

<b>APPLICATION NO</b>	<b>PA/2010/0490</b>
<b>APPLICANT</b>	Mr A Worsman
<b>DEVELOPMENT</b>	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)
<b>LOCATION</b>	Slate House Farm, Holme Lane, Holme
<b>PARISH</b>	<b>HOLME</b>
<b>WARD</b>	Ridge
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Officer discretion

## **POLICIES**

**North Lincolnshire Local Plan:** Policy S11 (Temporary Markets, Car Boot Sales and Lay-by Trading) – temporary planning permission will only be granted for temporary markets, car boot sales and lay-by trading.

Policy ST3 (Development Limits) – the site is located in the open countryside.

Policy RD2 (Development in the Open Countryside) sets out the type of development considered to be acceptable within the open countryside.

Policy T2 (Access to Development) requires all new development to be provided with a satisfactory access.

Policy T6 (Pedestrian Routes and Footpaths) – the safety, convenience and attractiveness of footpaths will be improved.

Policy DS1 (General Requirements) provides general design guidance for all new development.

## **CONSULTATIONS**

**Highways:** No objection subject to the existing access track being improved in accordance with details submitted in the application. All works required to carry out the improvements shall be completed within three months of the date of any planning permission.

## **PARISH AND TOWN COUNCILS**

**Holme Parish Meeting:** No objections but have the following comments:

- increase in traffic

- limit the stalls on the site
- the lane is not adequate for additional traffic
- traffic queuing onto Holme Lane
- private and unofficial notices being placed within the highway warning of possible stationary traffic

**Messingham Parish Council:** Object on the following grounds:

'Two-way traffic on the access road must be accommodated.

Despite indications on the plan for two-way traffic, in fact the majority of the access road is single lane only. This creates a bottle neck at the junction with Holme Lane which is currently managed by a member of staff controlling traffic on Holme Lane – a practice which we understand to be illegal on the highway. Consequently motorists using Holme Lane are delayed to allow the market traffic to access or exit.'

**Bottesford Town Council:** No objection.

## **PUBLICITY**

Site notices have been posted and adjoining properties notified. One letter has been received raising no objections.

## **ASSESSMENT**

This proposal is to retain the change of use of agricultural land to land used as a market on Saturdays, Sundays and Bank Holidays. This use is currently being carried out from the site. The hours of operation are 11am to 4pm each day. 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 but can only do so when there are no oncoming vehicles as two vehicles cannot pass in some places on the track due to its restricted width. Vehicles entering and leaving are overseen by up to eight employees, three of which are in contact by radio. A public footpath (Holme 215) is located close to the access track.

**The main issues associated with this case are whether, in planning policy terms, this type of use is acceptable in this location, and if so, whether its impact on the highway network, the public footpath, the amenity of neighbours and the locality is also considered to be acceptable.**

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. In this case, subject to the access being widened, Highways find the access and car parking arrangements acceptable. The nearest residential property is over 150 metres away so no demonstrable loss of residential amenity will be caused. The use has a limited impact on the character and appearance of the open countryside as it is not carried out every day and is 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. Planning conditions can be

used to ensure that the litter bins and portable toilets are removed from the site, stored in a building or screened from view when not in use. This will further reduce the visual impact the use has on the countryside. The proposal therefore complies with policy S11.

In terms of policy T6, the access is located very close to a public footpath. This could result in additional hazards to users of the public footpath. In order to retain the safety of pedestrians the applicant is proposing to erect a fence along the line of this footpath to direct users away from the access track used by vehicles. The position and type of fencing to separate the footpath from the access track can be conditioned. The proposal therefore accords with policy T6 of the North Lincolnshire Local Plan.

The applicant wishes to continue to hold the market on Saturdays, Sundays and Bank Holidays. The use is generating significant numbers of people in terms of traders and customers. The countryside is considered a relatively quiet place with a steady flow of traffic. The use substantially increases traffic to and from the site which does not normally occur during the week. It is therefore considered appropriate to restrict the operation to Saturdays and Bank Holidays only. This will reduce the intensification of the site and reduce traffic numbers to and from the site.

A temporary permission will allow the local planning authority to assess the impact the use has on the countryside and the highway network over the next two years. As the market will become more known, potentially there may be further increases in vehicle numbers which may result in hazards to highway and pedestrian safety that have not yet been experienced.

The temporary permission will also allow the local planning authority to assess if the access track is capable of serving the proposed use in terms of traffic numbers and traffic management, and whether the separation of the access track from the public footpath is ensuring the safety of users of the footpath at all times.

**RECOMMENDATION      Grant permission subject to the following conditions:**

1.  
The use as a market shall be discontinued on or before 1 July 2012 and the land shall be restored to its former condition in accordance with details to be agreed in writing by the local planning authority before restoration is commenced.

**Reason**

In order for the local planning authority to assess the impact the use has on the highway network in accordance with policies S11, T2 and DS1 of the North Lincolnshire Local Plan.

2.  
The development hereby permitted shall be carried out in accordance with the following approved plans: 001 and 002.

**Reason**

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

3.  
The use hereby permitted shall only be carried out on Saturdays and Bank Holidays and at no other time without the prior approval in writing of the local planning authority.

**Reason**

In order to safeguard the character and appearance of the open countryside in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

4.

The use hereby permitted shall only be operated on Saturdays and Bank Holidays between the hours of 11am and 4pm and there shall be no deviation from these times without the prior permission in writing of the local planning authority.

Reason

In order to safeguard the character and appearance of the open countryside in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

5.

Within one month of the date of this permission, details of the works required to widen the access shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented on site within three months of the date of this permission and shall be retained as such at all times.

Reason

In order to provide a satisfactory access to the site and reduce the impact on the highway network in accordance with policies T2 and S11 of the North Lincolnshire Local Plan.

6.

With one month of the date of this permission, details of the type and location of the proposed fencing adjacent to the access track in order to separate users of the access track and the adjacent public footpath shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented on site within two months of the date of this permission and shall be retained as such at all times.

Reason

In order to safeguard pedestrian and vehicular safety in accordance with policies T2, T6 and DS1 of the North Lincolnshire Local Plan.

7.

Within one month of the date of this permission, details of a proposed storage area or screening facility for the portable toilets and litter bins on the site when not in use shall be submitted to and approved in writing by the local planning authority. The approved scheme(s) shall be implemented on site within two months of the date of this permission and shall be retained as such at all times.

Reason

In order to safeguard the character and visual appearance of the open countryside in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

8.

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

Reason

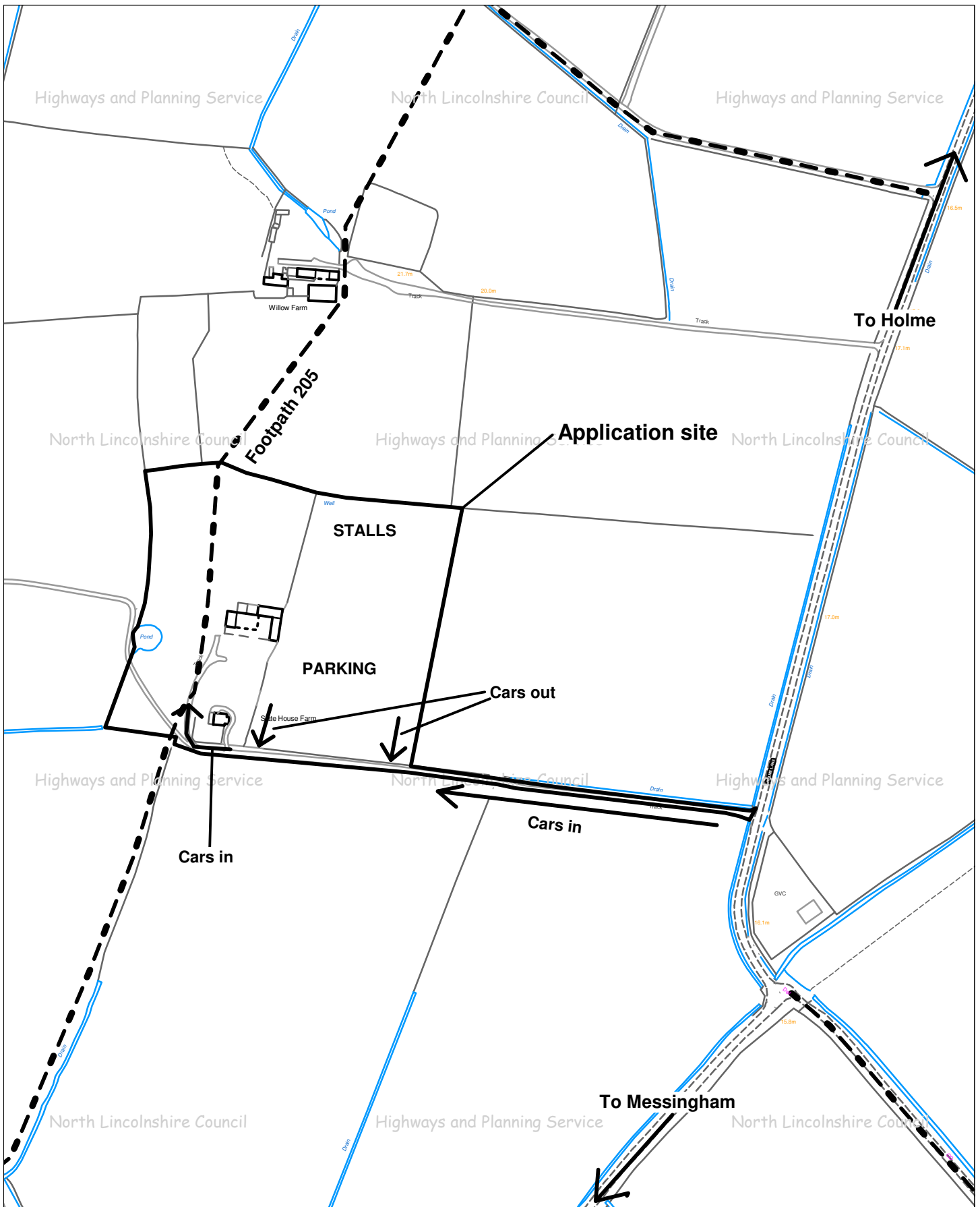
In order to safeguard the character and visual appearance of the open countryside in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.

9.

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

Reason

In order to safeguard the character and visual appearance of the open countryside in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan.



Drawing Title: 2010/0490

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**Highways and Planning Service**

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G Popple