

COMMITTEE REPORT

Committee: Planning Committee
Date: 31 May 2007

Ward: Haxby And Wigginton
Parish: Wigginton Parish Council

Reference: 07/00653/FULM
Application at: Home Farm Corban Lane Wigginton York YO32 2RD
For: Car boot sale on part of field 8330 on 20 Sundays a year, with entrance from Wigginton Road and exit to Corban Lane (resubmission)
By: Mr K And Mrs A D Roberts
Application Type: Major Full Application (13 weeks)
Target Date: 19 June 2007

1.0 PROPOSAL

1.1 Planning permission is sought to hold a car boot sale on 20 Sundays in a year at the above site.

1.2 The car boot sale currently operates 14 Sundays in the year under permitted development rights granted under Class B Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. Class B Part 4 of the Order allows the operation of a Market on a piece of land on 14 occasions in any calendar year. The proposal is, in effect, to allow a further 6 car boot sales to operate from the site in any calendar year.

1.3 The site is located to the west side of Wigginton Road and extends to 5.1Ha, 1.34Ha of which is an overflow car park. Access to the land is via a Bridleway on Wigginton Road and the exit from the site is via the access road to the applicant's property Home Farm on to Corban Lane.

1.4 The application is supported by a traffic impact assessment which concludes: - 'Through impact assessments it has been determined that the accesses to the site and the Wigginton Road/Corban Lane junction will function within capacity with development traffic. The site can also be accessed by modes other than the private car. In conclusion, there are no substantive highway reasons why permission for the proposed development should not be granted.'

1.5 The proposal is also supported by a letter from the applicant which can be summarised as follows:-

- The applicants have been holding a car boot sale on Home farm for the last 15 years.
- 14 of the car boot sales have been on their own field and a further 11 on a neighbouring farmer's field for which rent was paid
- The numbers of car boot sales in total will be reduced although increase on our own field
- More difficult to make a living out of farming particularly with the sugar beet factory closure.

- Ann Mackintosh MP recommended that it was an ideal time to apply for planning permission as a solution to massive loss of income. Government supports diversification. The car boot sale is a ready made solution requiring no financial or other type of support from the Council
- The applicant's family has maintained the bridleway for the last 40 years and will continue to do so
- Less traffic impact because fewer car boot sales in total
- Over the years have built up a popular and friendly business
- Each week several stalls attend to raise money for charity. Visitors comment on how pleasant it is to be out in the countryside.
- people able to access the countryside who would not normally have the opportunity, along with preserving community ties and allowing local small businesses a forum and a chance to flourish

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

3.0 CONSULTATIONS

Internal

Highways Network Management

The site is question can lawfully operate 14 car boot sales per year under permitted development rights, which is not in dispute, however the application is seeking use of the land for 20 occasions during the year for these purposes and this is what officers are required to consider.

Officers are led to believe that the site operates as a one-way system with access being taken from Wigginton Road and egress being taken onto Corban Lane.

The adjacent junction of Corban Lane/Wigginton Road operates well within theoretical capacity during the base situation (without development) and with the proposal is indicated to operate above capacity which will lead to queuing on a number of occasions. Whilst it is accepted that the site will currently create capacity issues at this junction without planning consent, the intensification of use of the land for the approval sought will increase the number of times that queuing will occur.

Such queuing will result in significant increases in driver frustration leading to motorists taking greater risks when leaving the junction, potentially increasing the risk of accidents occurring.

The access to the site from Wigginton Road is along a farm track which is a bridleway known as Wigginton No.7. The bridleway is currently maintained to a level commensurate with it's status/legal standing. It is officer view that the increased use

of the land for car boot sales involving the level of traffic predicted will lead to a deterioration in the surface of the route.

The deterioration in surface quality together with the increased frequency and level of usage is also likely to prove detrimental to the safety of users of the route particularly vulnerable users such as pedestrians and those on horseback. As such it is considered that the proposal is contrary to Local Plan Policy T2(a) and the hierarchy of highway users as set out in the same document.
highways recommend two reasons for refusal based on the above comments

Environmental Health

No objections in principle subject to an hours restriction of 7.00 to 13.00 because of the proximity of the site to residential properties

External

Wigginton Parish Council

We object on the grounds that the adjacent highway layout has proved to be inadequate to cope with the amount of traffic generated by car boot sales at this location at the present time.

There are already two exceptionally busy junctions at (a) Mill Lane/B1363 and (b) Corban Lane/B1363. The car boot generated traffic in effect creates a third junction at the _Bridleway/B1363, which is unsighted, uncontrolled and not signposted. On occasions the bridleway has been seen to be used as an exit as well as the recognised entrance. The bridleway itself; even if used as intended; can cause a conflict between incoming cars, in and outgoing pedestrians (inc. children and buggies) dog walkers and horseriders. There is no segregated footpath.

The residents living on Sutton Road opposite the entrance look forward to a reprieve on a Sunday from the continuous streams of traffic and standing traffic outside of their homes throughout the week. There is also the added difficulty of obtaining entrance and egress to their driveways. Added to this of course is the noise and pollution. The same applies to those people living near the Mill Lane/B1363 junction. Even as far back as the Walmer Carr junction emergence on to Mill Lane is severely restricted due to standing traffic.

The transport impact assessment is of little relevance as it is based on a Sunday in February. In summertime, in addition to the car boot traffic, there is holiday and seasonal traffic on what is a key route to the North Yorkshire moors and various caravan parks along the route. There is also now a recently agreed farmshop outlet at Sutton-on-Forest which will undoubtedly add to traffic flows.

We feel that an extension to the present 14 week car boot season at this particular location would be detrimental to the environs of Wigginton and increase the inherent dangers on the adjacent highway and further restrict movement at the two junctions. We suggest that a realistic assessment be made on a Sunday when the car boot sale is in operation.

There are 4 letters of objection have been received covering the following points:-

- disagree with the number of car boot sales that were held at the Corban lane site there were 4 in 2006, 8 in 2005 and 4 in 2004 is averages at between 5 and 6 per year and is half that referred to in the applicants letter. car levels would on average be increased not reduced on this basis.

- it is not made clear in the transport assessment whether the applicant has vehicular access rights on the public bridleway even if he does he has a legal duty to keep the public bridleway free from obstruction
- no mention in the traffic assessment of people queuing on the public bridleway itself and its unavailability
- seems very remiss that the traffic assessment does not show the close proximity of home Farm and Wigginton Grange driveways. The report makes no reference of the difficulties of access or egress from Wigginton Grange. In fact these manoeuvres are very difficult for both horses and vehicles
- Because of the bollards that have been erected in the central hatched area along with the new bus stop for the safety of children there will now be a back up of traffic from traffic approaching the site from the north (South bound traffic)
- The cumulative affect of the traffic difficulties should not be underestimated. It would be unbearable if these difficulties were to be borne on every Sunday morning for the five summer months.
- traffic assessment based on existing levels of traffic applicant suggests these levels will increase as the site grows more popular
- It is impossible for the horse riders from the local livery stables to use the bridleway on a car boot day.

There are six letters of support for the application which cover the following points:-

- farmers are continually urged to diversify and the car boot sale is an excellent way to do this with minimal disruption
- How can farmers improve their income if all their efforts are blocked
- the car boot sale brings economic benefits to other small businesses in the area
- extensive development near the junction of Wigginton Road with the outer ring road has been allowed, traffic levels here must be much higher through the week than at the application site surely there should be some fairness
- many of the arguments put forward about horses seem spurious, is this the only bridle path in the area_ The bridleway is wide enough for two cars so is wide enough for a horse and a car
- There has never been any problems with the car boot sale running
- many people from Haxy and Wigginton take a Sunday walk to the car boot sale

4.0 APPRAISAL

4.1 The key issues raised by this proposal are:-

- The appropriateness of the use within green belt and the open countryside
- The impact on highway safety
- The impact on residential amenity

4.2 The application site is located in an area of open countryside and within the green belt. Paragraph 3.12 of PPG2 entitled green belt says ' The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.'

4.3 PPS 7 entitled 'Sustainable development in rural areas' supports countryside-based enterprises and activities which contribute to rural economies, and/or promote recreation in and the enjoyment of the countryside (Paragraph 16). In considering farm diversification specifically the PPS says at paragraph 30 that favourable consideration should be given to proposals for farm diversification in green belts where the development preserves the openness of the green belt and does not conflict with the purposes of including land within it.

4.4 Policy GB1 of the draft local plan is similar in its content to PPG2. Policy S11 relates only to permanent car boot sales and therefore is not relevant to this proposal

4.5 In officers opinion the use, which involves no permanent structures or features, would maintain openness of the green belt and would not conflict with the purposes of including land in the green belt. Therefore the proposal is not inappropriate development, accords with the thrust of PPG2 and PPS7 as well as local plan policies and can be supported in a policy context.

4.6 Members will have noted highway network managements conclusions that the application should be refused. Highways comment that the intensification of the use to 20 car boot sales will increase the dangers on Corban Lane and Wigginton road, they also conclude that the use of the bridleway as an access route is unacceptable because of the conflict caused between pedestrian and car traffic and because of the impact of the use on the surface of the bridleway. Policy T2a supports the highway stance; it says that developments which prevent the use of public rights of way or compromise their safety should not be supported. The transport assessment submitted with the application does not persuade highways that the application is acceptable.

4.7 The nearest properties to the site are the two cottages adjacent to the bridleway. These cottages are within the ownership of the applicant's family, nevertheless the 1.62ha field around the rear cartilage of the cottages will not be used for the car boot sale giving some separation between the properties and the proposed use.

4.8 The properties on the East side of Wigginton Road adjacent to the entrance to the car boot sale will in officers opinion experience some increase in noise and disturbance as a result of the development. The noise and disturbance will mostly be cause by the amount of traffic visiting the site during the car boot sale and the slowing and manoeuvring of vehicles to access the site via the bridleway. There may also be additional pedestrian movements to the site from Wigginton villagers accessing the site by foot. However in officers view the limited increase in the times of disturbance to a further 6 Sundays and the nature of the road which is a major route into the city means that the impact is not sufficient to warrant refusal of the application on the grounds of the impact on the residential amenity of these properties.

4.9 The Environmental health Officer is not raising objections to the proposals subject to the hours of the operation of the car boot sale being restricted to 7.00 hours to 13.00 hours (This condition could only apply to the 6 car boot sales carried out after the 14 sales allowed by the General Permitted Development Order)

4.10 There is support for this application from users of the car boot sale and indeed the applicant has run the car boot sale for a considerable length of time. However Officers considered that the concerns of highways network management in terms of highway safety and the safety of other bridleway users cannot be ignored or overridden because of this support.

5.0 CONCLUSION

5.1 Officers are not objecting to the application on the basis of the impact of the car boots sale on the residential amenity of surrounding properties, however, highway network managements concerns about the junction of Corban Lane and Wigginton Road operating above capacity and concerns about the use of the bridleway are considered sufficient to refuse planning permission

6.0 RECOMMENDATION: Refuse

- 1 Traffic generation information supplied within the Transport Assessment submitted in support of the application indicates that the proposal will result in the junction of Corban Lane/Wigginton Road operating above capacity. It is indicated that the traffic generated by the proposal will lead to significant queuing on Corban Lane as departing vehicles attempt to exit onto Wigginton Road. Wigginton Road is subject to national speed limit and due to the nature of the road traffic speeds are high. The intensification of use of the site will increase the occasions upon which queuing will occur. Such queuing is considered likely to result in driver frustration leading to motorists taking greater risks increasing the potential for accidents.
- 2 Access to the site is along a farm track which has the status of bridleway. The bridleway is known as Wigginton no.7 and is currently surfaced to a level commensurate with it`s use and status. The proposal will increase the frequency of use of this route by high levels of vehicular traffic which includes HGV`s. Such an increase in use will raise the potential for conflict between motorised and non-motorised traffic to the detriment of safety of bridleway users contrary to Local Plan Policy T2(a). Furthermore the increased frequency of usage of the route will also result in further deterioration of the surface which will be detrimental to both highway safety and amenity of users of the bridleway.

7.0 INFORMATIVES:

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