

## North York Moors National Park Authority

<b>Parish: Danby</b>	<b>App No. NYM/2020/0500/FL</b>
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**Proposal:** variation of conditions 2 (material amendment), 4, 5 & 6 of planning approval NYM/2015/0826/FL to allow revisions to internal layout in relation to shop, cafe and multi-use/training room and change of external window to door, the sale of new bikes and local goods (part retrospective)

**Location:** Fryup Gill Farm, Yorkshire Cycle Hub, Fryup,

**Applicant:** Mr and Mrs Philip and Sarah Thurlow, Truly Scrumptious, The Street, Great Fryupdale, YO21 2AS,

**Agent:** Bell Snoxell Building Consultants Ltd fao: Mr Stainthorpe, Mortar Pit Farm, Sneatonthorpe, Whitby, YO22 5JG,

**Date for Decision:** 10 September 2020

**Extended to:**

### Director of Planning's Recommendation

**Approval** subject to the following condition(s):

1.       PLAN01       Strict Accordance With the Documentation Submitted or Minor Variations - Document No's Specified
2.       WPDR09       Withdrawal of PD Part 2 Class A - Gates, Walls, Fences
3.       RSUO00       The area of the building hereby approved to be used as a café (Use Class A3) shall not be extended beyond the area marked as café on the Proposed Ground Floor Plan received on the 16 July 2020 and shall not be used for any other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. Within this area a space not exceeding 10sqm may be used to display and sell locally relevant gift and craft goods for a period of one year only from the date of issue of this decision notice.
4.       RSUO00       The area of the building hereby approved to be used as a shop (Use Class A1) shall not be extended beyond the area marked as shop on the Proposed Ground Floor Plan received on the 16 July 2020 and shall not be used for any other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

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## Condition(s)/continued

5. RSUO00 Sales from the shop area hereby approved shall be limited to new bikes and cycling related items essential for a holiday maker's stay, such as gloves, jackets, helmets, inner tubes and tyres etc and basic camping provisions such as disposable BBQs, toothbrushes, shower gels etc, unless otherwise agreed in writing with the Local Planning Authority.
6. RSUO00 The office/store rooms and staff room areas hereby approved shall only be used for purposes ancillary and incidental to the use of The Cycle Hub, the café and shop and for the management of the camping pods and the surrounding land shown within the red line on the site location plans. They shall at no time be used as a separate or independent offices or stores associated with the uses hereby permitted.
7. RSUO00 Camping pods hereby approved shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.
8. RSUO00 The camping pods hereby permitted shall form and remain part of the 'Cycling Hub', Fryup Gill and shall not be sold or leased off from the main buildings on the site or let off except as holiday accommodation in accordance with the terms of condition 7 above without a further grant of planning permission from the Local Planning Authority.
9. GACS00 The café and shop hereby permitted shall not be open to customers outside the hours of 7am to 9.00pm on any day between April to September and 7am to 7pm on any day between the months of October and March. Outside of these times no food or drinks shall be served for consumption on or off the premises. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.
10. GACS00 The only external lighting to be used on the site is that which was approved under the CVC application in relation to Condition 11 of NYM2015/0826/FL. Approval was granted for low level LED lighting on sensors in accordance with the details and locations submitted on the 20 October 2016 on NYM2016/0555/CVC. Any additional lighting above that already approved would need written agreement of the Local Planning Authority.
11. MATS00 The new door in the development hereby permitted shall match those of the existing building in terms of appearance, materials, section, dimensions, external finish, reveals cills and lintels and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

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## Condition(s)/continued

12. LNDS00 All trees in the woodland to the south west of the proposed pod site shown on the location shall be managed and maintained in perpetuity. If any trees, shrubs or hedges within the site which are shown as being retained on the approved plans are felled, uprooted, wilfully damaged or destroyed, cut back or removed without the prior written consent of the Local Planning Authority it shall be replaced with trees, shrubs or hedge plants of a similar size and species unless the Local Planning Authority gives written consent to any variation. Any work approved within the buffer area shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations.

**Informative(s)**

1. INF00 Section 106 Agreement



**North York Moors**  
National Park  
Authority

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Scale: 1:2500



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Photo from CVC file & internet (due to restricted SV's as a result of CV19 restrictions)

## Consultations

**Parish** - (amended proposal) - The Danby Group Parish Council supports this application because this is a very popular viable local business / employer seeking to enhance / improve facilities.

(Original proposal) The Danby Group Parish Council supports this application because the applicants are local employers who are running a viable and popular local business which they seek to expand and develop.

**Highways** - (Original proposal) No local highway authority objections.

**Police** - (Amended proposal) No comment to make in relation to designing out crime.

(Original proposal) - Many thanks for giving North Yorkshire Police (NYP) the opportunity to comment on this application. I have carried out an up to date analysis of crime and disorder for a 12 month period (1 July 2019 to 30 June 2020), for the same study area as that used by my former colleague Mr Shanks in his original report dated 10 December 2015, which showed that the site is located within a low crime & disorder area, with 5 crimes and 2 Anti-social Behaviour incidents being recorded by NYP. Having reviewed the accompanying documents and drawings that were submitted with the application, I have no concerns in relation to Designing Out Crime.

**Police (Traffic)** -

**Fire Officer** - (original & amended proposal) - No objection/observations

**Environmental Health Officer** - (amended proposal) I confirm as a consultee no adverse comments or observations to the variations of conditions from a Food Safety/Health and Safety/Environmental Health perspective.

(original proposal) As consultee I confirm no adverse comments to the changes and variations of conditions.

**Rambler's Association - Cleveland Group** - We have no objections to this application.

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Consultations continued

**Site Notice/Advertisement Expiry Date - 19 August 2020****Others - Mr P Leese, Fryup Hall Farm - 21 September (amended proposal)**

Please accept my objection to this application for further development of Fryup Gill, specifically to the shop sales changing from specific items to any goods. The original application is only approved subject to a Section 106 Agreement as the extent of the development was not acceptable in terms of planning in the Open Countryside. Any changes to the legal agreement should be considered with the greatest of concern and care, the terms it dictates were made for the protection of the open countryside and those who live in the remote area.

The application should be retrospective as the café has already been extended and the shop and cycle repair area moved into the function room, creating a much larger shop. A shop with no limit of specific items would not meet the policies for development in the open countryside. Sale of other goods will require regular deliveries and further increase in traffic will perpetuate the problems this venue causes on the single track lanes.

I do not accept that the venue would limit their sales to 'locally relevant goods', they claim that the changes listed in this application are 'needed for safety, for sound practical reasons and for the business to survive', goods would need to be sold in high quantities to gain any financial benefit and it is likely that this is the longer term plan, possibly to include wood burning stoves (like the one in the café), produced locally in Pickering as the applicant is a director and shareholder of this company.

The original conditions and terms of the S106 have not been taken seriously by the applicants and the term 'locally relevant' would be easily open to interpretation. This area should be given the highest status of protection and your Authority has the privilege of safeguarding and preserving our unique, rare and remote landscape. You have the provisions of the law and a requirement to use it for the benefit of everyone who resides, works or visits this special place.

**15 August 2020 (original proposal)**

Objection to the extension of winter opening hours. This should be a retrospective application. [Raise other concerns with regard to lighting and events which take place at the site but are not directly relevant to this application.] Please do not allow any further deterioration of Dark Skie, Conservation, Habitat, Tranquillity, Road Safety and Local Amenity.

**CES Baker, Fryup Hall Farm - 21 September (amended proposal)**

I regret that I have to object to the further development of the shop on this site. The original consent was carefully drafted to correctly limit the items able to be sold. Nothing has changed and neither should the S106 restrictions. A general shop on this site is not acceptable as it is located remotely in open countryside. The proposal is contrary to SPJ which looks to protect the quality of life of residents and prevents unacceptable harm in terms of noise and activity. The increase in traffic movements for shop deliveries and customers cannot be accommodated by the adjacent roads as it does not have the capacity

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Others continued

to serve increased traffic without detriment to highway safety. I respectfully ask you to consider the policies that are in place to protect Open Countryside and whether a general shop should ever be acceptable in planning terms in this location?

**13 August** (original proposal)

I regret that I have to object to the further development of this events venue, which has been open on winter evenings since 2017. There are no café visitors or tourists when it is dark. Outdoor events take place in a floodlit environment, those participating arrive by car.

The application to extend the winter opening times does not comply with the Local Plan. The policies that protect the Open Countryside are extensive. I have greatest concern about highway safety on the narrow roads; extending winter opening hours will increase the use of the narrow roads and bridleways in the dark which is not safe.

**Mrs K Leese, Fryup Hall Farm - 21 September** (amended proposal)

The proposal to amend the Section 106 in place to change the cycle shop into a shop that can sell a miscellany of goods trivialises the importance and significance of these arrangements, which are used when a planning application would be refused and the terms of the agreement are made to mitigate the reason for refusal. The strict terms that only cycling related products could be sold are in place for specific reasons, protecting the open countryside from the further disruption and damage by delivery and visiting vehicles is primary.

The new location that the shop has moved to is larger, making more space to sell more goods. The size is larger than the village shop in Lealholm, Danby and Glaisdale. A shop selling anything at all would not be given planning consent in the Open Countryside; the increase in delivery traffic alone is unacceptable.

The applicant states that their proposal to remove the restriction from cycling related products is made "for the business to survive", it will take a high volume of shop sales to make such a difference, the consumers would need to be drivers as cyclists are unable to transport purchases and the viability of a business is not a planning matter. Please apply the highest level of protection to the open countryside of Fryup in regard to this application.

**14 August 2020** (original proposal)

When supporting the original application I thought it was for a tearoom type café and a shop. I did not realise it was an event venue for groups of people, sometimes 300-400, arriving by car, often at night when floodlights are used that illuminate the moors for many miles. The sole purpose of the request to open on winter evenings is to regularise the existing use. Lighting associated with running the winter evening events can be seen as you drive from Blakey Ridge, Danby Moor and Glaisdale Moor. The evening events which have taken place in the past are considered to be inappropriate for the area and include night races, music festivals, Hardmoors Marathon and weekly slalom events. Whilst the applicant explains that the events are necessary to support the income of the site, the viability of the business is not a planning matter.

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Others continued

None of the events benefit tourism and the area cannot be appreciated in the dark, only the stars which the flood lighting obliterates. During the winter when the leaves are not on the leaves we suffer loss of amenity due to the impact of the floodlights and loud music. The cumulative effect if other properties did the same as the application property would result in Fryup Dale becoming a multipurpose outdoor arena and congestion zone. There is a statutory duty of the National Park to protect and conserve, especially in remote Open Countryside. It is not unreasonable to expect that the authority would stop these unauthorised activities that they have known about since September 2019, yet the events continue and the floodlights are still used and fixed to the building at Fryup Gill.

**G & A Simpson, Fairycross Plain, Fryup** (amended proposal)

We object to this application for the sale of local goods.

We objected to the original planning application which was registered on 27th July 2020 which also included longer opening times on the grounds of highway safety, traffic generation and noise disturbance.

If the Yorkshire Cycle Hub changed their shop from just a cycle shop to also sell local goods we still then have the same objections.

This would encourage more people to travel on these rural country roads by a motorised vehicle as a cyclist will be limited to how much they will be able to carry themselves, there will also be an increase of delivery vans needed. We feel that the original 106 Agreement needs to stay in place and not be amended.

If the application was granted on one of the grounds stated "for the business to survive" this would then need a large amount of goods to be sold here and what impact would this then have on the local village shops and their business survival?

**6 August 2020** (original proposal)

We strongly object to these opening times on the grounds of highway safety, traffic generation, noise disturbance and privacy.

Road conditions during the winter can be dry, wet, icy, slippery and snowy with gritters that rarely come before 9am if they come at all and even rarer on an evening. The volume and speed of traffic on the roads now is absolutely unbelievable and our children can now no longer ride out on the roads.

The site often operates outside of its allowed opening hours meaning that residents are unable to get a break from the noise and activity. Local people get no advance notice of events which often start very early on Sunday mornings. We feel that in the winter months the opening hours should actually be reduced at both ends of the day for safety reasons, not be extended.



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Others continued

**S Lees, Fairy Cross Plain Cottage, Fryup - 11 August 2020 (original proposal)**

We would like to submit the following comments regarding the variation of conditions at Yorkshire Cycle Hub; in particular, the extension of winter opening hours. We live directly next door to the Hub; and our family previously owned the site the Hub is on. To see it doing so well, and the work that has been put into improving the whole site is brilliant. However, the proposed new winter opening hours raise concerns for us. We have spoken to the applicants and had a discussion with them, but feel that our concerns still need to be raised through the appropriate channels. Since lockdown restrictions were removed, we have seen a huge increase in the number of visitors to the Hub -walkers, cyclists, motorcyclists, cars, vans, delivery drivers etc. far more than there used to be over a week. This in turn has created an increase of people walking/cycling/driving past our home from 9am right through until 5pm it is a constant stream of people. Our concerns are that having the possibility of opening the Hub up from 7am right through until 9pm, 7 days a week is just too much. At present, come 5pm we can sit outside in our garden and enjoy the peace and quiet that falls upon the village. If the Hub were to stay open until 9pm then one of the main reasons for us choosing to live in this corner of the National Park- the solitude, peace and quiet and isolation from life - is taken away without a choice.

We have nothing against people wanting to revel in the beauty of this area, and it is great to see people enjoying it as much as we do. We also cannot stop people from using the public road, however if the Hub is open people will travel to use it, and the effect on our lives and the local area will be heightened. We would accept if the Hub were to open late on the specific evenings it had events on – Wednesdays for the social ride/slalom nights and a Friday and/or Saturday night to cover sporadic late night events – but feel that having the availability 7 days a week has the potential to be detrimental to the area, should circumstances change and the owner – be that current or future – want to make use of the increased opening times.

**Gareth & Sally Gibbons, Lealholm Village Shop, Lealholm Village Shop, Lealholm**

The Cycle hub in Fryup is now an intrinsic part of our community which has blossomed because it offers something different in our area while using the wonderful landscape we live in. The extensive development already has a number of varied income streams but it is now looking to expand into other areas which don't seem to be appropriate to the location. In our time in this area we have seen many businesses apply for planning permission for a specific use only for the use to be changed within a year or two of approval. With this in mind we would like to object to the proposed change of use to develop a general shop at the Cycle Hub. When planning permission was first granted conditions were applied limiting the shop sales to cycling and camping products. With the Cycle Hub being so successful it would seem unnecessary to change this. There was a reason for those conditions to have been placed on the development and it does not appear to be changed. When the Cycle Hub first opened it impacted on a number of businesses in the surrounding area which you would expect with such a fantastic location. To allow expansion of the retail aspect would again draw business away from the nearby villages. Whilst we realise that competition is not reason to decline an application there is a danger that the creation of a retail destination in this fairly remote area will have a negative effect on those villages. With the current position

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**Others Continued**

we all find ourselves in continuing to trade in any business is a challenge but the Cycle Hub with its large outdoor space has had the opportunity to fare better than a lot of other smaller cafes.

Fryup Dale is very beautiful and the concept of the Cycle Hub was in keeping with the location because many of the visitors to it would either be cyclists or walkers with little environmental impact. The creating of a general shop will encourage more vehicles into the valley both in terms of customers and delivery lorries. All of Fryup is single track road with restricted vision and there is not the infrastructure in valley to accommodate additional vehicular traffic.

**Mr R Wilson, The Arches, Dale Head, Fryup Dale**

I object to the enlargement of the cycling shop. The increase in cars and bikes in the area is not acceptable to road users. If they sell other goods it will make driving more hazardous than it is now. There are enough shops in the nearby villages.

**Background**

Fryup Gill is a small farming unit of 18.9 hectares which was developed as "The Cycle Hub" after gaining approval under NYM2015/0826/FL. The site now comprises a detached dwelling, originally built in 1963, and the main Cycle Hub building, built on the footprint of a redundant agricultural building which offers accommodation, a café, shop and associated meeting rooms and facilities. There is also a detached storage building and permission for pod accommodation which has not yet been constructed. The property occupies an isolated location with no nearby neighbours visible directly from the site; however the closest neighbours are 220m to the south east and 320m to the north west.

This application seeks a variation of 4 of the original conditions to allow the existing rooms to be used for different uses to improve the financial viability of the operation. This has come about through the current national pandemic and restrictions resulting in having to increase the distances between tables in the café to achieve social distancing, although there will be no net increase in the number of covers. The shop will move to the multi-use training room which was previously under utilised, but occupied the main entrance space to the courtyard. The café will then expand into the previous shop area which it was part of. The application also seeks permission to be allowed to sell bikes from the shop and also some 'locally relevant' items in and around the café area. The only physical alteration as part of this application is to change a door to a window to access the new shop area direct from the courtyard.

The application was initially submitted with a proposal to increase the winter opening hours from 7am to 9pm (October to March) however after this raised objections from the neighbouring properties this element was withdrawn from the application.

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Main Issues continued

### **Main Issues**

The Cycle Hub development represents the development of a relatively new tourist and training destination within the centre of the National Park which had the aim of promoting cycling and the benefits that the National Park location offers for active recreation. It added to the growing cycling offer of the Park, which includes, Sutton Bank, Dalby Forest Visitor Centre, Trailways at Hawsker and a recently permitted operation near Swainby.

At the time of initial approval The NYM Local Development Framework and Management Plan were generally supportive of such a venture which promotes the opportunity for visitors to increase their awareness, understanding and enjoyment of the National Park. The approval didn't strictly comply with policy in that the location is in a very tranquil and remote valley and involved new build rather than conversion of existing buildings. However it was the location that the applicant considered ideal for showcasing what the National Park had to offer and although there is a perception of remoteness the site is close to the Esk Valley where access can be gained by train. Consequently approval was recommended with a S106 Agreement which controls the number of events that can be held on site and also what can be sold in the shop as well as seeking a contribution towards the maintenance of public rights of way in the area which may have seen an increase in use as a result of the location of the Cycle Hub in this location. The decision to approve was therefore a balanced one, and in the main the venture has proven to be an overall success, though operating within a sensitive location where there is a need to maintain an appropriate level of use and activity to respect the special qualities of this part of the National Park and the amenities of nearby residents.

Managing a National Park is challenging and there needs to be the right balance between conservation and recreation. National Park Authorities need to conserve wildlife and habitats, but also encourage people to enjoy and learn from the countryside. This can cause conflicts.

In considering the original proposal the principle of development in this location, design and materials, proposed use, landscaping, parking and highways implications and management of the site were considered.

The proposal being considered here is for internal reorganisation and increase in the type of things that are able to be sold from the site.

Unfortunately Officers could not support the extended winter opening hours due to the impact on the neighbouring properties, highway safety, the wider landscape setting and associated special qualities and also nocturnal wildlife. The applicant has therefore agreed to remove this element from the application which therefore overcomes all of the third party objections raised to the proposal at that point.

Since the application was re-advertised without the increased opening hours, objections have now been received to the use of 10 sqm of the café for the sale of "locally relevant goods". Objections have been raised on the grounds that this will compete with the other local village shops and increase highway movements in terms of deliveries and customers as anyone coming on a bike will not be able to transport much with them, therefore the

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**Main Issues continued**

proposal is aimed at car users of the site not cyclists. There was also concern with the term “locally relevant goods” is too open ended. The agent was not willing to be more specific in terms of what could be sold from the site and therefore to add clarity the wording on the proposed condition has been tightened up to state “locally relevant gift and craft goods”. The condition also only allows the sale of these goods for one year to help the business out whilst trading is restricted due to the Covid-19 restrictions which the Government has placed upon business in terms of capacity when operating under social distancing measures. Comments on the grounds of competition are not a planning matter. It is already acknowledged that cars come to the site and to either start their bike ride from the location or merely to use the café as a meeting place or community facility, however it is not considered that 10sqm of gift and craft goods will significantly increase the level of traffic movements through the valley to the site. The temporary approval will allow the opportunity for sales to be increased to help bolster the café income, however for the site to revert to its usual operation once restrictions are lifted, which will hopefully be within the year.

No further comments have been raised by the third parties, with regard to the revised room layout, the addition of bike sales or the new doorway proposed, other than the fact that the works are retrospective as the applicant got on with the move during lockdown and that the shop floor area will now be larger.

Officers have few concerns with regard to the proposed physical alteration or the room layout. The increase in items which are able to be sold on site to include bikes is considered to be appropriate to the current operation which will not have an adverse impact on any other shops within the locality (although in terms of business competition this is not a material planning matter).

The application, in its amended form is therefore considered to be in line with Strategic Policy J of the NYM Local Plan which seeks to ensure that any alterations to existing tourism and recreation businesses are sustainable, does not lead to unacceptable harm to the local landscape character, provides and protected opportunities for all people to increase their awareness, understanding and enjoyment of the National Park in a manner which will not undermine the enjoyment of those qualities by other visitors or the quality of life of residents. The proposal should be of a scale and design that is sensitive to the local landscape and should not compromise the enjoyment of existing tourism and recreational facilities or Public Rights of Way. The proposal should not lead to unacceptable harm in terms of noise and activity to the immediate neighbourhood.

This proposal is therefore considered to represent an appropriate level of development on the site which has the support of the Parish Council and therefore approval is recommended.

**Contribution to Management Plan Objectives**

Approval is considered likely to help meet Policy B1 which seeks to increase visitor spend in the National Park.

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**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including the removal of the extended winter opening times so as to deliver sustainable development.