



The Planning Inspectorate

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

Your Ref: NYM0001/2021

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

Further appeal references at foot of letter

19 July 2022

Dear Mrs Strangeway,

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

I enclose a copy of the appellant(s) proof(s) of evidence.

This evidence was submitted a day past the deadline due to a technical error regarding the Appellants PC. The Inspector has accepted this evidence.

Yours sincerely,

Daniel Engel
Daniel Engel

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices>

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

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

Proof of Evidence for Public Inquiry
12 July 2022

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

I am Bill Edwards, and although I do not hold any position within the Animal Hostel Trust, which operates as All For Horses, I carry out essential maintenance and other volunteering tasks at their premises.

I have used the barn for storage and workshop since we purchased the 15 acre field in 2010. At that time the barn and other buildings were owned by the Todds, who we got to know quite well, and Darren did a small amount of driving, collecting items and similar jobs for the charity. I had a small mobile portacabin workshop, previously kept elsewhere, and needed to move it when we moved to the house in Scalby village. I also had a small Leyland tractor and other things that also needed to be moved. With Darren's permission I moved them into the barn. At that time the barn contained a number of sheep pens and a number of non-agricultural other items, which Darren sold on the internet. Initially the storage was shared with the Todds, who then moved abroad and later sold the property.

I remember the winter of 2010 well. There was heavy snow that first winter and the barn roof collapsed because of the snow. Also, it was essential to feed hay to the horses in the 15-acre field and I had to borrow a 4-wheel drive large tractor from the farm where I worked to get up there to feed them as our small 2-wheel drive Leyland tractor kept at the farm was not suitable.

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

I am Cathy Edwards, and am a Trustee of the Animal Hostel Trust, which operates as All For Horses

I was at school/college/uni for most of the period in question, however I can confirm that when we moved into a house Scalby village in 2010 we moved our horses on to the 15 acre field. This was necessary because they had previously lived on other land elsewhere and could no longer stay there. The horses were a mixture of rescues and our own horses. I rode them and did in hand / groundwork training with the horses, as well as helping look after them.

At that time the farm was owned by the Todds who allowed us to keep our equipment, other items and hay etc. in the barn as we had nowhere safe to keep them as our new house had no garden or storage facilities.

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I remember the winter of 2010 well. There was heavy snow that first winter and the barn roof collapsed because of the snow. Also, it was essential to feed hay to the horses in the 15-acre field and I had to borrow a 4-wheel drive large tractor from the farm where I worked to get up there to feed them as our small 2-wheel drive Leyland tractor kept at the farm was not suitable.

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Location

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

I am Louisa Smith, and am a volunteer worker and past Trustee of the Animal Hostel Trust, which operates as All For Horses

I confirm that we have used the 15 acre field for grazing/keeping of horses since 2010. The field was purchased by our family to use for the horses, and held in Bill's name as I had serious health issues at the time. Some years later it was transferred to the Animal Hostel Trust.

It was a hard winter in 2010/11 after a very dry summer, and the horses had to be fed hay straight away as there was little grass, even before the snow came. The following and subsequent years we made hay from the field, as there was too much grass for our horses. Some of this was sold, some was kept for our own use. We also made hay from other fields in the area. As the acreages for hay increased we started to use a contractor as we did not have time to do it, and also do not have a large round baler.

We have not made hay from the 15 acre (or farm field) for some time now as it is more efficient to make hay elsewhere and we had more horses to eat the grass.

Currently, because we only have 14 horses there is too much grass for them. In the future we will have to cut some of the fields for hay if these numbers remain the same, but have not had time this year. Our own haymaking equipment (kept on the farm) is suitable for these small nearby fields.

As a small farm with a very small acreage, we can often only get contractors to do land maintenance when they happen to be in the area, which is not always when we want things doing, so it is necessary for us to have some of our own land care equipment, as well as tractors and trailers to harvest the hay we make, because everyone else is using theirs at harvest time, so we cannot share. Our barn is very useful, however was built in the days of small tractors and machinery, and so very few of our implements would fit in it. If we did not have horses and the barn were not being used for storage it would need to be used to house farm livestock and/or hay/bedding, so the machinery and equipment would still have to be stored outside.

We have found a good and very low-impact use of an existing agricultural building. Our use generates income as well as promoting the re-use of donated items when we sell them to new owners. With just 24 acres it is very difficult to make an income from farming here. The previous owner of the farm was a butcher who reared cattle and sheep and butchered the meat here for retail sale. They were unable to make it work, and by the time we met them had had to develop their other business interests including on-line selling, consultancy, a hotel, and also renting out domestic properties and running dance classes. As well as having 6 children they were very busy, so it suited them to let us have storage as it improved security because of my presence. We were also able to help clear up after the centre of the barn roof collapsed under the 2010 winter snow.

In terms of traffic, our use of the farm generates significantly less than that of a busy working family with children and a few farm animals. On average we rehome around 6 horses a year from here (we rehome a higher number than this, but most are rehomed directly from their existing home - the only ones who come to the farm are those who cannot stay where they are, have nowhere safe to go, or are welfare cases and in need of TLC).

In most cases we do ask rehoming to make 3 visits so they can get to know their prospective horse. We find this helps ensure a good match, and we have a very high permanent rehoming success rate. It also means that horses often stay with us for some time - not everyone is prepared to spend this time prior to rehoming, and the right level of commitment is essential.

This therefore results in up to 18 visits per year, a fraction of the activity generated by one holiday let, or a livery horse owner visiting several times a week, for example.

We no longer have residential volunteers, this ended with Brexit and was aggravated by the Coronavirus pandemic. We have recently started offering day volunteer opportunities, for two people to visit us two days per month.

Apart from hay in winter, our horses do not receive supplementary feeding (unless being given medicine) so there are no feed deliveries.

The horses live out 24/7 apart from the odd one who prefers to come in overnight during extreme cold wet weather. There are therefore no meaningful bedding deliveries either.

We do need to keep stabling available for emergencies, vet etc. visits and illness, however horses living out 24/7 in herds are both healthier and happier than stabled horses or those kept in small restrictive paddocks, so fortunately stabling is only used rarely.

We receive deliveries in relation to the on line selling, such as mailing bags for packaging, and tape to seal the bags, on average one box every 2 months.

Our modest postal deliveries and collections do not increase the number of post office van deliveries in any way because Royal Mail delivers post to all 3 properties here, every working day, in a small van.

Occasionally we sell larger items, such as a saddle (twice a month if we are lucky). These are sent by courier and we drop them off at our charity shop for collection.

Over the last few years we have also upgraded our machinery and trailers so have sold some from the farm, we sell less than one a month at most. Concerns have been raised that people viewing these items would increase traffic but the reality is that we sell on line using photos and descriptions and organise delivery in most cases, people are used to this purchasing method and it is rare for anyone to view, though of course we do allow it, by appointment only.

In November 2021 we opened our charity shop in Scarborough town centre. This provides a mailing address for any returned packages, as well as a convenient drop off point for our donors as it is open Monday to Saturday 9 til 5.

We collect pre-sorted Ebay items from our charity shop in Scarborough usually once a week, these are sold on line. Unsaleable clothing and unsold books etc. from the shop are stored at the farm until we have enough to fill the van (around 6 to 8 weeks). It is then taken to a merchant who buys it.

Objections and concerns:

Land management.

I am the first to admit that we did not carry out proper land management for several years. There were a number of reasons for this, including a lack of suitable machinery and equipment, which have now been addressed.

We do accept that our previous poor land management resulted in visual harm, the primary concern of the planning committee.

Last year the fields were divided up to rest and treat certain areas as per our land management plan, and although we kept around 14 horses on the fields below the farm until November last year, that field did not become poached and this was the

direct result of better management. Those fields could have been cut for hay this year, as there is more grass than our horses can eat.

Outdoor storage.

We accept that this reached unacceptable levels. That said, it was very clear that some members of the planning committee did not realise the devastating impact the pandemic had on our resources. The issue had been identified, we were more than willing to rectify it, but it was impossible to do so until recently.

Now that many of the surplus items have been removed, we have a lower level of storage for our equipment, and many items are now kept in the agreed screened compound as we were able to make space in that area. We had a build-up over several years of items which were no longer needed but still sitting around, causing clutter, we have been ruthless in getting rid of items, and will continue to dispose of unwanted items. Whilst we realise the LPA feel we have had time to sort out the backlog, they seem to have misunderstood the effects of the Coronavirus pandemic, which has been both devastating and ongoing, and from which we have only just started to recover, and this has prevented us from clearing the excess storage in a timely manner.

Neighbours.

Mr and Mrs Mackenzie

We have taken on board the concerns raised by Mr and Mrs Mackenzie, including storage behind the barn, have reduced this significantly and also endeavoured not to keep large items other than agricultural ones there. We have also discussed several matters with them and involved a mediation service, so would hope that any future concerns will be discussed openly and sorted between ourselves.

Mr and Mrs Duffy

The Duffys initially raised quite reasonable concerns such as our farm turning into a massive horse livery yard. We worked hard to allay all of their other concerns too, many of which were the same as the objections they made to other planning applications in the vicinity over the years.

As time went on, the comments made seemed to be descending into a personal attack on the integrity of the appellant rather than relevance to planning matters. All relevant concerns have been dealt with elsewhere in detail.

I do feel it appropriate to mention that since 2010 I have only on 2 occasions met the Duffys moving their small flock of sheep from one side of the road to another, both were relatively recently, and none during the period 2010 to 2014 despite visiting our property several times every day at varying times prior to purchasing the farm.

Objections raised by Mr and Mrs Duffy to both our and other planning applications were also highly relevant to the Shipman's numerous applications, yet no objections were made to any of the planning applications made by Mr and Mrs Shipman. It appears to me that whether or not objections to planning applications are made depends on the person who makes the planning application, not on the merits of the applications themselves, and weight should therefore be given to when considering objections.

Mrs Cook

Mrs Cook is a neighbour of the Appellants in that they own fields below our 15 acre field, though she lives some distance away in Harwood Dale. It is significant that neither Mrs Cook nor the British Horse Society (which she represents) raised any objections during the consultation period that formed part of our well publicised planning application.

Mrs Cook made a late-stage comment against this appeal by letter dated 7/6/21. It may be significant that her letter did not disclose her relationship with the Shipmans. The veracity or otherwise of her statements will become obvious to the Inspector on the site visit.

Following submission of Mrs Cook's letter, we took the matter up with the British Horse Society. We had no problem with the objection, only with the misleading and untrue statements contained within it, which we assumed had been made in error. The matter is still within the BHS's archaic admin system, so is ongoing.

The Cooks are well known in the area. They have been involved with the Staintondale hunt for some years, Mrs Cook runs the Byways and Bridleways trust as a trustee, and also campaigns on behalf of bridleway access.

She is a long time member of the LPA's Local Access Forum.

Given her level of interest in planning and equine access matters it may be significant therefore that she has not raised objections to any of the hundreds of applications affecting equine routes in the area over the years. Many local holiday cottage conversions create traffic from users unfamiliar with the country lanes linking the local bridleways, yet she has remained silent on all these and other matters. All we could find despite extensive searching was her objection to a proposed windfarm at West Heslerton in 2011, where it is reported "Catriona Cook, the regional access officer for the BHS said it would be a "perverse" decision if the development went ahead to promote an industry which relied on Government subsidy over that of an unsubsidised horse industry." <https://www.wind-watch.org/news/2011/06/03/objections-fly-in-over-wind-farm-proposals/>

Given the small scale of our application and activities (which were approved in principle by the LPA's experienced planning officers) her comments are surprising, especially as she did not object to a previous application by Silpho Brow Farm East involving the creation of a retail country store and gun shop, including firearms testing in the small paddock alongside both the bridleway and Beacon Brow Road, or Mrs Shipman's holiday cottage application, with its inevitable increase in traffic,

among other things at this site.

Mr and Mrs Shipman

The Shipmans raised a number of objections and made numerous statements, anything relevant to date has been addressed separately.

The Environment Agency

The Environment Agency opposed our planning application, based on information that had been supplied to them by an objector. They withdrew their objection once the truth had been established.

North Yorkshire County Council

The Highways Department of North Yorkshire County Council opposed our application, we addressed their concerns. They withdrew their objections and specified that passing places were to be installed. This requirement was based on incorrect information supplied to them about the volume of traffic that uses Beacon Brow Road. In response to this, we asked them to carry out a traffic survey, in order to establish the true level of road usage, but they have not yet been able to do so.