

East Lilling Grange Farm Response to Objectors letter on Intensification and Lawful Use

It is very disappointing that this application was not reported to planning committee and we hope that it can be reported back relatively quickly without the need for further work.

The committee report was based on advice from Counsels having regard to all information submitted by both parties previously through the application. We have previously raised concerns regarding serious misunderstandings in the objection letters that have been submitted and were grateful that these were confirmed by Counsel and the officers report.

It is however frustrating that despite this clear guidance, the objectors write further to seek to delay and conflate the nature of the planning application rather than provide detailed objection to the merits of the scheme.

The neighbours initial objections based on material planning considerations were considered and amended plans submitted to overcome their concerns, albeit we considered them unnecessary. Following submission of these plans the objection letters have not sought to highlight any further elements of the proposed development that are harmful or contrary to policy. Indeed, the most recent letter ahead of planning committee makes no reference to any concerns.

Given there are no objections to the scheme the letters seek to debate an entirely different and hypothetical application, originally based on an 'intensification of use' and now for the first time claims of unlawful development on the site.

The letter claims that the advise by Counsel and the committee report is based on the equestrian use being lawful, whereas the objectors cite the use as not being lawful. The matter of whether the site has a lawful use has been considered in detail with previous submission, a detailed timeline, assessment of the various aspects and statutory declarations submitted by a variety of people.

It is now claimed that this is in part based on the statutory declarations submitted and is flawed based on the statutory declarations being incorrect. This application is not for the lawful use of the site, that is considered as an existing lawful position, albeit questioned by the objector. In order to address the objections a detailed timeline of events, assessment of the individual aspects of the site and any potential breaches have been submitted. More recently to assist the statutory declarations were also submitted.

We feel we should also reiterate, as it is clearly not understood in the objectors statement, that the commercial use has existed since 1989 with Peter Simmons and then later with his daughter Heidi, and then the two of them together as ELGF followed by DHI Event Horses. The use periods overlapping in the transitional periods.

Also to clarify the commercial rates. Rates were assessed by The Local Authority after the last stable block approval and the business deemed too small to attract a Commercial Rates Assessment.

It is noted that no evidence has been provided against this and the objections seems to add simple anecdotal evidence and generic analysis of matters that offer no proof of use or breach of planning. Whilst we do not believe this necessary in response to the most recent letter we comment as follows.

SD Point 2

This appears to be the main element of disagreement with the letter questioning the evidence provided in the statutory declarations. No evidence is provided otherwise, no statutory declaration provided or any other evidence to disprove the applicants information. The main points are as follows,

- A claim is made that from examining accounts on companies house, the level of profit between 2008 – 2015 was lower than 2015 onwards, implying a greater level of use and scale of business.
- Planning permission granted for a stable block, schooling area and horse walker were all granted for domestic use
- Business rates were not paid until 2017

This offers no evidence on the scale of business and is purely speculative. None of these points explicitly relate to evidence to rebut the submissions, timelines or statutory declarations. It is anecdotal speculation and therefore should be given no weight. The three highlighted points indicate a growing business, which doesn't demonstrate a breach of planning or an unlawful development. This appears to try to go back to the matter of an intensification of use, which has already been dealt with. A growing business does not require planning permission, these points therefore do not change anything in the Councils report.

Under this heading the letter also states that the applicants name does not exist as a business on companies house and this could have important repercussions on the validity of the application or the enforcement of conditions. The applicants name has no impact on the validity of the application and only if a personal condition were imposed would it affect the enforcement of conditions. Again this point appears designed to confuse and complicate matters rather than focus on the merits of the case.

SD Point 3

This point makes no substantive points and repeats anecdotal reasoning. We do not consider it necessary to comment further at this stage.

SD Point 4

The letter provides no contrary evidence to alternate uses in the areas listed. The argument on Area A is that it wasn't used in 2005-2007, which is irrelevant to the lawfulness argument. Similarly no evidence is provided to support the statements made on area H. Finally in dealing with this, the letter reverts back to the matter of intensification, which has clearly been dismissed previously as, not grounds for a change of use.

SD Point 5

We are not sure what the references to owner, of the property, business and part of the business add to the matter. There is no evidence that this results in the site requiring planning permission and nothing that is material to the facts of the case.

Conclusion

It is disappointing that having dealt with the concerns over the design and appearance of the building to address the neighbours concerns, this has been met with continuous attempts to undermine the business and prevent the development through other means.

The Councils position was supported by Counsel and the letter received before committee provides nothing to change the report, we therefore ask that it be reported back in a positive manner to the next available committee meeting.