



# Appeal Decision

Site visit made on 22 January 2008

by **Simon Hand MA**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
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Decision date:  
07 FEB 2008

**Appeal Ref: APP/Z0923/H/07/1202174**

**Esso Corkickle Service Station, Back Corkickle, Whitehaven, CA28 7TS**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Primelight Advertising Ltd against the decision of Copeland Borough Council.
- The application Ref 4/07/2445/0, dated 28 June 2007, was refused by notice dated 22 August 2007.
- The advertisement proposed is a double-sided, pole mounted display unit.

## Decision

1. The appeal is dismissed.

## Reasons

2. The petrol filling station is on the corner of a busy road junction controlled by traffic lights. The 6-sheet is on a 2.5m tall pole and stands next to the Esso totem. It is can be clearly seen by traffic approaching from all directions and does not interfere with views of the traffic lights at all. I can see no reason why it should distract drivers and so cause a danger to road users who are paying due care and attention to their own and others safety
3. However, it is very close to the totem. It is completely different in materials, size and scale to the totem, and looks like a random afterthought, that clutters the forecourt to the petrol filling station. In views from the west and south it stands out in front of the stone gateway and tree lined grassy bank on the opposite side of the road, and because of its height is especially prominent and incongruous. Consequently, for the reasons given above and having regard to all other matters raised, I conclude that the display of the sign, while not detrimental to the interests of road safety is detrimental to the interests of amenity.

*Simon Hand*

Inspector



# Appeal Decision

Site visit made on 11 February 2008

by **John Braithwaite** BSc(Arch)  
BArch(Hons) RIBA

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Decision date:  
15 February 2008

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**Appeal Ref: APP/Z0923/C/07/2055797**

## Land at Jacktrees Road, Cleator Moor

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr E C Mossop against an enforcement notice issued by Copeland Borough Council.
- The Council's reference is CBC/2007/2.
- The notice was issued on 31 August 2007.
- The breach of planning control as alleged in the notice is unauthorised works consisting of the siting of a cattle shed.
- The requirements of the notice are remove the said cattle shed.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fee has been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.

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## Decision

1. The appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a cattle shed on land at Jacktrees Road, Cleator Moor as referred to in the notice.

## Reasons

The ground (a) appeal and the deemed application

2. The main issue is, with regard to access, visibility and onsite vehicle parking and turning facilities, whether traffic associated with use of the cattle shed adversely affects highway safety. Policy DEV 7 of the Copeland Local Plan states that planning permission will only be granted for development which, amongst other things, provides safe and convenient access, egress and internal circulation.

3. The Appellant's smallholding is about 4.5 hectares of farmland adjoining the settlement of Cleator Moor and has a west frontage onto Jacktrees Road, which is a country road that continues southwards to Cleator. Planning permission was granted in 1988 for the erection of winter housing for sheep and in 2000 for a cattle shed. In 2007 planning permission was refused for the erection of two cattle sheds one of which had already been erected. It is this cattle shed that is the subject of the enforcement notice. The farm buildings are arranged around a concrete yard area that has an access off Jacktrees Road. It is the use of this access that concerns the Council and the Highway Authority.

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4. The Appellant rears cattle on his land and has done so for several years. The permitted buildings are used to support this agricultural business and the access off Jacktrees Road has been used since the business started. The Highway Authority maintains that "The site has inadequate access visibility and onsite vehicle parking and turning facilities for its current use..." and they do not therefore "...support any further increased use of this substandard access for highway safety reasons". It is this view that led to the refusal of the planning application in 2007 and is the stated reason for issue of the enforcement notice.

5. The Council has provided no evidence other than to reiterate the view of the Highway Authority. Furthermore, the Highway Authority has provided no evidence to substantiate their view. There is no evidence to indicate that the Highway Authority or the Council has assessed the number of vehicular movements associated with the lawful use of the land and permitted buildings, has established whether use of the appeal building would result in an increase in vehicular movements, has assessed the types of vehicles using the access, has assessed the space required for turning vehicles on-site, or has established the number of vehicles parked on the land at any one time and therefore parking requirements. Furthermore, with regard to visibility and use of the access by vehicles leaving the land, neither the Council nor the Highway Authority has indicated the visibility standards to be applied in this case and there is no evidence to indicate that they have measured visibility at the access in either direction and have considered other factors such as road alignment and traffic between the two settlements.

6. In the absence of any substantiating evidence from the Council and the Highway Authority this decision will be based, primarily, on visual evidence gained at the site visit. There is adequate space for tractors and other medium sized vehicles to turn, without reversing and with or without attached trailers, within the yard area. Larger vehicles might have to reverse within the yard area but there is adequate space for manoeuvring to enable egress from the land in forward gear. There is also ample space for the vehicles likely to be associated with the use of the land to park within the yard area without obstructing use of the yard. Visibility to the south for drivers of vehicles exiting the land is more than adequate but visibility to the north is sub-standard. However, given more than adequate visibility to the south and the low number of cars using Jacktrees Road, drivers of vehicles exiting the site are able to concentrate on traffic approaching from the north. This is likely to be a contributory factor to the absence of any records of traffic accidents or incidents associated with the Appellant's use of the land.

7. There is adequate parking provision on site and vehicles can turn within the yard area to facilitate departure from the site in forward gear. Use of the appeal building is not likely to result in anything other than a minimal increase in traffic movements at the access off Jacktrees Road. This minimal increase, even with sub-standard visibility in one direction, would not be detrimental to highway safety on Jacktrees Road. The development does not conflict, in this regard, with the provisions of policy DEV 7 of the Copeland Local Plan.

8. The appeal on ground (a) succeeds and the deemed planning application is allowed. The appeal on ground (g) does not therefore need to be considered

*John Braithwaite*

Inspector