



Appeal Decision

Site visit made on 16 January 2025

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 April 2025

Appeal Ref: APP/M0933/W/24/3349638

Land off Pennington Lane, Pennington, LA12 7NY

Grid Reference: E 326390 N 477212

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Lancaster against the decision of Westmorland and Furness Council.
 - The application reference is 2024/0425/FPA.
 - The development proposed is Erection of 3 x stables in 1 block on an existing hard standing.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 x stables in 1 block on an existing hard standing at land off Pennington Lane, Pennington, LA12 0RR, Grid Reference: E 326390 N 477212, in accordance with the terms of the application, reference 2024/0425/FPA, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings Location Plan, Block Plan, Proposed Stable Block Sheet 1 of 2, Proposed Stable Block Sheet 2 of 2.

Preliminary Matters

2. I have taken the description of the development from the appellant's Appeal Statement, which reflects the Council's Decision Notice, and which precisely and concisely describes the act of development.
3. I have used the address on the appeal form, along with the grid reference from the application form, to provide an accurate location of the site.
4. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issue

5. The main issue is the effect of the proposed development upon highway safety.

Reasons

6. The appeal site forms part of a larger field, separated by post and wire fencing, used for equestrian purposes. At the time of my visit, the appeal site contained

some baled hay, along with a tractor, van, horse box, trailers and some plastic piping. The site lies in the countryside, albeit with residential areas nearby.

7. The appeal site has an established access to the south, off Pennington Lane. This existing access also serves agricultural land to the southwest. Public footpath 563004 aligns to the south of the appeal site, extending from the access at Pennington Lane and continuing westwards. The adjacent highway is a narrow country lane and the existing access lies on the outside of a sharp bend. Consequently, for vehicles exiting the appeal site it is possible to see vehicles approaching from either direction. For vehicles entering the appeal site, the access itself is visible from both directions, however, forward visibility of approaching vehicles to the opposite side of the carriageway, is restricted by the bend in the road.
8. As the site is used for equestrian purposes, the existing access and turning area can presently be utilised by those on horseback, or by vehicles towing horseboxes, and the site could be accessed in this way going forward. As it also serves agricultural land, the access could also be utilised by farm related vehicles now and in the future. At present, there is a gravel area between the gated access and the carriageway. It is not clear whether this is of a sufficient size to allow larger or longer vehicles to pull clear of the road while opening or closing this gate.
9. While the proposal would introduce a small stable block to the site, it would retain the present equestrian use. The gravel area to the front of the gate would be utilised to enable the gate to be opened and closed, which is likely to be the case at present also. Parking for any associated vehicles would be available within the site itself.
10. There is no substantive evidence before me demonstrating that the introduction of a small stable block would significantly increase the use of the existing access and turning area, over and above the present use of the land for equestrian purposes. As such, I am unable to conclude that this development would result in an increased use of the existing access, or that this would lead to or exacerbate any highway safety issues.
11. I note the Council's concern that the landholding is small and so any horses kept at the proposed stables would have to be exercised on the adjacent country lanes. However, horse riders are one of a range of users of the highway network, along with pedestrians and cyclists, as well as motorised vehicles. The Highway Authority has not suggested that this road is unsuitable in highway safety terms for use by those on horseback, nor have I been provided with any detailed evidence relating to excessive speeds, accidents or incidents, that demonstrate any particular highway safety issue at this location.
12. Consequently, the available evidence leads me to conclude that the proposed development would not have a harmful effect upon highway safety. The proposal would therefore comply with the requirements of policy CS10.2 of the Council's Core Strategy¹ (CS) and policies DM1, DM2, and DM19 of the Council's Local Plan Development Management Policies², which collectively and amongst other matters, require development to provide safe access arrangements and movement

¹ South Lakeland Local Development Framework Core Strategy, dated October 2010.

² Local Plan Development Management Policies (For South Lakeland District outside the Lake District and Yorkshire Dales National Parks), dated March 2019.

for all, so as to ensure no detrimental effect on the local highway network. Nor have I identified any conflict with the sustainable development principles of CS policy CS1.1.

13. I have been provided with sketched illustrations indicating the appellant's willingness to set back the existing vehicular access gates onto Pennington Lane, albeit these are not formally revised plans, and they do not appear to be the basis on which the Council consulted on the proposal or determined the planning application. The proposed changes appear to be in response to the comments provided by the Highway Authority. Given my findings above, I do not consider these amendments to the scheme to be necessary to make the development acceptable, albeit they remain an option for the appellant to pursue, separately to the appeal process.

Other Matters

14. A number of other issues have been raised by Pennington Parish Council. The proposed stable block would be small in scale and typical in appearance, and stables are an established presence in the locality. Therefore, I do not consider that the proposed building or any associated parking, which would be transitory, would be harmful to the character or appearance of the area. While Pennington Beck may be nearby, there is no substantive evidence before me demonstrating that the proposed stables would pose any risk in terms of discharges into this beck.

Conditions

15. I have imposed conditions specifying the time limit for commencement and the approved plans as this provides certainty.

Conclusion

16. For the reasons set out above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

S Brook

INSPECTOR