

19.3.24

Countering evidence relating to application SMD/2024/0094

Dated photo evidence sent separately by email

WITHOUT PREJUDICE

Counter evidence to prove the real 'timeline' of events and actions which prompted building developments on this Rownall Farm site

Introduction

This carefully constructed applicants Rural Planning submission is of course an excellent attempt to avoid planning regulation but its based on a wrong and dangerous assumption that no other counter- photographic residents evidence exists and that no one else will take the time to 'unpick' the untruths and reveal the real facts and piece together the actual chain of events and the landowner's unlawful actions.

In the majority of such cases the Rural Planning Consultants WHARFE would have been safe in the belief that no one could and would ever be bothered take the time and trouble to prove the true sequence of events, and submit counter dated photographs taken of the developing unlawful work at the time by long aggrieved local residents. However local residents have been long aggrieved by this blatant continuing disregard for planning regulation and took photos to provide proof and record what happened and when!

The real timeline

21st July 2016 application DET/2016/0040 received to extend the existing temporary arable dry meal agricultural store. Conditional approval given on 19th August 2016 for additional arable produce storage.

13th July 2017. - **My photo A1** work commenced to erect the steel frame and roof supports. Note wheat growing strongly in the surrounding fields.

13th September 2019 screening application SMD/2019/0568 received for the proposed Rownall Solar Farm.

17th December 2019 Rownall Solar Farm Ltd incorporated

27th November 2020 application SMD/2020/0664 received to build a second, equally large agricultural cattle shed immediately behind and parallel to the existing very large arable agricultural store 'for the purpose of improving cattle welfare'. SMDC granted consent 7th of January 2021.

14th August 2021 **My Photo B1** - Open shelter store floor being levelled and compacted ready for concreting.

26th and 27th August 2021– My submitted **photos C 1, and C2** show the groundwork for the rear hard standing yard and the concrete flooring shuttering ready for the extension flooring which commenced on 21st August 2021 and the polished concrete floor of the 'agricultural shelter' was laid, polished and completed on 30th August 2021.

3rd September 2021 -**My photo D1** showing a view looking East of the side extension open with the polished concrete floor laid and the rear yard groundwork levelling underway prior to concreting. Note the winter wheat stubble in the foreground as the harvest had just been completed being the last year of wheat on Rownall Farm harvested that year by independent contractor as by then Mr Pointon had already decided to sell his harvester having decided to exit farming in favour of sustainable energy!

6th September 2021 - **My photo D 2** showing the open shelter concrete polished floor already laid, the secondary horizontal metal wall supports fitted between the structural steel uprights at the northern gable end ready for the precast concrete wall bases and upper steel panel cladding. The outside rear hard yard was being levelled ready for concreting as a second operation.

September 2021 Consultant's submission application photo fig 8 page 18. I believe, I have conclusively and undeniably proved the left hand photograph couldn't possibly have been taken as declared in 2018. As **my photo D1** shows the concrete floor was laid on 3rd September 2021. Mr Pointon's own harvester last used in 2019 had been detailed and cleaned and prepared ready for sale and inspection in this shelter, by a prospective buyer. His decision to sell very evident by then as he had publicly declared his exit from farming into 'Sustainable Energy'.

22nd March 2022 - **My photo E1** and Par 5, sub clause 13 of the Consultants report confirms that the unlawful enclosing of this agricultural shelter commenced in March 2022 with the laying of the precast concrete wall bases to the extension sides and northern gable end. It is from this date that the unlawful industrial breaching use of inside and outside rear yard storage also began.

5th August 2022 Pointons Battery Storage appeal application

SMD/2022/0444

SMDC approved 22/12/2022 just before Christmas!

14th September 2022 my recorded emailed complaint the Wayne Chell at SMDC Enforcement attaching a photograph D1 of the already 6 month running breach of industrial use showing 8 Eddie Stobart branded HGV trailers stored outside on the concrete hard standing behind the now completed existing shed extension, fully finished and enclosed with side and end walls, roof and two large tall commercial vehicle access roller shutter doors, installed without prior planning approval.

21st September 2022 - ***My submitted photo E2*** showing the building use of outside industrial storage on this site with then build up of 15 Eddie Stobart HGV trailers and a collection of temporary building wall panels. An unlawful overhead commercial vehicle entrance door had been also fitted to the western elevation of the now fully enclosed extension.

6th October 2022 Home Farm's Battery Storage appeal application

SMD/2022/0548 SMDC approved 27/06/2023

26th September 2023 incorporation of S&C Energy Ltd headquartered at Bones Lane Cheddleton, with the appointment of 4 Officer Directors all on the same day 26/08/2023 including Mr Carl Pointon.

Counter observations relating to the alleged supporting counter evidence.

5 SUBSTANTIALLY COMPLETED

DEFINITION

5.1. It seems the real qualification for the 4 year rule to apply depends the completion of the extension which was started on the 17th of July 2017 with the steel framework and roof. The flooring was completed on the 30th of August 2021 it can therefore be argued that's the date of its completion! All of the enclosing work including concrete walling precast concrete blocks and steel cladding to the side walls and gable end were completed in March 2022. That's only 2 years since completion, not the 4 years required to meet the minimum qualifying definition of 'substantially completed'!

6.1 Statutory Declarations

All of the statutory declarations are from Pointons employees who are simply compromised in positions of 'conflict of interest' and whose careers depend on

following management instruction. I don't believe, Carl Pointons own declaration either should be taken as fact, given the record of past and still running planning contraventions in Rownall.

6.2 Construction Invoices.

Anyone that has been in supplying goods and services to regular big customers with vast ongoing future potential knows just how easy it is to re-date invoices and just how often such requests are received. I would suggest in the past two years the applicant and associates with their well known influences, have had ample time to assemble some convincing plausible but not necessarily reliable evidence.

7.2 This building extension was not completed on the 24th of July 2017. It has been established that this extension was started on the 13th July 2017 and by definition and independent photographic evidence completed on 1st September 2021. The Planning Consultants can doubtless claim the 'building' to be an agricultural roofed shelter was operational until the autumn of 2021 although never ever used for agricultural purposes. To use this building extension for their other intended unlawful industrial use it was necessary to build substantial side and end walls, post September 2021 and fit overhead roller shutter doors providing commercial vehicle access, all completed without planning consent which in its entirety now makes this building an unlawful extension, having not received prior planning consent for the alterations.

5.5 The House of Lords decided that the Council's conclusion on a test case decision was correct. Therefore, the applicants appeal failed. The House of Lords held that, in determining whether works are substantially completed, regard should be had to the developer's original intentions as to the totality of the operations.

I would suggest from at least the time of the Solar Farm screening application SMD/2019/0568 was submitted 13/09/2019 there was absolutely no doubt concerning the future use of this agricultural shed as it was included within the proposed declared Solar Farm perimeter!

So, applying The House of Lords ruling to this extension I would suggest to the Council that this extension was only substantially and existentially completed by the 1st of September 2021 well inside the 4-year deadline!

LATER ADDITIONS TO ACCOMMODATE A CHANGE IN USE

5.13 In March 2022, the applicant required the building to be re-purposed for secure B8 storage (although no entitling planning application was ever submitted) in preparation for a change in the business operations. In order to allow the building to function as a secure B8 storage unit, the front (west) elevation was infilled with green box profile sheeting and a roller shutter entrance door, profile sheeting was also added to the north and east and west elevations.

These alterations were completed without Council Planning Consent and no 'Change of Use' application was ever made. Therefore, both the structural alterations and the breaching industrial use running from March 2022 are unlawful. The all embracing unrestricted nature of B8 Industrial use has never been approved or applied for and certainly not relevant in this highly rural Green Belt residential setting.

Footnote: All independently submitted photographs of which these are only part of the photographs collected of this site taken over time, have been taken with confirmed tagged dates by smart phone cameras by local community aggrieved residents, believing this building work to be unauthorised and fundamentally unjust. All those who have contributed to this collection are quite prepared, if necessary, to enter into statutory declarations swearing to their originality. However, as some of the contributors include current and previous neighbouring residential tenants of the landowner's family, we ask for their anonymity to be respected and maintained.

Conclusions and professional advice received.

My own legal advisers have now reviewed the content of this latest submission, and the corrected real, timeline of events I have submitted as well as the applicants detailed false claims promoted in the Wharfe Planning Consultants plan submitted within application SMD/2024/0094. Dated February 2024 REFERENCE: 1302/J200048

The Key findings prove undeniably the order, sequence and timing of events and building work at the agricultural shed at Rownall Farm as claimed by the applicant, are incorrect and unsubstantiated and as such have been engineered with one purpose alone, being to meet the criteria of the restricting 4-year rule!

It also noted that the landowners various 'land-agents' have over the last two years prevaricated and strung the Council along with many broken promises and differing declared strategy intent, in an attempt to purely delay impending enforcement action whilst continuing throughout to operate in 3 times planning breach with considerable daily neighbourhood nuisance on this site also causing absolute chaos taking many HGV trailers daily across these narrow single track

sections of Rownall Road. With this in mind no further latitude or time allowance should be given to this landowner as more time encroachment could well risk a possible further approaching time barred qualification under the 4-year enforcement limiting rule.

Now is the time therefore, for immediate Council action who must reach a clear decision on:

1. A decision to uphold or reject the 4-year exempting rule relating to the agricultural shelter. I have proved that the shelter was not completed over 4 years ago by definition and independent photographic evidence of not being 'substantially completed'. If on the other hand a decision is given to uphold the entitlement of this structure then an immediate enforcement notice should be issued to restore the extension back to its former agricultural state as an open sided shelter, by removing the unlawful content of enclosing walls, overhead roller shutter doors and any other ancillary equipment and fittings contrary to LPA compliance.
2. An enforcement notice must be issued immediately to demolish the separate welfare block built without planning consent in 2023 on the eastern side of the side of the existing building along with any non-agricultural ancillaries and fittings.
3. An enforcement order must be immediately issued to cease all non agricultural unapproved commercial industrial activities at this site and inside this building ending the still running, severe neighbourhood nuisance.
4. In view of the long running abuse on this site no latitude for continuing restorative promises should be accepted again, involving future retrospective 'regularising' planning applications or otherwise. The Council decision in this case must be considered final and performance being time limiting, giving no accommodation whatever, for appeal in view of the landowners numerous planning contraventions on this site, their many broken promises, and the very long still running severe community nuisance.

Sincerely
Ian Podmore
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5th March 2024