



YEW TREE ASSOCIATES

LAND, TOWN PLANNING &
DEVELOPMENT CONSULTANTS

Planning Statement

For

A Lawful Development Certificate

For an Earth Screening Bund

at

Meadowbank Farm

Scoreby Lane

Scoreby

York

For

Mr M Falshaw

24.08.22

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1.0 Introduction

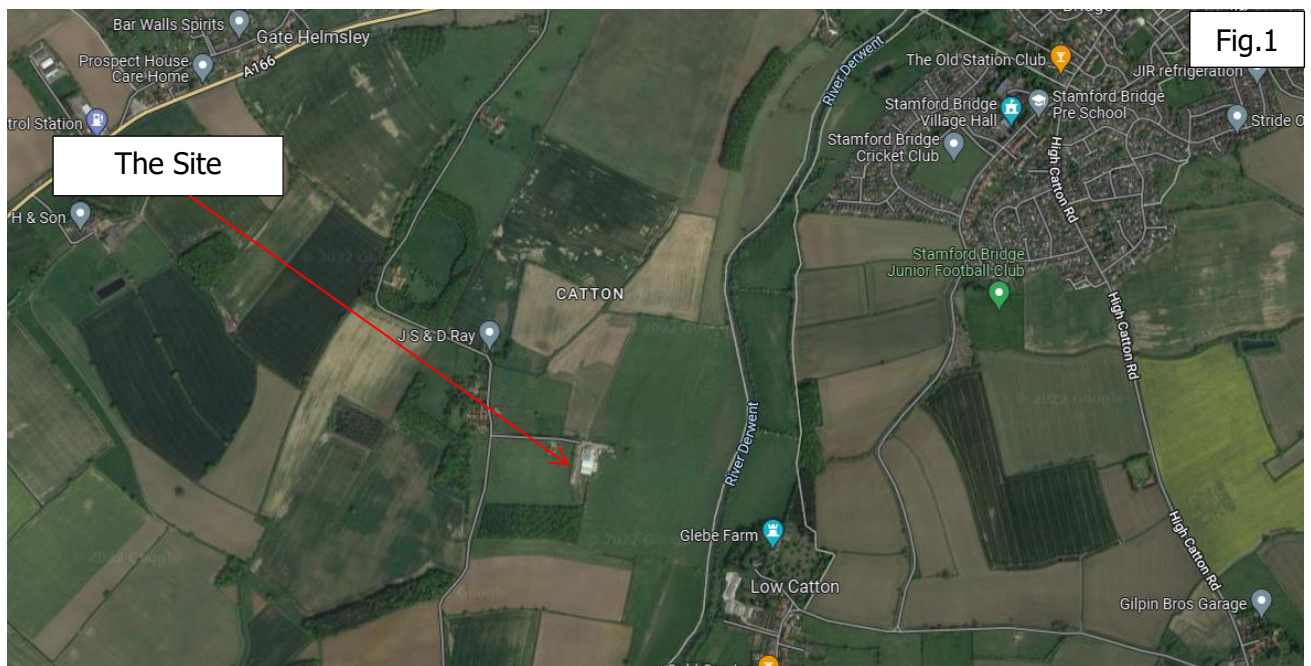
1.1 This document is produced to provide evidence for the Lawful Development of an earth screening bund at Meadowbank Farm Scoreby Lane Scoreby York for Mr M Falshaw.

2.0 Site Location and Description

2.1 The site is located to the west of Meadowbank Farm, Scoreby Lane, Scoreby York as shown on Fig. 1 below.

2.2 The site is accessed from an access from Scoreby Lane.

2.3 The site has included the earth screening bund since 1993.



3.0 Planning History

3.1 The site has been the subject of a number of planning applications of which the following is most relevant:-

Proposed Change of Use of Existing Implement Building, Erection of an Extension to Existing Farm Building and Erection of an Additional Livestock Building. Ref 8/04/61/PA Approved 20th February 1992. (Appendix 1 and 2)

This permission contained a number of conditions, but most importantly:-

Condition 2

'The scheme of landscaping and tree planting shown on drawing No 3 received by the Local Planning Authority on 10.12.91 shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs, and bushes shall be adequately maintained for a period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.'

4.0 Case for Lawful Development Evidence

4.1 S171B of the Town and Country Planning Act 1990 states:-

S171B

Time limits.

(1)

Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2)

Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(3)

In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(Our emphasis)

4.2 In the light of the above, we now provide evidence that the existence of the earth screening bund in its original form has been in place without compliance with the landscaping condition as referred to above for more than ten years, by means of the following information including:-

4.2 Affidavit from two neighbours Anthony and Marilyn Barker Appendix 3a and 3b
Ariel photos the bund in situ between May 2007 to March 2022. Appendix 4

4.3 Current Planning Position

4.3.1 A earth screening bund has been in place on the site since 1993 without planning permission and certainly between 2005 and 2020 as shown by the Google Earth photos at Appendix 4.

4.3.2 No enforcement action has been issued to date by the Local Planning Authority in respect of caravan as unlawful development.

4.3.3 The Planning and Compensation Act 1991 states that if no enforcement action is taken within 10 years of bund being in place which is the case, then the development is exempt from enforcement action and therefore can be considered lawful.

4.3.4 We acknowledge that the bund was extended in 2020, but this has now been removed and returned to its 2020 state, in which case we say that an application for a Lawful Development Certificate can therefore be approved by the Local Planning Authority.

5.0 Conclusions

5.1 We believe that we have provided substantive evidence that the earth screening bund as originally constructed, is now exempt from enforcement action by the Local Planning Authority as result of no action being taken by them within the 10 year period from construction of the bund.

4.2 We respectfully suggest therefore that an application for a Lawful Development Certificate in relation the building would therefore be successful and we look forward the Local Planning Authority's confirmation of this opinion.

SMN/YTA/24.08.22