

7 DCSW2008/1571/F - RENEWAL OF 10 EXTRA CAR BOOT SALES PER CALENDAR YEAR, ASHFORD STABLES, STONEY STREET, MADLEY, HEREFORD, HEREFORDSHIRE, HR2 9NJ.

For: Mr D Evans, Peartree Cottage, Woodyatts Lane, Madley, Hereford, HR2 9NN.

Date Received: 20 June 2008

Ward: Stoney Street

Grid Ref: 42166, 37950

Expiry Date: 15 August 2008

Local Member: Councillor DC Taylor

1. Site Description and Proposal

- 1.1 The site is on the north-western side of Stoney Street, an unclassified road (u/c 73209) just to the north east of Ashford House. The site is approximately 0.5km from the junction of this unclassified road with the B4349 road adjacent to the Comet Inn.
- 1.2 Access is adjacent to Ashford House into the fields that have a roadside frontage of some 180 metres. The site is 120 metres at its deepest.
- 1.3 It is possible to use land for car boot sales for 14 days a year without the need for a planning application. The proposal is for 10 additional days which goes beyond that allowed in the General Permitted Development Order 1995. This application seeks to renew a temporary planning permission for an additional 10 days (total of 24 per year) that expired on 31st August, 2008.
- 1.4 The applicants have acquired more land to the north of the site, including Pear Tree Cottage, the nearest dwelling to the site, since the time of their 2005 permission.

2. Policies

2.1 Herefordshire Unitary Development Plan

Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy T8	-	Road Hierarchy

3. Planning History

3.1	SH960973PO	Bungalow	-	Refused 27.11.96 (following a Sub-Committee Viewing Panel Inspection)
	SH980114PO	Construction of new dwelling	-	Refused 11.03.09
	SW2000/1311/F	Use for 10 extra car boot sales	-	Approved 02.08.00
	DCSW2005/0593/F	10 extra car boot sales per calendar year	-	Approved 31.08.05

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager requires further information as regards parking on verges or on the road and the history of the site.

4.3 The Head of Environmental Health and Trading Standards raises no objections.

5. Representations

5.1 In a letter that accompanied the application the applicants make the following main points:

- since last application we now live on the farm
- been holding car boot sales on Sunday afternoons for 10 years since 1988 with planning permission
- have had no problem and complied with all planning regulations
- car boots very popular and well attended due to fact that they are well run organised events
- in rural area away from built up areas and any busy roads
- car boot sales encourage recycling unwanted goods/items, therefore environmentally friendly
- given costs and penalties for landfill sites, definitely an environmental alternative.

5.2 In a further letter received in response to representations received, the following main points are raised:

- unlike objectors looking forward to weekends, like thousands of others need to work
- no burger or ice-cream vans arriving or waiting in road, as they have immediate access into the field
- noise and traffic, yet own house only feet away from main road (access to Madley Industrial Estate, i.e. BT, Sun Valley, Gelpack, A W Trailers, Stoney Street Garage, HGV Haulage Company, Farm Machinery Sales to name a few, plus Murphys, the bus route all seven days a week
- run a vibrant and well organised event, weather permitting, loved by locals and non-locals
- regularly support local charities.

5.3 Madley Parish Council support the application.

5.4 Kingstone Parish Council's observations are awaited.

5.5 One letter of objection has been received from:

Mrs J Kury & Mr P Kury, Snowdrop Cottage, Stoney Street, Madley, HR2 9NJ

The following main points are raised:

- look forward to weekends, but Sundays are not a pleasure
- by 10.30 most of burger and ice cream vans have arrived, waiting to get into field followed by trader's vans, then sellers
- then vehicles leave, peace arrives at 5 - 6pm
- even if rained off, vehicles still stream down road looking for car boot
- noise and traffic inside or out of house intolerable
- feel we should go out, which we do not always want to do. Preferable to staying with hundreds of other people and vehicles crawling past us
- if believe in putting people first, then you may take notice of our concerns, give us back 10 days, so we can enjoy our home like others
- why are more than 14 days not enough, which isn't even for a charitable cause.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 This use has been operating for over 10 years and, as stated above, the applicants could use the site for 14 days for car boot sales without the need for planning permission. The main focus in relation to this application is therefore the impact of the ten extra days being applied for in terms of local amenity and highway safety.
- 6.2 The Environmental Health Manager confirms that the site is well marshalled on sale days. It is also confirmed that the majority of buyers leave the site at 3.30pm, with the car boots officially starting at 2.00pm. Car boot sales have generally taken place on Sundays, weather permitting, although as stated in the representations received, it has not deterred some people from arriving at the site, this though would clearly be to a lesser extent than during fine weather.
- 6.4 In terms of the wider context of the site, Stoney Street is used frequently by a mixture of commercial and residential traffic, with the presence of Gelpack and BT for instance. There have been no identified problems of conflict between commercial and car boot sales traffic. It is not considered that vehicles queuing from time to time on Stoney Street on car boot sales days constitutes grounds for refusing the proposal in relation to highway safety. The Traffic Manager has not objected but is seeking clarification of use of the site.
- 6.5 There is clearly some disturbance for local residents on car boot days. However it is maintained that given the limited frequency and duration of car boot sales days it is not considered that a further planning permission could reasonably be resisted. Conditions previously attached related to the maintenance of a log book and that there should be no consecutive days for car boot sales would continue to restrict the level of use. Government Circular 11/95 'The Use of Conditions in Planning Permissions' refers to the use of temporary planning permissions, particularly in instances when there has been sufficient time for the particular use to have been monitored. It is considered that this proposal falls into this category, and therefore permanent permission can be supported subject to conditions proposed below.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **A log book/record of all car boot sales shall be kept and shall be available for inspection by the local planning authority, a car boot sale having deemed to have begun when the gates have been opened for at least one hour, notwithstanding subsequent weather conditions.**

Reason: In order to define the terms to which the application relates.

3. **Car boot sales shall not be carried out on consecutive days.**

Reason: In the interests of the amenities of residents in the locality.

4. **F26 (Personal condition)**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances having regard to Policy (specify) of Herefordshire Unitary Development Plan.

Informative(s):

1. **N19 - Avoidance of doubt - Approved Plans**

2. **N15 - Reason(s) for the Grant of Planning Permission**

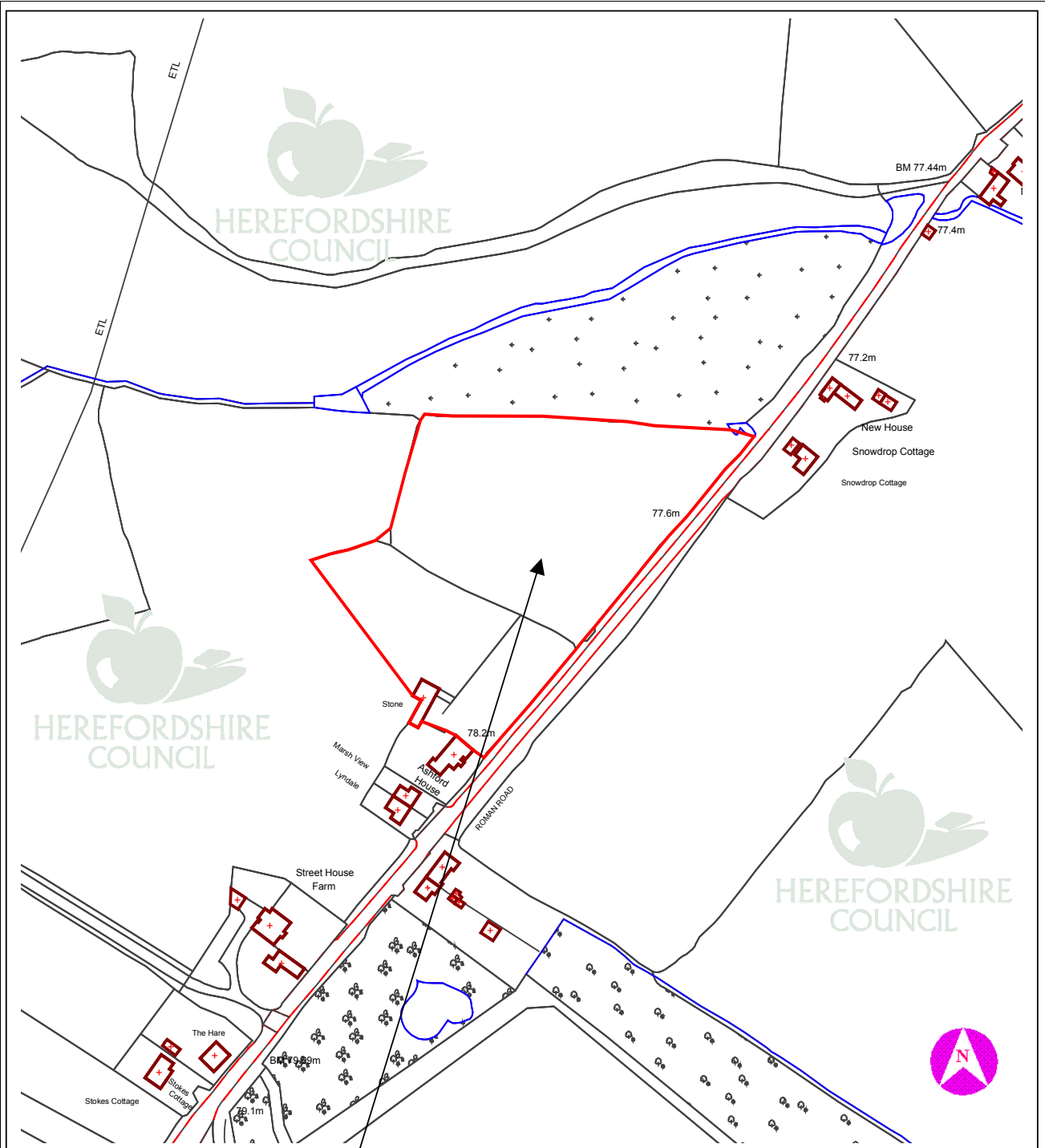
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2008/1571/F

SCALE : 1 : 2500

SITE ADDRESS : Ashford Stables, Stoney Street, Madley, Hereford, Herefordshire, HR2 9NJ

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