



Appeal Decision

Site visit made on 19 September 2025

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

Appeal Ref: APP/K0940/W/25/3365484

Woodlands Business Park, Gatebeck Lane, Gatebeck, Endmoor, Kendal LA8 0HR

- 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 L & W Wilson (Endmoor) Ltd against the decision of Westmorland and Furness Council.
 - The application Ref is SL/2023/0499.
 - The development proposed is change of use of agricultural land to business park use; construction of 6 new employment buildings and associated site works (Class E(g), B2 and B8 uses).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by L&W Wilson (Endmoor) Ltd against Westmorland and Furness Council. This is subject of a separate decision.

Preliminary Matters

3. Additional Highways Information has been submitted with the appeal which was not before the Council at the time it made its decision. Given the nature of the public objections and the reason for refusal, accepting this information may prejudice the interests of the interested parties. Furthermore, it is not for the appeal procedure to advance proposals. This is best achieved through the submission of revised planning applications. As such, I have proceeded to determine the appeal on the basis of the information before the Council when it made its decision.

Main Issues

4. The main issues of the appeal are:
 - The effect of the proposed development on highway safety having particular regard to the cumulative effect of traffic including HGVs on surrounding roads.

Reasons

Background

5. The appeal site is an area of agricultural land located off Gatebeck Lane. The site is bounded by a stream on the eastern side and field boundaries on the other sides. There is a long belt of mature trees running along much of the site boundary.

6. The proposal is for an employment site for Class E(g), B2 and B8 uses which would provide 6 steel portal frame and metal and timber cladded large buildings, spread across the site with an access road through the site. The proposed built development would be set back from the highway with a detention basin located between the built development and Gatebeck Lane. Parking would be provided for each of the units.
7. The appeal site is an allocated site for employment uses by Policy LA1.8 of the Local Plan Land Allocations Development Plan Document (2013) (LADPD) and as I understand it, received planning permission¹ for the remaining portion of the site all for employment use.

Highway Safety – including cumulative effect of traffic

8. The appeal site is located off Gatebeck Lane. The lane has a footpath along one side running past the site to the bridge, leading to the bus stop on Gatebeck Road. The village of Endmoor is located to the southwest.
9. The Council's reason for refusal states that the proposed development would have a severe residual cumulative impact on the surrounding roads.
10. Having regard to the appellant's evidence before me, a transport assessment² was provided with the planning application. This sets out the traffic generation expected from the proposed development, and makes a comparison to the aforementioned, planning permission at the site. Traffic generation information was generated using the TRICS database and considered the Covid pandemic and used pre-pandemic levels to generate the information.
11. The transport assessment concluded that both AM Peak Hour and PM Peak Hour arrivals and departures from the site, of expected trips and worst-case traffic generation would be lower than for the previously approved scheme. Furthermore, that on the wider surrounding area the effects of the development would be unnoticeable.
12. I acknowledge that interested parties are concerned regarding traffic generation, particularly at certain times of the year due to agricultural practices. These objections relate to general highway safety, the suitability of Gatebeck Lane to serve the proposed development, the quality of existing road infrastructure, accessibility, and the proposed volume of traffic that would be generated by the development. Representations refer to the safety for pedestrians as well as other road users such as cyclists and horse riders. Information has been provided relating to incidents near to the site.
13. Notwithstanding the level of objection, the Council's highways adviser has stated that the proposed development would be acceptable with regards to traffic generation in several consultation responses. This is further set out in both of the Council's Committee Reports. Further the highways adviser for the Council is satisfied that the proposal would be acceptable, including the access, and having regard to the safety of pedestrians and proposed parking measures which could be satisfactorily secured by condition. Based on the evidence before me, including the transport assessment, I find no reason to disagree.

¹ Planning ref: SL 2018/0859 Approved with Conditions August 2019

² Woodlands Business Park Gatebeck Lane, Endmoor. Transport Assessment. December 2022 L&W Wilson

14. The Council's appeal statement does comment upon the additional transport information provided with the appeal, which seeks to overcome the reason for refusal, by providing updated baseline data. However, the Council's Statement of Case does not provide substantive evidence to convince me of the harm to highway safety as a result of severe residual cumulative effect on surrounding roads.
15. Based on the evidence before me, having due regard to the history and status of the site, and in the absence of substantive evidence to the contrary, I am satisfied that the proposed development would not be harmful with regard to traffic generation. Furthermore, that the access and parking arrangements would be acceptable within the site. Nevertheless, below I go on to consider the mechanism to secure HGV routing to avoid the village of Endmoor and to ensure highway safety.

Highway safety - HGV Routing

16. Within the LADPD, the supporting text in relation to the appeal site, states that freight vehicles associated with the site should use Gatebeck Lane and not approach the site via Gatebeck Road through the village. In addition, the highways adviser to the Council has stated in consultation responses that whilst the HGV traffic is forecast to be light, the highways authority would not want to encourage additional trips through Endmoor and past the school.
17. Based on the evidence before me, I am satisfied that the parties do not dispute the requirement for the HGV routing. Furthermore, I am satisfied that HGV routing is required to ensure highway safety to prevent additional freight vehicles travelling through the village of Endmoor and, in particular, past the school. I note information from interested parties concerning HGVs travelling around the area and that the previous planning permission at the site included a condition requiring a travel plan.
18. Notwithstanding this, the mechanism for securing such routing is a matter of dispute between the main parties.
19. The highways adviser to the Council within several consultation responses expressed that a Section 106 agreement would most likely be required to secure such a route, this was reiterated in the second Committee Report. However, this has not been agreed by the appellant, who has stated that a condition is sufficient to secure HGV routing, and that the method of securing business trips including HGVs on nearby sites has been through condition.
20. I have not been provided with a completed Section 106 agreement. Therefore, without such details I cannot be certain that this would sufficiently serve the purpose of securing HGV routing of vehicles travelling to and from the appeal site.
21. Having regard to securing the HGV routing by condition, I have been provided with a 'routing agreement'. This sets out several clauses relating to, vehicles under occupiers' control, vehicles not under occupiers' control, compliance and lifespan of the agreement. It also provides details of the proposed route.
22. The proposed agreement would be signed by the current owners, however the agreement states 'or an alternative party to be advised'. I do not consider there to be a robust mechanism within the agreement to ensure that should the ownership

of the land change the agreement would be passed on to future landowners, and that they would be required to sign up to it.

23. In addition, whilst the agreement states that leaseholders would be expected to comply with the agreement through lease conditions, I have no details of such conditions or how these would be enforced. The highways adviser to the Council states that an agreement would require occupiers to enter into 'haulier rules' with any haulage contractors to include meaningful sanctions. Based on the evidence before me, the routing agreement does not sufficiently fulfil these requirements. Further, the agreement is not complete with details such as 'part of the planning consent' left blank, and it is not signed or dated. Therefore, to my mind, the agreement in this format, would not be sufficient to secure HGV routing.
24. The appellant has suggested that the agreement could be tied to a condition that was used previously in the original committee report for this proposal (September 2024 version). This condition would require all relevant parties to sign up to the routing agreement prior to first occupation of the site. It would also require the agreement to be kept up to date and to be adhered to for the lifetime of the development.
25. However, due to the incomplete nature of the agreement before me, together with insufficient substantive evidence as to how the agreement would be compulsory for future leaseholders, I am not satisfied that the proposed agreement and condition are sufficient to secure the required HGV route to ensure wider highway safety. Therefore, the condition would not meet the tests in the National Planning Policy Framework (the Framework) as it is not precise and enforceable.
26. Therefore, notwithstanding my findings with regard to the cumulative effect of traffic and having had regard to the planning history of the appeal site. I find that, due to the insufficient mechanism before me to secure routing of HGVs, the proposal would have an unacceptable effect on highway safety. Accordingly, the proposal would not comply with Policy CS10.2 of the South Lakeland Core Strategy (CS) which requires the expected nature of traffic generated by the proposal to be accommodated by the existing road network without detriment to highway safety.
27. The proposal would also be contrary to paragraph 116 of the Framework which states that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

28. The appellant has expressed general dissatisfaction with the Council's handling of the application, particularly regarding decision making. I deal with this in the application for costs, but this is not a significant material consideration in the determination of my appeal here.
29. The appellant has stated that there would be significant economic, social and environmental benefits promoting sustainable development on an allocated site within the development plan. Having regard to Policies CS1.1, CS1.2, CS7.1 and CS7.4 of the CS. Policies CS1.1, CS1.2 and CS7.1 set out the development strategy and sustainability principles. These require an appropriate supply of readily available employment land in 'Service Centres' and seek to meet the employment requirement in the area. The proposal would contribute to this as an

employment allocation. Employment uses are also supported in Policy CS7.4, which focuses on the rural economy.

30. Therefore, these policies provide support for the proposed development, as an employment land allocation, and the proposed development support the local economy, in addition to helping to maintain a 5 year employment land supply. The economic benefits of the proposal attract moderate weight.
31. Based on the evidence before me, the proposal is considered by the Council to be acceptable with regard to flood risk, character and appearance, sustainable transport options and heritage assets. Based on the information before me, I have no reason to disagree that the scheme would be acceptable with regard to these matters. However, these matters are related to policy compliance and are not significant benefits of the scheme and therefore carry only limited weight.

Conclusion

32. The development would provide an employment site and there are a number of benefits accruing from the scheme. However, the proposals do not provide an acceptable method of securing HGV routing avoiding the village of Endmoor, a consequence of which is harm to highway safety. This adverse element of the scheme would be such that the harm and related policy conflicts should weigh to a substantial extent against the proposal and would not be outweighed by the benefits. As a consequence, the scheme would conflict with the development plan when considered as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above the appeal is dismissed.

N Duff

INSPECTOR