

# North York Moors National Park Authority

Parish: Egton

App No. NYM/2020/0665/FL

**Proposal:** change of use of building to farm shop (Use Class A1) (no external alterations)

**Location:** Horseshoe Hotel, Egton Bridge

**Applicant:** Egton Hotels Ltd  
The Horseshoe Hotel, Egton Bridge, Whitby, YO21 1XE, UK

**Agent:** Compass Point Planning  
fao: Ms Andrea Long, The Old Vicarage, Victoria Square, Lythe, Whitby, YO21 3RW

**Date for Decision:** 30/10/2020

**Extended to:**

## Director of Planning's Recommendation

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

1. TIME01 Standard Three Year Commencement Date  
The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. PLAN02 Strict Accordance With the Plans/Specifications or Minor Variations  
The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3. GACS00 For the avoidance of doubt this permission does not grant approval for any physical works to the building hereby approved for the change of use to a farm shop. The shop shall be accessed from the North side with no public access through the door on the southern elevation.
4. RSUO00 The farmshop hereby approved shall not operate as a separate business and shall remain ancillary to the operation of the main business operating from the site known as The Horseshoe Hotel, Egton Bridge and shall form and shall remain as part of the curtilage of this main business as a single planning unit.
5. RSUO01 Use Restricted to That Specifically Proposed (inserts)  
The premises shall not be used other than as farm shop and shall not be used for any other purpose (including any other purpose in Class F2 (a) of the Schedule to the Town and Country Planning (Use Classes) Order 2020 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, or

within Schedule 2, Part 3, Classes A-V of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).

6. GACS03 No Outside Sales or Display  
No goods shall be displayed, stored, sold or offered for sale on any part of the application site outside the building hereby permitted.
7. GACS06 Customer Opening Hours (inserts)  
The farm shop hereby permitted shall not be open to customers outside the hours of 10:00 to 16:00 Mondays to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.
8. GACS00 No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be of a style and luminance which minimises glare and light pollution. All bulbs should be shielded to prevent upward and minimise horizontal light spill and all lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.
9. MATS74 Flues to be Coloured Matt Black  
All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

#### **Informative(s)**

1. INF00 With reference to condition no. 8 above, further advice and guidance in relation to suitable external lighting fixtures is available by contacting the Authority at [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)

#### **Reason(s) for Condition(s)**

1. TIME01 To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. PLAN01 For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the NYM Local Plan, which seek to conserve and enhance the special qualities of the NYM National Park.
3. GACS00 In the interests of the visual amenities and highway safety of the locality and to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to conserve and enhance the special qualities of the National Park.

4. RSUO02 In order to enable the Local Planning Authority to retain control over any retail activity at the premises and to ensure compliance with Strategic Policy A and Policy BL8 of the North York Moors Local Plan, which seek to protect the amenity of local residents and conserve and enhance the special qualities of the National Park.
5. RSUO00 In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2020 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan , which seek to enhance and conserve the special qualities of the National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
6. GACS00 In the interests of the visual amenities of the locality and to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to conserve and enhance the special qualities of the National Park.
7. GACS00 In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.
8. GACS00 In order to comply with the provisions of NYM Strategic Policy A which seeks to ensure that new development does not detract from the quality of life of local residents and in accordance with Local Plan Policy ENV4 which seeks to protect dark night skies.
9. MATS00 For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.



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## **Consultations**

**Parish** - The council support this application.

**Highways** - The details supplied as part of the planning application refer to sharing areas with the Horse Shoe Hotel for parking and for deliveries. The red line plan only shows the building and no blue line plan is shown but reference is made for how customers would access the property by going across the grassed area, currently used as a outdoor seating area for the Hotel.

On the clear understanding that this application will be conditioned to remain ancillary to the main residence and that the access will not be on the south side of the building, there are no highway objections to the application. This will overcome any issues with a right of access across the grass and parking of vehicles assuming that the applicant is in control of this land.

Please note that if the building was to be made independent of the hotel, the rights of pedestrian and vehicular access would need to be reconsidered.

**Environmental Health Officer** - As a consultee I have no objection to the planning application.

The unit/ building needs to meet current food Hygiene requirements and if operated as a separate business to the hotel (ie a different legal entity) then the business needs to register 28 days prior to opening.

**Site Notice Expiry Date** – 20 October 2020

**Others** – Mr Gary Gwinnell-Smith of Oak Tree House, Egton Bridge

My concern over the plans for opening a farm shop on the Horseshoe Hotel site relates to traffic and parking. The Hotel now offers free overnight parking for campervans (advertised on their website) on the pub car park. This 'facility' has, throughout summer displaced customer parking out on to the road in front of the residential dwellings which has been a nuisance at times.

The planning application says that shop customers will be able to park on the pub car park which, it says, has 20 places. I believe that number has been significantly reduced over the summer and given over to use as campervan hookups.

The road adjacent to the proposed shop is narrow and ends at a four lane junction on a severe bend.

Customers finding the pub car park full may just park on that road by the shop or have to manoeuvre into a space further along, creating a potential hazard to through traffic.

I don't object to the idea of the farm shop being there but with such a small local population it will need to draw in custom from further afield to be viable.

If the portion of the car park already given over to campervans was restored for customer use then that could probably be accommodated on-site.

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**Background**

The application site is located within the built up area of Egton Bridge Conservation Area on land to the south of The Horseshoe Hotel which is a Listed Building. The grassed area itself is created by the confluence of a number of highway routes in front of the Horseshoe Hotel and extends to 0.1 hectares. It is currently used for an outside beer garden association with the operation of the Horseshoe Hotel. This application seeks approval for the conversion of the timber building with a pantile roof on the grassed area opposite the hotel and adjoining the Highway to the South to a farm shop.

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. However there is no associated planning history to the building.

No external alterations are proposed as part of the application; however a flue for a log burning stove may be added. The application states that the shop will be operated by the applicant and in association with the hotel and there is no intention for the Farm Shop to be operated separately or let to a third party.

Parking for the shop would be within the existing parking area associated with the hotel.

A popup shop operated through the Covid19 pandemic 'lockdown' in association with Botton Village and this proved to be popular.

The applicant has stated that 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.

It is proposed that the Farm Shop opens everyday between 10am and 4pm.

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**Main Issues**

Policy BL8 of the NYM Local Plan deals with Shops, Offices and Food and Drink Services and states that new retail development, professional and financial and food and drink services will only be permitted in smaller villages such as Egton Bridge where they are located within the main built up area of the villages and 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.

The scale of the proposal put forward under this application is small and ancillary to an existing business operating from the site as a means of diversification of the Public House business. It gives the site more of an all day use with the proposed shop opening from 10am to 4pm daily and therefore it is not considered to clash with the busier evenings.

One comment has been raised by a local resident with regard to the use of the car park of the public house as motorhome accommodation which therefore reduces the amount of parking available on site. Its use is currently unauthorised, however further details have been requested from the applicant and the matter will be passed to the enforcement team to pursue and application. The Hotel's website states that only one motorhome can be accommodated on the site, however it is unclear how any campervans in addition to this are staying on the site.

Regardless of the outcome of these further investigations it is not considered that there is likely to be an issue with parking levels during the shop opening times of 10-4pm, although the scale of activity will have to be considered in terms of overnight accommodation.

The proposal will offer the community of Egton and Egton Bridge a local shop selling local produce and the community of Botton an outlet for the sale of their produce as well as a place of employment for their residents. The Scheme can be accommodated on site without altering the character of the host building or the setting of the adjacent Listed Building.

The Highway officer is happy with the proposal provided that the Farm shop is tied to the ownership of the adjacent public house and that the building is only accessed from the pub side and therefore this has been conditioned. The Parish Council Support the application.

The proposal is considered to be of an appropriate scale to accord with the requirements of Policy BL8 and will enhance the services offered in Egton Bridge and therefore approval is recommended.

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.