

Item Number: 16
Application No: 22/01203/FUL
Parish: Lillings Ambo Parish Council
Appn. Type: Full Application
Applicant: Mr And Mrs S Holly
Proposal: Formation of a new vehicular access with timber gate posts and timber gates and gravel drive off New Lane
Location: Toft Farm Goose Track Lane West Lilling YO60 6RP

Registration Date: 26 October 2022
8/13 Wk Expiry Date: 21 December 2022
Overall Expiry Date: 20 December 2022
Case Officer: Eleanor Hardie **Ext:** 43342

CONSULTATIONS:

Original scheme

Highways North Yorkshire	Recommend conditions
Lillings Ambo Parish Council	Object
Tree & Landscape Officer	No comments

Revised scheme

Highways North Yorkshire	Comments and conditions recommended in my consultation response dated 18 November 2022 still apply.
Lillings Ambo Parish Council	No response received
Tree & Landscape Officer	Recommend conditions

Representations: A G & W Griffiths, Stephen R Loynes,

SITE:

Toft Farm is a large, detached dwelling converted from an agricultural outbuilding in the 1990s. The property is of red brick construction, under a clay pantile roof and has undergone a number of alterations and extensions in recent years.

The property is set back from the road, with the main vehicular access to the property from Goose Track Lane, between the properties known as Rose Villa and Ings Farm.

The property benefits from a landscaped garden area to the rear, with mature trees demarcating the boundary between the garden and adjoining paddock. The paddock is approximately 0.7 hectares in size and extends through to New Lane.

The paddock currently benefits from a simple, five bar entrance gate on the southern boundary. The southern, eastern and western boundaries of the paddock are bounded by mature hedging and a number of mature trees.

The existing vehicular access is located within the Development Limits of West Lilling, however the dwelling, garden and paddock all lie outside of Development Limits.

PROPOSAL:

This application seeks permission for the formation of a new vehicular access off New Lane, together with the erection of timber gate posts and gate.

The entrance would be set back 6 metres from the road and be 3.6 metres in width. A hawthorn hedge would be planted between the road and entrance gates.

The entrance gate would be a timber, five bar, inward opening gate, 1.2 metres in height on 150 x 150mm timber gate posts.

Within the site a 3 metre wide crushed stone track would be laid, joining the existing track at the northern end of the paddock.

HISTORY:

3/78/41/FA Change of use, alteration and extension of farm outbuildings to form dwelling with detached garage/fuel store. Approved 07.02.92

97/00021/FUL Renewal of consent for change of use, alteration and extension of farm buildings to form dwelling with detached garage/fuel store (Approval 3/78/41/FA dated 07.02.92 refers). Approved 10.03.1997

99/00608/FUL Change of use, alterations and extension to farm buildings to form a dwelling. Approved 31.08.1999

00/01210/FUL Erection of single garage with garden store and attached twin carport. Approved 21.12.2000

02/00950/FUL Erection of open bay barn. Approved 06.01.2003

03/00347/FUL Erection of porch and greenhouse. Approved 30.05.2003

07/00122/FUL Install garage roller shutter door to existing carport. Approved 10.04.2007

12/01105/FUL Change of use and alteration of attached barn to form additional domestic accommodation together with erection of single storey rear extension. Approved 10.01.2013

14/01303/HOUSE Erection of an entrance porch/boot room to east elevation. Approved 15.01.2015

17/00836/HOUSE Erection of 2no. orangery extensions to rear gables of dwelling. Approved 07.09.2017

17/01101/HOUSE Erection of a detached oak framed open fronted double garage. Approved 06.11.2017

18/00097/HOUSE Erection of an oak framed entrance porch extension. Approved 27.03.2018

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The relevant Development Plan policies for the determination of this application are:

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy - Policy SP13 Landscapes

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

REPRESENTATIONS:

A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view in full on the public access webpage, and referred to in the report accordingly.

One letter of objection has been received from the occupier of Ghyll House, which provided the following comments:

“Further to the notice regarding this application as a neighbour to the property, Toft Farm, I am not in favour of this application for the following reasons:-

1) This new development is outside the “village envelope” and as such should not be allowed for approval

2) It would appear to be preparation for future development in the paddock to the rear of Toft Farm

3) The new road is adjacent to a NON FUNCTIONING drainage ditch belonging to the neighbouring Ings Farm. This ditch floods because the exit of the ditch is blocked

4) The proposed access crosses privately owned Wood Lane, before access to New Lane (See Photograph 1)

5) The proposed access crosses the sewerage drainage from Toft Farm and subsequently the drainage ditch for Rose Villa & Toft Farm.

6) The egress onto New Lane is very close to a blind corner of New Lane. (See Photographs 2, 3 & 4)

7) There are no passing places on the single track lane New Lane (see Photograph 5) leading to Goose Track Lane or leading to Lilling Low Lane.

8) New Lane’s primary purpose is for farm machinery access to the fields at the end of Wood Lane and to the sides of New Lane. Ghyll House is the ONLY residence on New Lane

9) The access and sight lines where New Lane enters Goose Track Lane (Photos 9 & 10) is no better than Toft Farms current access to Goose Track Lane in fact as regular users we would say it is worse. (See Photographs 6, 7 & 8)

The Lillings Ambo Parish Council have made several attempts to get Ryedale Highways Department to restrict the use of Goose Track Lane by excluding heavy goods vehicles.

Many operations use the road as a cut through from the A64 to the A19 giving rise to excess noise, vibration a danger to pedestrians.”

The photographs referred to within the objection letter are available to view on the public file.

One letter of support has been received from the occupiers of Ings Farm, which provided the following comments:

“Thank you for your notice dated 8 November 2022 regarding this application and in response, writing as immediate neighbours to the property, we are in support of this application for the following reasons:

1. Goose Track Lane, the main thoroughfare in Lilling, is a major route for heavy goods vehicles and delivery vans that cut across country from the A64 to the A19, and is also a busy commuter route for cars. Traffic volumes, and the speed of vehicles, has increased in recent years. There seems to be no

intent by the responsible agencies to ameliorate the situation – something that may have to await a serious enough accident to warrant attention. So it is both extremely sensible, and of benefit to all residents, that the future owners of Toft Farm make this proposal to ease congestion and reduce the risk of traffic accidents on Goose Track Lane.

2. Many of the properties on this part of the south side of Lilling, have gardens and fields extending back over a furlong (220 yards), accessible from a back lane, and once part of the mediaeval Strip Farming System before enclosure in the late 1700s. The original ‘rig and furr’ ridges farmed for nearly a millennium area fortunately still visible in our neighbours field (Minster View), but sadly obliterated by Sugar Beet spoil tipped at our Ings Farm in the 1960s or 70s, and bulldozed out at Toft Farm earlier this century. That is probably why there is currently no visible track from the Toft Farm buildings to their extant field gate, but it is clearly marked on the 1856 OS Map (attached). It runs parallel to our Ings Farm track which has been in constant vehicular use and from aerial photographic evidence has been a hardcore gravelled drive for half a century. The presence of drinking ponds for draught horses at Ings Farm and Minster View illustrates the constant traffic movements from the village homes and farm buildings out to the strip cultivations. (A 1997 restoration of our pond produced many samples of old worn horse bits, harness leather etc). The Toft Farm proposal therefore simply restores their original farm driveway.

3. The 1765 pre-enclosure act survey by John Lund (attached) clearly shows the access track to these farming strips via a back lane, and marked on the later 1856 OS map as Wood Lane, leading to Lilling Wood and Howl Beck. The road now called New Lane was formerly called Bower Lane and joined Wood Lane to Goose Track Lane. The section of modern metalled road now also called New Lane is much more recent and followed the line of Dogburn Lane (or Harden Balk) from the end of Wood Lane down to the Foos. Strictly speaking, the proposed new driveway therefore seems to open onto the Wood Lane farm track before joining onto New Lane. As long as that small section is properly surfaced and maintained, we can see no problems for the other users of Wood Lane.”

The appendices referred to in the letter of support are available to view on the public file.

Lillings Ambo Parish Council objected to the original scheme, providing the following comments:

*“After careful consideration of the above application Lillings Ambo Parish Council wish to **object** to the application for the following reasons;*

- Highway safety compromised; the proposal ultimately accesses an unrestricted narrow public road with inadequate visibility from a blind corner. In addition it is situated where existing private access points (both agricultural and residential) converge. There are no passing places in either direction on New Lane to cope with the increased traffic generated. Please can Highways assess this situation.*
- Over development; The application sits outside of the existing village envelope, and sets a precedent for future development of this type.*
- Change of use; Can this be clarified please, the previous mown agricultural field appears changed to a garden with an access through it,*
- Altered character; The rural context appears diminished by changing an existing agricultural field boundary and access into a distinctive built entrance to give alternative (and less direct) property access. The existing (and more direct) access to Toft Farm is straight onto Goose Track Lane.*
- Water course drainage; The proposals cross a ditch that needs to be properly culverted and maintained to prevent flooding. Please can this be considered by the Foss internal drainage board.”*

The Local Highway Authority have advised that they have no objection, subject to a number of conditions. Following a reconsultation on the revised scheme, the Local Highway Authority confirmed their original response remained.

No responses were received to the revised scheme from the Parish Council, objector or supporter.

No responses have been received from any other third party or neighbouring property.

APPRAISAL:

The main considerations within the determination of this application are:

- i. Form, design and impact on landscape character
- ii. Impact on neighbouring amenity
- iii. Highways impact
- iv. Other matters

Form, design and impact on landscape character

This application seeks permission for the creation of a crushed stone access track and new vehicular access from New Lane to join the existing internal track within the north-west corner of the paddock.

The vehicular crossing over the adopted grassed verge would be constructed to the Highways specification, with the proposal designed so as to retain the existing conifers.

The existing access in the south-western corner of the paddock would be removed with the hedgerow extended.

The proposal has been amended since the original scheme, which sought permission for a cherry tree lined track, with the entrance gates constructed of a black metal frame, with vertical timber boarding, on red brick pillars with stone ball finials and stone plinth banding. This proposal was considered to result in an over-gentrified and formal appearance for the simple, understated, rural back lane, with the tree lined track considered to result in a domestication of the existing agricultural paddock.

The revised proposal seeks approval for a simple, timber, five bar gate with timber gate posts which is considered to be appropriate for this rural area. It is not considered that the proposal would have a detrimental impact on landscape character, with the revised proposal ensuring the agricultural nature of the area is retained. The crushed stone track is considered to be an appropriate surface material for an access track within paddock land.

It is considered appropriate to include a condition requiring the submission of any proposed external lighting in the interests of the reduction of light pollution and to protect local amenity.

On this basis, the proposed development is considered to comply with Policies SP13 (Landscapes) and SP16 (Design) of the Ryedale Plan - Local Plan Strategy.

Impact on neighbouring amenity

The proposal is not considered to have any impact on neighbouring amenity, in terms of loss of light or loss of privacy.

Whilst the site does currently benefit from an access of New Lane, the new access will incorporate an internal track which will likely increase the use of New Lane, however there are few properties on this lane and it is not considered that an increase in the use of the track and entrance would significantly impact neighbouring amenity to a detrimental level.

On this basis, the proposal is considered to comply with Policy SP20 of the Ryedale Plan – Local Plan Strategy.

Highways impact

The Local Highway Authority have been consulted on the application, advising the following:

“The new access crossing will be formed onto an existing track that goes off New Lane on the outside corner as shown on the submitted plans. Visibility is considered acceptable in both directions, and the intensification of the use of the track/New Lane is considered not to be significant, also taking into

account the cessation of the use of the field access further west along the track, as shown on the submitted drawing.”

They have recommended a number of conditions regarding the formation of the new access, the closure of the existing access and drainage.

On this basis, it is considered that the proposal is acceptable in terms of highways safety, in compliance with Policy SP20 of the Ryedale Plan – Local Plan Strategy.

Other matters

Some concern has also been raised regarding the potential future use of the application site. As outlined above, this application seeks permission for the formation of a new access and internal track. The application does not seek to change the use of the paddock. The application must be considered on the basis of the use applied for and not on the basis of speculation over future use. Any future use which would require planning permission would need to be the subject of a future planning application.

Conclusion

The proposed development is considered to be of a proportionate and acceptable design, and it is not considered that it would give rise to a significant detrimental impact on neighbouring amenity. The proposed development is considered to meet the relevant policy criteria set out in Policies SP13 (Landscapes), SP16 (Design), SP19 (Presumption in Favour of Sustainable Development) and SP20 (Generic Development Management Issues) of the Ryedale Local Plan Strategy and the NPPF. On this basis approval is recommended subject to the following conditions.

RECOMMENDATION:

- 1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, drawing number 675/1, scanned to file 08.11.2022

Site Plan and Elevation of Entrance Gate as Proposed, drawing number 675/3A, scanned to file 05.12.2022

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The materials of the development hereby approved shall be in accordance with the details included on the planning application form/plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50 Rev. A and the following requirements:

- Any gates or barriers must be erected a minimum distance of 6 metres back from the

carriageway of the existing highway and must not be able to swing over the existing or proposed highway.

- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the details that shall be submitted and prior approved in writing by the local planning authority in consultation with the highway authority and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing_ind_est_roads_street_works_2nd_edition.pdf

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

- 5 The development must not be brought into use until the existing access onto the private track leading west from New Lane has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of the area.

- 6 There must be no access or egress by any vehicles between the highway and the application site at New Lane, Toft Farm, West Lilling until:

- full technical details relating to the bridging or culverting of the watercourse at New Lane have been approved in writing by the Local Planning Authority; and,
- Amendments to the ditch at New Lane have been undertaken in accordance with the details approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.

It is recommended that the applicant consult with the Internal Drainage Board, the Environment Agency and/or other drainage body as defined under the Land Drainage Act 1991 (as amended and including and all instruments, orders, plans, regulations and directions). Details of the consultations must be included in the submission to the Local Planning Authority. The structure may be subject to the Local Highway Authority's structural approval procedures.

- 7 Prior to the installation of any external lighting within the application site, including lighting for site security purposes, full details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the reduction of light pollution and to protect local amenity in compliance with Policy SP20.

- 8 The formation of the new access through the existing boundary hedge shall be carried out in a manner sympathetic to good horticultural practices, ensuring that hedge plants that form the new ends of the hedge on either side of the new access are retained undamaged, and in a condition that ensures their healthy retention.

Reason: To ensure that the formation of the new access is not detrimental to the two sections of the boundary hedge which are to be retained, and to comply with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 All planting, seeding and/or turfing associated with the closure and infilling of the existing field access shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any planting which, within a period of 5 years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.