

2 November 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 and following the Planning Committee site visit held on 13 October 2022.

I hope the site visit was useful for the members of the Committee who had not seen the site previously and trust that the Committee will understand that site factors are not the primary issue. The Counsel's opinion provided by planning specialist barrister Mr Ben Fullbrook (copy attached), which refers to specific case law, makes it very clear that the primary planning issue is the lawful use of the site. The fact that the commercial equestrian training use has operated at a significantly lower level this year and was very low-key at the time of the visit, by comparison to the period from around 2015 onwards to Spring 2022, would not stop it returning to the same level again if this application is approved.

Mr Fullbrook states that the lawfulness issue should be determined by evidence as to whether the primary use of the site was a commercial equestrian training centre prior to 2012 (i.e. ten years ago). In our view, the evidence provided by the applicants in this regard is inadequate to demonstrate their case. Any commercial equestrian training use at that time was low-key and ancillary to residential and agricultural use, equestrian use being limited to personal use in all planning permissions up to and including 2010.

The applicants' statutory declarations and associated accountant's letter invite viewing of the company accounts in the public domain. A summary spreadsheet of the published abbreviated accounts of DHI Event Horses Ltd available online is attached, from which the following conclusions can be drawn:

1. Shareholder's funds were modest in the early years and only started to grow in the year to Feb 2015. They were materially greater from 2016 onwards. Shareholder's funds (highlighted in yellow on the spreadsheet) grew from £447 in the year to Feb 2013 to £366,914 at the last reported year ending of Feb 2021. This is a clear indicator that the scale of the business was much smaller ten years ago and materially different to the scale of the business prior to the significant reduction in activity from Spring 2022 to the present time.
2. The shareholder's funds grew substantially in the year up to Feb 2016, which increased from £65k in 2015 to £160k in 2016. This very significant growth (which increased substantially in each year since up to the date of the last published accounts to February 2021) is a clear sign of the greatly increased activity at that time. This is also highlighted in yellow on the spreadsheet.
3. Fixed assets grew in the year to Feb 2018, presumably reflecting the stable development permitted in 2017, and external debt was introduced for the first time (highlighted in green on the spreadsheet), again showing that the company had grown to a size whereby it could support external borrowing. This is another indicator of continued growth at this time.

This evidence provides a clear picture of very modest business activity less than ten years ago and substantial growth in the accounting years between 2015-21, indicating a material change in the scale and nature of the business during that period. This is reinforced by the evidence which we have previously provided relating to the business rates assessment from 2017.

It is made very clear in the legal opinion provided by Mr Fullbrook that the applicant's evidence in the statutory declarations is not "*sufficiently precise or unambiguous*" (as required by the Government's Planning Practice Guidance in relation to consideration of lawful use) in order to establish that the whole of the site has assumed a lawful use for commercial equestrian purposes. The above points reinforce the evidence to the contrary. Indeed your authority's own officer confirmed that the property was not in commercial use in 2010, following a site inspection.

I trust that the Council will have regard to these points in considering the lawfulness of the existing commercial equestrian training use at East Lilling Grange Farm, which is clearly a fundamental consideration in the determination of this application. It would not be appropriate to grant planning permission for a development that would substantially enlarge and provide support for an unauthorised and uncontrolled use that causes amenity problems for residential neighbours.

Yours sincerely

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

Attachments:

1. Copy of Mr Ben Fullbrook's legal opinion dated 23 September 2022
2. Copy of spreadsheet summarising figures from the published accounts of DHI Event Horses Ltd