



Appeal Decision

Site visit made on 10 July 2018

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2018

Appeal Ref: APP/M0933/W/18/3198131

Land adjacent to Pennington Lane, Ulverston, Cumbria LA12 0RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Lancaster against the decision of South Lakeland District Council.
 - The application Ref SL/2017/1024, dated 9 November 2017, was refused by notice dated 8 February 2018.
 - The development proposed is hardstanding and container.
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Decision

1. The appeal is dismissed insofar as it relates to the container. The appeal is allowed insofar as it relates to the hardstanding and planning permission is granted for hardstanding at land adjacent to Pennington Lane, Ulverston, Cumbria LA12 0RR in accordance with the terms of the application, Ref SL/2017/1024, dated 9 November 2017, and the plans submitted with it, subject to the following condition:
 - 1) No storage of any description shall be permitted on the hardstanding hereby approved.

Procedural Matters

2. For the reasons that follow, I find the hardstanding to be acceptable and clearly severable both physically and functionally from the container. Therefore, I intend to issue a split decision in this case and grant planning permission for the hardstanding.
3. The proposal is retrospective and I have considered the appeal accordingly. I have used the address provided on the appeal form as this provided a more accurate location of the site.
4. Part E of the appeal form states that the description of development has not changed but a different wording has been entered from the planning application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, as the plans before me include a container, and all parties refer to the container in their submissions, I have used the description provided in the appeal form with the exception of '*retention*' as this is not an act of development; and considered both the hardstanding and the container.

5. The appeal form states that the site is within the Green Belt; however the Council has confirmed that the site does not lie in the Green Belt and I have considered the appeal on that basis.
6. The National Planning Policy Framework (the Framework) was revised during the assessment of the appeal. Views from both parties were sought on this matter, but no replies were received. Given that the policies in the Framework are material considerations which should be taken into account in dealing with applications (and appeals) from the day of its publication, I have had regard to it in my Decision.

Main Issues

7. The main issues are the effect of the development upon:
 - i) the rural character and appearance of the area, and;
 - ii) the safety of users of the highway.

Reasons

Character and appearance

8. Located to the west of Pennington Lane, the site forms part of a larger field, separated by post and wire fences. The development is an area of hardstanding and a metal container that are used in association with the appellant's equestrian site across the road. The site is close to the pleasant, rural village of Pennington, yet located within open countryside. With the exception of the village, the surrounding area is typically open fields, interspersed with occasional dwellings, farmsteads and equestrian uses. The area has an intrinsic rural character and beauty.
9. The hardstanding occupies a moderate proportion of the corner of the field, being a gravel type material and the container is around 6m long by 3m wide. A public footpath runs to the south of the site, separated by a post and wire fence. To the north of the site, the land beyond the boundary drops away, and although landscaped in places, there are open aspects.
10. Due to its basic, unappealing metal box like appearance, the visual effect of the container is alien to this rural countryside setting. Despite it being set down in ground level from the road and obscured by the hedge to the east, it is prominent from the west, south and somewhat to the north, highly conspicuous to users of the public footpath. The container does not protect or conserve the special qualities and local distinctiveness of the area, and is an overly utilitarian incongruous structure that has a poor visual appearance.
11. The appellant asserts that the container is required to store food and small holding equipment and is locked to keep it safe. The site was close to the appellant's other stables and I do not find this to be an overly excessive distance to carry feed. I have also not been presented with any substantive evidence why locked storage was necessary in this location, given the proximity of the appellant's other site. Therefore, the container does not have an essential requirement for this location.
12. Consequently, the container has a harmful effect upon the rural character and appearance of the area. This is in conflict with Policies CS1.2 and CS8.2 of the South Lakeland Local Development Framework Core Strategy (October 2010) (CS), which seek to ensure that new development has an essential requirement

for a rural location, and development proposals should protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area.

13. Conversely, whilst it is prominent from the public footpath, the hardstanding comprises a relatively flat, moderately sized area of gravel. It does not appear overly incongruous or harmful in this setting. Additionally, I am advised by the appellant that the hardstanding is used to keep his stallion on, as he needs to be kept away from the appellant's mares. As this is a rural activity, I have no concerns regarding the location of the hardstanding in a rural area.
14. Overall, the hardstanding does not harmfully affect the rural character and appearance, and I find it is compliant with Policies CS1.2 and CS8.2 of the CS.

Highway safety

15. The site utilises an existing access, and although this is located on a sharp bend, Cumbria Country Council Highways raise no objections to the proposal.
16. Horseboxes could access the site previously and could still access the site going forward. Therefore, considering the proposal is not for a change of use and in the absence of any substantive evidence from the Council or Parish Council, I see no reasons why this development would lead to or exacerbate highway safety issues.
17. I note the appellant suggests moving the gates northwards to accommodate any traffic issues. Whilst this may be more convenient to the appellant, I do not find that it would be necessary to make the development acceptable owing the existing access arrangements and the nature of the proposal.
18. Therefore, I find compliance with Policy CS10.2 of the CS, which seeks to ensure that the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality. I also find compliance with Policy L9 of the South Lakeland Local Plan & Alterations (Final Composite Plan) (September 2007) which seeks to ensure equestrian development provides adequate access and parking provision.

Other Matters

19. The appellant presented a number of other recent developments in the area. The Council detail reasons why these are different to the proposal before me, and it is a well-founded principle that each proposal should be considered upon its own merits.
20. Nonetheless, images 1 and 4 relates to agricultural development. The Council indicates that there was an agricultural need for the developments. Therefore the material circumstances of these proposals are different to that before me, given that there is no essential need for the container demonstrated.
21. The appellant sets out that image 2 and 3 relate to a stable block. Whilst the Council provide no comments upon these images, I find that a stable block and container are very different proposals. A stable block is something which would be expected in a rural area; a container, as identified in my findings above is alien in this setting.
22. The appellant also makes reference to nearby housing development. Again, a housing development and container are very different proposals, and the

details received from the Council indicate that the proposal was in compliance with the development plan.

23. Therefore, each proposal in the surrounding area would appear to be justified for specific purposes and the other developments add very little weight in favour of the container.
24. The appellant asserts that the container is moveable as it is on skids. I have little further evidence presented in this regard, but as the proposal before me seeks planning permission, I have considered the appeal on its merits.
25. I note the objection from Pennington Parish Council. Whilst I recognise that the Parish Council detail that the site is used for parking, I have no evidence to indicate that this is the case. Other matters raised within the objection regarding the erection of a fence are not material to this appeal. Additionally, I cannot anticipate future proposals and have made my Decision upon the proposal before me.
26. Waste tipping activities; be those lawful or unlawful are not material to the planning merits of the case.

Conditions

27. The hardstanding area shall not be for any storage as this would have an unacceptable effect upon the character and appearance of the area. However, as I have dismissed the container, there would be no need for any conditions relating to screening or hedge retention.

Conclusion

28. Whilst I have found the development to have an acceptable effect upon highway safety, the harmful effect of the container upon the rural character and appearance of the area outweighs all other matters.
29. Therefore, for the reasons above, I conclude that the appeal should be allowed for the hardstanding and dismissed for the container.

Katie McDonald

INSPECTOR