

NYMNPA

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# **PLANNING, DESIGN, HERITAGE AND ACCESS STATEMENT ( including Flood Risk Assessment)**

**Change of use to Farm Shop  
Former Summer House known as Gooseberry Lodge  
Land adjacent The Horseshoe Hotel  
Egton Bridge  
Whitby  
YO21 1XE**

**Submitted on behalf of Egton Hotels Ltd**

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**Compass Point Planning & Rural Consultants**

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## 1. Introduction

- 1.1 This statement has been prepared on behalf of Egton Hotels Ltd who are the current operators of The Horseshoe Hotel in Egton Bridge. The application is made in full for the change of use from holiday let/ former ice cream shop to Farm Shop in a building known locally as 'Gooseberry Lodge' situated on an area of land adjacent to the Horseshoe Hotel, Egton Bridge.
- 1.2 The statement describes the site and surrounding area, considers the planning history of the site, the relevant national and local planning policies together with any other material considerations relevant to the determination of the application.
- 1.3 This statement acts as the Design and Access, Heritage and Flood Risk Assessment as identified under the North York Moors National Park Authority's Local List Criteria. In producing this statement regards has been given to the NYMNP guidance notes on Heritage and Design and Access Statements.

## 2. Site and Local Planning Context

- 2.1 The application site is located within the built up area of Egton Bridge on land to the south of The Horseshoe Hotel on an open grassed area. The grassed area itself is created by the confluence of a number of highway routes in front of the Horseshoes Hotel and extends to 0.1 hectares. It is currently used for an outside beer garden association with the operation of the Horseshoe Hotel. The application site itself comprises a building located towards the south of the grassed area which is opposite the hotel. The floor space of the building is approximately 35sq metres and it is currently used for storage in association with the Horseshoes Hotel. Immediately prior to this, the building was used by the applicants as a holiday let in association with the Hotel and it was known as 'Gooseberry Lodge' due to its connections with the Egton Bridge Gooseberry Show. In previous years, the building has been used by the landowners (The Egton Estate) as an ice-cream shop.
- 2.2 The building is single storey and constructed of green timber cladding with red pantiled roof. There are windows on the southern and northern elevations which are wooden timber. There are green timber clad doors on the southern, northern and western elevations. Inside the building comprises 3 rooms with w/c.
- 2.3 Approximately 25m to the north of the site is The Horseshoe Hotel which is a Grade II Listed Building. To the west of the island is a former barn complex currently unused, which is owned by the Egton Estate, and the car park to the Horseshoe

Hotel. The building fronts the roadside. To the west of this building is a residential dwelling known as Esk View Cottage which is in private ownership. To the south of the green area is the highway with a small area of woodland beyond. The edge of the green is marked by a 1m high stone wall which acts as a boundary to the green. To the north east of the site across the Highways approximately 35m away is an area known as St Thomas Island which is created by a meander in the River Esk . Immediately to the east of the site is a residential dwelling known as Oak Tree House. The entire site is located within the Conservation Area for Egton Bridge which is subject to an Article 4 Direction.

- 2.4 The site lies just within Flood Zone 2 as identified by the Environment Agency's flood risk maps for planning. This means that the site is identified as being at medium risk of flooding and the issue of Flood Risk is addressed in Section 7 of this document.
- 2.5 Egton Bridge is a small village located where the Whitby to Middlesborough Railway Line and the C82 road meet. The C82 runs north-south through Egton and Egton Bridge from the A171 Whitby to Guisborough Road. The village of Egton Bridge consists of a loose grouping of buildings following the meander in the River Esk. The most dominant buildings are Egton Manor which is a Grade II Listed Manor House with extensive grounds and range of outbuildings and St Hedda's Roman Catholic Church which is also Grade II listed. Much of the area is included within the Conservation Area and this is characterised by areas of green space, woodland, and grazing fields.
- 2.6 The village has a range of services including a railway station, Church, primary school, two public houses (including the Horseshoes Hotel) and a range of tourist accommodation in the form of bed and breakfast and holiday cottages. It is served by public transport with regular buses, the railway station nearby and there is a trackway known as a former Toll Road (Barnard's Road) which is part of a long distance Coast to Coast footpath promoted by the National Park. The area is a popular tourist destination with walkers and cyclists. Egton Bridge is identified as a 'Smaller Village' in the Adopted North York Moors National Park Local Plan (2020) under Strategic Policy B – The Spatial Strategy.
- 2.7 The site location plan is included at **Appendix 1** of this report. The application site, the grassed area on which it stands and the Horseshoe Hotel are all owned by the Egton Estate.

### 3. Planning History

- 3.1 According to the North York Moors National Park Planning Website there is no known planning history for the application site. The landowner has confirmed that this is the case.

### 4. Details of the Proposal

- 4.1 The application is for the change of use of the building to form a Farm Shop. The Farm Shop would be operated by the applicants and in association with the Hotel. There is no intention for the Farm Shop to be operated separately or let to a third party. The application is made for a change of use only and there are no proposals to alter the external appearance of the building or to make any internal alterations save for the possible installation of a wood burner.
- 4.2 There may be a future need for signage advertising the Farm Shop and it is acknowledged that a separate application will need to be submitted to cover that issue. Therefore there are no proposals for signage or advertisements within this current application.
- 4.3 The applicants, through their existing business at The Horseshoe Hotel have formed a working relationship with Botton Village and currently uses its products within the hotel and restaurant. The Botton Village Creamery has also operated the occasional 'pop up shop' from the Horseshoe Hotel Car park and this has proved popular locally even during the 'lockdown' for the current Covid-19 pandemic.
- 4.4 It is the intention to build on this current relationship and the Farm Shop will stock the range of Botton products, such as cheeses, meat, bakery items, fruit and vegetables, when in season. It is intended that the applicants will also stock their own homemade jams and chutney, local crafts and the local honey from the village along with seasonal products at Christmas and Easter. The idea is to encourage local people to use the shop as much as possible especially in the winter months. In addition it is anticipated that some of the Botton Villagers will work alongside the applicants in the farm shop to gain some commercial experience. One of the applicants has previous experience of working in this field including with adults with learning disabilities.
- 4.5 It is proposed that the Farm Shop opens everyday between 10am and 4pm.

## 5. Design and Access Considerations

### 5.1 Design

- 5.1.1 It is proposed to make no external alterations to the current appearance, size, or materials of the building, save for some maintenance where required.

### 5.2 Access

- 5.2.1 Due to the location of the building on the grassed area, there is no direct highway access. Shop customers may arrive on foot from elsewhere within the village or by car, where they will park in the existing car park that serves the Horseshoe Hotel and walk over to the shop. There are 20 car parking spaces currently available in the existing Hotel car park.
- 5.2.2 Deliveries will use the area immediately outside of the hotel for loading and unloading as is currently the case with deliveries for the Hotel.
- 5.2.3 There are no plans to create any new pedestrian or vehicular accesses and neither does the proposal require the diversion of an existing public right of way or footpath.

### 5.4. Landscape

- 5.4.1 The site is located on an open grassed area inside of the Conservation Area. Part of the grassed area is currently used as a beer garden in association with the hotel. There are no proposals to make any alterations to the front of the building or to the area immediately outside. Therefore there is unlikely to be a landscape impact.

### 5.5 Services/Drainage

- 5.5.1 The building is already connected to the existing drainage and sewerage networks. It is not proposed to make any new or amended connections to any services.

## 5.6 Nature Conservation

- 5.6.1 There are no known protected species present on site nor is the site subject to any formal nature conservation designations

## 5.7 Trees

- 5.7.1 There are no trees within the application site itself. There are a number of mature redwood/sequoia trees adjacent to the building, however as the application is for change of use only and that there are no physical works to be undertaken to the external of the building, or to enlarge its footprint or its immediate environment, it is considered that these would not be affected by the application.

## 6 Heritage Statement

- 6.1 Where a proposal has the potential to impact upon a heritage asset, an assessment of those particular impacts and their implications needs to be considered. In this case there is a Grade II Listed Building within 30m of the application site (The Horseshoe Hotel) and the site itself lies within the Conservation Area. This section acts as the Heritage Statement and will demonstrate that these proposals seek to preserve and enhance the setting of the Conservation Area and the character and appearance of the area and considers the impact upon the relevant Heritage Assets.

- 6.2 The National Planning Policy Framework (The Framework) provides the Government's national planning policy on the conservation of the historic environment. In respect of information requirements for planning applications, it states that:

'In determining applications, local planning authorities should require an application to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than sufficient to understand the potential impact of the proposal on their significance' .

- 6.3 Section 16 of the Framework, entitled Conserving and Enhancing the Historic Environment, provides guidance for planning authorities, property owners, developers and others on the conservation and investigation of heritage assets. In determining applications, local planning authorities should take account of;

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.4 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. Paragraph 197 adds that the effect of an application of the significance on a non-designated heritage asset should also be taken account of with a balanced judgement being required.

6.5 Heritage assets are defined in Annex 2 of the NPPF as: a building, monument, site, place, area, or landscape positively identified as having a degree of significance meriting consideration in planning decisions. They include designated heritage assets (as defined by the NPPF) and assets identified by the local planning authority (including local listing). Designated Heritage Assets include: World Heritage sites, Scheduled Ancient Monuments, Listed Buildings, Registered Parks and Gardens, a Registered Battlefield and Conservation Areas.

6.6 Significance is defined as: The value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic, or historic. Significance derives not only from a heritage asset's physical presence but also from its setting.

6.7 In summary, government policy provides a framework that;

- protects nationally important designated Heritage Assets (which include Listed Buildings)
- protects the setting of such designations
- in appropriate circumstances seeks adequate information (from desk-based assessment and field evaluation where necessary) to enable informed decisions.

6.8 The Framework supports development in rural locations particularly where it makes optimal use of a previously developed site and would lead to the enhancement of the historic environment.

6.9 In considering any planning application for development, the Planning Authority will be mindful of the Framework set by government policy, in this instance the National Planning Policy Framework, and by current Development Plan Policy and other material considerations. In terms of local policy the North York Moors National Park Authority Adopted Local Plan July 2020 contains the following policies of relevance to the proposals

## **Strategic Policy C – Quality and Design of Development**

- 6.10 Strategic Policy C seeks to ensure that development proposals are of a high quality design that will make a positive contribution to the local environment in accordance with the principles set out in the NYMNPA Authority Design Guide.

## **Strategic Policy I – The Historic Environment**

- 6.11 Strategic Policy C seeks to ensure that all developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate, enhancement of the historic environment. Development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area, including proposals for development within or immediately adjacent to a Conservation Area, preserve or enhance the character and appearance or setting of the area.

## **Policy ENV 11 Historic Settlements and Built Heritage**

- 6.12 Policy ENV11 seeks to ensure that development proposals reinforce the area's distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials, and construction. High standards of design will be promoted to conserve and enhance the built heritage, settlement layouts and distinctive historic, cultural, and architectural features, safeguard listed buildings and their settings.

## **The site and its heritage importance**

- 6.13 The application site lies within the Conservation Area for Egton Bridge and is approximately 30m south of The Horseshoe Hotel which is a Grade II Listed Building.
- 6.14 The building, which is the subject of the application, is located to the south of an open area of grass that currently acts as a beer garden for the hotel. It is believed to have originally been erected as a summer house on the lawn, in association with the Horseshoe Hotel, although it is separated from the immediate curtilage of the hotel by the highway. It is believed to have been built between 1931 and 1936 by local people, Messrs Jackson and Bennison.
- 6.15 When in holiday let use, the building was known as Gooseberry Lodge due to its connection with the Egton Bridge Old Gooseberry Show which is still held annually in the village by the Egton Bridge Old Gooseberry Society. Records held by the Gooseberry Society refer to it as the 'Summer House' and it was used by the society for the judging and weighing for the show until the 1960's, when attendance at the



show became too great for Summer House and the show moved to St Hedda's School where it is still held.



**Photograph from Egton Bridge Old Gooseberry Society Show 1936**



**Photograph from Egton Bridge Old Gooseberry Society  
Visitors from the Skillinge Gooseberry Show, Sweden 2018**

- 6.16 In the 1940's the 'Summer House' was commandeered for first aid training to support the war effort. From the 1960's it was used as accommodation for the Tenants of the Horseshoe Hotel and for its staff. It has benefited from full services since that time including waste, to the treatment plant. During the 1980's, being the focal point of the Horseshoe's garden, it was used to sell ice creams. It has more recently housed chefs and employees of the Horseshoe Hotel. It has more recently housed chefs and employees of the Horseshoe Hotel. The previous tenants of the Hotel housed a tenant up until February 2020.

### **The Horseshoes Hotel, Grade II Listed Building**

#### **Significance**

- 6.17 The list entry for The Horseshoe Hotel describes it as constructed in the early C19th with later C19 alterations and extension, followed by a C20 alteration. The construction uses traditional herringbone-tooled sandstone which is prevalent in Egton and Egton Bridge. It has a pantile roof with stone dressings. The building is L-shaped in form and comprises 2 storeys and attics, with 4 windows, and a single storey lean-to at left end. There is a right-of-centre 6-panel door beneath a shaped herringbone-tooled lintel. There is a blocked fire window left of door and to the right,

is a 3-window corniced, canted bay with 12- and 16-pane sashes. The remaining windows are tripartite with centre sashes, small panes, and herringbone-tooled lintels. There are stone sills to all windows. The building has coped gable ends and shaped kneelers with ball and pedestal finials. There are two inserted flat dormers with 6-pane casements and end and centre corniced stacks. The right gable end has a relief-carved 'F' in a keyed circular surround. The extension comprises an additional wing of 2 storeys and 2 windows with 12-pane sashes with stone sills on both floors, with tooled lintels on ground floor and herringbone-tooled lintels on first floor. The right gable is coped with a shaped kneeler, ball and pedestal finial and corniced stack.

- 6.18 The hotel building itself has a relatively limited planning history with permission approved in 1990 for internal alterations and an extension to a store. It is one of a number of public houses/hotels that have been historically located in Egton and Egton Bridge which are of similar age and construction, however the Horseshoes Hotel unlike some of the former public houses remains in viable use with little change to its original external appearance. There are references to the area currently used as the car park to the hotel as The Old Piggery.
- 6.19 The application site lies within the setting of the Hotel and comprises a building that is widely believed to have been constructed as a 'summer house' on the lawn of The Horseshoes Hotel and therefore there is clearly a functional historical relationship between the two.
- 6.20 The Hotel itself is a prominent building at this part of Egton Bridge and faces away from the bend in the river. Its position at the junction where a number of routes meet with a predominantly wide open green space in front provides a pleasant riverside setting with wide attractive views across the green when approached from Egton. Aside from the current beer garden use, there is little domestic paraphernalia and clutter in the general area, giving a general appearance of space, with large trees that frame the southern boundary of the lawn/green area.
- 6.21 Therefore given the Hotel's national recognition as a Grade II Listed building it has a high level of heritage significance which needs to be given due weight in the consideration of this application.

### **Impact of Works Proposed**

- 6.22 The application is for change of use of the building only with no works proposed to the exterior of the building. There will therefore be no change to the current character and appearance of the building and therefore the impact of works proposed on the significance of the Horseshoe Hotel or its setting is considered to be negligible. The change of use to Farm Shop has the potential to introduce more activity in and around the 'summer house' and onto the lawn/green area. However there is currently activity in this location due to the operation of the Horseshoe Hotel and the focus on

the beer garden use as a result of the current Covid-19 pandemic social distancing restrictions. The use of the building as a shop between 10-4 every day is unlikely to significantly increase activity here to an unacceptable level that would adversely affect the heritage significance of the setting of the Hotel. It is therefore considered that the impact of this proposal upon the Horseshoe Hotel is negligible.

### **Mitigation Strategy**

6.23 The application is for change of use only. No physical works are proposed that would affect the exterior of the building or the heritage significance of the Horseshoe Hotel or its setting. Therefore there is no need for any mitigation to be proposed as part of this application. However, in order for the applicants to retain control over the operation of the building, it is proposed that the Farm Shop will be operated by the applicants (the current operators of the Horseshoes Hotel) and not to be sublet or rented to any third party.

### **Egton Bridge Conservation Area**

6.24 The application site lies wholly within the Conservation Area for Egton Bridge. The Conservation Area was designated in November 1991 and an Article 4 (2) Direction was served in August 2006. The Article 4 (2) Direction has the effect of requiring planning permission to be sought for works on any elevation that fronts the highway including for example alterations/demolition of a chimney.

### **Significance**

6.25 Egton Bridge Conservation Area encompasses the entire built up area of Egton Bridge. It stretches south from the railway station either side of the C82 and includes St Hedda's Church and primary school to the west and Egton Manor, its grounds and outbuildings and sawmill to the east. The Conservation Area boundary largely follows the course of River Esk with two principal routes – the C82 from Egton which runs north-south before heading west towards Glaisdale and Broom Hill Lane a westerly route also heading towards Glaisdale which contains a series of riverside residential dwellings linked to a former Mill. Buildings within the Conservation Area are generally low density and follow a loose knit grain. It is characterised by residential dwellings in large plots, which are well treed with open green areas of pasture in between interspersed with small areas of woodland.

6.26 The Horseshoe Hotel and adjacent buildings, occupy the south western corner of the Conservation Area, just south of a meander in the River Esk. The Hotel occupies a prominent position to the rear of the 'green'. The 'summer house' located to the south of the green is shielded from view from the east and west by the presence of the large sequoia trees which characterise this part of the Conservation Area.

- 6.27 There are only three Listed Buildings within the Conservation Area – St Hedda’s Church, Egton Manor (and outbuildings) and The Horseshoe Hotel, the majority of the buildings remaining unlisted. Some of these unlisted buildings occupy prominent positions within the Conservation Area such as Oak Tree House at a bend in the C82 adjacent to the green, The Old Post Office opposite, The Old Mill Building on Broom House Lane, and Bridge Holme. The predominant building materials within the Conservation Area are grey sandstone with grey slate roofs. The southern part of the Conservation Area close to the Horseshoes also has red pantile in use for roofs. Most of the garden areas are delineated by low stone walls and hedges. The importance small wooded areas and the trees is reinforced through the presence of a woodland Tree Preservation Order which covers the north western portion of the Conservation Area. Buildings within the Conservation Area are generally in good condition and are well maintained.
- 6.28 There has been relatively little new build or change within the Conservation Area as a whole – the former Mill has been converted to residential use as has the Old Post Office and other former outbuildings or stables throughout the Conservation Area. There have been some minor alterations and extensions to existing residential dwellings but in overall terms the Conservation Area is relatively unchanged and its identification as a formally designated Conservation Area should be recognised as giving it a high level of significance in the determination of this application.

### **Impact of proposed works**

- 6.29 There are no physical works proposed to the application site . The application is for change of use. In terms of impact upon the Conservation Area, there will be no impact from proposed works. The change of use would result in the presence of more activity on the ‘green’, however this is already a focal point for this part of the Conservation Area , through the operation of the Hotel and its use as a beer garden. The landowners, the Egton Estate have previously used the building as an ‘ice cream shop’ in the 1980s and therefore retail activity in this location does have some precedent.
- 6.30 In the wider locality, nearby Oak Tree House, which is east of the application site, planning permission was granted in 1989 for use of the outbuildings known as The Old Chop House to form an antique and craft shop. Additionally, the presence of The Old Post Office itself, is indicative of a former level of retail and community activity around the green location.
- 6.31 It is therefore considered that the proposed change of use is likely to have a negligible impact upon the character and appearance of the Conservation Area.

## Mitigation Strategy

6.32 As outlined above there are no physical works proposed that would cause impacts that are required to be mitigated. The proposed use would increase activity in this part of the Conservation Area, however this location has historically had both retail and community activity taking place. The proposal is for the Farm Shop to be operated by the applicants who currently operate the hotel; an arrangement which allows them to retain control over the operation of the Farm Shop which assists in mitigating any impacts that may arise from the use.

## Overall Heritage Conclusion

6.33 As outlined above the proposal is for a change of use only, involving an existing building situated within the Conservation Area, adjacent to a Grade II Listed Building; both of which have high level of significance due to their national recognised designations. The building has previously been used as a holiday let, ice cream shop and more recently for storage. There are no external works proposed to the building itself and therefore impacts on the heritage significance of either the adjacent listed building or the Conservation Area are nil and no mitigation is required.

6.34 The use of the building as a farm shop would potentially increase activity into the area, however given that the current use of the majority of the green is for a beer garden and that there has been an historical retail use here it is considered that this would have a negligible effect on the area in terms of noise and disturbance of the setting of the Horseshoe Hotel or the Conservation Area more generally. The applicants who are the operators of the Hotel intend to operate the Farm shop themselves ; it is not intended to be let or rented separately to a third party; thereby retaining control over how the business is operated which would adequately mitigate any issues that could arise from the use.

6.35 In considering whether a proposal will lead to harm or loss of significance of a heritage asset, even where this harm is less than substantial, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use.

6.36 The proposal to establish a farm shop in this location would have a number of direct and indirect public benefits. The shop will benefit local producers in that they will be able to sell their goods to the public through the shop. The proposed linked relationship with Botton Village not only enables an outlet for them to sell their produce but also provides an opportunity for residents of Botton Village to volunteer in the shop and obtain retail and customer service experience as well as enabling greater confidence and independence. In addition the provision of a shop in this location will have benefits for the local community who will be able to access local products and day to day goods on their doorstep. There is currently no other shop

within Egton Bridge or Egton and therefore the proposal represents a positive benefit to the local community.

- 6.37 It is concluded therefore that there will be no impact on the significance of the Horseshoes Hotel or the Conservation Area derived from works to the building as none are proposed. This leaves the potential for impacts to be derived from the use. As discussed above the use would potentially introduce more activity into the green area, however this is likely to be at a level that is significantly less than that already occurring from the beer garden use. The cumulative effect of the shop being open and the beer garden in full use would only occur at lunch times/during the day as the shop is open 10-4. There has been an historic use of retail in the area – the previous use as an ice-cream shop and permission for an antique and craft shop close by. The operation of the use by the applicants and operators of the Horseshoe enables them to have control over the operation of the shop and mitigate any potential impacts upon the Horseshoes hotel. These impacts would not be direct or physical but indirect and related to the significance of the wider setting of the Hotel and the Conservation Area and could only be generated by the use. The fact that the farm shop use would also provide public benefits in the form of a shop for the local community, an outlet for local farmers and producers and a training and work experience opportunity for residents of Botton Village would significantly outweigh any detrimental heritage impacts, which in this case, none have been identified and the use is considered to be acceptable in heritage terms.

## 7 Flood Risk Assessment

- 7.1 The NPPF indicates that Site-specific Flood Risk Assessments (FRA) are required for any development located within Flood Zones 2 or 3. The purpose of the FRA is to identify the level of flood risk to a property or site. This helps to identify the measures (*if any*) that are necessary to make a property or site safer. When determining planning applications, local planning authorities should be satisfied that the proposed development would not increase flood risk elsewhere.
- 7.2 This assessment has been formulated in accordance with the National Planning Policy Framework (NPPF) 2019 and NPPG (2015) and it is to be used to assist the NYMNPA and the Environment Agency when considering the potential flood risk implications of the proposal.
- 7.3 According to the Environment Agency's flood risk maps (see Appendix 2) the proposed shop building lies just inside Flood Zone 2. The Horseshoe Hotel, car park and adjacent outbuildings, Esk View Cottage to the west and Oak Tree Cottage to the east are all within Flood zone 2 as is a significant portion of St Thomas's island. The NPPF seeks to take a sequential approach to directing all development to sites with the lowest risk of flooding.

- 7.4 The fact that the site for the proposed shop is located just within Flood Zone 2 means that a Flood Risk Assessment must be carried out. The Sequential and Exception Tests in respect of flooding are not applicable to minor development which are defined as having a footprint of less than 250 sqm. The proposed shop is approximately 35 sqm and therefore is below the threshold. Minor developments are unlikely to raise significant flood risk issues unless:
- they would have an adverse effect on a watercourse, floodplain, or its flood defences;
  - they would impede access to flood defence and management facilities, or;
  - where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows.
- 7.5 The application is also for the change of use of an existing building, does not involve an increase in building footprint and is already in situ. There are other vacant buildings in the locality – namely the outbuildings adjacent to the Horseshoe Hotel however these are located within the same flood zone as the application site and therefore would not offer a sequentially more suitable site in terms of Floodrisk. It could be argued that the proposed use of the building (A1) is preferable to its previous use (C1) in flood risk terms because it will not involve the use of overnight accommodation.
- 7.6 The building's previous use for holiday accommodation including sleeping accommodation would place it in the 'More vulnerable' category under Table 2 of the Environment Agency's Flood Risk Vulnerability Classification. The building's current temporary 'storage' use and its proposed 'shop' use are both classed as 'less vulnerable' developments.
- 7.7 The Environment Agency's Table 3 'Flood Risk Vulnerability and Flood Zone Compatibility' states that 'Less Vulnerable' developments located within Flood Zone 2 are considered to be acceptable developments and do not require an Exception Test.
- 7.8 One of the key objectives of the National Park is to strengthen and diversify the local economy, promote healthy and sustainable communities, and encourage opportunities for understanding and enjoyment of the Park. The opportunity for a new business/community facility in this location will help the National Park Authority to deliver some of its key identified sustainability objectives.

## National and Local Planning Policy

- 7.9 The proposal to change the use of this existing building to form a Farm Shop in this location is unlikely to increase flood risk elsewhere and it is therefore considered appropriate development in the context of the site and is consistent with NPPF paragraphs 155 and 164 .
- 7.10 In terms of the Development Plan, the NYMNPA Local Plan Adopted July 2020, requires under Policy ENV5 that development should meet the sequential approach to Floodrisk and not lead to an increase in flood risk elsewhere. These requirements have been met by this statement .

## Flood Risk and Mitigation

- 7.11 The River Esk is located approximately 35 metres to the north of the application site. The ground level rises out of the river channel by approximately 1m to reach bank level. There is then a mature privet hedge and the highway between the top of the bank and the green area which is currently being used as a beer garden for The Horseshoes Hotel. The green area, on which the application site is located, is raised approximately a further 1m above ground level on top of a stone retaining wall. Due to the application site being raised at least 2m above river level as well as being set back at least 35 m it is not considered that the site requires any special or compensatory flood mitigation measures, such as flood resistant and resilient construction techniques and there are no residual risks to the site. The land is owned by the Egton Estate which has been in the possession of the Foster family since 1869. The landowners have confirmed that this area has never flooded since the land has been in their ownership.

## Flood Risk Conclusion

- 7.12 As outlined above, the application site lies just inside an area of flood risk (Zone 2), however there is no residential use proposed and hence no persons will be present and sleeping in the event of a flood. The proposed use represents a less vulnerable use than that of the previous holiday accommodation use and therefore an overall improvement in flood risk terms. Taking into account the fact that the building is an existing building, with no increase in footprint proposed, and is located in a raised location, it is considered that the proposed shop can be maintained and operated safely in flood risk terms without increasing flood risk elsewhere. The proposal is therefore an appropriate development in accordance with the NPPF (2019) and Policy ENV5 of the NYMNPA Adopted Local Plan July 2020.



## **8. Planning Policy Considerations.**

### **8.1 Local Development Plan**

8.1.1 The relevant Local Development Plan for the area is the North York Moors Local Plan Adopted in July 2020. The most relevant policies are as follows:

#### **Strategic Policy A - Achieving National Park Purposes and Sustainable Development.**

8.1.2 This strategic policy takes a positive approach to new development in line with the presumption in favour of sustainable development. It seeks to conserve and enhance the natural beauty, wildlife, and cultural heritage of the National Park and to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Development is allowed that:

- a) Is of a high quality design and scale which respects and reinforces the character of the local landscape and the built and historic environment;
- b) Supports the function and vitality of communities by providing appropriate and accessible development to help meet local need for housing or services, facilities, energy, or employment opportunities;
- c) Protects or enhances natural capital and the ecosystem services they provide;
- d) Maintains and enhances geodiversity and biodiversity through the conservation and enhancement of habitats and species;
- e) Builds resilience to climate change through adaptation to and mitigation of its effects;
- f) Makes sustainable use of resources, including using previously developed land wherever possible; and
- g) Does not reduce the quality of soil, air, and water in and around the National Park.

#### **Strategic Policy B –The Spatial Strategy.**

8.1.3 Egton Bridge is designated as a 'Smaller village' in the spatial strategy. The strategy allows for development that would maintain the rural character of Smaller Villages by providing small scale housing developments to meet local and affordable needs, small scale employment and training premises and new facilities and services for the immediate locality only.

### **Strategic Policy C - Quality and Design of Development.**

- 8.1.4 This strategic policy allows development where proposals are of a high quality design that will make a positive contribution to the local environment in accordance with the principles set out in the NYMNP Authority Design Guide;
- the proposal incorporates good quality construction materials and design details that reflect and complement the architectural character and form of the local area and/or that of the local vernacular;
  - the siting, orientation, layout, and density of the proposal complement existing buildings and the form of the settlement, preserving or enhancing views into and out of the site and creating spaces around and between buildings which contribute to the character and quality of the locality;
  - the scale, height, massing, and form of the proposal are compatible with surrounding buildings and will not have an adverse impact upon the amenities of adjoining occupiers;
  - sustainable design and construction techniques are incorporated in the proposal including measures to minimise waste and energy use and where appropriate use energy from renewable sources;
  - a good quality landscaping and planting scheme which reinforces local landscape character, increases habitat connectivity, and makes use of appropriate native species forms an integral part of the proposal;
  - Proposals to enhance local wildlife and biodiversity, for example through the inclusion of nesting boxes and bat roosts;
  - Where appropriate, cycling facilities and car parking are provided provision and without compromising local highway safety, traffic flow or Public Rights of Way;
  - and the proposal ensures the creation of an accessible, safe, and secure environment for all potential users, including the elderly, children and those with a health condition or impairment.

### **Policy ENV 5 Flood risk**

- 8.1.5 This development management policy only permits development where it meets the sequential test in terms of Floodrisk and does not increase the risk of flooding elsewhere.

### **Strategic Policy I – Historic Environment**

- 8.1.6 This strategic policy seeks to ensure that all developments affecting the historic environment should make a positive contribution to the cultural heritage and the local distinctiveness of the National Park through the conservation and, where

appropriate, enhancement of the historic environment heritage assets. New development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area, including the vernacular building styles, materials and the form and layout of the historic built environment including Conservation Areas and Listed Buildings

### **ENV 11 Historic Settlements and Built Heritage**

8.1.7 This development management policy requires that development affecting the built heritage of the North York Moors should reinforce its distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials, and construction. High standards of design will be promoted to conserve and enhance the built heritage, settlement layouts and distinctive historic, cultural, and architectural features.

### **Env12 Shop Fronts**

8.1.8 This development management policy requires proposals to create new shopfronts to demonstrate how they conserve and enhance the special qualities and significance of the building and area; and how they relate to their context in terms of design, scale, material, and colour.

### **Strategic Policy K – Rural Economy**

8.1.9 This strategic policy supports development proposals that foster the economic and social well-being of local communities, including those that protect existing businesses by providing flexibility for established rural businesses to diversify and expand; to help maintain or increase job opportunities and supports small and micro business through the provision of flexible start-up businesses,

### **Policy BL8 – Shops, Offices, Food and Drink Facilities**

8.1.10 This development management policy supports new retail development within the main built up area of Smaller Villages where they are compatible with the character of the area and are of a scale that is appropriate to the community in which they are located

## Strategic Policy L – Community Facilities

- 8.1.11 This strategic policy supports proposals for new community facilities including retail within the main built up area of one of the Smaller Villages where the facility is intended to serve the immediate locality only.

## Policy Co2 – Highways

- 8.1.12 This development management policy seeks to ensure that new development will only be permitted where it is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety.

## 9. Other material considerations

### NPPF

- 9.1 The NPPF is a material consideration with considerable weight. The relevant national planning policies are set out in the National Planning Policy Framework (NPPF) revised February and July 2019. Paragraph 7-8 of the NPPF, the Government underlines its commitment to sustainable development and states that:

*"The purpose of the planning system is to contribute to the achievement of sustainable development...achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways:.*

- *an economic objective – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation, and improved productivity, and by identifying and coordinating the provision of infrastructure;*
- *a social objective– to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible local services and open spaces that reflect current and future needs and support communities' needs health, social and cultural well-being;*
- *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy."*

## 10. Assessment

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004), requires the proposed development to be judged against the Development Plan Policies in the first instance; and planning decisions made on the basis of its compliance with the Development Plan Policies, taking into account material planning considerations, and applying the planning balance of the schemes impacts against the positive benefits that will be derived. Below is set out how the proposal performs against the Development Plan: The North York Moors Local Plan July 2020.

### **Strategic Policy A: Achieving National Park Purposes and Sustainable Development**

- 10.2 The proposal is considered to be in conformity with Strategic Policy A as it is of a scale that will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace, and tranquillity of the Park. Neither will it detract from the quality of life of local residents or the experience of visitors. It is of a scale which will support the character and function of Egton Bridge and would not have a detrimental impact on the natural environment, biodiversity and geodiversity or the loss of important ecosystems or natural capital. It would not impact on the landscape character of the village or the wider area. It provides an additional community facility that will help to meet the needs of the area, without the need to use the private motor car.

### **Strategic Policy B: The Spatial Strategy**

- 10.3 The proposal is considered to be in conformity with Strategic Policy B. It proposes an additional community facility/retail opportunity within the built-up area of Egton Bridge which is identified as a Smaller Village which is supported by the Policy.

### **Strategic Policy C: Quality and Design of Development**

- 10.4 The proposal is considered to be in conformity with Strategic Policy C. The proposal is for a change of use of an existing building. There are no external changes to the current appearance of the building proposed. The form, scale, massing, materials, and layout complement existing nearby buildings and more widely the form of the settlement. It is anticipated that the proposal would not have an adverse impact upon the amenities of adjoining neighbours.

### **Policy ENV5: Flood Risk**

- 10.5 The proposal is considered to be in conformity with Policy ENV5. The site is located in an area of 'medium risk' of flooding and an assessment of flood risk has been carried out at Section 6. The proposal is for a change of use of an existing building only with no increase floor space or footprint proposed. The proposal would not therefore increase the risk of flooding elsewhere as it re-uses an existing building. The overall building floorspace is within the minor development threshold for measuring flood risk. The current use is temporary storage but previous to that the building was used for holiday accommodation which is classed as a more vulnerable use. The Farm Shop use is a less vulnerable use and therefore the proposal represents an improvement in flood risk terms and is therefore in accordance with this policy.

### **Strategic Policy I – Historic Environment**

- 10.6 The proposal is considered to be in conformity with Strategic Policy I. The proposal seeks to make use of an existing building located close to a listed building and within the Conservation Area. The application is for change of use only and does not seek to alter the external appearance of the building. The proposed use it is acknowledged could result in an increase in activity in a location adjacent to the Grade II Hotel and the Conservation Area, however the operation of the farm shop which will be undertaken by the applicants who are also the operators of the Hotel and the opening hours of 10-4 are considered to mitigate any potential impacts to the significance of the setting of the hotel or the Conservation Area. This when balanced against the public benefits that will be derived from the Farm Shop to the local community, local producers and as a training and volunteering opportunity for the residents of Botton Village are considered to outweigh any potential impacts and the proposal is therefore considered to be acceptable in heritage terms.

### **ENV 11 Historic Settlements and Built Heritage**

- 10.7 The proposal is considered to be in conformity with Policy ENV11 in that it involves minimum levels of intervention with the building and is for change of use only. The proposal retains the special character and appearance of the settlement including the important open space of the 'green' on which it sits and maintains the trees which contribute to the visual and historic character of this part of the Conservation Area. The proposal represents an optimum viable use for the building that is consistent with its heritage value and is compatible with its conservation and does not affect its heritage value. The use represents a public benefit both to the immediate local community and to local producers and the residents of Botton Village as outlined above. The proposal is therefore considered to be acceptable in heritage terms.

## **Env12 Shop Fronts**

- 10.8 The proposal is considered to be in conformity with this policy in that it does not seek to create a new shop front on the building. It is recognised that there may be a need for advertising/signage in the future and that this will need to be the subject of a future application. However this application does not include proposals to create a new shop front in the building and therefore would not harm or substantially alter the character or appearance of the building.

## **Strategic Policy K – Rural Economy**

- 10.9 The proposal is considered to be in conformity with this policy as it provides an opportunity for an existing business to diversify and expand; it helps to increase job opportunities as well as providing additional opportunities to diversify and better equip the National Park's workforce. The proposal for a Farm Shop in this location provides additional facilities for the local community as well as new outlets for local other local producers and businesses.

## **Policy BL8 – Shops, Offices, Food and Drink Facilities**

- 10.10 The proposal is considered to be in conformity with this policy as it provides an additional retail facility within the main built up area of Egton Bridge which is identified in the Local Plan Spatial Strategy as a 'Smaller Village'. The proposal is compatible with the character of the area, reuses an existing building and is of a scale that is appropriate to the community in which it is located.

## **Strategic Policy L – Community Facilities**

- 10.11 The proposal is considered to be in conformity with Strategic Policy L as it provides a for a new facility for the local community within the built up area of a village identified as a Smaller Village in the Local Plan, which is intended to serve the local area.

## **Policy CO2: Highways**

- 10.12 The proposal is considered to be in conformity with Development CO2. It is in a location that is capable of being, accessed by public transport, walking or cycling. There are no new vehicular or pedestrian accesses proposed. Customers to the shop can arrive on foot or by bicycle and access the shop by walking over the green. Car born customers can use the existing pub car park or pull in temporarily outside of the Horseshoe Hotel. Deliveries will also be undertaken in this way, which is the same as that currently used for the deliveries to the Hotel. Shop deliveries are likely to be smaller in scale than those for the Hotel. There are no existing public rights of

way affected by the proposal and the traffic generated by the Farm Shop use is unlikely to cause a severe impact on the local highway network or result in impact on the safe operation of the highway network in this location. The proposal is therefore considered to be acceptable in Highway Terms.

### **NPPF 2019**

- 10.13 Paragraph 11 of the framework confirms its objective of achieving sustainable development and that decisions on planning applications that accords with the Development Plan should be approved without delay.
- 10.14 The proposed change of use is in conformity with this part of the revised NPPF. The application, as demonstrated in the previous sections, confirms that the proposal would contribute to achieving sustainable development – it has environmental, economic and community benefits and is in conformity with the Development Plan. Paragraph 47 confirms that applications for planning permission must be made in accordance with the Development Plan unless material considerations indicate otherwise. It also requires the planning authority to approve development that accords with the Development Plan without delay. The proposed development is in conformity with this part of the revised NPPF. The application, as demonstrated in the previous section, is in conformity with the Development Plan.
- 10.16 Paragraphs 83-84 of the framework set out the Government's intention to support a prosperous rural economy and supports the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings. The framework also supports the development of accessible local shops which add to the community facilities available . The provision of a Farm Shop on this location, operated in association with the Horseshoe Hotel is consistent with this paragraph.
- 10.17 Paragraph 163 of the Framework indicated that when applications are being determined it is important that proposals should not increase the risk of flooding elsewhere By re-using an existing building the proposal is consistent with this aim of the Framework. Paragraph 164 of the Framework indicates that minor developments and changes of use may not be subject to the sequential or exception tests. This proposal is a minor development however it is clear that the proposed use of Farm Shop represents a less vulnerable use to the previous use of holiday accommodation and therefore represents an overall improvement in flood risk terms consistent with the aims of this part of the framework
- 10.18 Paragraphs 193- 202 give guidance on the consideration of the potential impacts of proposals on heritage assets. The application building is an unlisted building located within a Conservation Area and adjacent to a Grade II Listed building. There is a



relationship with the Listed Building as a former summer house on its lawn. However, there are no works proposed to the exterior of the building and the application is for change of use only which limits the potential for direct impacts upon the Listed Building or the Conservation Area and certainly less than substantial harm. Paragraph 196 of the framework indicated that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing a viable use. The proposed use has substantial public benefits which are discussed earlier in this statement but relate to benefits to the local community in the form of a retail use, economic benefits to local producers by providing an outlet for local produce and also benefits to the community of Botton Village through providing an outlet for their products but also providing training and job benefits through volunteering in the Farm Shop. These tangible public benefits are considered sufficient to outweigh any potential heritage impacts that might be generated by an increase in activity (derived from the Farm Shop use) in this part of the Conservation Area and adjacent to the Listed Building. The proposal is therefore considered to be consistent with the heritage requirements of the NPPF.

- 10.19 Due to the benefits derived from the proposed development, and the lack of any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Development Plan Policy and relevant material considerations, including the revised NPPF as a whole, the scheme can be considered sustainable development.

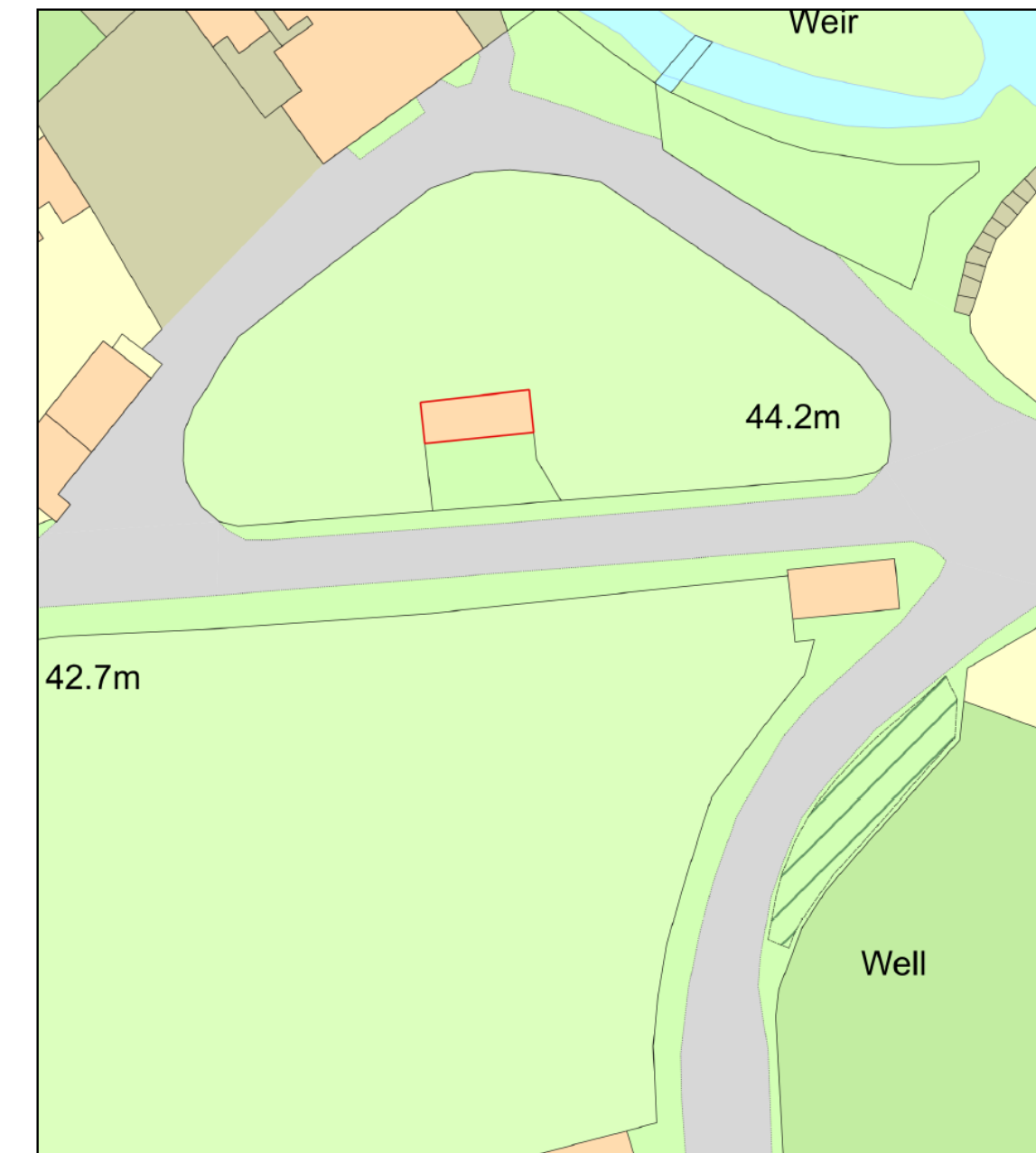
## 11 Conclusion

- 11.1 In conclusion, this application is considered to be in general, and total accordance with the Development Plan, as required by Section 38(6) of the Planning Act (2004) (The Act). The Adopted NYMNPA Local Plan includes Strategic Policies B, I, K and L and Development Management Policies ENV5, 11, CO2 and BL8, which allow for new, sensitively designed, small scale retail within 'Smaller Villages', such as Egton Bridge.
- 11.2 With the above in mind, and taking into account the potential social, environmental, and economic benefits derived from the scheme, it is considered to constitute sustainable development as described by the Development Plan, and the Adopted Local Plan and the NPPF.
- 11.3 There are no other relevant material considerations that would individually or collectively indicate the application should not be approved. Furthermore the scheme derives a number of benefits with no adverse impacts that would significantly and demonstrably outweigh the benefits The proposal re-uses an

existing building, represents a less vulnerable use in Floodrisk terms, provides an opportunity for the diversification of an existing business and community benefits in terms of additional facilities and training and employment opportunities, whilst not having any adverse impacts upon the character and appearance of the historic environment. Therefore, and in accordance with the NPPF, the planning application should be permitted without undue delay.

**Appendix 1 – Site Location Plan**

Site Plan 1:500 Change of Use to Farm Shop, Egton Bridge



## Appendix 2 – Environment Agency Flood Risk Map

