should provide a full FD1 assessment. This information must satisfactorily demonstrate to the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This information should include:

- Details of an upgraded package STW, and submission of details of a reputable contractor to demonstrate that the discharge will be brought back into compliance with the General Binding rules.

3/10/2019 – Additional information - Maintain our previous objection. The applicant should still provide a full FD1 assessment as previously requested. This information must satisfactorily demonstrate to the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. A separate tank may be required for either excess load, or to separate from the neighbours altogether.

30/10/2019 – Further additional information – **Remove objection** - Have reviewed the Document titled 'septic tank information' dated 2019-10-21, (including FDA1 Form). It will be acceptable if the measure(s) detailed in the non-mains drainage assessment are implemented and secured by way of a planning condition on any planning permission. However, contrary to the assertion in the FDA1, this proposed discharge is **NOT** compliant with the General Binding Rules, and as such, a permit is required. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

3/12/2019 – We have reviewed the information submitted and our previous comments in our letter dated 30 October 2019 remain valid.

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Environmental Health – 27/8/2019 – Licencing – the licencing regime does not cover such activities unless there is an element of “riding establishment”. **Housing Team** – no comments received.

Police – Traffic – No response received

North Yorkshire Building Control Partnership – 17/01/2020 – The only building work that will require Building Regulation approval is for the construction of the proposed toilet block and as such building regulation compliance will be assessed as part of the building control process once the applicant submits the details for the work to their chosen building control body. The Building Regulations only apply when building works are carried out to materially alter or change the use of the building as described in The Building Regulations 2010. Any concerns regarding the fire safety of an existing non-domestic building should be directed to the local Fire and Rescue Service. Similarly any concerns relating to living conditions should be directed to the Environmental Health department at Scarborough Borough Council.

British Horse Society – No comments received

North Yorkshire Fire & Rescue Service – No objection

10/01/2020 – Object on the basis that until sufficient information has been submitted to determine if adequate access and facilities for the fire service can be met, there may be an unacceptable life risk due to people sleeping in the portacabin.

15/01/2020 – No comment/objection (These comments submitted by the Fire Officer following his visit to the site. A site visit was arranged by the Fire Officer in order to properly understand the plans and also to look at the access route and assess if suitable for a fire engine to be able to get to and turn around at the premises.

Advertisement Expiry Date – 29 August 2019

Others – 25/7/2019 – Jacqui Shipman, Silpho Brow Cottage, Silpho Brow – Object

The septic tank which serves both properties was not working and was polluting a waterway. The Environment Agency put us on notice that it required an urgent replacement. This was done in full consultation with the Environment Agency and building regulatory requirements. You may recall the previous occupant of Silpho Brow Farm West obtained planning permission for holiday cottages and the current applicants advised that should they carry out that development or require any other additional sewage requirements that they would install a separate system.

The current system will not cope with the additional usage proposed. As this is a retrospective application, it appears that the actions of the applicant have been overloading the system for some time and this means that untreated effluent has been discharged into the waterway.

27/8/2019 - In 1994 Silpho Brow Farm was divided into three properties with a covenant that states that “*The purchaser (now The Applicant) covenants ‘Not to use the property or any part of it or suffer it to be used otherwise than as a private dwelling house and/or a smallholding’.*”

The application address has not ‘always been a farm’ and since the 7 January 1994 the Application address has **not** been a ‘Farm’. The applicants requirement for ‘Commercial Storage’ is contrary to the Covenant. The applicants request to use the site for horse

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Others continued

rescue & rehabilitation is also contrary to the Covenant.

Object for the following reasons:-

- The application does not fit any Core Policy within ‘The Planning Framework’
- The only ‘Core Policy’ that should be given further consideration is Core Policy H Supporting the Rural Economy
- It is considered by many to be an ‘eyesore’ and other objections refer to this.
- The applicant has inconvenienced and caused nuisance to neighbouring properties.
- The 1.5 jobs created appear to have been filled by two of the three Trustees of the charity who are the occupants of the premises. The one full time and additional part-time employment opportunities that may have been created are far outweighed by the adverse impact the development has had both on the natural beauty of the landscape and the local community.
- Manure - The current manure pile has not been removed or spread since 2015 and continues to increase in size.
- If manure is exchanged with neighbouring farms for straw then the removal of the manure and the delivery of straw will create additional traffic.
- The portacabin spans almost two bays of the agricultural barn
- The caravan & portacabin can be viewed from footpaths, bridleways and other public rights of way and are not in keeping with the other buildings or the open countryside in which this property sits. They are particularly unsightly and poorly maintained.
- The summerhouse sits well away from the property and does not appear to have been granted the necessary permissions for its initial construction. Furthermore it is immediately adjacent to a local authority maintained highway.
- The area of the gravel surfacing of field entrance is excessive.
- Road Traffic - There are several delivery vans each day that deliver and collect to & from the property. As the property sits on a single track lane and there is no turning point, the delivery vans use private land belonging to ourselves and our neighbours upon which to turn around. In addition, there are many deliveries of hay and straw on articulated tractor & trailer combinations.
- In parts, the application documents are misleading, incorrect and do not detail the applicants full activities. The intensity of numbers that graze the land exceed both the Planning Authorities guideline of 1 equine per 2 acres and also the Department for Environment, Food and Rural Affairs guidance of 0.5 to 1 hectare per equine (The applicant states the total site is 10.11 hectares and there is usually in excess of 30 ponies upon it.
- The applicant has erected a fence on the boundary of the highway which is unsightly and approximately 2 metres high when the permitted height is 1 metre.
- The applicant advises that the existing sewage treatment plant that serves the property is sufficient to process the effluent from the proposed development. This is incorrect and has been addressed separately by us, The Environment Agency and the company who installed the system.
- The fencing of the fields and along the highway is in poor condition and is insufficient.
- Failure to Enhance the National Park. It is questionable what the Applicant has done to enhance the natural beauty of the National Park.

For these reasons the application should be refused.

27/9/2019 - Following the submission of further comments by the applicant I am writing to confirm that my objection still stands.

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The restrictive covenants (relating to farm use only) should be considered by the Planning Authority as they were applied at the time the Planning Authority granted permissions for the farm to be developed into three properties.

The Environment Agency has objected to the application, NYCC Highways Department have objected for the reasons that they have stated and the local Parish Council voted unanimously to object to this application. The applicant and five objectors attended the meeting.

The applicant has stated that their activities cause minimal traffic but the owners of the only other three properties on the lane have all objected because the traffic has increased substantially. Visitors and delivery vans attending the applicants address use the private drive entrances of other properties on the lane to turn around and also pull into private properties to request directions. At the Parish Council Meeting, a local Parish Councillor also advised other Councillors how 'many white vans' entered his own yard requesting directions to the Applicants address each week. The applicant has submitted confidential information to the Planning Officer to show that their online sales are low. All three immediate neighbours disagree and there is information available on the Charity Commission Website that is published for public viewing and supports my objection.

The applicant purchased the application address in 2015 and Internet Sales according to the publicly published charity accounts for 2015 – 2018 range between £3,000 to £8,000. This shows a significant year on year increase and provides further evidence of the goods arriving and leaving the applicants address and hence the increased volumes of large delivery vans that we have encountered. The increased traffic causes significant inconvenience and unauthorised use of our private properties.

31/10/2019 - The Environment Agency and NYCC Highways have made further comments. In response to those comments I would like to make the following comments;

The EA response advises that in order to overcome the EA objection, the applicant should provide a full FD1 Assessment and submit details of a reputable contractor to demonstrate that the discharge will be brought back in line with the General Binding Rules.

NYCC advise that it is necessary for the construction of passing places along Beacon Brow Road and I assume these will be at the Applicants cost. Where will these be and, given the previous excess mud deposits on the road will there be a requirement for them to be constructed to highway standards by a contractor whom is authorised to work within a public highway? With regards to the construction of passing places (and for the safety of all users of Beacon Brow Road) what will be the timescale for the installation of them? Whilst the applicant has provided further information regarding a turning area, there don't appear to be any comments to address either the prevention of surface water discharge onto the existing highway or the correct construction of the verge crossing. As this is a retrospective application, I assume both of the above are currently required before the application is considered at a planning meeting.

2/8/2019 – Mrs Elaine Tranter, 2 Suspension Cottages, Sneaton Lane, Ruswarp – Object. There seems to be little evidence of rehabilitation and rehoming. There appears to be at least 30 horses on 10 hectares, the fields are in an appalling condition and are scattered with dangerous objects and inadequate fencing with horses often loose on the road. Overall the premises are an unsightly eyesore in an otherwise beautiful area of the National Park. The portacabin and caravans appear totally inadequate for staff/volunteers.

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Others continued

6/8/2019 – Sarah Woodward, Highbank, Wrea Head, Scalby – Object. I am concerned as to the suitability and conditions these horses are kept in. The plans have no provision for isolation or quarantine stabling. Equine flu and strangles, both highly contagious diseases have been identified in this area. Yet there appears to be no provision for dealing with an outbreak of infectious disease which would impact both the rescue horses/ponies and those equines passing by on the public access routes. On a recent occasion I counted approximately 30 equines on the land relating to this application. Given recommended stocking densities are 1 – 1.5 acres per equine, depending on size breeding etc. I am concerned at the number of equines on the available grazing. I appreciate native ponies are hardy but even taking this into account I still have concerns over the numbers involved. There appears to be very little grass currently and this situation will only deteriorate as we progress into winter.

The equines on pasture to the south of the property have very little or no shelter and are in open exposed fields. Shelter in summer from flies, sun and heat is as important as being able to shelter from winter weather.

I also find it unacceptable the appearance of the property and its land, it is an eyesore. Given this is in the National Park it has more resemblance to a scrap yard than an area of natural beauty.

18/8/2019 - Mr John and Jane Duffy of Surgate Brow Farm, Silpho – Object. Our farm is situated at the end of the single track lane leading to Silpho Brow Farm West. Silpho Brow Farm was originally farmed as a single dairy farm, along with an adjoining small cottage. The farm was then sold and divided into three dwellings; this was initially opposed by the NYM planning department on the grounds that it was unsafe to have more traffic on such a narrow lane. Most of the land was sold off to neighbouring farmers, generating more traffic and heavy farm machinery used the lane to access the fields. More recently further permission was given for a holiday cottage to be added to one of the dwellings. The lane is also used by walkers, horse riders and cyclists.

Our farm land is on either side of this increasingly busy lane. We rely on being able to drive our sheep along the lane from the fields to our farm buildings. This is becoming increasingly difficult. The lane is single track with a blind double bend where it crosses a stream. It is bounded by high hedges and bracken and it is not possible to see vehicles coming on some sections. There is one passing place, but none on our section of the lane. Our field gateways are increasingly being used as passing places, leaving them muddy with deep ruts in winter and making access to our fields more difficult.

We have several concerns with this application.

1. The charity is seeking to recruit volunteers, generating further traffic on the lane. The applicants have suggested that volunteers could arrive by foot or bicycle; this is totally impractical as the farm is situated on a steep hill and subject to severe weather in winter.
2. If planning permission is granted for the conversion of the existing agricultural buildings into stables for 30 horses, the property ceases to be a farm and becomes stables. There would be nothing to prevent the current owners or any future owner from using the site as a riding stable or livery yard. This would generate an enormous volume of traffic, using trailers and horse boxes. So a yard with 30 stables could generate 120 vehicle movements (there and back) daily.

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Others continued

3. Increase in the number of delivery vans using the lane. Much of this traffic is generated by the online sales business run from the farm. The application to change the use of the agricultural buildings to use for "commercial storage" surely represents an escalation of these business activities.

For all the reasons given above and to protect the tranquillity of this part of the National Park, we urge the NYM planning committee to refuse this application.

14/01/2020 – We note that the volume of traffic has declined significantly while the application is pending. We would suggest that the applicant could use a PO Box, possibly at Burniston or Ayton, meaning the applicant could visit the post office every couple of days which would involve significantly less vehicle movements.

We are also concerned about the proposed passing places. We have farmed here for 30 years and have in that time have renovated hedges and looked after verges at our own expense and have never used pesticides so are full of wild flowers. In 1994 the National Park considered more passing places would be harmful to this ancient road. Creating passing places would damage this beautiful environment. Instead we would like you to consider ways in which the applicants could reduce traffic.

19/8/2019 – Shirley Baines, 89 Hoxton Road, Scarborough – Object. This is a Bridleway and I rode through the land in winter months when there were 30+ ponies.

1. The landscape had changed considerably, mud from corner to corner of all the fields the ponies were in with ponies standing knee deep in mud.
2. The ponies had a small amount of old haylage. No obvious water trough.
3. Many ponies had their heads down looking depressed standing in mud and nothing to eat.
4. Many had rugs on which didn't look waterproof and looked very uncomfortable.
5. Fencing looked in a poor state and there were metal objects in the lower field.

I was horrified and concerned that ponies could be kept like this and felt these ponies needed rescuing again. I know mud is inevitable with horses in winter but there were too many together and no spare fields to rotate and rest.

24/8/2019 – Ian and Christine Mackenzie, Silpho Brow Farm East – Object. We are immediate neighbours and have sympathy with the aims of the applicant in running a horse rescue charity; therefore we would like to be able to support this application. Unfortunately, we cannot. It is very unfortunate that works and activities have been undertaken by the applicant for some years prior to obtaining the necessary consents that are now being sought. We are particularly concerned that approval of this application will be regarded as a "green light" and lead to a further expansion in existing commercial activities, and potentially other new activities being introduced.

Prior to 2014, Silpho Brow Farm West was a residential dwelling, whereas the site has now largely been "industrialised". This change of use has had significant impact on traffic and the local environment, as detailed below. We submit that the site is and will remain wholly unsuitable for any use or event that is open to the public

Highways and access is unsuitable - Despite the applicant's comments, it appears that there is still no satisfactory means for commercial vehicles to turn at the applicant's property. The private entrance to our drive and the adjoining property is still regularly used for turning, and on occasion drivers of delivery vehicles have opened our gates and entered our property to use our turning area, which is situated several hundred metres from the public highway. This is unacceptable.

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Environmental considerations - the entrance to our property is awash with liquid mud throughout the winter months. We also have considerable concern about the nature of the commercial storage being undertaken.

We have no objection in principle to the summerhouse. However, we would ask that a planning condition be created restricting the use of any new summerhouse to social or domestic purposes only, so that a new structure cannot be used for further commercial storage or for the accommodation of more workers.

26/8/2019 – Pauline Lupton, 132 Hailgate, Howden – Support. They were the only charity to support me when I was faced with rehoming several horses. One in particular I was facing putting to sleep due to behavioural issues. I have visited several times in the past two years and have tried to support them by doing home checks for horses. They take great care to match owners and horses and insist that potential adopters visit and spend time with a potentially suitable horse to assess their compatibility. To do this she needs accommodation to make the visits economical. She also needs accommodation for staff and students as horses need care 24/7 every day of the year. I have only ever seen minimal traffic going to the farm belonging to staff and helpers. The applicant has forged good relationships with local farms who provide hay and haylage for the horses at good rates.

27/8/2019 – Mrs Joanne Richardson of Lyndhurst, Main Road, Gilberdyke – Support. I am an experienced horse owner who just over a year ago took on a very well looked after pony. We visited the farm on four occasions before collecting. On all occasions we never passed or even saw another vehicle on the single track down to the Farm and when collecting we used a horse trailer and had no issue navigating the single track road. On first arrival the farm does look a little unkempt but when you go in to meet the horses and ponies they are well looked after. What is clearly not understood by some people is that this is a working farm with a high number of animals that have been rescued from extremely poor conditions. We visited during the winter months and yes it was muddy (as is to be expected) but horses were warm, dry and well fed. I hope 'all for horses' can continue the great work they are doing in rescuing animals that are in desperate need and would ultimately be put to sleep, these horses and ponies can and do go on to have a great life.

27/8/2019 – Mrs Gill Dixon PGCE,MA,BHScHons,RGN, Riverside Farm, Skelton, Howden – Support. I have visited this site on several occasions and have found hard working people working tirelessly in their efforts to help ponies who would otherwise have been slaughtered or possibly abused. The horses all looked absolutely relaxed, well covered and stress free, living in a herd in as natural a way as possible. Mrs Edwards puts their welfare over and above everything and whilst the hours she works may detract from aesthetics in the cosmetic appearance of some areas of the land that is because the welfare of the ponies is considered the priority. Mrs Edwards is often up through the night assisting those that have additional welfare needs and she is very knowledgeable re the specific needs of these animals. The Charity is situated in a quiet location and served by a narrow road which has always been free of any traffic when I have visited and there has never been an issue getting to the farm.

28/8/2019 – Mrs V Almond, 7 Queens Drive, Goole – Support. This venture is of very low impact on wildlife and if anything it enhances it. It is not detrimental to this wonderful area. The applicant devotes her life to helping these animals. I've been to visit on numerous occasions and never passed a soul on the road. The wonderful work this lady and her few volunteers do is a credit to human kindness. This lady is out in all-weather to make sure these horses are fed and watered, they live naturally in a herd and it's wonderful to see.

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28/8/2019 – Bethany Messruther, 4 Vernon Grove, Scarborough – Support.

I regularly attend All For Horses in my capacity as an animal physiotherapist to treat their horses and ponies when needed and provide continued maintenance physiotherapy treatments. The horses and ponies are very happy, relaxed and healthy.

They enjoy living in a natural herd environment, along with care and support as needed from experienced and well qualified people. I treat horses at the sanctuary throughout the year. I also keep my horse in the local area so ride through and walk my dog in the area regularly at least once or twice a week and rarely meet any traffic on the road. The sanctuary isn't the tidiest place but the owners and staff are currently clearly working on improving the appearance; this obviously takes time and money and has to run alongside providing the horses with all their needs.

27/8/2019 – Owen & Audrey Welford, Craigelee, Robin Hoods Bay – Support.

This establishment is needed for the care of rescued and abandoned horses and ponies. The people need all the help and support to continue the excellent care and welfare of the animals as they are doing at present.

28/8/2019 – Amy Garbutt, 225 Rotherham Road, Maltby, Rotherham – Support. I found a mare that had been in their care since 2015. We viewed the mare and a couple more horses that were in their care. The weather was cold so the horses had their rugs on so they were warm, and were all sharing some big bales of hay until the grass started to grow through. The herd was happy and calm, with no problems at all. The rescue workers suggested meeting the horses a minimum of three times before rehoming them, so they are calm and comfortable for when they move homes. During our stay, we visited the yard twice a day at different times. While doing this daily routine, we encountered two vehicles for the entire three days, one vehicle being a Royal mail van.

The rescue had been amazing with all their hard work around the clock and their support. They are an amazing charity who does amazing work.

11/9/2019 – Leslyanne Freeman, Deepdale, Main Road, Beelsby, Grimsby – Support.

I went three times to see a specific horse as it is the rescue's policy that prospective owners get to know the horse and it you. The horse I was interested in had been mistreated before she arrived and had been very nervous of people. Cathy and her team had nurtured and cared for her for over a year. The horse has absolutely thrived and is a pleasure to own and ride and I was so glad I could offer a horse in need a loving home for life. My donation was also helpful towards food and vet bills and all the other costs. These horse rescues up and down the country are a lifeline for abused and unwanted horses and ponies and they are essential for animal welfare. The charity does an excellent and essential job.

I cannot imagine why anyone would object to the plans for the farm, especially given its very rural location and it not being in anyone's way or causing any detriment to anyone. The location is ideal for helping horses who have been abused or abandoned to regain their confidence and trust.

If the plans are not approved the horses could lose their home and once again face fear and an uncertain future.

Application No: NYM/2019/0431/FL

Others continued

12/9/2019 – Sandra Bewell-Frost, David T Frost, Amy Curtis, Chloe Curtis, 5 Hewley Drive, West Ayton – Support. We have been dedicated supporters of this horse rescue charity for a number of years and visit the farm to spend time with the horses and ponies, grooming and giving what love we can to these animals. We are full of admiration for the love and care given, for their skills, and for the specialist care they give to horses who can barely just suck in liquid food, who are almost too weak to stand, and to those whose painful wounds and infections need treatment. It is also a beautiful sight to see these horses recovering, regaining their trust and confidence, and enjoying the peaceful retreat of the grassland pastures on the farm. It is also clear to see that all the resources and donations are invested in the work of the charity. The farm facilities are basic but adequate, although it is equally clear to see how well organised and run this charity is, and how much hard work is going into improvements on an ongoing basis.

The farm is beautifully peaceful at the end of the country lane, perfect for this place of rescue. On our numerous visits we have only once encountered another vehicle, which was the council bin collection reversing into the nearby drive - this did not cause us or them any inconvenience.

We feel that it is in keeping with farm use, is properly managed, and is a much-needed resource in the Scarborough area where there is a high level of horse and pony ownership. Without the rescue work on this farm I fear that our area would suffer much as others such as the north east where malnutrition and abandoned horses and ponies are commonplace for the authorities to deal with.

23/9/2019 - Ann Owen, 143 Stepney Rd, Scarborough - I have worked for All for horses since end of September 2018. I work five days a week 8.30- 4.30/5 caring for the horses I am a BHSAI with 40 years' experience working with horses.

Background

Silpho Brow Farm West is situated in an isolated location and comprises one of a group of three dwellings; a pair of semi-detached properties and a detached dwelling that is a converted barn.

The properties are reached via a long and winding single track lane, which is also a public bridleway. Vehicular access is gained onto this lane, via a steep and narrow junction with another partly single track lane known as Waites Lane, an unclassified road which leads from Silpho to Harwood Dale and Burniston.

Silpho Brow Farm West comprises the main house (the western half of the pair of semis) two substantial Dutch barns, and an L-shaped pair of traditional stone barns. To the north east, is the converted barn that comprises the adjacent property and its garaging, previously known as "The Shippon" but now known as "Silpho Brow Farm East". To the east is the attached dwelling known as "Silpho Brow Cottage".

In 2008, planning permission was granted to convert the traditional barn attached to the house into a two bedroom holiday cottage. This permission was never implemented.

This current application follows on from investigations by the Authority's Enforcement Team and seeks retrospective planning permission for the change of use of the agricultural buildings within the curtilage of Silpho Brow Farm West to the stabling of horses and commercial storage in connection with a horse rescue, rehabilitation and horse rehoming charity. The application includes the retention of a touring caravan and portacabin, situated

Application No: NYM/2019/0431/FL

Background continued

between the house and the agricultural buildings, used as a workers restroom and workers overnight accommodation (two single bedrooms). It is also proposed to site a replacement domestic summerhouse adjacent the western boundary of the property and to provide a toilet block, located immediately to the rear of the barn to provide two toilets and shower room.

The summerhouse would be timber clad with a maximum height of 2.2m, 3.04m wide x 2.3m deep. The toilet building would be a small lean-to structure faced with blockwork to match the barn with dark grey roof, possibly with solar panels installed. The building would measure 3m wide x 1.6m deep with a height to the eaves of 2.10m and to the highest part of the roof of 2.7m. Foul water drainage would be dealt with by a new sewerage treatment plant, to which the Environment Agency does not object.

Officers are aware of press reports citing a general increase in horses and ponies being abandoned or not being properly cared for following the recession of 2008.

In support of the application the applicant has stated that:-

The farm was purchased as a place for horses and ponies to graze in herds and recover. The charity grazes horses here, finds them new homes and sells donated items by mail order to raise funds to cover running costs. Horses typically stay for a few months to a couple of years. The fields provide them with more than enough grass, and they are in a good, safe, herd environment. Our horses are well cared for by skilled and experienced people, and all the welfare officers sent here by 3rd parties have always been very happy with both our experience and the quality of the horse care that we provide.

If the ponies did not have enough to eat or were not in a healthy condition then this would have been mentioned by the various welfare officers from larger welfare Charities who have been called to the site on several occasions. On each occasion they have been happy with the care we provide.

Livestock density is based on the weight of the animal and the DEFRA guidelines apply to horses (variable weight but typically around 500kg), not to the small native ponies that we typically care for. We have only four horses; the others are ponies that typically weigh around 200 - 300kg, although some weigh far less.

We are not seeking planning permission for 30 stables. We have fewer than 30 ponies, in three fields and are seeking permission to retain the five existing stables, located in the existing barn, originally created from the sheep pens which were already in there when we bought the farm. The ponies only come in if in need of veterinary attention. The rest of the two modern barns are used for storage, and for farm operations, such as feed and machinery storage. This makes good use of the buildings without causing the noise/smells etc. usually associated with livestock farms which could affect neighbours.

The overnight accommodation is for volunteer workers who help look after the animals; many are veterinary and other students attending the farm as part of their studies. Typical stays range from 2-4 weeks. The portacabin is used *instead* of the house bedrooms, so there is no increased usage. We try to have two students all the time, but do have gaps where we don't have any students, especially between September and

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Background continued

April. We have one full time staff member who works five days a week, and one part time member who works two days per week.

Our day volunteers come from a wide range of society, including ex-military recovering from PTSD, local people of all ages and some are referred by health support agencies, such as those suffering from dementia or learning difficulties that are otherwise excluded from volunteering opportunities.

They are sometimes fed in the fields during the worst winter weather, usually in round bale feeders. Tractors do deliver hay and straw – three to six deliveries per year; they both unload and turn around in our property. Statements that a large number of vans call at our farm are untrue.

We are not planning to use gravel in the top gateway, but intend to use locally quarried stone; 30 mm clean on top and larger stone beneath. None of our gateways open onto the public highway; we changed all the gateways to open inwards immediately upon purchasing the farm.

In terms of commercial storage, we sell donated and other items on line to raise funds for the charity, mostly horse bridles and rugs etc. Our staff and volunteers mostly collect donated items in their vehicles and bring them when they come and occasionally members of the public bring donations. If someone purchases online and wants to collect in person, this is done by arrangement. Collection in this way happened about six times in the last six months. Most items are dispatched in small packages and collected by Royal Mail or courier.

In terms of employment we have created one new permanent full time job, since 2014, which involves looking after the farm, land, horses and volunteers. We are not a retail operation and do not have opening hours but volunteers normally come between 10am and 4pm.

In summary, in addition to being sustainable and of benefit to our local community, we feel that our use of the farm and buildings is better all-round and with less environmental impact than that of a non-farming family living here and commuting to work and school.

The red line denoted compound area is big enough to accommodate all non-agricultural items out of sight, and when the suggested enclosing fence is completed the whole farm will look much better.

The Parish Council's comments and decision were understandably based on the information they had before them on the day, and we feel the points they raised have now been addressed.

Main Issues**Planning Policy**

Core Policy A of the NYM Local Development Plan seeks to ensure that new development conserves and enhances the Park's special qualities; with priority being given to ensuring development does not detract from the quality of life of local residents and supports the character of a settlement.

Core Policy H of the Local Development Plan seeks to strengthen and support the rural economy by providing local communities with a range of opportunities for entrepreneurship, education and training in various ways.

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Main issues continued

Development Policy 1 seeks to ensure that the special qualities of the National Park are conserved and enhanced, and consequently seeks to only permit development where, amongst other criteria, it will not have an unacceptable impact on surface and ground water, soil, air quality and agricultural land; where it will not generate unacceptable levels of noise, vibration, activity or light pollution; and stability can be achieved without causing unacceptable environmental or landscape impact.

Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing and design are compatible with surrounding buildings; that the standards of design are high; that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.

Development Policy 10 seeks to permit the re-use of an existing building for employment and training purposes where the building is of sound construction, there is sufficient land, storage space and parking, the building does not have an adverse impact on the character of the area and there are existing adequate access arrangements.

Development Policy 17 seeks to permit proposals for commercial horse related development only where no new dwelling is required, neighbouring amenities would not be harmed, the site is accessible by an adequate network of safe equestrian routes, there is sufficient car parking provision and the proposal is of an appropriate scale.

Draft Local Plan

Policy BL1 (Employment and Training) of the Draft Local Plan seeks to support development of small scale employment development in the open countryside where it re-uses existing permanent buildings; is linked to an existing business, does not have a detrimental impact on the character of the local and wider landscape, there is sufficient land for storage and parking and there is no unacceptable harm in terms of noise, activity or traffic generation.

Policy BL11 (Commercial Horse Related Development) seeks to permit commercial horse related development where there is an existing dwelling, there is no adverse visual impact on the locality, there is no harm to neighbouring amenity, there are safe equestrian routes, there is adequate car parking and the development is of an appropriate scale.

Policy CO2 (Transport) states that new development will only be permitted where it is of a scale which the adjacent road network has the capacity to serve.

However, whilst the Draft Local Plan has been through its Examination in Public, these draft Policies can only be given limited weight.

Material Considerations**Landscape Impact**

A public bridleway runs immediately to the north west of the application site. There are also other footpaths and bridleways in the locality but these are at some distance away. The application site itself is largely contained within existing buildings and the defined outside area immediately to the west of the buildings. The fields to the north west and south east are used for grazing and do not form part of the application and consequently the visibility of these from such public viewpoints are not a material planning consideration in the context of this application (the fields are used for horse grazing and this does not constitute a change

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Main Issues continued

of use requiring planning permission) As set out above, the majority of the development is contained within existing buildings and it is not considered that the visual impact of activities and storage in the defined storage area, closely related to existing buildings on the site, or the visual impact of the caravan and portacabin would have an unacceptable wider landscape impact. The site is well screened from the wider area and, with the access to the property being screened by tree planting and a recently installed boundary fence.

However, it is acknowledged that the screening of the south eastern boundary could be improved with additional hedge planting, to screen the caravan, portacabin and compound.

The buildings used in conjunction with the horse rescue charity were originally built for agricultural purposes and will not be altered externally, other than the addition of a small timber lean-to to provide a toilet; consequently, the appearance of the site remains of an agricultural nature, albeit with horse related paraphernalia and storage of items for sale, in addition to other farm equipment.

The caravan and portacabin are located well within the site, screened from the neighbouring properties by existing buildings. Again whilst this area of the site is untidy and the structures are not of particularly good quality, they would not result in undue harm to the landscape, due to their context immediately adjacent the large modern agricultural buildings. However, the use of portacabins to meet long term needs are not considered appropriate within the National Park setting and consequently, it is recommended that this is only given a temporary permission, whilst the applicants consider a more appropriate means of accommodating volunteers.

The proposed summerhouse is small in scale and replaces an existing structure and the blockwork lean-to toilet block would be attached to the blockwork modern agricultural building. Neither of these structures would have a detrimental impact on the character of the locality.

Outside storage is, and has been undertaken in other parts of the site and appears visually unattractive, but if permission is granted with the recommended conditions, the Authority can ensure, through a Breach of Condition Notice if necessary, that the unattractive storage activities related to this charity are confined to the areas approved, which are away from neighbouring residential properties and not prominent in the landscape and thus achieve a net environmental improvement.

In view of the above, the impact on landscape character is considered acceptable, and there is no conflict with Core Policy A or Development Policy 1 of the Local Development Plan.

Activity Levels and Highway safety

The development does generate activity in terms of volunteers and staff and online charity sales, but it is not considered that the comings and goings generated by this are greater than could be expected from managing the associated land for agricultural purposes. Whilst it is accepted that the business is likely to result in an increase in courier vans, this is a wider issue resulting from ever increasing online shopping. However, the Highway Authority has not objected, provided that the applicant agrees to create passing places along the Highway, that turning facilities are provided within the site and the access to the field is surfaced satisfactorily. The applicant has agreed to this and such a requirement would be subject to conditions attached to any planning permission. Concerns have been raised by third parties regarding the ecological impact resulting from the proposed passing places and consequently, the Highway Authority are liaising with the Authority's Woodland and Ecology Officers to ensure the best location and means of construction of such places.

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Main Issues continued

The Highway Authority has suggested the most appropriate locations for passing places where there is sufficient level highway available to allow a passing place to be constructed. Most other locations with enough available verge are not flat enough and would require significant engineering to retain the land to prevent the adjacent higher land from slipping into the highway. Furthermore, one is currently partially constructed and used as field accesses and an informal passing place already.

The Highway Authority has clarified that the works would be paid for by the applicant who would also have to enter into a legal agreement (S278 of the Highways Act 1980) before works could begin. The LHA would closely supervise the construction, which would have to be undertaken by an approved contractor to the specification of the LHA.

Fire Safety and Building Regulations

Both the Fire Officer at North Yorkshire Fire & Rescue and North Yorkshire Building Control Partnership has been consulted on this application, following concerns expressed by third parties. They were not originally consulted as the development does not fall within the criteria set out by these regulatory bodies for when they wish to be consulted. The application was deferred last month to allow them to comment before the Planning Committee assessed the application. The Fire Officer has visited the site and has advised they have no objections to the development at the site and are satisfied that the fire authority can satisfactorily access the site. North Yorkshire Building Control has also confirmed that they have no objections and that the proposed toilet building would be considered under a separate building regulations application.

Consequently, due to these comments, there are no material planning grounds to refuse this application for fire safety or building regulations reasons.

Equestrian Use and Animal Welfare

This proposal is not for a commercial equestrian use, and it is not a facility providing horse riding, schooling or livery. Consequently, the activity levels generated by such a commercial equestrian use would not occur, albeit some additional activity is generated by the selling of goods to generate an income for the charity. Furthermore, the proposal does not relate to the use of the surrounding land as the horses are 'grazing' the land (a continuation of agricultural use), rather than the use of the land being changed to the "keeping of horse for recreational purposes". This does not constitute development. Whilst the numbers of horses are often more than would normally be expected to be grazed, the majority of horses are smaller or hardier pony species, which don't require the same quality and amount of grassland. Nevertheless, the proposal is considered to meet the requirements set out by Development Policy 17, as there is a dwelling on site, the site is close to equestrian routes, and the use of the buildings for stabling and associated storage would not harm neighbouring amenities by reason of disturbance or smell.

Third parties have expressed concerns regarding animal welfare conditions. The applicant has set out why she considers the application supports animal welfare. The British Horse Society has been consulted on this application but has made no comments.

Neighbouring Amenity

Objections have been received regarding activity levels, increased traffic, the untidy nature of the site and concerns that the foul drainage facilities are inadequate.

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Main Issues continued

Storage of materials has occurred on the northern side of the site, between the buildings and the access drive to Silpho Brow Farm East. This has resulted in harm to the amenities of that adjacent dwelling, due to the visual impact from their property. However, the revised site plan requested defines the area of storage to be within the buildings and on a fenced compound on the land immediately to the west of the buildings, away from the neighbouring properties, and this would be conditioned, and enforced through a Breach of Condition Notice if necessary.

On the basis that the area for storage will be controlled by conditions and the Highway Authority has no objections, subject to conditions, it is considered that these concerns have been satisfactorily addressed.

Foul Drainage

The applicants have worked with the Environment Agency and have revised the proposed drainage arrangements in accordance with their requirements, and are proposing to install a separate sewage treatment plant.

It is therefore considered that the concerns expressed by the neighbouring occupiers, relating to this issue have been satisfactorily addressed.

Conclusion

It is considered that on the basis of the additional information submitted, and that the Highway Authority and Environment Agency consider that the concerns expressed by third parties can be dealt with by conditions, the operation of a Horse Rescue facility at this site represents a suitable re-use of these modern farm buildings which would not have a detrimental impact on the character of the locality and would not be contrary to the Local Development Plan Policies referred to above.

Consequently approval is recommended.

Pre-commencement Conditions

N/A

Contribution to Management Plan Objectives

There are no relevant Policies within the Management Plan.

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

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including the inclusion of passing places, improved foul drainage facilities, and defined outside storage areas.

North York Moors National Park Authority Planning Committee

Public Minutes of the meeting held at The Old Vicarage, Helmsley on Thursday 27 February 2020, 11am.

Present: Jim Bailey, Malcolm Bowes, Patrick James, Janet Frank, Bob Marley, Sarah Oswald, Caroline Patmore, Andrew Scott, Jeremy Walker, Colin Williamson, Subash Sharma, Peter Berry, David Hugill

Apologies: Shaun Moody, Ena Dent, Heather Moorhouse, David Jeffels, Alison Fisher, Clive Pearson

Copies of all Documents Considered are in the Minute Book

07/2020 Minutes

Resolved:

That the minutes of the meeting held on Thursday 16 January 2020, having been printed and circulated, be taken as read and be confirmed and signed by the Chair as a correct record.

08/2020 Site Visit Minutes

Resolved:

That the minutes of the site visit held on Friday 31 January 2020, having been printed and circulated, be taken as read and be confirmed and signed by the Chair as a correct record.

09/2020 Members Interests

Members were reminded of their responsibility to declare any personal, prejudicial and/or disclosable interests relating to any agenda item prior to its consideration.

10/2020 Emergency Evacuation Procedure

The Chairman informed Members of the Public of the emergency evacuation Procedure.

11/2020 Miscellaneous Items

Considered:

The report of the Director of Planning

Resolved:

That the report be noted.

12/2020 Applications for Planning Permission

The following members of the public addressed the meeting regarding the Plans List Items indicated:

Plans List Item 1 – Bill Edwards spoke as the applicant and Jacqui Shipman spoke against the application.

Plans List Item 3 – Claudia Sutterby spoke on behalf of the Parish Council for the application.

Considered:

The report listing applications and the Director of Planning's recommendations thereon.

Members also considered further information circulated on the Members' Update Sheet including; updated recommendations from the Director of Planning and comments received after the agenda was printed from: consultees, objectors and supporters.

Resolved:

(a) That with regard to all applications listed in the report and subject to:

(i) the amendments specified below; and

(ii) the imposition of conditions in accordance with the relevant provisions of Sections 91-94 of the Town and Country Planning Act 1990, except in those instances where an alternative condition is contained in the Director of Planning's recommendation or in an amendment referred to in (i) above;

decisions be given in accordance with the Director of Planning's recommendations:

List No	Plan No and Description of Proposal
1.	<p>NYM/2019/0431/FL - 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) at Silpho Brow Farm West, Sur Gate, Silpho</p> <p>Decision Bob Marley declared a personal / non-prejudicial interest in this item as his wife is the Parish Clerk. Consideration deferred to enable a site visit to be undertaken to fully assess the visual and amenity impact of the retrospective development, with the attendance of Members being regarded as an approved duty for the purposes of the payment of Members' allowances. Members also requested that the applicant submits additional information concerning access arrangements, land management and financial viability of the charity.</p>
2.	<p>NYM/2019/0744/FL - use of land for the siting of 1 no. shepherds hut and wood fired bath together with associated parking for holiday letting use in association with the Hawnbly Estate at land north of Tancred House, Hawnbly</p> <p>Decision Malcom Bowes and Patrick James declared a non-prejudicial interest in this item as they both know the applicant. Approved as recommended.</p>
3.	<p>NYM/2019/0867/FL - change of use of land to garden together with construction of double garage and relocation of vehicular access (revised scheme to NYM/2019/0311/FL) at Brackenrigg, Fylingdales</p> <p>Decision Approved as recommended.</p>



..... (Chair)

9 April 2020

**North York Moors National Park Authority
Planning Committee Site Visit**

Public minutes of the site visit held at Hannah's Garth, Grant Close, Osmotherley on 21 August 2020 at 10.30am.

Present: Mr D Hugill (Chair), Mrs J Frank (Deputy Chair), Mr C Pearson, Mr D Jeffels, Mr M Bowes, Mr S Sharma, Mr S Moody

Apologies: Mr J R Bailey, Mr B Marley, Mr C Williamson, Mr A Scott, Mr J Walker, Mrs A Fisher, Mrs S Oswald, Mrs H Moorhouse, Mr P Berry

National Park Authority Officers: Mark Hill (Head of Development Management)
Hilary Saunders (Planning Team Leader)

Others: Applicants – Mr & Mrs Almond
Agent – John Long
Parish Council – Martyn Stafford
Objector – Mr Richard Gough

NYM/2020/0268/FL – Proposed demolition of existing dwelling and construction of replacement open market dwelling at Hannah's Garth, Osmotherley

The Members and Planning Officers met the applicant, Parish Council, and objectors at the entrance to the application site where the Chair opened the Meeting. All Members followed Covid-19 health and safety protocol and wore face masks and applied hand sanitiser.

Hilary Saunders set out the details of the application, in terms of the size, design and location, and reason for proposal, and reminded Members of the neighbour and Parish Council objections relating to the scale, bulk and position of the dwelling.

The applicant's agent had marked out the footprint of the proposed replacement dwelling and Members walked around the plot, discussed the relationship of the site with the neighbouring properties, where the site could be seen from in the locality. There was a discussion about the poor state of the access road and also whether or not the siting could be adjusted further to take the proposed dwelling further away from the neighbouring properties.

The Parish Council and objectors representatives re-iterated their views relating to impact on the character of the lane and impact on neighbours outlook.

The Chair closed the visit once he was satisfied that there were no more questions from Members and Members and Officers left the site.

Hilary Saunders
Planning Team Leader

North York Moors National Park Authority Planning Committee Site Visit

Public minutes of the site visit held at Silpho Brow Farm West, Sur Gate, Silpho at 2pm on 21 August 2020.

Present: Mr D Hugill (Chair), Mrs J Frank (Deputy Chair), Mr C Pearson, Mr S Sharma, Mr S Moody, Mr B Marley

Apologies: Mr J R Bailey, Mr M Bowes, Mr A Scott, Mr J Walker, Mrs A Fisher, Mrs S Oswald, Mrs C Patmore, Mrs H Moorhouse, Mr P Berry

National Park Authority Officers: Mark Hill (Head of Development Management)
Hilary Saunders (Planning Team Leader)

Others: Applicants – Louisa Smith and Cathy Edwards
Parish Council – Pat Foxton
Objector – Mrs J Shipman

NYM/2019/0431/FL – Proposed 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 at Silpho Brow Farm West

The Members and Planning Officers met the applicant, Parish Council, and objectors at the entrance to the application site where the Chair opened the Meeting. All Members followed Covid-19 health and safety protocol and wore face masks and applied hand sanitiser.

Mark Hill set out the details of the application, and reminded Members why it had been deferred for a site visit, including neighbour objections and that additional detail regarding a pasture management plan and highways works were awaited.

Members walked up to the public highway where the accesses to the three different properties met and the objector explained where the public highway ended. Mark Hill went through the plans and Members observed the filed access and one of the fields where rescue horses are grazed.

Members and the Parish Council then walked down into the applicant's yard to look at the portacabin and caravan. The applicant would not permit the objector to enter her property so she waited at the top of the access. Members were invited by the applicant to look inside the barn and also to stand on the muck heap to look out over the remainder of the fields where horses were grazing.

Once all Members had done this, they walked round to the objector's property (the applicant did not go onto the neighbour's property). Members all looked over the fence from the objector's property into the applicant's garden and also had pointed out items stored on land adjacent the access drive to the other neighbour's property.

The Chair closed the visit once he was satisfied that there were no more questions from Members and Members and Officers left the site.

Hilary Saunders
Planning Team Leader

Members Update Sheet

Item 1 NYM/2020/0268/FL

Additional Background Information:

A revised location plan has been submitted which moves the house a further metre in a southerly direction. This increases the distance between the single storey blank wall to the west of no.2 to the proposed garage to be in excess of 14m. Furthermore it also increases the window to window distance between cottages 2, 3 and 4 and the proposed dwelling to be in excess of 21m. An additional plan has also been submitted which illustrates the proposed north elevation of the house as it would be seen from Grants Close illustrating the height of the existing hedge in relation to the house sited at its lower level, along with a site section which illustrates the relationship between the cottages on Grants Close and the proposal in its revised location.

Hugh Thompson, 75 South End, Osmotherley - 2/9/2020 - Object to the revised proposal. Whilst changes have been made that are an improvement, they are an improvement to a fundamentally flawed proposal, and our objections remain.

Director of Planning's Recommendation We would draw the planning committee's attention to the recommendation document by the Director of Planning; this appears to support statements [in italics below] by the applicant's agent, comments that we believe to be inaccurate and very misleading:

The applicant wishes to create a dwelling that has sustainability and low energy use as the fundamental principle.

This statement seems to imply that the proposal is environmentally desirable; this is extremely misleading; it is massively undesirable.

- The applicant has not provided any carbon balance calculations to justify the statement ie comparing carbon emissions of the proposal with simply improving the present house.
- Rarely if ever is it justifiable on carbon emission grounds to demolish and rebuild; the emissions from demolition/rebuild are nearly always higher.
- This is even more the case when you consider that the proposal means demolishing a good size family home and replacing it with one probably 3 times the size! [Interesting that, despite criticism of the massive size of the proposed house, the applicant has never volunteered the comparative floor areas of the new/existing houses?].

This could not be achieved through the existing dwelling due to it being poorly insulated.

- Misleading. there are many ways in which the existing house could have its insulation, and whole environmental performance, improved. The park will have many examples of this, including some in the village.

The existing dwelling it is not a heritage asset and the arrangement of the dwelling within its site is contrary geometrically to the surrounding dwellings and the grain of the wider village.

- Yes, but it exists. It may not be a heritage asset, but it is “of its age”, an example of what was being built at the time. Are we losing something by demolishing it? Yes, a decent house, appropriate to the plot, a good family home. Not built to 2020 standards, but there is no suggestion that it is defective and requires demolition.
- Nor would the proposed replacement be a heritage asset.

This proposal cannot possibly be dressed up as an environmentally desirable proposal.

Richard Gough, 2 Grant Close, Osmotherley – 1/09/2020 - *This is a supplement to my previous objections which still stand.*

New Window Overlooking Garden of No. 2 - The latest plans show a first floor window in the Northern wall above the garage. This is a new addition that did not exist in earlier plans. The sole view from this window will be into the garden of No. 2. This is a much used garden in which we spend much time and value our privacy. A window in any of the other aspects of this part of the building would not impact anyone’s privacy. We object to the placement of this window.

Distance to No.2 - The latest letter from the architect states “*This as shown on the plans increases the distance between the single storey blank wall to the west of no.2 to the proposed garage to be in excess of 14m*”. This may be true, but is misleading. The distance to the non-blank wall containing our front room window being less than this, the ‘blank wall’ being set back from the main body of the house.

Need to Demolish? - I cannot agree with the applicant’s view during the site visit that this was 1950’s architecture with no architectural value. 1950’s architecture might not be fashionable at this time, but the fact that Hannah’s Garth is a good, largely untouched, example of such architecture should be considered a merit, not a reason to demolish. I hope the planning committee members have a more enlightened view than expressed by the applicant on conserving architecture when weighing up whether demolition is appropriate to make way for a new development.

Green Credentials? - The applicant has promoted the development as eco friendly, but has not provided evidence to support this assertion. I feel it highly unlikely that demolishing Hannah’s Garth and building a larger property will be in any way eco friendly. The carbon footprint to demolish and rebuild will likely take very many years to recoup, if it ever is. There will inevitably be many other non-carbon environmental impacts. If the green credentials of the proposal are to be considered in the planning decision then I believe they should be backed by fact, not aspiration.

Appropriate? - In the past few months I’ve had the opportunity to cycle many hundreds of miles through the villages of the North Yorkshire Moors National Park. Given the circumstances, I’ve been paying attention to the new developments I see. I have found the vast majority sympathetic to their environment. This is not what I’m seeing in this proposal. This inappropriateness is certainly my main concern and appears to be that of many I have spoken to. Had the proposal been more sympathetic to its setting then I believe there would be far fewer objections. Grant Close will be best served if the current proposal is withdrawn in its current form pending a proposal appropriate to its environment.

Item 2 NYM/2019/0431/FL

Draft reason for refusal

- 1) The retention of the horse rescue centre would be contrary to Policies SP C, SP G, and BL1 as it has failed to demonstrate that it can operate without:
 - i) causing a detrimental impact on the character and appearance of the local and wider landscape arising from poor winter land management leading to harmful poaching of the grazing fields.
 - ii) resulting in unacceptable harm to the amenities of nearby residents and users of the nearby public rights of way in terms of traffic movements associated with the online sales, the excessive amount of external plant, and equipment and the ancillary volunteer caravan accommodation and volunteer amenity structure.

- 2) Insufficient information on the horse rescue centre business model has been submitted to demonstrate that suitable mitigation could be funded/provided to resolve the impacts described above together with insufficient demonstration of intent over the last 6 months to improve the character and appearance of the site and surrounding lands reinforces the unacceptability of the proposal to take place in a protected landscape, which has the highest level of protection as set out in the National Planning Policy Framework paragraph 172 .

Please see information below submitted by Lucas Wolfe in objection to the application:

From:
To: [Richard Smith](#) [Wendy Strangeway](#)
Subject: NYM/2019/0431/FL Re: Private and Confidential
Date: 28 August 2020 04:08:42
Attachments: [Outlook-3f0npoie.png](#)

Dear Sir

In response to your email dated 27/8/20 I wish to make the following comments in objection to the planning application;

1. I and many other volunteers have found the living and working conditions at the Applicants address of Silpho Brow Farm West to be unsatisfactory. I and many other volunteers have complained and subsequently, the Applicants listing has been removed from the "Workaway" site which was used to secure workers from abroad. I attach confirmation from "Workaway" dated 6th January 2020 and the Applicant has not been permitted to re-advertise on this site since this date. This is factual information and as such, I trust you will publish this.
 2. The approach to the application site is inadequate and the highways officers email dated 17th January 2020 agrees with the planning officer that the site **should not** be used for Ebay sales at all ! The last sentence on the final page of the Highway Officers report refers and confirms that she agrees the site should not be used. This is factual information and as such, I trust this will be published.
 3. The site is untidy and over-poached and weeds Cover most of the grazing land. Fencing is poor and the impact on the landscape is dreadful. This has been shown in the Planning Officers photographs and photographs from other objectors. This is photographic fact as as such, I trust my comment will be published.
 4. I have sent you photographs of the site and its untidiness; these are purely factual and as such I trust these will be published.
 5. There appears to be a fire hazard. I have sent you photographs of the electrical arrangements and also the storage of mattresses above a heating element. These are factual photographs and as such, I trust these will be published alongside this letter. The photographs show what may be viewed as a basic electrical inadequacy.
 6. The "All for Horses" charity has been removed from the Charity Commission register. This is factual information that can be viewed on the Gov.UK website and as such I trust it will be published.
8. I am also concerned that you have passed the information that I sent you directly to the Applicant without publication on your website. This has placed me in an uncomfortable position and I feel you may be in breach of GDPR.


Please note that now I am aware of some of the planning procedures I will also send this email to the local Parish Council and neighbours in order to ensure that my voice is heard. I find it deeply concerning that other volunteers will end up being collected from the railway station and been made to work in these conditions. This is fact and as such, I trust it will be published.

I call for this letter to be fully publicised as the information within it is purely factual. I also request that it is presented to the Committee in its entirety before the meeting on 3rd September 2020 as my comments have not been included in the planning meeting notes and recommendation,

Lucas Wolfe



[Email Ref: 4456312] Re:Workaway 828442453988

 workaway.info
To You 6 Jan  ...



Please see information below submitted by the applicant in response to the objection by Lucas Wolfe:

We confirm that a Canadian gentleman came here in early December 2019, though that is not the name and address he gave us.

Within hours it was clear that "Lucas" had _____ problems.

_____ asked him to leave. He refused

He had told us he had relatives in Durham, and was given time to organize transport/accommodation. He was taken to Scarborough station.

If "Lucas" had travelling issues they do not arise from us -

_____ We have no need to use "social media" or other sites to cause problems for people.

We are happy for people to make their own judgements about this letter, and don't feel it is helpful to respond to the statements he has made, other than to confirm that all the farm electrics are recent and installed by a qualified electrician.

Please find below circulated information received from Jacqui Shipman in objection of the application

Find charities

- [Find charities](#)
- [Charity overview](#)
- [Contact & trustees](#)
- [Charity framework](#)
- [View accounts](#)
- [Print charity details](#)
- [Advanced Search](#)

Charity search

[Advanced Search](#)

1001513 -
THE ANIMAL HOSTEL TRUST

DOCUMENTS OVERDUE

Accounts for 30 Jun 2018:
490 days overdue

Annual Return for 30 Jun 2018:
490 days overdue

Activities

THE OBJECTS OF THE TRUST IS TO PROVIDE

Where it operates

THROUGHOUT ENGLAND AND WALES

Financial history 6 months past due date ie. 30/10/19.

Pre-Covid Pandemic

Compliance history

Financial summary

Financial year end (FYE)	Income	Spending	Accounts received	Annual Return/Annual Update received	View
30 Jun 2019			Not received (124 days overdue)	Not received (124 days overdue)	
30 Jun 2018			Not received (490 days overdue)	Not received (490 days overdue)	

30 Jun 2017	£53,238	£64,943	17 Jan 2019 (262 days late)	17 Jan 2019 (262 days late)	Accounts
30 Jun 2016	£178,271	£90,903	15 May 2018 (380 days late)	15 May 2018 (380 days late)	Accounts
30 Jun 2015	£21,840	£126,030	Not Required	26 Jun 2017 (422 days late)	

Charities 4 months overdue

If, despite reminders, a charity's accounts and Annual Return or its Annual Update have not been received 4 months after the end of the 10 month period in which they are required to submit the documents, it is a strong indication that they are no longer operating. The charity is notified at this point that if we do not receive their due documents in the following 2 months they may be removed from the Register or subject to further action.

Charities 6 months or more overdue

If, despite reminders, a charity's accounts and Annual Return or its Annual Update have not been received 6 months after the end of the 10 month period in which they are required to submit their documents, it is deemed to indicate that they are no longer operating. In most cases the charity will be removed from the Register at this point but in some cases the Commission will need to be satisfied that there are no continuing risks to donors or beneficiaries and that the charity's resources have been properly applied. In such cases the charity will remain on the Register until the risk has been addressed.

Where the Commission is actively working with a charity to resolve serious administrative difficulties it may, at any stage, under the direct supervision of a case officer, be temporarily excluded from the normal reminder and notice programme.

10 month date = 30/4/19

6 month date after 10 month date = 31/10/19

Charity Commission

THE REGISTER OF CHARITIES - NOTES FOR USERS

Documents overdue

Charities are required to submit documents to the Charity Commission as follows:

For financial periods ending on or before 31 March 2009:

Income in the financial period being reported	Update Register Information	Annual Return - basic Register information	Reporting Serious Incidents	Financial Information	Summary Information Return	Trustees' Annual Report and accounts
£10k or less	Yes	-	-	-	-	No
£10-£25k	-	Yes	-	-	-	Yes
£25k - £500k	-	Yes	Yes	-	-	Yes
£500k - £1m	-	Yes	Yes	Yes	-	Yes
Greater than £1m	-	Yes	Yes	Yes	Yes	Yes

For financial periods ending on or after 1 April 2009:

Income in the financial period being reported	Update Register Information	Annual Return - basic Register information	Reporting Serious Incidents	Financial Information	Summary Information Return	Trustees' Annual Report and accounts
£10k or less	Yes	-	-	-	-	No
£10-£25k	-	Yes	-	-	-	No
£25k - £500k	-	Yes	Yes	-	-	Yes
£500k - £1m	-	Yes	Yes	Yes	-	Yes
Greater than £1m	-	Yes	Yes	Yes	Yes	Yes

If documents are overdue the banner on the charity overview page is outlined in red and shows:

- the financial period ending date of the first overdue document since the last submitted document
- the number of days that have elapsed since the submission deadline for each due document.

NB non-company charities with income less than £100,000 can prepare receipts and payments accounts instead of full accrual accounts. For financial periods ending on or after 1st April 2009 this threshold changed to include charities with income less than £250,000.

Charities with income of £10,000 or less

For financial periods ending on or before 31 March 2009, charities with income £10,000 or less are not required to submit either an Annual Return or accounts. However, they are required to keep the details we hold about them on the Register up to date. To keep those details up to date we ask charities with income of £10,000 or less to submit an Annual Update. We expect charities to report changes, or confirm that there have been no changes, within 10 months of the end of their financial period, the same time allowed for the preparation of their accounts.

Changes for 2009 onwards

Charities with a financial period ending on or after 1st April 2009 are not required to send their Trustees' Annual Report and Accounts to the Commission if the charity's income for the financial period was £25,000 or less. Charities with an income of £25,000 or less will have the message 'Not required' for their accounts submissions. Charities with income between £10,001 and £25,000 are still required to send an Annual Return.

Notes

Find charities

Find charities

Charity overview

Print charity details

Advanced Search

Charity search

Enter name or number

Advanced Search

1153649 - ALL FOR HORSES

REMOVED CHARITY

Other names

NONE

Where it operated

NORTH YORKSHIRE

Governing document

NO INFORMATION RECORDED

Area of benefit

NO INFORMATION RECORDED

Organisation type

STANDARD REGISTRATION

Registration history

09 September 2015 **Removed - DOES NOT OPERATE**

03 September 2013 Registered

Charitable objects

1 FOR THE BENEFIT OF THE PUBLIC TO RELIEVE THE SUFFERING OF ANIMALS IN NEED OF CARE AND ATTENTION, PARTICULARLY BUT NOT EXCLUSIVELY HORSES AND PONIES AND, IN PARTICULAR TO PROVIDE AND MAINTAIN RESCUE HOMES OR OTHER FACILITIES FOR THE RECEPTION, CARE AND TREATMENT OF SUCH ANIMALS. 2 TO PROMOTE HUMANE BEHAVIOUR TOWARDS ANIMALS BY PROVIDING APPROPRIATE CARE, PROTECTION, TREATMENT AND SECURITY FOR ANIMALS THAT ARE IN NEED OF CARE AND ATTENTION BY REASON OF SICKNESS, MALTREATMENT, POOR CIRCUMSTANCES OR ILL USAGE AND TO EDUCATE THE PUBLIC IN MATTERS PERTAINING TO ANIMAL WELFARE IN GENERAL AND THE PREVENTION OF CRUELTY AND SUFFERING AMONG ANIMALS IN SUCH WAYS AS THE TRUSTEES SHALL THINK FIT.

Classification

What

- EDUCATION / TRAINING
- ANIMALS
- ECONOMIC / COMMUNITY DEVELOPMENT / EMPLOYMENT


Who

- CHILDREN / YOUNG PEOPLE
- ELDERLY / OLD PEOPLE
- PEOPLE WITH DISABILITIES
- PEOPLE OF A PARTICULAR ETHNIC OR RACIAL ORIGIN
- THE GENERAL PUBLIC / MANKIND

How

- PROVIDES SERVICES
- PROVIDES ADVOCACY / ADVICE / INFORMATION

[Email Ref: 4456312] Re: Workaway 828442453988

 workaway.info
To You

6 Jan




Hi 

Thanks for the message and for coming forward to reporting this, all complaints are dealt with in confidence.

I have checked the listing and can see that it is already offline due to complaints raised by workawayers. We will add your testimony to our investigation.

Thank you for reaching out and for letting us know.

Best wishes

Applicant additional information – 21/8/2020

The applicant has submitted a hand drawn plan & some details of how they intend to operate a 'pasture management plan', in brief this involves some fencing of fields to allow grazing rotation, holding areas and observation areas. Would ask to committee that whilst there have been some muddy areas in fields during wet winters the animals have adequate space to avoid those areas. Could bring horses into the building to reduce numbers in fields but this would require more labour and horses are happier outside. Confirm the applicants are members of BHS with appropriate insurance and that comment that native ponies we have require less space than horses. The replacement toilet and accommodation facilities would be funded by selling donated items. Mud on roads will be improved if we are allowed to stone the field entrance.

Jacqui Shipman Correspondence – 21/8/2020

The application has submitted business accounts which they have asked to be treated in confidence, in brief the accounts set out that a modest cash reserve is held, sets out the asset value of the property and land, sets out the registered Charity number and confirms that internal budgets and forecasts are produced (not supplied) and that last year's performance was in line with the budget/forecast.

Further Correspondence from Jacqui Shipman – 02/09/2020

Would ask the Director of Planning to reconsider the recommendation of approval on this application owing to : the landscape impact of buildings and state of fields in winter, the various operational problems associated with use of volunteers, white van deliveries & collections for the funding sales, poor storage conditions, poor financial resources and accounting , inadequate land management plan, poor access plan to deal with mud, inadequate water and access for fire engines, history of poor foul drainage arrangements. The detailed information the Committee asked for back in February to show the site could be well managed has not been submitted to quell the Committees concerns about the whole operation.

The applicant's accounts, extra information and associated plans are available on the Authority's website.

Item 3 NYM/2020/0342/FL

Others – Chris Johnson, 22 Black Horse Lane, Swainby - 27/08/2020 – After reading the Planning Officers report I am disappointed that none of the issues I or others have raised seem to have been given much thought. For example if the car park is extended could no parking restrictions be put road along Black Horse Lane e.g. keep clear where drop down Kerbs are?

Also the applicant says they use the building on an evening to bake. I thought a clause in the condition was only microwave cooking.

Chris Johnson, 22 Black Horse Lane, Swainby 2/9/2020 - In addition to my previous comments the planning officers report states that there is no other facilities in the village providing services and essential goods. This is incorrect as the village shop is open and providing goods and services to the village

Item 4 NYM/2019/0619/FL

Withdrawn from the Planning Agenda as Historic England has recently confirmed its intention to assess an application to consider the eligibility of the property for Listing as a Building of Special Architectural or Historic Interest.

Item 5 NYM/2020/0293/FL

Others - Mr D and Mrs J de Cogan, Oak Cottage, Kilburn – 26/8/2020 – Strongly object. This farm is located in the centre of the village and surrounds residential properties less than 50 metres away with several large buildings housing at present around 1000 pigs. Its 'sister' farm also has a large agricultural shed housing pigs – approximately ¼ mile away on the corner of the access road into the village. The combination of the two doubles the amount of smell and noise.

The location of this potential building is directly beside a barn immediately behind our property which was originally given planning permission for storage of agricultural equipment – but it has, to our knowledge, never been used for this purpose and is being used to house either cattle or pigs throughout the year, and at present it has cattle in. The application states that this building is only for over-wintering of cattle, however, the Design and Access statement appears to contradict this, as it states that it would be used for pigs during the summer months. This is worrying to us, as we are of the opinion that it may be a way of increasing the number of pigs at the farm.

The location of this new building next to the existing one would mean that we would have two extremely large buildings immediately the other side of our back hedge. The new building would also compromise the public's enjoyment of the Norman church (St Mary's), and it would also overshadow a public footpath between Kilburn and High Kilburn. There is also a public footpath that passes through the farmyard, which is permanently impassable due to the mud and excrement and slime that runs off from the existing building, (and eventually ends up in a small watercourse running alongside the public footpath to High Kilburn).

The noise, smell and flies are a constant source of distress to us as neighbours. The noise from cattle lowing is 24/7 whether in sheds or in the fields. The noisy squealing of the pigs is 24/7 and gets increasingly louder as they mature. We are daily inundated by hordes of flies

from the huge pile of manure from both pigs and cattle. We rarely get to enjoy our garden due to the noise and smell and cannot open our windows during the summer months as the smell pervades the whole house.

There is a considerable increase in noise and smell when the pigs are brought in or taken out, starting at around 4.30am, and a considerable increase in farm and transportation vehicles. It is our opinion that this will increase when cattle housed in the current and new buildings are also transported in/out of the farm.

The noise and smell also has a detrimental effect on the village, as we regularly see people coming to the pub or to visit the Mouseman Museum, getting out of their cars, being greeted by the smell and noise and promptly get back in their cars and leave. Not a great advert for a tourist village described as a "jewel in the crown of North Yorkshire" or local businesses such as the T-Café and the Forresters Arms.

We sincerely hope that you will refuse permission for this agricultural building it would, in our opinion, have an extremely detrimental effect on us as immediate neighbours and residents, and the village as a whole.

North York Moors National Park Authority**Internal Memorandum**

To: Mr Chris France (Director of Planning)

From: Mr Mark Hill

File Ref: NYM/2019/0431/FL

Applicant: Edwards, Silpho Brow Farm West, Sur Gate,
Silpho, Scarborough, YO13 0JP

Application 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) at Silpho Brow Farm West, Sur Gate, Silpho

I enclose for your attention the file relating to the above planning application which was **Approved** by the Planning Committee on 3 September, Members requested that reason for refusal 1 on the update sheet was revised to include environment harm into the second limb of the refusal and to update the reference to the newly adopted Local Plan, the following replacement reason for refusal 1 is recommended, .

1. *The retention of the horse rescue centre would be contrary to Policies SPC, SPG, and BL1 of the North York Moors National Park Local Plan (July 2020) as it has failed to demonstrate that it can operate without:*
 - i) *causing a detrimental impact on the character and appearance of the local and wider landscape arising from poor winter land management leading to harmful poaching of the grazing fields.*
 - ii) *resulting in unacceptable harm to the character and appearance of the local and wider landscape and the amenities of nearby residents and users of the nearby Public Rights of Way in terms of; traffic movements associated with the online sales, the excessive amount of external plant, and equipment and the ancillary volunteer caravan accommodation and volunteer amenity structure.*

Refusal reason 2 remains unchanged.

I should be pleased if you would approve the issue of the decision notice.

Signed: Mr Chris France

Date: 14/09/2020

North York Moors National Park Authority Planning Committee

Public Minutes of the virtual meeting held on Thursday 3 September 2020, 10am.

Present: Jim Bailey, Malcolm Bowes, Ena, Dent, Alison Fisher, Janet Frank, David Hugill, David Jeffels, Bob Marley, Heather Moorhouse, Shaun Moody, Sarah Oswald, Caroline Patmore, Clive Pearson, Andrew Scott, Subash Sharma, Colin Williamson

Apologies: Peter Berry, Jeremy Walker

Copies of all Documents Considered are in the Minute Book

31/2020 Minutes

Resolved:

That the minutes of the meeting held on Thursday 16 July 2020, having been circulated be taken as read and be confirmed and signed by the Chair as a correct record.

32/2020 Site Visit Minutes

Resolved:

That the site visit minutes of the meetings held on Friday 21 August 2020, having been circulated, be taken as read and subject to an amendment to the minutes for NYM/2019/0431/FL (Silpho Brow Farm West, Sur Gate, Silpho) in so far as removing Shaun Moody from and adding Colin Williamson to the list of attendees, be confirmed and signed by the Chair as a correct record.

32/2020 Members Interests

Members were reminded of their responsibility to declare any personal, prejudicial and/or disclosable interests relating to any agenda item prior to its consideration.

33/2020 Miscellaneous Items

Considered:

The report of the Director of Planning

Resolved:

That the report be noted.

34/2020 Verbal Update Concerning Temporary Delegation Planning Committee Powers

Considered:

The verbal report of the Director of Planning

Members were advised that the extended delegation powers authorised on 21 May 2020 cease on 4 September 2020 as such it was requested that Members approve an extension to cover the next two committee cycles in October and December 2020, ceasing on 4 December 2020.

Resolved:

That the extended delegation powers as approved at the Planning Committee Meeting on 21 May 2020 be extended again to cover the October and December 2020 Planning Committee cycles, ceasing on 4 December 2020.

35/2020 Applications for Planning Permission

The following members of the public addressed the meeting regarding the Plans List Items indicated:

- Plans List Item 1 – John White spoke as the applicant’s agent.
- Plans List Item 2 – Jacqui Shipman spoke in objection to the application.
- Plans List Item 3 – John Nelson spoke as the applicant and Geoff Morgan spoke in objection to the application.
- Plans List Item 5 – Councillor Graham Matthews spoke on behalf of the Parish Council.

Considered:

The report listing applications and the Director of Planning’s recommendations thereon.

Members also considered further information circulated on the Members’ Update Sheet including; updated recommendations from the Director of Planning and comments received after the agenda was printed from: consultees, objectors and supporters.

Resolved:

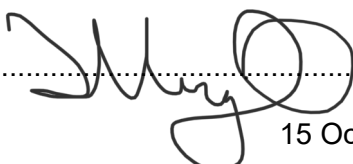
(a) That with regard to all applications listed in the report and subject to:

- (i) the amendments specified below; and
- (ii) the imposition of conditions in accordance with the relevant provisions of Sections 91-94 of the Town and Country Planning Act 1990, except in those instances where an alternative condition is contained in the Director of Planning’s recommendation or in an amendment referred to in (i) above;

decisions be given in accordance with the Director of Planning’s recommendations:

List No	Plan No and Description of Proposal
1.	<p>NYM/2020/0268/FL - demolition of existing dwelling and construction of replacement open market dwelling at Hannah's Garth, 1 Grant Close, Osmotherley for Ms Helen Almond, Hannah's Garth, 1 Grant Close, Osmotherley, DL6 3BD.</p> <p>Decision Approved as recommended.</p>
2.	<p>NYM/2019/0431/FL - 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) at Silpho Brow Farm West, Sur Gate, Silpho for Edwards, Silpho Brow Farm West, Sur Gate, Silpho, Scarborough, YO13 0JP</p> <p>Decision Members considered that the development is causing harm to the landscape and residential amenity of neighbouring properties as such refused the application in accordance with Officer’s verbal recommendation at the Meeting for the 2 no. reasons set out on the Members Update Sheet, with the decision delegated to the Director of Planning to clear amendments to the refusal reasons to incorporate poor winter management, extensive storage and inadequate stabling facilities:</p> <p>1) The retention of the horse rescue centre would be contrary to Policies SPC, SPG, and BL1 as it has failed to demonstrate that it can operate without:</p>

	<p>i) causing a detrimental impact on the character and appearance of the local and wider landscape arising from poor winter land management leading to harmful poaching of the grazing fields.</p> <p>ii) resulting in unacceptable harm to the amenities of nearby residents and users of the nearby public rights of way in terms of traffic movements associated with the online sales, the excessive amount of external plant, and equipment and the ancillary volunteer caravan accommodation and volunteer amenity structure.</p> <p>2) Insufficient information on the horse rescue centre business model has been submitted to demonstrate that suitable mitigation could be funded/provided to resolve the impacts described above together with insufficient demonstration of intent over the last 6 months to improve the character and appearance of the site and surrounding lands reinforces the unacceptability of the proposal to take place in a protected landscape, which has the highest level of protection as set out in the National Planning Policy Framework paragraph 172 .</p>
3.	<p>NYM/2020/0342/FL - extension to existing car park, cladding of containers and of north elevation of existing building, construction of single storey side extension and revised internal layout (part retrospective) at The Rusty Bike, 20 Black Horse Lane, Swainby for Mr John Nelson, 20 Black Horse Lane, Swainby, DL6 3EW.</p> <p>Decision As Ward Member for the area David Hugill declared a personal interest having attended site meetings prior to redevelopment of site and spoken to objectors, Officers and the applicant concerning the application. Approved as recommended.</p>
4.	<p>NYM/2019/0619/FL - demolition of existing two-storey rear extension, alterations and construction of single storey side and rear extensions to dwelling together with link extension to outbuilding, conversion of outbuilding to form 2 no. units of annexe accommodation, conversion of barn to form garaging and storage, erection of detached storage barn and landscaping works at Newgate Farm, Rice Gate, Hackness for Mr and Mrs Ramsey, The Old Lodge, Wighill Park, Wighill, Tadcaster, LS24 8BR.</p> <p>Withdrawn from the Planning Agenda as Historic England has recently confirmed its intention to assess an application to consider the eligibility of the property for Listing as a Building of Special Architectural or Historic Interest.</p>
5.	<p>NYM/2020/0293/FL - erection of agricultural livestock building at Church Farm, Kilburn for TW Thompson and Sons, fao: Henry Thompson, Church Farm, Kilburn, York, YO61 4AH</p> <p>Decision Caroline Patmore declared a personal/non-prejudicial interest in this item as Ward Member for the area. Approved as recommended with the decision delegated to the Director of Planning to clear a condition limiting the number of pigs (ensuring no net increase) on the steading and evidence to demonstrate the number is not being breached.</p>

.......... (Chair)
15 October 2020

Objectives - The Environment:

4. Secure high quality new development that is well designed, reinforces local distinctiveness and enhances the unique landscape character, settlement pattern and architecture of the National Park, including through protection of important views.
5. Safeguard and improve the sense of tranquillity and remoteness in the National Park.
6. Maintain and improve the darkness of night skies seen in the National Park.
7. Conserve and, where appropriate enhance historic assets and protect valued open spaces within villages.
8. Conserve and enhance the biodiversity and geodiversity of the National Park and improve habitat connectivity.
9. Conserve and enhance soil, air and water quality.
10. Reduce the causes of climate change and assist in the adaption to and mitigation of its effects including through promotion of sustainable design and efficient energy use in new buildings.

Introduction

- 4.1 This chapter of the Plan sets out policies to help conserve and enhance the natural and built environment, to help meet the first purpose of National Park designation.

Strategic Policy E - The Natural Environment

The quality and diversity of the natural environment of the North York Moors National Park will be conserved and enhanced.

Development which has an unacceptable impact on the natural environment, the wildlife it supports and the environmental benefits it provides will not be permitted.

All development will be expected to:

1. Ensure that natural capital is used in efficient and sustainable ways;
2. Demonstrate, where appropriate, how it makes a positive contribution to natural capital and its ability to provide ecosystem services.

Explanation

- 4.2 The intention of this policy (and the wider Plan) is to reinforce consideration of how new development can contribute to the first National Park statutory

purpose – to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park. It requires that development proposals should show how their function and design can maintain or enhance the existing stock of environmental resources or ‘natural capital’ and the benefits that flow from them. These benefits are often termed ‘ecosystem services’ and are generally grouped as:

- Provisioning services – the capacity of the area to provide crops for food and energy, rear livestock, produce timber, offer opportunities for rural and coastal industries, tourism etc;
- Regulating and maintaining services – the role the natural environment plays in issues such as climatic regulation, carbon storage, natural flood management, maintaining water quality, soil formation and composition and pollution;
- Cultural services – the physical, intellectual, spiritual and symbolic interactions of humans with ecosystems, land and seascapes, for example the experiences offered including tranquillity, dark night skies, a sense of place and history, and opportunities for recreation.

4.3 The moorland, farmland, woodland and coastal environments of the National Park provide many different ecosystem services. The Authority’s Management Plan identifies the ecosystem services that the National Park provides. The intention is that all development should consider how it can contribute to increasing the benefits that flow from ecosystem services. Where appropriate the Authority will therefore seek to secure additional environmental benefits in connection with new development.

Strategic Policy F - Climate Change Mitigation and Adaptation

New development in the National Park will be expected to be resilient to and mitigate the effects of climate change. Where appropriate this will be achieved by requiring development to:

1. Reduce the need for and makes efficient use of energy;
2. Use renewable energy;
3. Incorporate sustainable design and construction;
4. Facilitate carbon sequestration and storage in uplands and woodlands;
5. Facilitate appropriate coastal and flood protection works including natural flood management techniques to ensure resilient catchments and avoiding development in areas of flood risk;
6. Ensure and promotes the long term connectivity of important sites for biodiversity, including through creation and maintenance of wildlife corridors to help species adapt to climate change;
7. Be compatible with the appropriate Shoreline Management Plan.

CD 20 - Proof of Evidence for Public Inquiry

10 August 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 Mark Hill, and I am employed by the North York Moors National Park Authority (“the Authority”) in the post of Head of Development Management. I have a Post Graduate Diploma in Urban and Regional Planning, having graduated in 1991.
2. I have worked in planning and enforcement roles for just over 37 years, since 1996 with the NYMNP. During that period, I have dealt with general planning casework and planning applications in addition to enforcement matters.
3. I am a chartered member of the Royal Town Planning Institute (MRTPI).
4. I understand my duty to the Inquiry is to provide factual evidence and professional opinion to allow the Inspector to reach a reasoned decision, 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 familiar with this case, having become involved from the beginning after the development was brought to our attention. I was particularly concerned about this site following on from my dealings with the same appellant on an untidy site at Whin Covert, see Enforcement Appeal decision APP/W9500/C/07/2040263, (Core Document CD 21) which today remains in an untidy and uncleared state after 15 years.

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 and various complaints have been received over the years. The Planning History and timeline for determination of the Planning application and the issuing of the associated enforcement notice is set out in the proof of evidence of my colleague Rosie Gee.
7. My involvement in the case has been from a case management and strategy position. From 2015 onwards the poor visual state of the site, the land immediately around the site and the outlying fields were considered to result in an unacceptable state of character and appearance.
8. It is my experience that setting out the precise series of steps in an enforcement notice so that the applicant knows precisely what to do to comply with a notice is difficult when the case involves a large number of intertwined activities and uses some of which are lawful, and some are unauthorised.
9. The Authority took the initial decision to work with the applicant with a view to working up what changes to the horse rescue operation would be necessary to reduce the level of harm to the wider landscape and neighbours and visitors using the adjacent public right of ways, to contain the required improvements and mitigations in a planning application to render the horse rescue operation acceptable in planning terms. This meant addressing the visual harm from all the large amounts of external clutter and paraphernalia the applicant had purchased to resell and stored around the

property, to reduce horse numbers and improve land management to address the landscape-scale ugly muddy poaching of fields which were visually obtrusive in a protected landscape, reducing the vehicle movements associated with the buying and selling of all manner of second hand goods to fund the charity and running of the horse rescue centre .

10. Covid struck during the dealing of the case. The application was considered at the February 2020 Planning Committee, the month before the national 'Covid lockdown' was instigated. Following public representation at that meeting about how bad the site could be at times, the application was deferred for both a Committee site visit and to negotiate/secure greater improvements to the regime. I wrote to the appellant advising them of the information and procedural changes that would need to be resolved if the planning committee were likely to approve the retrospective application, see appendix 1. The covid lockdown, meant a significant time delay between the planning application being eventually submitted and eventually being determined. The Authority had hoped that covid would have presented an opportunity for the appellant to take serious stock and set about 'step change' regime changes to the way the horse rescue centre operated to become a better neighbour and reduce the impact on the park landscape rather than the horses being the sole focus.
11. In between the printing of the planning agenda for the application and the determination at the September planning committee, a case conference between the Director of Planning and myself resulted in a decision that the applicant was unlikely to be able to deliver the substantial raft of mitigations sought and a change of strategy was considered the most appropriate way by recommending refusal of planning permission. That recommendation was subsequently confirmed by members. A subsequent delegated decision was taken to instigate enforcement action to seek the removal of the horse rescue operation rather than guiding and directing it through a permission and extensive conditions.

Covid Planning Committee.

12. The appellant considers that the nature of an online video conference type covid planning committee resulted in a decision which disadvantaged her. The nature of Planning along with many other facets of life was changed during the covid years. The Government Chief Planner and the Planning Inspectorate adapted procedures to meet the challenges of trying to ensure development decision making could carry on (thus keeping economic activity going as the building industry carried on building) whilst due regard for social distancing could take place. I understand the applicant has made a copy of the meeting available to the Inspector. I was present at the meeting and considered the procedures undertaken were fair and appropriate and reasonable in the circumstances and that an appropriate 'planning balance' decision was taken albeit one the appellant disagrees with.

Mixed nature of farm and Horse rescue Centre.

13. The appellant has explained that they had a relationship with the previous farm owner in terms of part purchase and part lease of use of the upper 15 ac field and parts of

the barn which date from 2010 onwards before the 2014 purchase of the farm which is relevant to the 10 year immunity period as the Planning Enforcement notice was served in 2021. The grazing of land, including by horses, does not necessarily fall foul of the definition of agriculture where the grazing principally benefits the land rather than the animal and owner. However, where the horse numbers are increased significantly and/or require supplemental feeding or actually harm the grazing sward and are essentially being kept for a recreational purpose then a material change of use can occur from agricultural grazing to recreational keeping of horses. I understand that the British Horse Society (BHS) suggest a ratio of not more than 1 horse per 1.5 acres as a very general rule of thumb. It is my considered view that the appellant putting a small number of her horses on the upper 15 acre field and some part use of the barn for associated storage of horse food or kit in the early days of the charity would be likely to be classed as ancillary to the farm 'planning unit' and does not represent a mixed use of farm and horse rescue centre back in 2010, which is what the enforcement notice deals with.

14. Many farms on the North York Moors store an amount of farm machinery outside in the open air. A very modest farm operation operates from the site. The photographs attached to Mrs Gees proof of evidence clearly show a disproportionality large amount of external paraphernalia and general clutter that goes way beyond what a typical farm would store. There are all manner of goods that have been collected from house or farm clearances or auctions that are being stored for either eventual use in connection with the horse rescue centre or to retail/sell to fund the horse rescue operation, these will be evident at the appeal site visit. There are also several pieces of plant and machinery associated with the horse rescue centre stored outside which cumulatively add to the scatter of sporadic external storage and renders the particular horse rescue operation unsightly and obtrusive in the Park landscape. The massive amount of material lying around waiting to be sold in the barn denies the barn for use for stabling of horses and for internal storage of the various bits of plant and machinery and other goods for selling on.

Appendix 1. Copy of email setting out Improvements and information requirements suggested to gain Planning Committee support.

From: Cathy Edwards <allforhorses@outlook.com>
Sent: 27 February 2020 17:01
To: Mark Hill <m.hill@northyorkmoors.org.uk>
Subject: Re: Silpho Brow Pony & Horse rescue centre nym_2019_0431_fl

Many thanks for the speedy detailed info. We will sort out what is needed and get back to you.

From: Mark Hill <m.hill@northyorkmoors.org.uk>
Sent: 27 February 2020 16:15
To: Cathy Edwards (allforhorses@outlook.com) <allforhorses@outlook.com>
Subject: Silpho Brow Pony & Horse rescue centre nym_2019_0431_fl

Dear Ms Edwards/Smith, whilst I am aware that your son Bill was at the Planning Committee and will report back, I am writing to inform you of the Planning Committee decision.

Whilst there was some support for the principle of the centre there was much concern regarding whether there was a demonstrable intention and financial resources to carry out the mitigation measures set out in your plans, the conditions and the verbal recommended condition of a 'Pasture and accessways management plan' to ensure that impacts on neighbours and the wider landscape were reduced. You will recall these involved; improved transport arrangements/clearing away all external storage into the storage compound, and managing the operation/land so as not to poach the ground and thus create a significant visual intrusion in the locality and longer term replacement of the portacabin and ideally the caravan. I attach a photo from the committee presentation to illustrate why the committee considered the current way of operating the centre is unacceptable.

The application was deferred to allow a Planning Committee site visit to take place to assess the suitability of the site as a horse rescue centre and likely effectiveness of the suggested mitigation measures, this is scheduled to take place at 10.30 on Friday 27th March, you will be formally notified nearer the date with a copy of the site visit protocol. The Planning Committee have also invited you to submit the following information to enable a better informed assessment as to whether it is possible to create a horse rescue centre which would not unduly affect neighbours, including improved access & parking arrangements and improved operational arrangements to secure improved landscape appearance/character from a visual and proper land management basis:

- Submission of a business plan (including brief details of accounts regarding income and expenditure, these can be treated as confidential if you wish) to demonstrate that all the suggested mitigation measures including access/parking improvements, getting rid of excessive paraphernalia and tidying of outside storage materials & equipment into a single compound, measures to reduce land poaching at wet times of the year, building of toilets, longer term (5 years) replacement of portacabin with permanent volunteer overnight accommodation, suitable stabling as part of a 'pasture management plan', avoiding mud on access ways & parking areas used by the centre to improve the appearance and reduce impact on neighbours can be delivered
- Confirmation of whether you or members of your staff are members of the British Horse Society or similar body to demonstrate you are aware of good horse keeping regimes, insurance and security, stocking rates etc.,
- Details including approx. weights of all the ponies and horses at the site to demonstrate how the stocking numbers relate to BHS guidelines, copy attached.

Ideally the above information would be produced in good time for the 9th April Planning Committee or 21st May committee at the latest.

Any queries please feel free to contact me.

Mark Hill MRTPI

Head of Development Management

Normal Workdays : Monday to Thursday

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

Tel. no. 01439 772700

Web: www.northyorkmoors.org.uk



Appeal Decision

Hearing held on 25 September 2007

by **John Braithwaite** BSc(Arch)
BArch(Hons) RIBA

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.
gov.uk

Decision date:
30 October 2007

Appeal Ref: APP/W9500/C/07/2040263

The Mud Hut, Whin Covert, Riggs Head, Scarborough YO12 5TG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Louisa Smith against an enforcement notice issued by North York Moors National Park Authority.
- The Council's reference is 179/2003.
- The notice was issued on 7 February 2007.
- The breach of planning control as alleged in the notice is 'without planning permission, the material change of use of land from forestry and agriculture to the external storage and deposit of household waste materials, cardboard and other scrap items'.
- The requirements of the notice are 'cease using the land for the storage and deposit of household waste, cardboard and other scrap items stored externally' and 'remove all household waste, cardboard and other scrap items stored externally from the land'.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

MINPA

1 NOV 2007

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a correction and a variation as set out below in the Formal Decision.

The Enforcement Notice

1. The forestry and agriculture use of the land continues. As agreed at the hearing the alleged breach shall therefore be corrected to "without planning permission the change of use of the land from forestry and agriculture to forestry, agriculture and the external storage and deposit of household waste materials, cardboard and other scrap items".

Planning history of the site and background information

2. Whin Covert is about 12 hectares of mixed woodland that was bought by the Appellant in 2002. Along the north boundary of the woodland is a track that leads to an access into Whin Covert and beyond to a residential property, Osbourne Lodge, and to fields associated with a nearby farm. From the access a track leads to a clearing where there are linked caravans, steel containers, other storage and previously used items too numerous to list. In 2003 the Appellant commenced residential occupation of the caravans and in August 2003 submitted a planning application for 'use of land for the siting of 2 caravans for a forestry worker, temporary retention of three storage containers, erection of a storage building, polytunnel and improvements to access track and formation of a hardstanding'.

3. The application was refused and the Council commenced enforcement action in March 2005 against 'the change of use of the land from woodland and agriculture to the stationing of caravans and storage containers, the construction of a track over the land and the construction of hardcore stands for the caravans'. The Appellant appealed against refusal of planning permission and the enforcement action. Following a public inquiry the Inspector dismissed the planning appeal, on an amended description of the development, and upheld a corrected and varied enforcement notice except where they related to the access track.

The appeal on ground (b)

4. The Appellant maintains that the previously used items stored at the site will be recycled and re-used at the site. However, at the hearing she accepted that some items stored externally on the land, such as several lawnmowers and two scooters, were not connected with the use of the land for agriculture and forestry. Furthermore, whereas, for instance, one or two calor gas bottles might be justified for use in conjunction with the forestry use of the land, the storage of many such gas bottles is not justified. Such a conclusion could be repeated for other domestic items stored externally such as bicycles, plastic containers and cooking utensils for many of these are stored in large quantities. For an appeal to succeed on ground (b) it must be shown that the matters alleged in the notice have not occurred as a matter of fact. Though there may be a dispute about which items stored externally are there for forestry purposes there is no doubt that some items stored externally are not required for such a purpose. The matters alleged have occurred and continue to occur and the appeal on ground (b) thus fails.

The appeal on ground (c)

5. In the grounds of appeal the Appellant maintains that 'The items on the land either arise from the residential and other occupation (e.g. staff and volunteers engaged in working on the project) or have been taken there for use by the project...'. The project referred to is 'The Woodland Project' and as quoted in the previous Inquiry decision it is the Appellant's plan 'to turn...a neglected, small private woodland containing trees of very low commercial value into a useful environmental and community resource'. Some aims of the project are to actively involve of the local community, to improve access and participation, to educate and inform local people, schools and groups about forest gardening, organic gardening and environment issues, particularly the disadvantaged and those in danger of exclusion from school, and to provide and demonstrate resources which enable children and adults to see ideas and sustainable practices in action.

6. Recycling is central to the sustainable practices and to the ethos of the project, which receives donations of reusable items such as wood, soil and plant pots for re-use on the site from Filey and Scarborough Trust for Recycling, a non profit making company founded by the Appellant. As noted by the previous Inspector the aims of the project are commendable and recycling is laudable. However, the Appellant has provided no evidence, in the form of, for instance, letters of appointment from schools, records of visits, insurance cover or photographs, to demonstrate that young people and adults have visited the site, how often this has occurred, or the results of their involvement. There is some physical evidence on site of work that might be the result of the project but this work, in the form of cleared paths, removal of tree guards, the construction of now overgrown raised beds and the erection of fencing, does not suggest the significant

involvement of visitors. Benefits for the disadvantaged need not be tangible but it is reasonable to expect that intangible benefits would have been recognised and acknowledged. There is no evidence, other than some work on the site, of any tangible or intangible results for those that The Woodland Project seeks to benefit.

7. The Appellant maintains that she is being thwarted in her efforts to establish The Woodland Project by the Council's enforcement action. It is surprising therefore that she has yet to comply with the requirements of the previous appeal decision. A High Court judgement delayed these requirements but nevertheless required the removal of the residential caravans and storage containers by 3 July 2007. They have yet to be removed and are illegal. It was in June 2006 that the Council first visited the site to investigate unauthorised external storage but it was not until February 2007, after various discussions and visits, that they issued the notice that is the subject of this decision. If the Appellant is hampered by the notices then it is reasonable to expect that she would move towards a situation where her land was free of enforcement action. In this regard there is reason to give weight to a Council Officer's observation at the hearing site visit that the situation regarding external storage was worse than it had been previously.

8. The Appellant maintains that many materials are stored on site pending the construction of a building following a grant of planning permission. The only planning permission relating to land at Whin Covert is for the access track and there are no permissions, or outstanding applications for permission, for any change of use from agriculture and forestry or for any building or container. The need for the existing caravans to house a forestry worker, for the existing storage containers and for the construction of a storage building was considered at the previous Inquiry. The need was not proven and no planning permission was granted at that time other than for the access track. There is no real prospect, neither at this time nor in the near future, that permission will be forthcoming for any building at the site. The building materials stored externally are not required for forestry or agriculture and are therefore unlawful.

9. The Appellant also maintains that some items are stored on site for future activities associated with The Woodland Project. Many of these items are stored in large quantities. A small paddock, occupied by a horse at the time of a site visit, has been created within the woodland and is surrounded by a fence constructed from recycled timber. This material has also been used to construct raised beds, fences and other enclosures elsewhere. The storage of timber, wire and wire mesh for such uses is reasonable and appropriate for a forestry project. Other materials might also have a genuine forestry or agriculture purpose. For instance, glazed timber window frames such as those stored on the site could be used as cloches. However, unless there is a real prospect that they will be used for such a use in the near future they are waste materials stored in an inappropriate location. The same conclusion must be reached for many other items stored on site.

10. A waste or scrap item becomes a recycled item once it is recycled. Until that occurs it remains a waste or scrap item and should be stored appropriately. There is no permission for the storage of waste or scrap at Whin Covert, the storage of waste and scrap on forestry or agricultural land is not permitted development, and there is no real prospect that most of the waste and scrap will be reused in the near future. The external storage and deposit of household waste materials, cardboard and other scrap items therefore constitutes a breach of planning control. The appeal on ground (c) thus fails.

NYMNP

- 1 NOV 2007

The appeal on ground (f)

11. The grounds of appeal on ground (f) defend the presence of tree guards, rolls of wire fencing and fence posts but do not defend any other items. The Council has not sought to suggest that timber, wire and other items used for fencing are inappropriate on land that is in forestry and agriculture use and they are not seeking the removal of such items. It is the many other items, stored alongside the permitted track, close to the illegal caravans and storage containers and elsewhere within the woodland that concerns them. These are waste and scrap items with no real prospect of being reused in the near future. They are correctly identified in the breach of planning control and the requirements of the notice are not excessive. The appeal on ground (f) thus fails.

The appeal on ground (g)

12. The Appellant maintains that there is an '...undeniable need for storage of some kind' and that '...it is unreasonable to request removal of the items used by the project until a building is in place'. She has not, however, submitted any application for a storage building and on this matter there is no reason to delay compliance with the enforcement notice.

13. If The Woodland Project is to move forward there must be a commitment to remove all illegal and unlawful items, including residential caravans and storage containers, in the near future. There is a considerable quantity of waste and scrap items stored externally on site and it would take two months to remove them. Two months would not provide sufficient time, however, to agree with the Council which items are to be removed and to organise a work force and transport and to secure an alternative site for the waste and scrap. The compliance period will therefore be changed to three months to include one month for the necessary preparations.

14. The appeal on ground (g) thus succeeds and the enforcement notice will be varied to include a compliance period of three months.

Formal Decision

15. I direct that the enforcement notice be:

a. corrected by the deletion of the alleged breach of planning control in section 3 of the notice and the substitution therefor by "Without planning permission the change of use of the land from forestry and agriculture to forestry, agriculture and the external storage and deposit of household waste materials, cardboard and other scrap items";

b. varied by the deletion of 'two months' in section 6 of the notice and the substitution therefor by 'three months'.

16. Subject to the correction and the variation I dismiss the appeal and uphold the enforcement notice.

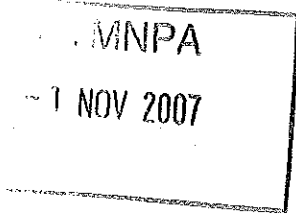
John Braithwaite

Inspector

APPEARANCES

FOR THE APPELLANT:

Ms L Smith Appellant



FOR THE LOCAL PLANNING AUTHORITY:

Mrs J Clarke Senior Enforcement Officer at North York Moors National
Park Authority

Mr B Thomson Enforcement Officer at North York Moors National Park
Authority

INTERESTED PERSONS:

Mr M Simpson Seamer Moor House, Riggs Head, Scarborough YO12 4NF

Mr D Wheeler Osbourne Lodge, Riggs Head, Scarborough YO12 5TG

Ms M Adamson Keepers Cottage, Moor Lane, Riggs Head, Scarborough
YO12 5TG

DOCUMENTS

1 Council's list of 'Items Present in the photographs dated 11 October 2006'

PLANS

A 1:10,000 scale plan showing site in relation to nearby properties.