
Appeal Decision

Site visit made on 5 February 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2021

Appeal Ref: APP/Q9495/W/20/3261067
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 David Rivera against the decision of Lake District National Park Authority.
 - The application Ref 7/2020/4068, dated 11 August 2020, was refused by notice dated 9 October 2020.
 - The development proposed is change of use from private use horse stables and menage to use for business purposes.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and is considered not to be EIA development. An Environmental Statement is therefore not required.

Main Issue

3. The main issue is the effect of the proposed development on the safety and convenience of users of the access road leading to Windsor Farm and the public bridleway.

Reasons

4. The access road to Windsor Farm is a single-track route carriageway that has a tarmac surface. It travels on a steep slope upwards towards the vehicular access to the farm and then beyond towards the public bridleway from Wasdale Road. Along this track approximately 10 passing places have been constructed and the road widened in these locations. The farm also currently has parking facilities for up to 10 cars.
5. The appellant has stated that the proposal would mean that a potential maximum of 5 horses would use the track no more than once per day and that there would be a likely maximum of 10 walkers using the bridleway per week in the summer and also that the increase in vehicular use resulting from the proposal would be minimal equating to approximately 2 extra cars at any one session.
6. Even so, the Highway Authority have raised a concern in relation to the proposal stating that the surface finish of these passing places is rough with large stones protruding and sharp edges left uncovered which would present a hazard to vehicles and that as currently constructed they would suffer from erosion from

passing traffic and water run-off from the adjacent fell side. As a result, the Highway Authority does not consider that the provided passing places to be of suitable construction and surface finish to allow vehicles to pass unhindered. From the evidence before me I see no reason to disagree.

7. Furthermore, while on my site visit, I observed that the passing places were indeed quite uneven and rough in terms of their surfacing which comprised larger stone rubble with sharp edges mixed with soil rather than a more level tarmac or gravel surface. In addition to this, I also saw that there are currently no barriers to the more open side of the track, meaning that in places further up the track, there is a substantial drop to the land below. Moreover, given that 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.
8. Consequently, while it is unlikely that the proposal would lead to any inconvenience or danger for walkers or horse riders using the track and bridleway, as they could step out of the way, it would likely lead to inconvenience and potential danger for drivers as it would not be possible for them to use the passing places to safely manoeuvre or reverse should they have to avoid any oncoming walkers or horse riders, particularly at the point where the gradient of the track is at its steepest. As a result, while vehicular use of the access road would be limited, the proposal would be likely to increase traffic on a lengthy stretch of single-track carriageway without adequate or safe passing places for vehicles, nonetheless.
9. I acknowledge that the appellant has stated that the Inspector of previous decision (Ref APP/Q9495/W/20/3244482) considered that the only issue of concern was the lack of any passing places. However, even though passing places have now been put in place, for the reasons outlined above, this is not sufficient to overcome the harm to highway safety I have identified. In any event, I have determined the appeal scheme on its own merits.
10. I therefore conclude that the additional vehicular movements in connection with the proposed equestrian use would have an unacceptable impact on the safety and convenience of users of the access road leading to Windsor Farm and the public bridleway. Accordingly, the proposal would fail to meet the requirements of policies CS01, CS14 and CS25 of the adopted Lake District National Park Core Strategy. It would also conflict with paragraph 109 of the National Planning Policy Framework.

Other Matters

Support for the proposal from interested parties

11. I note that the proposal is supported by local hotels and accommodation suppliers. However, this matter does not alter or outweigh my conclusion on the above issue.

Common Land

12. Several interested parties have raised concerns relating to the fact that the passing places have been constructed on National Trust common land without consent. However, as I am dismissing the appeal on a different substantive issue it is not necessary for me to consider this matter further.

Conclusion

13. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR