

## Niamh Bonner

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**Subject:** FW: Response to Objection letter East Lilling Grange Farm

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**From:** Jim Burns [mailto:jim@robertburnsdesigns.co.uk]  
**Sent:** 03 September 2022 11:11  
**To:** Niamh Bonner <niamh.bonner@ryedale.gov.uk>  
**Subject:** FW: Response to Objection letter East Lilling Grange Farm

Dear Niamh

Further to the most recent letter received in objection to the scheme we write to provide further comment.

Unfortunately the letters written on behalf of the objector continue to conflate the matter and seek to confuse the application and enforcement matters, adding significant confusion and unnecessary complexity to determining the planning application.

The planning application is made for stables, tack, feed and storage areas, with landscaping, hardstanding and other elements such as temporary stabling and a storage container. The application is made and justified in accordance with the Councils adopted Local plan policies as an equestrian related development. It does not rely upon any underlying use on site or material considerations relating to other development on site, it is simply made as an application in accordance with policy.

The planning committee report assesses this and confirms that the principle is acceptable in accordance with Policy SP9 in that it is necessary to support equine use (this could be new or expanded use), there is no harm to landscape character or the listed building, no impact on amenity, highways or drainage. That report as per the application assesses the scheme on its merits against those policies, it does not recommend refusal with any weight given to previous development or existing use on site, nor does it have to. Unfortunately the application was withdrawn for committee and a response sent, which we now note has been responded to by the neighbours consultant.

The letter does not provide any objection to the scheme and maintains an approach of seeking to state that previous developments cannot be used for commercial use, the lawful use of the site isn't commercial and/or the application should be for an intensification of use of the site, not what is being applied for. This has been dealt with previously by Counsel and we feel this is becoming a distraction from the actual determination of this application against policy.

The objection letter states that the site changed use in 2016 from low level commercial use and that the 2017 stables application did not seek to change the primary use of the site or remove restrictive conditions, seemingly implying that either that application or this application should apply to change the use of the remainder of the site in order to enable future applications for commercial use. This position fundamentally misunderstands the nature of applications and the use of land. A new building (i.e the stables in 2017) does not have to be on land currently in that use or require a change of use application to accompany it. The use approved by the consent (in that instance stables for commercial use) is lawful by the granting of planning permission. Any future applications for new stabling for commercial use should be dealt with on their merits, they do not need to prove that the current land has that existing use, if so no new development could ever take place.

Whilst we believe it has been proven the commercial use has operated for ten years and more, it is not a requirement of this application to prove it, in exactly the same way the 2017 application wasn't required to prove it.

The objectors comments that for this scheme to be acceptable requires evidence to show the site has been used for ten years is simply not a requirement of planning policy and should be dismissed.

The Counsels opinion obtained by the Council appears to agree with our position. It deals with the alleged breaches finding that they are acceptable, however then notes that the more meaningful issue is whether change of use has occurred due to intensification. In conclusion on this the Counsels opinion comes to the same conclusion as our previous submission, noting very strongly that this would be very difficult to defend at appeal, i.e a change of use by intensification hasn't occurred. The present uses on site are deemed to be lawful.

The determination of this application and any alleged breaches of planning on the site are two separate matters and should be treated as such as this scheme does not rely on those previous developments.

In terms of the remainder of the letter, the references to the sales particulars are spurious and irrelevant, estate agents particulars advertising the property for sale have no bearing on this scheme. Likewise the manure management or spoken instructions to riders is not in breach as the management plan is only enforceable once added to the approved condition. We would however wish to confirm that the manure management and spoken instructions to riders are adhered to at all times.

Your committee and officers have visited the site and have seen first hand what a well run establishment East Lilling Grange Farm is and how it complies, at all times, with good practice criteria.

In summary the letter of objection provides no new evidence, it continues to confuse two separate issues, enforcement and the determination of this application, neither of which rely on the other. Counsel has dismissed the previous comments and we ask that officer determine this application on its merits against the policies in the plan, noting the previous recommendation for approval.

Kind regards  
Jim Burns

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