

5 August 2022

For the attention of: Niamh Bonner  
Planning and Regulatory Services  
Ryedale District Council  
Ryedale House  
Malton  
YO17 7HH

Dear Ms Bonner

**Planning Application 20/00563/FUL**

**Erection of an Isolation Stable Barn for 12no. horses with ancillary areas for tack, feed and storage and associated landscaping, installation of 2.5m high acoustic fencing to eastern boundary of the site, installation of a section of new hardstanding to provide partially separated vehicular access for equestrian traffic, widening of the existing access, amendments to existing parking arrangements, installation of new vehicular passing place within main driveway and retention of a section of existing hardstanding, together with the temporary retention of temporary stabling and 1no.storage container. (Part retrospective)**

I write on behalf of Mr and Mrs Crawford of East Lilling Grange with regard to the above application, which was reported to the Planning Committee meeting of 21 December 2021 and has been held in abeyance since.

**Comments on the applicant's 'Response' document**

I write with specific regard to the undated and unsigned document uploaded to the Council's website on 21 July 2022 headed "*East Lilling Grange Farm Response to Objector's letter on Intensification and Lawful Use*". It is understood that this was submitted in February of this year.

The applicant's response suggests that the issues I have raised relating to the lawful use of the site are not relevant and that lawful use has been considered in a previous submission, although no specific reference is provided. The response goes on to repeat the claim that commercial use has existed since 1989. I have previously pointed out that three permissions granted between 1989 until 2010 relating to equestrian facilities at the site were made conditional on private and not business use, namely:

- Erection of stable block (six stables) and hay barn (ref. 3/78/31E/FA, granted 8 July 1994)
- Dressage arena (ref. 03/00578/FUL – granted 4 August 2003)
- Horse-walker (ref. 10/00315/FUL, granted 19 May 2010)

The applicant's response fails to explain how a primary commercial use was able to operate when all three permissions were made conditional on personal use and not business use/commercial use. The personal use restrictions were imposed on the grounds that the premises were considered unsuitable for commercial use and to safeguard amenity. The conditions restricting the use of the equestrian facilities to private use and not commercial use were not appealed. This omission from the applicant's response is surprising as the applicant's agent, Mr J.R. Burns, made clear in the Design & Access Statement submitted with the 2010 application for the horse walker (ref. 10/00315/FUL), that the facility:

*"is to be solely used by Heidi Simmons ... and her husband Ian Woodhead ... the Horse walker will be used to provide effective, time and space saving training solutions for their own horses that are in training on the farm"*

The planning officer's report for that application dated 18 May 2010 states:

*"The proposed horse walker would be solely used by the applicants, who are the current occupiers of East Lilling Grange Farm, and not on a commercial basis"*

It would seem that, in fact, a low-level commercial equestrian activity operated at East Lilling Grange Farm prior to 2012 at a scale that constituted ancillary use to the primary use of the planning unit as a dwelling and farm. Such ancillary use is not sufficient to establish the existence of a primary use in 2012 (i.e. ten years ago). There were no further applications for planning permission until 2016, when six timber stables were permitted (16/01520/FUL, granted 28 October 2016). This was superseded by permission for a more substantial block of eight stables with ancillary facilities (17/00003/FUL, granted 2 March 2017) that was approved on the same site. Consequently, it would seem that 2016-17 marks the period when the low-level commercial equestrian use intensified, leading to a material change of use of the overall planning unit. The 2016 and 2017 application documents did not acknowledge the planning conditions limiting equestrian use to private use in the three permissions listed above and neither application sought planning permission for change of use of the primary use of the planning unit nor removal of the restrictive personal use conditions. The red line application sites for both applications were specific to the site areas of the proposed structures, not the wider planning unit.

The applicant's response claims that the matter of intensification of the use of the site has been dealt with. This is not correct. In order to be immune from planning enforcement, primary use of the planning unit for commercial equestrian training purposes must have been carried out for more than ten years i.e. prior to August 2012. The applicant's response suggests that the financial information from Companies House and the rating valuation information offers no evidence on the scale of the business at the relevant dates, and describes my conclusions as *"anecdotal speculation"*. I trust the Council will appreciate that the information I have provided is, in fact, pertinent to the scale of the business at the critical dates and is neither anecdotal nor speculative, for the following reasons:

- The Companies House information shows DHI Event Horses Limited as initially dormant and subsequently only a low-key business, which (in accounting terms) did not begin to grow until the year up to February 2015 (see my letter of the 20 December 2021).
- The existence of the substantive commercial equestrian use at East Lilling Grange Farm did not come to the attention of the valuation authority until 2021 (see attached copy from the Valuation Office Agency website). The Valuation Office business rating valuations effective from 1 April 2017 and amended with effect from 1 August 2017 were made in retrospect.
- This is highly relevant as it indicates that the primary use of the East Lilling Grange Farm planning unit as a commercial equestrian training centre took place from around 2016/2017 when additional stables were added and has only endured for less than ten years.
- The point made in the applicant's response that, after the 2017 stable block approval, the business was deemed too small to attract business rates, supports my conclusion. This would have been due to the exemption for businesses with a rateable value of less than £12,000 but does not alter the fact that business rate valuation does not apply to the property prior to 2017.

Consequently, I trust the Council will agree that the applicant has not provided convincing evidence that the primary use of the planning unit had become a commercial equestrian training centre by August 2012 (i.e. ten years ago) and that in consequence, such primary use is not lawful.

The applicant's response makes the illogical statement that the "*planning permission granted for a stable block, schooling area and horse walker granted for domestic use ... indicates a growing business*". I would reiterate that the applicant's agent, Mr Burns, confirmed in 2010 that the horse walker was required for personal use rather than commercial use and that personal use of the site was acknowledged in the planning officer's report on planning application 10/00315/FUL in May 2010.

The applicant's response continues to lay importance on the statutory declarations submitted by the applicants prior to the December 2021 Planning Committee meeting. I would draw your attention to the inaccuracies and misleading nature of the information in the statutory declarations set out in my letter of 20 December 2021. In addition, I would point out that the applicant's response states that, in addition to DHI Event Horses, commercial use has been carried out at the site by ELGF, "*the use periods overlapping in the transition periods*". This contradicts the statement made in Point 5 of all four statutory declarations that "*East Lilling Grange Farm has irrefutably been used solely for commercial equestrian purposes associated with the business (DHI Event Horses Ltd) since the company formed in 2005*". This compounds the inaccuracies in the statutory declarations pointed out previously, which cannot be relied upon as evidence of the existence of a commercial equestrian training centre as the primary use of the East Lilling Grange Farm planning unit since 2005, as claimed by the applicants.

### **The need for the proposed development**

East Lilling Grange Farm is currently being marketed for sale as a private dwelling by estate agency Fine & Country. The sale particulars (copy attached) make no reference to any established equestrian business use at the property. The property is offered as a home suitable for purchasers with horses. The Design and Access Statement (DAS) submitted with the current planning application states that there is a need for the proposed additional twelve horse stable to facilitate expansion of the commercial equestrian use at the site. In the light of the current marketing of the property, it would seem that the justification for the proposed development given in the DAS no longer stands. Mr and Mrs Crawford have noted a significant decrease in commercial equestrian activity at East Lilling Grange Farm in recent months. Consequently, I would conclude that the originally stated need for the proposed additional stabling is no longer relevant.

It is disingenuous for the applicants to argue on the one hand that the property has an established lawful use as an equestrian business and on the other hand has purely residential use. Furthermore, it should be noted that the selling agents' particulars state that the property has a total of 20 stables and 7 stalls, which is considerably greater than the 19 stables noted by the planning officer on site in the 21 December Committee Report and the 14 stables (6 restricted to personal use only) that have been authorised by planning permission. It is unclear why the applicants are proceeding with this application if they intend to move away.

### **Manure management**

Detailed arrangements for manure management are set out in the Planning Statement submitted with revised plans in October 2020. This includes a statement that waste manure will be contained within the enclosure at all times and will be emptied within a couple of days when it is 75% full. Since Planning Committee members visited the site in early January 2022, these arrangements have not been followed. The concrete walled enclosure adjacent to Mr and Mrs Crawford's land, which was erected without planning permission, has been filled above the height of the walls on many occasions and for long periods, resulting in detritus being blown on to their property by the westerly wind (a selection of dated photos is attached). It is clear that neither careful daily management of the muck heap nor regular emptying has been undertaken. It is understood that the applicant's agent has recently communicated through the case officer that the applicants intend to keep manure below the level of the enclosure walls in future. Undertakings given by the current owner would not necessarily be adopted by a new owner and operator.

### **Noise**

Since the Planning Committee members' site visit in January, noise from shouted instructions during training sessions and from people working in the stables adjacent to Mr and Mrs Crawford's property has continued. The operators of the equestrian use have refused to adopt the suggestion of two-way radio communication with trainee riders or to implement reasonable noise controls. The proposed acoustic fence would be unlikely to mitigate noise intrusion as it only relates to a short

boundary between the two properties. It should be noted that the noise generated by the equestrian business continues through the weekends, given the 'twenty-four/seven' nature of the operation.

### **Conclusion**

Planning permission has never been granted for commercial equestrian training use of the East Lilling Grange Farm planning unit. Mr and Mrs Crawford have lived alongside East Lilling Grange Farm since 1993 and remain firmly of the opinion that the primary use of the overall planning unit as a commercial equestrian training centre has developed within the last ten years through intensification, and that any commercial equestrian training use that took place more than ten years ago was ancillary to the primary use as a house and farm. The planning history shows that the Council took the view that the primary use of the planning unit was house and farm up to the grant of permission for the horse-walker in 2010. Convincing evidence has not been supplied by the applicants that a commercial equestrian training use has endured as the primary use of the planning unit for more than ten years (i.e. from before August 2012).

The evidence suggests that primary use of the site for commercial equestrian training took place following the 2016 and 2017 permissions, when eight additional stables were added. The primary use of the planning unit for commercial equestrian training has never had planning permission. It is therefore unlawful.

I would reiterate the point made in previous representations that it would be inappropriate to permit further intensification of the unauthorised commercial equestrian use of the site, in the manner proposed. Further intensification of the use would be likely to exacerbate the amenity problems being suffered by the near residential neighbours. It now transpires that the claimed need for the additional stabling is no longer valid. Consequently, I would hope that planning permission for the proposed stable will not be granted and that the unauthorised use will be enforced against to return the primary use of the planning unit to a house and farm with ancillary equestrian facilities.

I trust that the representations made previously both with regard to the lawful use of the site and the proposed expansion of the equestrian use by the addition of stabling for a further twelve horses will be taken into account.

Yours sincerely

Roy Lewis BA (Hons), MA (Arch Cons), MRTPI, IHBC

**Attachments:**

1. Valuation Office Agency details of Business Rates for East Lilling Grange Farm
2. Fine & Country sale particulars for East Lilling Grange Farm
3. Photographs taken from Mr and Mrs Crawford's property showing the muck heap filled above the height of the enclosure walls

**Photographs taken from Mr and Mrs Crawford's property showing the East Lilling Grange Farm muck heap filled above the height of the enclosure walls**



29 May 2022



5 June 2022



20 June 2022



10 July 2022