



Appeal Decision

Site visit made on 27 November 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2020

Appeal Ref: APP/Z0923/W/19/3236793

Lamberlea, Nethertown, Egremont, Cumbria CA22 2UH

- 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 John Alderson of Premier Storage against the decision of Copeland Borough Council.
 - The application Ref 4/19/2065/0F1, dated 17 January 2019, was refused by notice dated 16 April 2019.
 - The development proposed is the extension of existing caravan/motorhome storage facility requiring part change of use of disused garden centre/nursery site.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of existing caravan/motorhome storage facility requiring part change of use of disused garden centre/nursery site at Lamberlea, Nethertown, Egremont, Cumbria CA22 2UH in accordance with the terms of the application, Ref 4/19/2065/0F1, dated 17 January 2019, 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: Site Location Plan (Scale 1:1250); Site Plan (Scale 1:500); and, Premier Storage Development (Scale 1:500).
 - 3) Before the development is brought into use, full details of both hard and soft landscaping works and a schedule of landscape maintenance shall be submitted to and approved in writing by the local planning authority. The landscaping shall be carried out in accordance with all of the approved details and implemented so that any planting is carried out no later than the first planting season following the site being brought into use.
 - 4) The maximum number of caravans/motorhomes to be stored on the site at any one time shall not exceed 50.

Main Issue

2. The main issue is the effect of the development on highway safety in the vicinity of the appeal site.

Reasons

3. The appeal relates to the site of a former garden centre which ceased trading in 2013. In 2009 planning permission was granted to change the use of part of the site to store up to 25 caravans. The caravan storage business opened in

2010 trading as 'Premier Storage' and has operated at full capacity for the last three years. The appeal seeks to extend the existing vehicle storage facility into three further areas of the former garden centre site and, in doing so, to increase the storage capacity by an additional 25 caravans.

4. The sole matter in dispute is whether the existing highway network in the vicinity of the appeal site is of a suitable standard in terms of the width and horizontal alignment of the carriageway to accommodate the increased vehicular movements as a result of the proposal.
5. In terms of movements, the appellant submits that there were 61 vehicle movements from the site in 2018 when 25 caravans and motorhomes were being stored. They expect this to double as a result of the proposal and consequently anticipate an average of 2 to 3 movements each week. The Council does not dispute these figures and I consider this to be a reasonable estimation. However, I do not consider this increase in traffic to be excessive over an annual period and accept that it is likely to be less than the site's former use as a garden centre. Furthermore, the proposal is for a storage facility which in itself limits vehicle movement and is therefore unlikely to result in a significant number of regular frequent trips to and from the site.
6. I accept that the roads in the vicinity of the site are narrow, yet I could see that there are a number of passing places where the carriageway width has been increased to allow opposing vehicles to pass safely. In my view, these informal passing places are of a sufficient standard and frequency to facilitate the free flow of vehicle movements to and from the site, including vehicles that may be towing a caravan. I also observed during my visit that the roads serving the site appeared to be very lightly trafficked with vehicles generally travelling at low speeds. While I appreciate that my visit represents only a snapshot in time, no evidence has been submitted to the contrary. Further afield, beyond Middletown, to the north the roads become significantly wider and opposing vehicles can pass with ease.
7. Furthermore, no evidence has been put to me of any accidents or incidents involving vehicles towing caravans to or from the site that would suggest that the manoeuvring of such vehicles is problematic.
8. In considering the horizontal alignment of the carriageway, the route of the road meanders through the countryside with some curves and bends as one might expect given the site's rural location. However, I did not find this to be particularly restrictive and noted a number of long straight stretches of road with good forward visibility. I did not encounter any particularly sharp bends where visibility would be severely restricted or where the manoeuvring of long vehicles would be problematic.
9. Overall, I have been provided with limited evidence to prove that, in this case, the surrounding road network would be of an insufficient standard to accommodate the increase in vehicle movements. I am sympathetic to concerns that further intensification of the site could lead to a point where the associated impact on highway safety becomes unacceptable, but on the basis of the evidence before me and on my own observations, I do not find that this development represents that point. It follows, therefore, that the proposal would not have an unacceptable effect on highway safety in the vicinity of the appeal site.

10. Consequently, I find no conflict with policies ST1, T1 and DM22 of the Copeland Local Plan 2013-2028 (the CLP) which together, amongst other things, seek to ensure that new development incorporates safe traffic and access arrangements, improves accessibility and transport throughout the borough and requires proposals to be accessible to all users. In this regard, I also find no conflict with the policies of the National Planning Policy Framework (the Framework) which promote sustainable transport and seek to ensure highway safety for all users.
11. Policy DM9 of the CLP has been cited in the Council's formal decision notice. However, this policy appears to be primarily concerned with any visual impacts presented by proposals for caravan storage facilities and any associated threats to the living conditions of nearby residents. This is of little relevance to the Council's primary concern which is highway safety. No concerns have been raised regarding the visual impacts of the proposal and as such I find no conflict with Policy DM9 of the CLP.
12. The Council and Local Highway Authority are concerned that if the appeal proposal were to be allowed it would be difficult to refuse any similar applications in the future. However, any future planning applications would be considered on their own specific merits, having due regard to relevant considerations at that time. In this particular case, the evidence before me does not demonstrate that the storage of an additional 25 caravans would give rise to any harmful impacts on highway safety.

Conditions

13. I have had regard to the list of suggested conditions provided by the Council and have considered these in light of the Framework and the Planning Practice Guidance.
14. I have imposed a pre-commencement planning condition to require the submission of landscape details for approval by the Local Planning Authority. This will ensure an acceptable appearance is achieved in the interests of the character and appearance of the site and its surroundings. In accordance with the regulations¹ the appellant has been consulted over the wording of this condition and has provided their written agreement. In order to define the consent, I have imposed a condition to restrict the number of caravans to a maximum of 50. The standard timescale condition for implementation and a plans compliance condition are also imposed for the avoidance of doubt and in the interests of certainty.

Conclusion

15. For the reasons I have set out and subject to conditions, the appeal is allowed.

J M Tweddle

INSPECTOR

¹ The Town & Country Planning (Pre-commencement Conditions) Regulations 2018