



Appeal Decision

Site visit made on 15 April 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st May 2025

Appeal Ref: APP/H0928/D/25/3359259

2 Coach Croft, Great Strickland, Penrith, Cumbria CA10 3BF

- 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 Nigel Harris against the decision of Westmorland and Furness Council.
 - The application Ref is 2024/1254/FPA.
 - The development proposed is portable wooden shed/garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal development is retrospective. The Council dealt with the development on this basis and so have I.

Main Issue

3. The main issue is the effect of the loss of a designated off-street parking space on highway safety and the free flow of traffic in the area.

Reasons

4. The dwelling at 2 Coach Croft (No 2) was approved under planning permission 13/0827 which included a condition for the retention of the two designated off street parking spaces to the rear of the property. These spaces are accessed via a long, narrow shared access off the highway. Dwellings on either side of No 2 have separate accesses off the highway to designated off street parking at the front of each property. Several other properties on the street also have private driveways, which limits opportunities for on-street parking. The condition detailed above was included as part of the original planning permission with the aim to maintain openness at the front of No 2, to allow neighbouring accesses to be safe and functional; and also, to minimise on-street parking as a result of the development.
5. There is a dispute between the main parties regarding the capacity for the garage to house a vehicle. The appellant asserts that the shed could accommodate a vehicle and the Council states that the erection of the shed has resulted in the loss of a functional parking space. The shed appears to be too narrow and small to be considered as a car parking space, in the absence of any substantive evidence to demonstrate otherwise I agree with the Council that the erection of the shed has resulted in the loss of a functional car parking space.
6. The reduction in designated parking provision brings with it an increased likelihood that the appellant, or their visitors, would park their vehicle on the public highway at the front of No 2. The displacement of parking provision in turn limits visibility and

manoeuvrability at the access that runs to the rear of No 2 and at the private accesses that serve the neighbouring properties on either side.

7. The pedestrian footway at the front of No 2 is defined by a low kerb and although there are no road markings at the front of the property it doesn't detract from the harmful effect the displacement of parking provision can have on the safety of pedestrians and other road users, when their movements are impeded as a result. I also note that the Local Highway Authority objected to the development on similar grounds.
8. For the reasons detailed above the shed has resulted in the loss of a designated off-street parking space which has a harmful effect on highway safety and the free flow of traffic in the area. Therefore, the development conflicts with Policies DEV3 and DEV5 of the Eden Local Plan 2014 – 2032 which require proposals to adhere to guidance and standards issued by the Highways Authority on the number of parking spaces to be provided and that development can be easily accessed and used by all.

Other Matters

9. I understand the appellant's requirement to have suitable storage provision for medical and mobility equipment. Also, as there are no steps at the front door, parking their vehicle at the front of the property may allow for an easier route to their vehicle as there are steps at the rear entrance of their dwelling. Disability is identified as a protected characteristic for the purposes of the Public Sector Equality Duty (PSED) set out in s149 of the Equality Act 2010. In my assessment of this appeal, I have due regard to the three aims of the PSED, in this instance the utilisation of a car parking space to allow for the provision of a timber shed meets the needs of an individual with a disability in creating a place to store equipment required as part of their day-to-day life. However, no information has been submitted to demonstrate that other options have been explored to meet their needs; such as alternative storage provision that would not result in the loss of a parking space or adjustments to the rear entrance to allow for easier means of access. Therefore, it has not been demonstrated that the shed is essential. As such, personal circumstances are not sufficient to outweigh the harm that I have identified.
10. It is acknowledged that the appellant may have been advised that planning permission for the shed was not required. Whilst this is regrettable pre-application advice provided by the local authority cannot pre-empt the democratic decision making process or a particular outcome, in the event that a formal planning application is made. Moving forward the Council should take a pro-active approach in working with the appellant to improve the accessibility of their home and their ability to carry out normal day-to-day activities.

Conclusion

11. For the reasons given above the appeal should be dismissed.

C Livingstone

INSPECTOR