
Appeal Decision

Site visit made on 17 September 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/W0910/W/19/3231527

Nook Lane, Saves Lane, Ireleth, Cumbria LA16 7EE

- 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 Mrs Laura Foxon against the decision of Barrow-In-Furness Borough Council.
 - The application reference B18/2019/0188, dated 27 February 2019, was refused by notice dated 21 May 2019.
 - The development proposed is: an outdoor all weather arena and change of use from pasture land.
-

Decision

1. The appeal is allowed and planning permission is granted for an outdoor all weather arena and change of use from pasture land at Nook Lane, Saves Lane, Ireleth, Cumbria LA16 7EE in accordance with the terms of the application, reference B18/2019/0188, dated 27 February 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan- Proposed site for Arena; Site layout plan (unscaled); Ref no 001 Cross Section; Plan at 1:1000 scale showing area for arena and existing site features including perimeter fence, track and shed/existing stable; and Materials and boundary treatment - additional information.
 - 3) No loudspeaker system, or floodlighting or other form of external lighting, shall be installed on the application site.
 - 4) The application site shall not be used for the stationing of horse boxes, caravans or other vehicles or chattels, whether associated with the use of the site for the keeping of horses or not.
 - 5) Prior to the erection of any fencing, the details of such fencing shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented in accordance with the approved details.
 - 6) The all weather arena shall not be used for any purpose other than the exercising of horses owned by the applicant, or future owners of the site, and shall at no time be used for any commercial purposes.

Procedural Matters

2. On 4 June 2019 the Council adopted the Barrow Borough Local Plan 2016 - 2031 (the BBLP-2019). The former local plan policies referred to in the Council's reason for refusal are therefore no longer relevant to the appeal. Therefore, I have considered the proposal against the then emerging policies referred to in the decision notice, which now form part of the development plan.
3. I have used the appellant's description of the proposal. The Council changed this to 'change of use of pasture to all weather arena' however I consider that the form used by the appellant accurately describes the proposal.

Main Issue

4. This is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is located a short distance outside the village of Ireleth, and is accessed via Nook Lane, a Public Right of Way, leading from Saves Lane towards open fields and countryside. The site lies on sloping land, at a lower level to the lane and is enclosed by high hedgerows. The site is an open paddock containing a small stable building.
6. At the time of my visit the appellant had marked out the site of the proposed riding arena. Given the slope of the site it is clear that in order to form the exercise area it would be necessary to excavate into the site. The proposal states that this excavation would be approximately 1.3m in depth at the up-slope end of the arena and 0.3m at the down-slope end. As well as the sub base and surfacing of the arena, a post and rail timber fence with 2 gates would be provided. The plans do not specify the height of fence but it is reasonable to assume it would be around 1.2m as would be normal for such a facility. In any event, precise details of the fencing could be controlled by condition.
7. The site is well screened from the surrounding area. I went to the public right of way which runs close to the bottom part of the site, the lane itself, and also viewed the site from the layby on the A595, and from the driveway of Bankfield Hall, further along the main road. The arena would be partly visible from a field entrance within the layby, but otherwise it is well hidden by the trees and hedgerows around the site. At the time of my site visit trees were in leaf and it is likely that the arena would be more visible during the winter months when this would not be the case. However, the view from the field gate is but one view along the A595, from where views towards the site would otherwise be limited by the hedgerows and not as a whole intrusive within the landscape.
8. The site is within the Intermediate Moorland and Plateau Ridge landscape character area, comprising gently sloping land leading down from higher land to the coast. The area is of some sensitivity and should be protected from development which would harm its character. However, given the high degree of screening of the site the proposed arena would not be visually intrusive and would not compromise the character or appearance of the landscape.
9. I therefore conclude that the proposal would not harm the character or appearance of the area and would comply with Policies DS5, HC12 and N1 of

the BBLP-2019 which require amongst other things that equestrian development should not be visually intrusive and that proposals should protect local landscape character, and the Framework which requires that new development should respect valued landscapes.

Other Matters

10. The Council refers to a dismissed appeal decision¹ for a proposed stable block, dating from around 10 years ago. The Council says that the proposed stable block was approximately 300 further north on Nook Lane but does not identify the site further or provide a copy of the decision. In the absence of such information it is difficult for me to make comparisons between the proposal and that in the other appeal, however it is likely that a site in the location suggested by the Council would be significantly less well screened than that in this appeal.
11. Concerns were raised by an interested party that any increased use of the lane which could arise if the arena was used as a riding arena on a commercial basis could cause danger to other users of the lane including dog walkers. This matter can be controlled via a condition.

Conditions

12. For certainty I attach a condition which requires that the development should be implemented within 3 years of the date of this permission. In the interests of safeguarding the character and appearance of the area it is necessary to impose a condition requiring implementation in accordance with the approved plans. I also attach conditions requiring that loudspeaker systems or floodlighting are not installed, or other structures such as horse boxes, caravans or vehicles kept on the site, and that the design of the fencing be agreed, in the interests of the visual appearance of the area. A condition is attached limiting the use of the riding arena to the exercising of the appellant's own horses and not for commercial purposes, in order to prevent additional use of the narrow lane, in the interests of public safety.

Conclusion

13. For the above reasons and taking account of all other matters raised, the appeal is allowed.

Tim Wheeler

INSPECTOR

¹ Reference APP/W0910/A/09/2096850/WF