

**DRAFT Minutes of the Ordinary Meeting of the Great and Little Barugh Parish Council via Zoom on
Monday 15th February at 7.00pm**

Persons present –

Cllr Houlston, Cllr Swift, Cllr Garrett, Cllr Metcalfe.

Mr D Ward, Mr A Kellett, Mrs S Everett, Mr & Mrs J Gillies, Mr J Askew, Mr P French.

1. To receive apologies for absence

Mr & Mrs Hagger

1. Minutes and Matters arising

a) To approve the minutes of the Meeting 22.12.20

Duly approved and signed.

b) To consider any matters arising from the meeting on 22.12.20

Cllr Houlston stated that the Golden Lion ACV was now approved by Ryedale District Council. The funding for the VAS was approved and we were just awaiting confirmation for the adjustment in cost for only requiring one post instead of two. Cllr Garrett awaiting a response from Swarco in relation to that. Cllr Swift updated that the land opposite the Golden Lion and verge towards The Forge did not appear on Land Registry so it remains a mystery. (Mr Kellett interjected and offered to enquire of a relative who owns the neighbouring land to see if they could help.)

2. Public Session

Live representation from Mr A Kellett (transcript attached, appendix A)

The following were read out –

Email from Lesley Salisbury (appendix B)

Letter from Gill Truscott & Denys Ward, The Wheelhouse (appendix C)

Letter from Mr & Mrs Crockatt (appendix D)

Letter from NFU (appendix E)

Letter from Joanne Dixon (appendix F)

Mr Peter French spoke as Neighbourhood Watch representative. He will be sending the link to Cllr Garrett to distribute via the Parish Council email list, giving his permission for his email address to be used for GDPR. He has some wheelie bin stickers with 30MPH speed sign which he is going to confirm the price of and that will also be included in email. They will be able to be purchased by contacting Peter directly.

3. To consider planning application Wilson & Kellett (Mr Andrew Kellett)

DESCRIPTION: Change of use of part of buildings to incorporate equine therapy and rehabilitation services to existing livery together with formation of new vehicular access and associated track to the premises and erection of 2no. additional stables and resurfacing of a hardstanding area (part retrospective application) LOCATION: Livery At The Haybarn Barugh Lane Great Barugh Malton YO17 6XB

Mrs Houlston stated before the Council discusses this application she would like to clarify a couple of things. Under the Parish Council's Code of Conduct and Standing Orders, Cllr Garrett and Cllr Metcalfe have declared an interest in Agenda Item 4. Correspondence has also been received from two residents regarding the declarations of interest. Both Councillors have asked for dispensation which has been granted by Cllr Houlston in the interests of the community. Therefore both Councillors can participate in the Agenda item for which there will be a discussion and then formulation and agreement of points to be made and sent to Ryedale District Council on the planning application. Cllr Houlston reminded people that the Parish Councils are consultees on this application, local knowledge and comments that will be sent through to Ryedale. They ultimately make the decision. Cllr Houlston stated that the Council is looking at material planning considerations in the discussions which are taken into account for the response.

The following is a transcript of the meeting:-

Cllr Houlston stated that the Parish Council had conducted a site visit on the 7th February, met with Mr Kellett and the residents of the three properties down there. She asked for a Cllr to start the discussion.

Cllr Swift.

Stated it was a tricky application in his view. A number of statements had been made that he would completely agree with in the need to support to local businesses and encourage farm diversification. That said this application has a number of unfortunate aspects, firstly it is retrospective with development on site without benefit of planning consent and whilst under some circumstances we recognise these things happen the extent of development is actually quite significant in his view.

Secondly, the concern of the access to the site. If a different approach had been made to the access to the site his view could have been different but he observed there could be conflict to the site and to local residents with a fairly poor access to the main road. It is a 60mph road and with our experience the curve at the bottom does seem to serve as a method for some people to accelerate rather than to go carefully around the corner and judiciously up the hill. He stated he heard the comments the residents had made and clearly some of the comments are not material planning considerations and whilst he has complete concern for the welfare

of local people as Cllr Houlston has pointed out, we do need to think about material planning considerations. For himself, on balance, this development has not been as well thought through, it is unfortunate there has been some breaches of planning consent such as the 3m from the boundary where the additional stable has been added to the end and whilst overall he would generally wish to support the rural business, in this case he has difficulty in doing so.

Cllr Metcalfe

Stated he had concerns over the retrospective issue and that he understood that there are a number of people involved with their own points to bring up. He is unsure where Ryedale Council will stand on the retrospective application, what they will think about it or what they could do about it. There are things for and against it, Mr Kellett does own it and it is his driveway and he is aware that other residents have access. He can understand their concerns, he himself would not like to see the development grow any bigger as that could bring even more upset. It is very close to the houses. He is aware that it has been used and he is not sure where Ryedale Council stand with this. He did not feel that he could state whether he could come down on one side or the other. It is a difficult one to assess. As far as the electric and water are concerned he is aware that Mr Kellett owns The Haybarn and that the tenants are moving out at some point, he supposes that the issue will be addressed then. The access is a bit of a problem but it will be down to Ryedale Council decide at the end of the day.

Cllr Houlston

Wanted to go through some material points. Loss of privacy, parking area – issue next to The Granary garden, loss of outlook due to the horsebox, cars, muck trailer. As Jerry has eluded to – highways issues, access, number of vehicles using the access and the speed of the vehicles. Suggested that speed bumps could possibly be quite a good traffic calming measure. Also a query over the maintenance of the road which is a possible issue, she believes in the deeds of The Granary there is a clause regarding possible contribution towards the maintenance of the road. Mrs Houlston asked Mr Kellett if he was aware of that. He stated that he owns the drive and is responsible for the maintenance which he does to a high standard. Cllr Houlston stated she was concerned about the clause in the deeds of The Granary to do with shared cost. Mr Kellett stated he believed that they are required to contribute to the cost of the upkeep of the access track, he stated he has never charged any of the residents since he owned the property because he is aware that he uses it more than anybody else, not particularly the livery side of the business but he farms sometimes close to 100 acres depending on what land they rent so therefore they use machinery, tractors, combines, sprayers etc so hence he has been quite happy to maintain at his own cost. Cllr Houlston said she was just concerned it was leaving the residents vulnerable but Mr Kellett said he thought he was being neighbourly by

doing so. Cllr Houlston stated she was not doubting that just stating it is a legal point in their deeds.

Cllr Swift interjected to clarify the point that Cllr Houlston is making that we recognise he hasn't charged the neighbours but the liability still exists if he chose to sell at a future date. Mr Kellett stated he had a son and heir and would not be selling any property. (apologised for interjected). The concern is that should land change hands they have a liability and the increased use of the track could be substantial. It is the future liability that is a concern. Mr Kellett pointed out that should any property be sold in the future it would be sorted out in the deeds and maintenance costs divided proportionately which may work if that scenario cropped up in the future. Cllr Swift stated by the nature of the covenants in existing deeds it would not change unless the present landowner chose to change it. Mr Kellett said it was vague in the covenant which could be up for dispute and would be addressed in the future.

Cllr Houlston mentioned the next material planning consideration of noise. She reminded Mr Kellett that at the site meeting there had been a talk about potential hours of business which he confirmed. She stated we had talked about 7am until 7pm with 24/7 access for emergencies/animal welfare. Mr Kellett confirmed on the side of the equine therapy and rehab business or even DIY could be included in that. He indicated he would be happy to agree to those restrictions. Cllr Houlston stated also there are issues with number of vehicles and speed and it would be sensible to have a restriction of the number of horses. She asked Mr Kellett to confirm number of stables (he confirmed 7) and if that was the maximum stocking density whether that was full/diy or rehab livery. Mr Kellett stated that would provide a stable for each but possibly in summertime or when grass is excessively growing you could have one or two additional on grazing livery. He could possibly accept a limit of 7 on the livery paddocks but there are also other fields aside from those which cannot be limited to what species he decides to graze on the rest of the farmland. Cllr Houlston stated she was talking in relation to noise, vehicle movements and disturbance. To clarify Mr Kellett stated that it isn't that every horse has a vehicle movement involved. Some will have two/three horses, Sapphire may have four horses on full livery so one vehicle movement could be attending four. It is not always going to be one vehicle movement per horse. Cllr Houlston stated on the flip side, it could be 7 or 9 horses with equal numbers of owners. Mr Kellett stated that was unlikely but understands the point.

Cllr Houlston asked Mr Kellett a final point regarding future development. She stated she had asked about assurances moving forward about future development of the site, about increasing the exercise arena and that floodlights could be a possibility in a future planning application. Mr Kellett stated that was up in the air. He also stated that the retrospective application states an 'arena' but it not actually an arena but a sand lunging area which had been mentioned in Joanne Dixon's correspondence. The sand area was there when he purchased the land and property. If they were to apply

to build an arena, as had been mentioned 60 x 40, that would be a totally separate application to be considered on its own terms and he didn't think he would have floodlighting, it would be too expensive.

Cllr Houlston agreed with Cllr Swift that she agreed with supporting rural business, supporting equine therapy, she is concerned about scale and that scale creating noise and disruption moving forward.

Cllr Garrett

Stated she was in agreeance with supporting rural businesses and ensuring future generations have the ability to work in the rural community, we've seen previous applications where small holdings have undergone change of use and been lost. She thanked Mr Kellett and the residents for their time at the site meeting last Sunday, it was interesting to get the different points of view and reading and listening to everybody's take on it there's obviously concerns from the residents which she acknowledges in the fact they are concerned about noise, traffic and lack of privacy. These were things that we did discuss at the site meeting and Mr Kellett had stated at the site meeting that he would be prepared to provide any screening or move things so that they weren't upsetting residents unnecessarily visually. The arena isn't an arena, she stated that the last time she was down at the site was four's ago and it was then a sand area and it has been fenced. With regards to the speeding issues from people driving in, historically she recalled the driveway being quite rough and has had some improvements which might have made people a bit more speedy as there are no potholes. Maybe some speed bumps could be a measure to slow drivers down. The access does go on to the 60mph road. One thing to consider is that the buildings were converted a number of years ago and access would have been considered at the time by Highways. She stated Highways would have been consultees at the time the properties were developed. It has also been a farm access for many years. She stated she is not quite as concerned about access onto the road for those reasons. It still a farm access for the land that is down there, Mr Kellett did state at the site meeting that the access is used for Yorkshire Water to service the septic tanks in the fields that service the properties, Environment Agency and Drainage Board for accessing riverbank and dykes.

With regards to the privacy issue, there is an additional area adjacent to The Haybarn which was shown to us at the site meeting, this was previously used for traffic visiting stables and moving forward could possibly be used for parking again.

She stated she felt the livery had been running quietly as a livery stables for a number of years, seemingly without issue with neighbours which is a concern because something has changed. The horse walker and the sand area, albeit not fenced for that length of time.

She stated she would like to see some form of common ground found for this to move forward. She has concerns that she has explained with the privacy and the access for the neighbours. With regards to noise, in some respects the properties are adjacent to a 60mph road with noisy traffic, motorbikes, farm vehicles etc 24/7. She stated she was not certain about the aspect of traffic noise when it's right next to a road but she does have sympathy over privacy which she feels is a courtesy issue but not a planning consideration.

She agreed it was a tricky application but feels that she would like to see some form of recommendations and comments put to the council .

Cllr Houlston said as a Parish Council we need to all agree on what recommendations we would like to put forward in our response to Ryedale District Council.

Cllr Houlston – how do we feel about maximum number of horses to be comfortable on the site? Cllr Swift stated it was noted that the permission was for two stables which takes the total to 7 which we would assume would be 7 horses. It would be appropriate to seek a limit on the number of horses there and that should extend to the land directly associated with the stables. Cllr Houlston asked if everyone agreed, all agreed. Cllr Metcalfe said he thought what Karen (assume he meant Sarah as he was on telephone) said was a nice summary and agreed. Cllr Garrett also added that she was aware it was raised in Gill Truscott and Denys Ward's letter on the planning portal a question over acreage per horse for which there are guidelines regarding acreage which can vary depending on size and need, time of year, what the land is like. Some horses need more grazing than others, you can rotate the land, some you might strip graze so a little bit is sectioned off so they don't get too fat or ill. She asked Mr Kellett to confirm if it was about 7 acres on the fields, he stated it was 8 acres immediately in front of the livery. She said in her opinion 7 horse could graze that happily with rotation and that horses are not always out depending on weather conditions. It is not always cut and dried how much land/specific acreage it actually works out at. She agreed 7 horses would be ok.

Cllr Houlston stated the next point being Loss of privacy – parking next to The Granary's garden. Mr Kellett interjected it is not a parking area, he has always used it (that corner) as a sheep handling area as part of his farming operation. He did not want it all blaming on livery. Cllr Swift addressed Mr Kellett that he might use that for less days in the year than 365 days of the year for parking. He stated in the same way as we have talked about the access down the road being available for Yorkshire Water, Drainage Board, combines and other machinery, that is all absolutely true and residents need to accept that is the nature of rural land and access to rural land. However, that is on an occasional basis one or two days a year with a combine, three or four times in a season with a sprayer and to bring ploughs and seeding machines is, again, one or two days in a year whereas what concerns the residents is that the access to the livery is on a daily basis. Mr Kellett said he understood and accepted

that. He stated there is alternative parking which was always used adjacent to The Haybarn garage out of sight of the residents, that is still available to them and are prepared to use it. Cllr Houlston said she wondered whether the horsebox could go there so it is not quite as noticeable. He said he believed the horsebox has been moved. Cllr Houlston also suggested vehicles parking facing towards the road if they need to park in the other area so as not to face the Granary garden. Mr Kellett stated that would be fine and all it takes is an over the fence discussion to sort problems out.

Cllr Houlston moved on to talk about speed down the track and suggested a speed bump or two. Mr Kellett said they have their pros and cons, they use the sheep trailers and if it is empty it does rattle and bang over a speed bump and wondered if the neighbours would find that more obtrusive. Cllr Houlston said that goes back to the frequency issue and Mr Kellett did think that maybe Cllr Swift had underestimated the amount of vehicles used in a farming operation, some crops are sprayed more than he refers to. Sheep trailers would not go every day. If it helped he would put speed bumps in.

Cllr Houlston asked if the members were in agreeance with the comments made regarding a submission. Cllr Swift said yes, the only thing he would like to mention in addition is he would like to check the view of Highways as historically there could have been assumptions made about the size of the operation. This is significantly larger and Highways might take a different view. The other things Cllr Swift addressed Mr Kellett about was the siting of the muck cart, he understood why it was there from an operational point of view but it is not the prettiest to look at. Mr Kellett accepted that and reiterated that as he had said at the site meeting he was quite prepared to put up some screening, either yorkshire boarding or planting, trees or hedge. Re-siting the trailer would be considered, it needs to be on hardstanding and a road to and from site. He would like to add that he had noted from correspondence there was issues about how the muck was stored and that it could cause unpleasantness and odours. They are members of the Red Tractor Assurance Scheme, they have a muck management plan for the farm, the muck is taken away from the livery site and is applied to arable land as an organic manure. Therefore there isn't an issue with storage or disposal of muck.

Cllr Houlston

Hours of business. Suggesting hours 7 til 7 with animal welfare. Councillors agreed on that point. In the response to Ryedale, the residents need assurance of future plans. Cllr Swift said he would like to be in a position to prevent future applications, but that wasn't practical. He was doubtful on what we could do about that.

Cllr Houlston asked all Councillors if they were in agreeance with note for submission. All agreed.

4. **Parish Correspondence.**

Census 2021. Cllr Garrett said that letters would be going to households shortly and that it was all online this year. Requests to be made to anyone who knew of anyone without online access to get in touch to see how they could be assisted.

Covid updates from the Community Groups.

A letter had been received from Mr Askew in relation to Long Meadow Farm, stating he had seen the owners and they had been very grateful for the Council's input with their planning application.

5. AOB

Meeting ended at 8.30pm