

NYMNPA

10/05/2024

Planning Statement

Millbry Hill, Guisborough
Road, Whitby



Contents

- 1. INTRODUCTION 2**
 - PURPOSE OF STATEMENT 2
 - STRUCTURE OF STATEMENT 3
- 2. SITE CONTEXT & PLANNING HISTORY 4**
 - SITE CONTEXT 4
 - PLANNING HISTORY 4
- 3. THE PROPOSALS 6**
- 4. PLANNING POLICY CONTEXT 9**
 - DEVELOPMENT PLAN 9
 - OTHER MATERIAL CONSIDERATIONS 12
- 5. PLANNING ASSESSMENT 14**
 - KEY PLANNING CONSIDERATIONS 14
 - PRINCIPLE OF DEVELOPMENT 14
 - DESIGN 17
 - HIGHWAYS 18
- 6. CONCLUSION 19**

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1	FINAL				

1. Introduction

Purpose of Statement

- 1.1 This Statement accompanies a planning application submitted in relation to our clients site at Millbry Hill Whitby Store, Selly Hill, Guisborough Rd, Whitby, YO21 1SF.
- 1.2 The application proposals ('the Proposals') relate to the change of use of the existing small retail building to use as a café, with creation of a small seating area. The proposals also include external alterations to the building, and installation of electric vehicle charging facilities and marking out of additional car parking bays. The building is currently used for clothes sales associated with the main retail building.
- 1.3 This Statement assesses the proposals in the context of the adopted Development Plan and any other material considerations that are deemed relevant to the determination of the application, including the National Planning Policy Framework ('NPPF'), and should be read in conjunction with the following information submitted as part of the planning application:
- Completed Application Forms;
 - Planning Drawings:
 - Site Location Plan;
 - Existing Site Plan (including Elevations);
 - Proposed Site Plan (including Elevations)

Structure of Statement

1.4 This statement is structured as follows:

- **Section 2** which analyses the context of the site;
- **Section 3** which describes the development proposals;
- **Section 4** which sets out the relevant planning policy context;
- **Section 5** which assesses the key planning issues and considerations relating to the proposals; and
- **Section 6** which draws conclusions on the overall findings of the statement.

2. Site Context & Planning History

Site Context

- 2.1 The application site lies within the open countryside, approximately 3.8km to the west of Whitby Town Centre.
- 2.2 The current application proposals relate to a small brick built building located on the western boundary, within the site and the surrounding car parking area, which are used in connection with the Millbry Hill Country Store retailing activity. The store has been trading from the site for a number of years and specialises in the sale of a wide range of equestrian products, animal feeds, horse and pet foods, cereal and grass seeds, fertilizers, food supplements and animal accessories, as well as outdoor clothing, stable equipment and tack, horse and pet pharmaceuticals and riding and safety equipment.
- 2.3 The smaller building is used principally for the sale of outdoor clothes with the larger building accommodating the remainder of the wide range of animal feeds and products sold by Millbry Hill.
- 2.4 The purpose of this application is to formally change the use of the building to allow its use as a café that supports the larger retail building, and also to provide enhanced parking facilities.

Planning History

- 2.5 From review of the Council's Public Access, the following applications are of key relevance to the site and the proposals:

- **NYM/2023/0861:** Erection of non-illuminated timber sign (resubmission of expiring consent NYM/2019/0102/AD). Granted on 12 February 2024.
- **NYM/2014/0761/CU:** Change of use from storage building to retail (Use Class A1) (retrospective). Approved on 27 January 2015.

2.6 Permission (ref. NYM/2014/0761/CU) granted a change of use of the building to retail, however included the following condition:

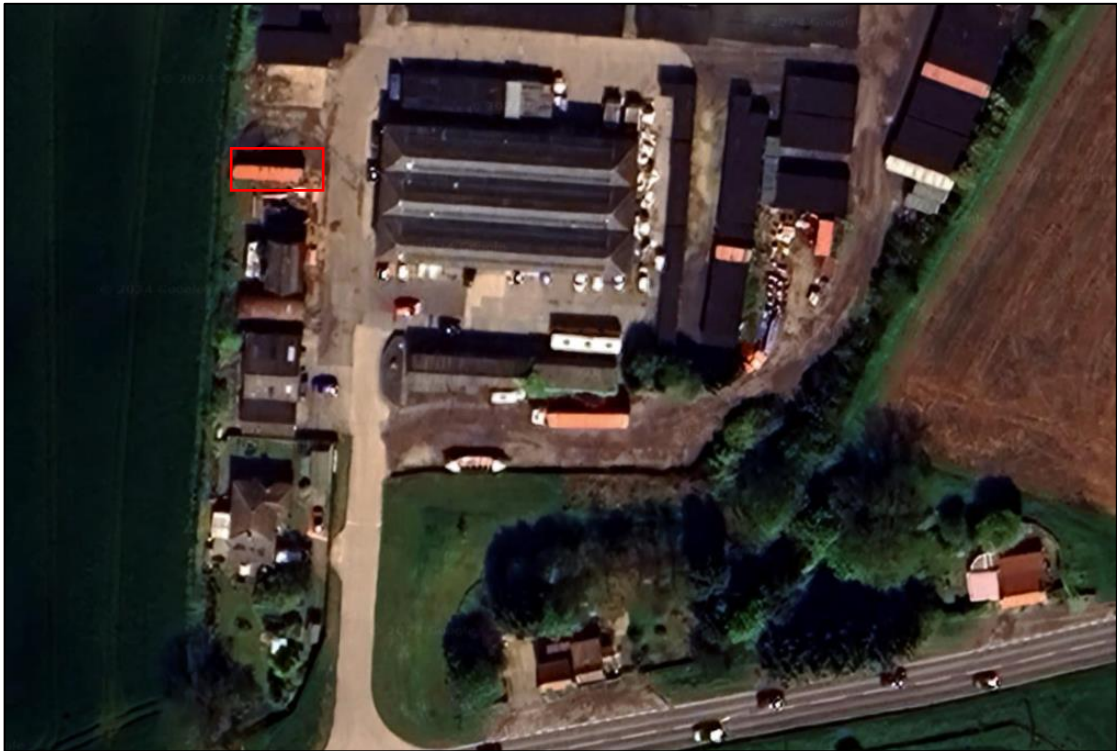
“The premises shall not be used other than as a Country Store and shall not be used for any other purpose (including any other purpose in Class A1 or A2 of the Schedule to the Town and Country Planning (Use Classes Order 2010), or in any provision equivalent to that Class in any statutory instrument revoking and re-eneacting that Order. The use as a Country Store shall be limited to the sale of the following goods unless otherwise approved in writing by the Local Planning Authority: animal feeds, horse and pet foods, cereal and grass seeds, fertilizers, animal feed supplements and animal accessories, stable equipment and tack, horse and pet pharmaceuticals, riding and animal safety equipment along with ancillary sales of equestrian and outdoor clothing”

2.7 This condition restricts the use of the building to the sale of the above goods, unless otherwise approved in writing by the Local Planning Authority.

3. The Proposals

- 3.1 The application proposals ('the Proposals') relate to the change of use of the existing small retail building to use as a café, with creation of a small seating area. The proposals also include external alterations to the building, and installation of electric vehicle charging facilities and marking out of additional car parking bays. The development is proposed to complement the existing retail operation at Millbry Hill.
- 3.2 The building that is subject to the change of use is currently in use as a small retail building selling clothing, following grant of retrospective permission for its change of use from storage to retail use (ref. NYM/2014/0761/CU). Its lawful use would now be Use Class E following the changes to the Use Classes Order in 2020 (under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020).
- 3.3 As part of the change of use of the building, external alterations to the building are also proposed. These include the addition of windows to each building and the creation of a serving hatch to serve the area of outdoor seating.
- 3.4 The proposals include additional 6no. EV charging bays that will be sited along the western boundary of the main Millbry Hill store. It is considered that these would constitute permitted development under Part 2 (Class E – Electrical upstand for recharging vehicles) of the The Town and Country Planning (General Permitted Development) (England) Order 2015, however they have been included as part of this application for completeness. This is by virtue of the PD rights allowing for '*The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles*'.

- 3.5 With regard to the proposed standard parking bays, these will be sited in an area created by demolition of a small building located north of the café buildings (outlined red) which is no longer needed. This will add a total of 12no. spaces to the existing car parking area, also providing some additional parking for the larger retail unit. This is in addition to the 6no. electric vehicle charging bays.



- 3.6 With regard to access, the site will continue to be accessed from the existing arrangement to the site from Guisborough Road.



Figure 3.1: Proposed Site Layout

4. Planning Policy Context

- 4.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that the statutory Development Plan will continue to be the starting point in the consideration of planning applications for the development or use of land, unless material considerations indicate otherwise.
- 4.2 This section of the statement identifies the Development Plan in force for the area in which the application site is located and also sets out the Development Plan policies of relevance to the assessment of the current application proposals. The key material considerations relevant to the determination of the application are also highlighted.

Development Plan

- 4.3 The North York Moors National Park Authority Local Plan ('the Local Plan') was adopted on 27 July 2020. The Local Plan sets out planning policies for the North York Moors National Park that will be used to help decide planning applications.
- 4.4 The Local Plan Policies map (shown below) identifies the site as being located within an area defined as 'Area outside inset map' (grey).
- 4.5 The site is located along Guisborough Road – which is identified as an 'A Road' by the plan.

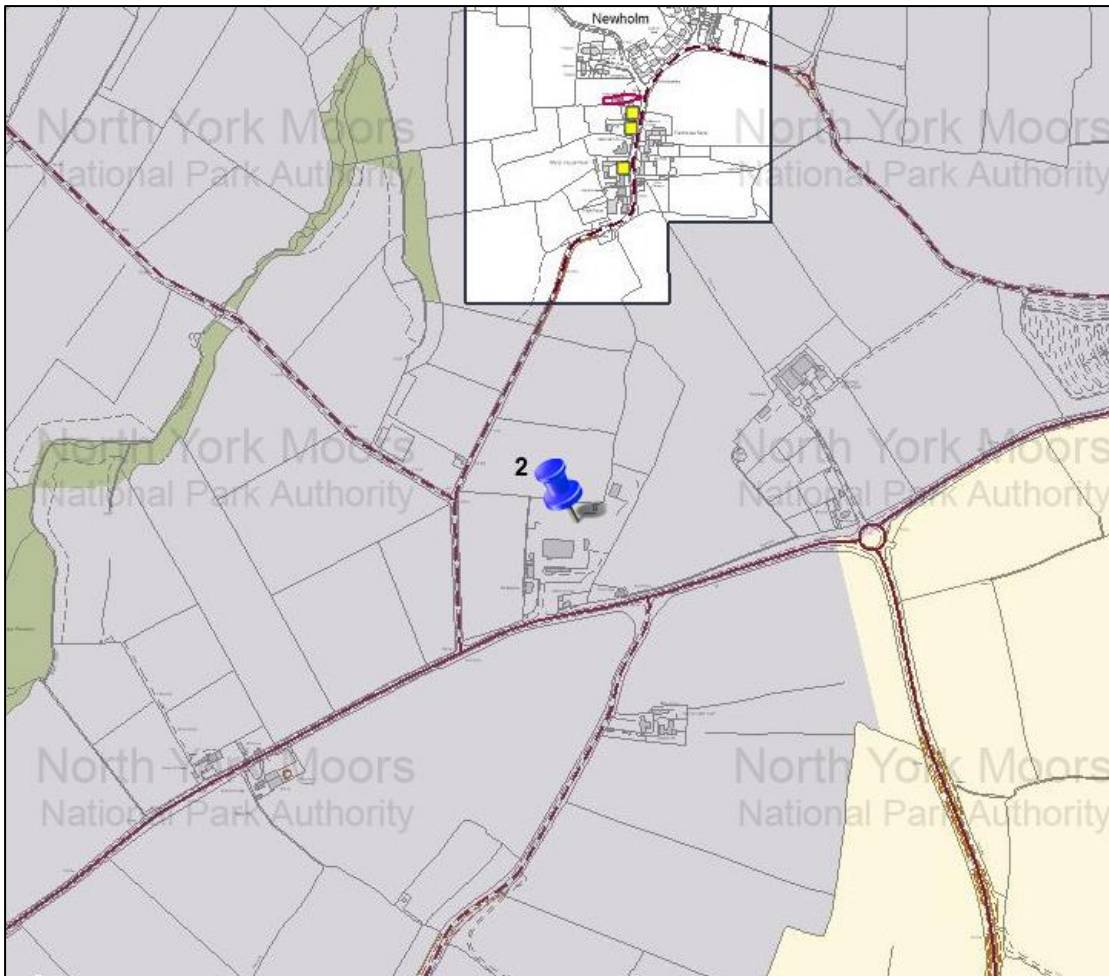


Figure 3.1: Extract from the Local Plan Policies Map

4.6 The proposals involve the change of use of the existing small retail building to use as a café, with creation of a small seating area. The proposals also include external alterations to the building, and installation of electric vehicle charging facilities and marking out of additional car parking bays. The following policies would be of relevance to the proposals:

- **Strategic Policy A (Achieving National Park Purposes and Sustainable Development)** which states that a positive approach to new development will be taken, in line with the presumption in favour of sustainable development set out in the National Planning Policy Framework;

- **Strategic Policy B (The Spatial Strategy)** which identifies how development will be guided in accordance with the settlement hierarchy. With regard to the Open Countryside, it states that development will only be permitted where there is an essential need for development to meet the needs of farming, forestry and other rural enterprise or land management activities;
- **Strategic Policy C (Quality and Design of Development)** which states that high quality design will be sought, and that car parking should be provided without compromising local highway safety or traffic flow;
- **Strategic Policy F (Climate change Mitigation and Adaptation)** which states that new development in the National Park will be expected to help mitigate the impacts of climate change;
- **Strategic Policy K (The Rural Economy)** which states that development that fosters the economic and social well-being of local communities within the National Park will be supported where one of five criteria are met. This includes where It promotes and protects existing businesses by providing flexibility for established rural businesses to diversify and expand; and
- **Policy BL8 (Shops, Offices and Food and Drink Services)** which states that new food and drink services in open countryside should be ancillary to an existing enterprise and should not result in a cumulative increase in activity which would have an unacceptable impact on the character of the area, the amenity of local residents, or the wider vitality and viability of villages.

Other Material Considerations

National Planning Policy Framework

- 4.7 The National Planning Policy Framework was revised in response to the Levelling-up and Regeneration Bill reforms to national planning policy consultation on 19 December 2023 and sets out the government's planning policies for England and how these are expected to be applied.
- 4.8 The revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021 and updated in September 2023.
- 4.9 The NPPF confirms that the purpose of the planning system is to contribute towards the achievement of sustainable development and, in order to achieve this purpose, the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types 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 well-designed,

beautiful and safe places, with accessible services and open bays that reflect current and future needs and support communities' health, social and cultural well-being; and

- **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.10 The NPPF confirms that at its heart is a presumption in favour of sustainable development, which for decision-taking means approving development proposals that accord with the development plan without delay.

4.11 The specific policy areas of the NPPF will be referred to, as appropriate, throughout this statement.

5. Planning Assessment

Key Planning Considerations

5.1 Having regard to the adopted Development Plan and other material considerations, namely the NPPF, it is considered that the main issues and planning considerations raised by the proposed development are as follows:

- Supporting a Prosperous Rural Economy;
- Design
- Highways

Principle of Development

2. The applicant has traded throughout North Yorkshire for over 80 years, specialising in the sale of a wide range of equestrian products, animal feeds, horse and pet foods, cereal and grass seeds, fertilizers, food supplements and animal accessories, as well as outdoor clothing, stable equipment and tack, horse and pet pharmaceuticals, riding and safety equipment and a limited range of gifts. The applicant's retail division was rebranded to Millbry Hill in 2009 and, in addition to the application site, the applicant operates stores in Stokesley, Whitby and Whitehaven.
- 5.2 The smaller buildings within the application site boundary have been in use for retailing for over 20 years with the larger building originally used for storage purposes. However, the site was reconfigured in 2011 with alterations made to the larger building to form a retail

unit and the country store has been trading successfully in its current form for approaching 15 years. The retail use on site spans across the two buildings and sells a wide range of products serving the equine, agricultural and outdoor activities sector and is clearly a specialist retail activity providing an important service to the local rural community.

- 5.3 The proposals will complement this offer and change the use of the smaller building (currently used for sale of clothes) to provide a café that is ancillary to the larger retail enterprise on site. The building is already in Class E Use however is restricted from alternative use.
- 5.4 In relation to the site's location in open countryside, Strategic Policy B states that development is permitted where it meets an essential need of rural enterprise. Given the current economic climate there is an essential need to diversify and ensure long-term security for businesses, particularly in more remote areas.
- 5.5 Strategic Policy K permits development that fosters economic and social-wellbeing of local communities, and the proposals meet one of the five criteria in that the development will promote and protect an existing and established rural business by providing flexibility to diversify and expand its offering. The proposals represent an opportunity for our client to diversify from their current offering and provide an ancillary use (that remains within Class E) which would serve visiting customers.
- 5.6 Policy BL8 also states that new food and drink services will only be permitted in open countryside "...**where new proposals are ancillary to an existing enterprise provided that the proposal does not result in a cumulative increase in activity which would have an unacceptable impact on the character of the area, the amenity of local residents, or the wider vitality and viability of villages.**" (ELG Emphasis).

- 5.7 As noted, the proposed change of use would remain within Use Class E and be an ancillary function to the larger retail enterprise on site.
- The unit occupies only a small proportion of the overall retail use on site; and
 - There would be a clear functional relationship between the larger retail building and the proposed café.
- 5.8 In terms of traffic movements, the coffee shop would not result in a significant increase in visitors or vehicle movements. The coffee shop would extend dwell time of those who were already interested in visiting the store. Whilst there be some small increase in visitor numbers, this is an expected product of diversifying and growing a rural enterprise and would be promoted under Policy BL8. Notwithstanding, given the proposals are small scale and there would be synergy with the larger retail building, it is unlikely that any discernible traffic impacts would arise from the proposed use – particularly given it would take the place of the smaller retail building and potential numbers that could attract in its retail use.
- 5.9 It is therefore would not result in a cumulative increase in activity and amount to unacceptable impacts, overall serving as a complementary feature to the site for those already visiting the site or passing.
- 5.10 With regard to the proposed EV charging bays, these would be considered permitted development. Notwithstanding, this element of the proposals would be supported by Strategic Policy F which seeks to mitigate climate change. They will be located along the strategic road network and can provide facilities for those wanting to top-up their electric vehicle, supporting the transition towards ultra low emission vehicles. This in line with both established local and national objectives aimed at reducing greenhouse gas emissions and

addressing the negative impacts of climate change, notably Paragraph X of the NPPF which states:

- 5.11 On this basis, the application proposals represent an entirely acceptable form of development in this location having regard to the relevant policies of the adopted Development Plan and other material considerations, which are considered in turn below.

Design

- 5.12 The proposals include external alterations to the build and provision of a seating area, as well as an area of additional car parking (including EV upstands).
- 5.13 Strategic Policy C states that high design quality will be sought for proposals and stipulates that car parking should be provided without compromising local highway safety or traffic flow. On a national policy level, Paragraph 131 of the NPPF confirms that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. In addition, the design-related policies of the Local Plan emphasise the need for all development to be of a good quality design.
- 5.14 The proposed external alterations and seating area will be small scale and of a conventional design. They will be of high design quality and suitable materials, achieving a design that is cohesive with other development on site. The enhancements are conventional design improvements and remain suitable in terms of their siting, orientation, scale and materials. Planted boundary walling will define the seating area.

Highways

- 5.15 The application proposed an area of additional car parking comprising 18no. Spaces, including 6 Electric vehicle charging bays.
- 5.16 Policy CO2 states 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.
- 5.17 As discussed, it is not considered that the proposals would result in a significant amount of additional activity on the site by virtue of the proposed café's synergy with the existing retail use. The diversification of the site is anticipated to result in only a modest increase that would be offset by longer stays by customers. The proposals are also intended to serve those already visiting as opposed to creating new trips, and it is considered there would be no unacceptable impacts.
- 5.18 The site would continue to be accessed by the existing access from Guisborough Road which is a safe and suitable method of access.

6. Conclusion

- 6.1 The application proposals ('the Proposals') relate to the change of use of the existing small retail building to use as a café, with creation of a small seating area. The proposals also include external alterations to the building (to create windows and serving hatch), and include installation of electric vehicle charging upstands and marking out of additional car parking bays.
- 6.2 The proposals will form an ancillary use that complements and diversifies the rural enterprise on site in accordance with Strategic Policies B and K, allowing an established rural business to diversify and expand.
- 6.3 It is not considered that the change of use would result in a cumulative increase in activity which would have an unacceptable impact upon the character of the area, amenity of local residents or the wider vitality and viability of villages. It is instead considered to represent a suitable ancillary use to the larger retail use on site, which would allow sustainable growth of rural enterprise.
- 6.4 The proposals also include the delivery of 6no. EV charging facilities will support the transition towards low emission vehicles, in line with both established local and national objectives aimed at reducing greenhouse gas emissions and addressing the negative impacts of climate change. It is considered that these would be permitted under Part 2 (Class E – Electrical upstand for recharging vehicles) of the The Town and Country Planning (General Permitted Development) (England) Order 2015, however they have been included as part of this application for completeness.
- 6.5 The design approach which has been adopted with regard to the outdoor seating area and external alterations to each building, as well as the proposed palette of materials will ensure

that the development sits comfortably within the local context and improves the appearance of the site.

6.6 It is therefore evident that the application proposals would deliver a number of social, environmental and economic benefits and represent a sustainable form of development that would accord with the adopted Development Plan in force for the area, supporting the diversification of a rural enterprise. We would therefore respectfully request that the LPA resolves to grant planning permission for the proposed development at the earliest opportunity.