
Appeal Decision

Site visits made on 23 June 2020

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2020

Appeal Ref: APP/Q9495/W/20/3244482
Windsor Farm, Wasdale, CA20 1EU

- 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 D Rivera against the decision of the Lake District National Park Authority.
 - The application Ref 7/2019/4072, dated 24 July 2019, was refused by notice dated 11 December 2019.
 - The development proposed is to use the former water bottling shed/ barn for stables and public equestrian facilities.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Two application forms have been submitted in connection with this appeal: the first is dated 26 June 2019 and the second is dated 24 July 2019. The description of development differs between the application forms, notably including reference to a manege in the earlier form. There is disagreement between the main parties as to which is the correct form: the Appellant states that it is that dated June 2019, whilst the Local Planning Authority (LPA) asserts that it is the July 2019 form.
3. The Appellant suggests that the second form is a supplementary document, and that the manege is an integral part of the proposal for the stables¹. He also refers to the detail of the application being set out in the original supporting statement, apart from the reference to signage². For its part the LPA explains that, as originally submitted, the application was considered invalid: subsequently, following receipt of the second form, the application was validated³.
4. The second application form has been completed and dated, and it is not endorsed as being a draft or to be read in conjunction with the original. Those factors in themselves strongly indicate that it superseded the form dated 26 June. The status of this form is confirmed by the agreement of the main parties about the relevant plan for the appeal proposal. Both have submitted the same A4 plan which identifies with a red edge the former water bottling

¹ Email from the Appellant to The Planning Inspectorate dated 26 June 2020.

² Email from the Appellant to The Planning Inspectorate dated 7 July 2020.

³ Email from the LPA to The Planning Inspectorate dated 9 July 2020.

shed as the extent of the appeal site⁴. This plan does not show a red edge around the area proposed for use as a manege, and it is, therefore, consistent with the description of development on the July application form. On the information before me, I am satisfied that the relevant application form for the appeal is that dated 24 July 2019.

5. On the application form, the description of development includes additional text explaining the way in which it is intended that the proposal would operate. I note also that the supporting statement refers to an intention to apply for two directional signs as part of the application. The display of signage is regulated separately by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), and the Appellant has explained that signage was excluded from the planning application. The proposal is appropriately described as to use the former water bottling shed/ barn for stables and public equestrian facilities, as set out in the first sentence of the description of development, and I have considered the appeal on this basis.

Main Issues

6. One of the objections included in the LPA's reason for refusal concerns congestion on valley roads arising from use of a horse drawn carriage. The Appellant has explained that carriage driving no longer forms part of the plan for his business and that the carriage has been sold. He has made it clear that he is prepared to accept the removal of carriage driving from the appeal proposal, and that could be secured by means of a condition. Accordingly, I consider that the main issues in this appeal are:
 - (i) The effect of the proposed development on the safety and convenience of users of the access road leading to Windsor Farm.
 - (ii) The effect of the proposed development on the condition of bridleways in the locality.

Reasons

The access road to Windsor Farm

7. The access road runs for about 0.6km between the junction with Wasdale Road and Windsor Farm. It is a single track route, with a tarmac surface. For about 0.5km, the road climbs up the steep fellside, carrying a public bridleway. Shortly before the farm entrance, the road becomes less steep as it turns from the bridleway which continues to ascend the fell.
8. The Appellant explains that the existing daily vehicle movements include four car trips to and from the farm and deliveries (including the postal service), with occasional additional trips by a trailer. He expects that the proposed equestrian use would generate a further four daily car trips to and from Windsor Farm, and that there could be two additional two-way trailer movements each week. The Highway Authority points out that holiday lets at Windsor Farm, a tea room, and use of the road to access the fell by other farmers would generate additional traffic. No specific figures for the number of

⁴ The two plans which were originally submitted in connection with the appeal identified three parcels at Windsor Farm with a red edge; two buildings close to the access road to the farm and the area to the north-west of the farm buildings proposed for use as a manege. None of these parcels includes the former water bottling shed, and the Appellant made it clear in his email of 26 June that those plans do not relate to the proposal subject of the current appeal.

such trips are before me, although the Appellant states that in his experience the number of farmers and walkers using the road does not exceed 20 per week, information which has not been disputed by the LPA. Moreover correspondence submitted by the main parties indicates that the tea room would be associated with the equestrian facilities rather than being a separate venture, and that only two buildings would be used for holiday accommodation⁵. I am satisfied, from the information before me, that the access road carries a modest number of vehicles each day, and that the appeal proposal would result in a limited increase in this use.

9. There are no passing places along the access road and none are proposed. The Highway Authority has commented that passing places would be needed to minimise the need for vehicles reversing long distances. As the number of vehicle trips to and from Windsor Farm, with the equestrian development in place, would be relatively low, there are unlikely to be many occasions when vehicles would be travelling in opposite directions along the single track road. Nevertheless, lengthy reversing manoeuvres are potentially hazardous, and the risk to safety is greater because of the gradient of the road and the fall of the land away from the carriageway to the south-west. The existing situation, where a lengthy stretch of single track road has no passing places is undesirable, and, although the appeal proposal would not involve a large number of additional vehicle trips, it would increase the prospect of vehicles reversing in potentially hazardous circumstances to the detriment of highway safety.
10. As the access road carries a bridleway for most of its length, there is also the prospect of horses and vehicles approaching each other from opposite directions. Whilst I expect that the incidence of such occurrences would be low, they would be likely to result in potentially hazardous reversing manoeuvres by drivers on this part of the road as there is insufficient room for a vehicle to comfortably pass a horse and rider. The proposal would increase the prospect of conflict between vehicles and horse riders on the access road to the detriment of highway safety.
11. I do not consider that increased vehicular use of the access road would lead to a reduction in highway safety where walkers are concerned. It is possible for walkers to step off the carriageway whilst vehicles pass, and reversing manoeuvres would not be necessary. Nor, given the limited level of vehicular movements, would walkers on the access road suffer any material inconvenience on these occasions.
12. Although vehicular use of the access road would be limited, the development would increase traffic on a lengthy stretch of single track road without passing places. The existing situation is undesirable, and I conclude that additional vehicle movements in connection with the equestrian use would have an unacceptable impact on highway safety, contrary to paragraph 109 of the National Planning Policy Framework.

The condition of bridleways

13. There are a number of public bridleways in the area around Windsor Farm. The Appellant has explained that it is intended to offer two rides per day, each with

⁵ Letters dated 9 & 26 July 2019 from the LPA to the Appellant, the second of which has been annotated by the Appellant.

no more than five horses. Some rides would be away from the local area, on the beach at Drigg, in neighbouring valleys, and on higher mountain trails, and the Appellant suggests that there would be no increase compared with the existing private usage of the local bridleways by his family and friends.

14. The LPA has commented that the bridleways in the vicinity of the appeal site are in reasonable condition, but that the area is wet and prone to erosion. As part of my site visits, I walked along the bridleway which uses the access road and continues higher up the fell to the north of Windsor Farm, and along those to the west which lead to Blengdale Forest. These bridleways are specifically mentioned by the LPA; they are the nearest to the appeal site, and are likely to be used most frequently by rides setting off from the farm itself. I agree with the LPA's assessment that the bridleways are in reasonable condition. There are no details before me about the extent of existing use of the local bridleways, and, whilst I note the concerns expressed by the LPA and Wasdale Parish Meeting, nor is there any specific evidence to indicate that the level of usage which could arise from Windsor Farm (if all rides started out from the farm) would have any material effect on the condition of the bridleways.
15. On the information before me, I conclude that the proposed development would not have an unacceptable effect on the condition of bridleways on the locality. In this respect it would not conflict with Policy CS24 of the Lake District National Park Core Strategy which supports sustainable tourism provided that, amongst other matters, it would not materially affect the character and appearance of the locality due to erosion of rights of way, nor with Policy CS14 which seeks to safeguard the rights of way network.

Other matters

16. Policy CS01 of the Core Strategy refers to the national significance and unique character of the Lake District, and Policy CS25 makes it clear that the highest level of protection is to be given to the landscape in assessing development proposals. No external changes would be made to the building which is the subject of the appeal proposal, and horses are already kept at Windsor Farm for private use. In any event, tree cover, the distance from public vantage points and the grouping of the farm buildings would restrict views of increased activity at the farm. I have already found that the proposal would not have an unacceptable effect on the condition of local bridleways. The proposed development would not have a harmful effect on the character and appearance of this part of the National Park.
17. The Highway Authority, Wasdale Parish Meeting and several local people have stated the view that horse-riding on the narrow public roads in the area could adversely affect safety. However the intention is to ride on bridleways, and I anticipate that any use of public roads to provide links would be limited. Moreover there are opportunities for vehicles and horses to pass on the valley roads.
18. The Appellant argues that the equestrian venture is necessary to enable the continuation of farming at Windsor Farm. Policy CS23 of the Core Strategy supports farm diversification where certain requirements are met, including the maintenance of the core farm business. I have read that the farm keeps a low number of sheep and relies on subsidies which are not guaranteed in the long-term. It is intended that the equestrian operation would be run by two persons who currently have no employment, and I have no doubt that an additional

tourism facility would be attractive to visitors to the area, in addition to leading to some benefit through expenditure elsewhere in the local economy. No detailed information about the extent of the contribution which commercial horse-riding would make to the overall business, nor of the level of income which it would provide to those running the operation, is before me, and benefits to visitors and the local economy would also arise from other tourism developments in the locality. Accordingly, these factors merit limited weight in support of the proposal. It is also suggested that the provision of this tourism facility would ensure maintenance of the environment, but there is nothing to indicate that the environment would be likely to deteriorate without the proposed riding business.

19. Concerns expressed in a number of individual representations about animal welfare are a matter for a separate licensing regime, and are not a relevant consideration for this appeal.

Conclusions

20. The proposal would comply with several policies in the Development Plan since it would not harm the character and appearance of the area nor the condition of local bridleways, and it would represent a tourism facility and a form of farm diversification. It would provide some support for the overall farm business and income for the individuals running the riding venture. It would also contribute to visitor opportunities and the local economy. These positive factors in support of the proposal carry limited weight and do not outweigh the significant harm of an unacceptable reduction in highway safety due to the increased prospect of potentially hazardous manoeuvres on the access road. That harm is sufficient to warrant determination of the appeal other than in accordance with the Development Plan policies to which I have been referred.
21. For the reasons given above, and having regard to all matters raised, including the suggested conditions, I conclude that the appeal should be dismissed.

Richard Clegg

INSPECTOR