

APPLICATION NO	PA/2023/334
APPLICANT	Ms Jacky Tolley
DEVELOPMENT	Planning permission for the use of land as a market on Saturdays, Sundays and Bank Holidays
LOCATION	Car boot sale site, Slate House Farm, unnamed road between Holme and Messingham, Holme, DN16 3RE
PARISH	Messingham
WARD	Messingham
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Neil Poole – significant public interest and disruption to road users of Holme Lane) Objection by Messingham Parish Council

POLICIES

National Planning Policy Framework:

6 – Building a strong, competitive economy

12 – Achieving well-designed places

North Lincolnshire Local Plan:

DS1 – General Requirements

T2 – Access to Development

T6 – Pedestrian Routes and Footpaths

RD2 – Development in the Open Countryside

S11 – Temporary Markets, Car Boot Sales and Lay-by Trading

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering More Sustainable Development

CS3 – Development Limits

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022.

Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

Policy SS1 – Presumption in Favour of Sustainable Development

Policy SS2 – A Spatial Strategy for North Lincolnshire

Policy SS3 – Development Principles

Policy SS11 – Development Limits

Policy RD1 – Supporting Sustainable Development in the Countryside

CONSULTATIONS

Highways: No objection, but recommend a condition.

Environment Agency: No comments.

LLFA Drainage: No objection, but advise consideration be given to upgrading the size of the pipe network.

Economic Development: No comments.

Humberside Fire and Rescue: It is a requirement of Approved Document B5, Section 15 Commercial Properties or B5, Section 13 for Domestic Premises that adequate access for fire-fighting is provided to all buildings or extensions to buildings.

Humberside Police: No comments.

Trees Officer: No comments.

Environmental Protection: No comments.

Archaeology: No comments.

PARISH COUNCIL

Objects on the grounds that a traffic management plan should be put in place to mitigate any traffic impact on Holme Lane.

PUBLICITY

A site notice has been displayed; one letter of objection has been received raising the following issues:

- The land on which the application is proposed is an area where a Countryside Stewardship Scheme is being undertaken and is in separate ownership.
- The land has never been part of the car boot site.

ASSESSMENT

This application was deferred at a previous meeting of the planning committee to allow members to visit the site before making a decision.

Planning history

- PA/2017/888: Planning permission to vary condition 1 of PA/2012/0823 to extend the time limit to a further five years to retain the use of the land as a market on Saturdays, Sundays and Bank Holidays – approved with conditions 27/07/2017.
- PA/2012/0823: Planning permission to retain the change of use of the land for use as a market on Saturdays, Sundays and Bank Holidays – approved with conditions 21/08/2012.
- PA/2010/0490: Planning permission to retain the use of land for use as a market on Saturdays, Sundays and Bank Holidays (resubmission of PA/2009/1046 dated 21/10/2009) – approved with conditions 30/06/2010.
- PA/2009/1046: Planning permission to change the use of agricultural land to land used as a market on Saturdays, Sundays and Bank Holidays – refused 21/10/2009.

The site comprises agricultural fields to the west of Holme Lane, including a cluster of brick-built agricultural buildings. The site is set back a distance of 350 metres from the public highway. This proposal is to retain the change of use of the agricultural land to use as a market on Saturdays, Sundays and Bank Holidays. This use is currently being carried out from the site and has been the subject of previous applications which are shown above. The hours of operation are 11am to 4pm on each of the days specified. The site is accessed from Holme Lane by an existing farm access track. Vehicles are directed along the access track, around the rear of the existing dwelling on the site to the pay point and into the car parking area which is a grassed field. Vehicles leave the site via the access track with some passing places.

The main issue in determining this application is the principle of development (incorporating impact on the highway network).

Principle

The site, within the open countryside, is a farm, accessed by a substantial farm track that has been upgraded with passing places to allow two-way traffic movements. In terms of the principle of the development, this is considered to be acceptable. The NPPF seeks to support rural enterprise such as this. The proposal comprises rural economic diversification and will provide some employment opportunities. This type of use tends to require a countryside location due to the amount of land required and the short time that the use operates on the site. The applicant has revised the red edge site location plan to demonstrate the site is in their ownership doesn't compromise the land which is in separate ownership subject to a Countryside Stewardship Scheme.

Policy S11 permits temporary markets and car boot sales providing that access and parking arrangements are adequate and will not result in a reduction in road safety, and there is no adverse impact on residential amenity and the character and appearance of the area. Highways have considered the development proposals for a continued period and determine the access and car parking arrangements to be acceptable. In addition, the applicant has provided a traffic management plan which sets out how traffic is typically managed (involving on-site marshals), provision for higher volumes of traffic on busier days and for safe entry and exit from the site. This document has been considered by Highways and no objections have been received. The management plan also makes provision for the fact it is a working document and is subject to review and updates where considered necessary (for example to deal with an increase in traffic and to mitigate the potential for vehicles obstructing the public highway along Holme Lane). A condition is therefore recommended that the site is operated in accordance with the traffic management plan and is subject to review and updates when it is considered necessary by the local planning authority.

The nearest residential property is over 150 metres from the site, so no demonstrable loss of residential amenity is considered to take place in this case. The use has a limited impact on the character and appearance of the open countryside as the site does not operate on a daily basis, and on market days the hours of operation are limited to 11am to 4pm. The only structures on site are temporary fencing, litter bins and portable toilets, which have a limited impact on the countryside. The use has a minimal impact on the open countryside as all equipment is removed from the site once the market is finished.

Policy S11 of the North Lincolnshire Local Plan only allows a temporary permission to be granted for this type of use, provided parking and access arrangements are adequate and the facility is properly maintained (which, in the opinion of the local planning authority, applies in this case). Considering the above and the fact that no complaints have been received in relation to the use (which has operated since 2010), a further five-year temporary permission is acceptable. In conclusion, the proposal accords with guidance in the NPPF, policies CS1, CS2 and CS3 of the Core Strategy, and policies RD2 and S11 of the North Lincolnshire Local Plan.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The use shall be discontinued on or before the expiration of five years from the date of this permission unless before that date an application has been made and permission granted by the local planning authority for an extension of the time limit imposed by this condition.

Reason

To define the terms of the permission and to comply with policy S11 of the North Lincolnshire Local Plan.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2023/334_01.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

The development hereby permitted shall be undertaken in strict accordance with the submitted traffic management plan at all times when the market/car boot is in operation and the plan shall be implemented, reviewed and updated as necessary.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

4.

The use hereby permitted shall only be operated on Saturdays, Sundays and Bank Holidays between the hours of 11am to 4pm and there shall be no variation to these hours of operation unless otherwise agreed in writing by the local planning authority.

Reason

To define the terms of permission, in the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

5.

No structures or buildings shall be installed on the site without the prior approval in writing by the local planning authority.

Reason

To define the terms of the permission and in the interests of safeguarding the character and appearance of the open countryside.

6.

No hard surfaces shall be installed on the site without the prior written approval of the local planning authority.

Reason

To define the terms of the permission and in the interests of safeguarding the character and appearance of the open countryside.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Holme Lane to Holme

Holme Lane to Messingham

**North
Lincolnshire
Council**

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