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For and on behalf of
Treasure Trove Fairs Ltd

PLANNING STATEMENT
Increased use of site for car boot sale purposes from 14 days per year to 28 days per year

Windley Meadows Farm, Wirksworth Road, Duffield, Belper, DE56 4AQ

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1.0 INTRODUCTION

1.1 On behalf of our client, Treasure Trove Fairs Ltd ("the Applicant"), this statement has been prepared by DLP Planning Ltd ("DLP") in support of a planning application for permission to increase the number of events from 14 to 28 per annum at Windley Meadows Farm, Wirksworth Road, Duffield, Belper, DE56 4AQ ("the site").

1.2 The Statement will describe the site and its locality, will detail the relevant planning history, consider the prevailing planning policy and will assess the proposal against this policy to conclude that it accords with the relevant components of the development plan and other material considerations that would justify granting planning permission.

1.3 Due regard has been had to the Council's checklist for validation of major applications in the preparation of this application. This Statement should be read in conjunction with the following documentation submitted with the application:

- Application Form and Ownership Certificate;
- Site Location Plan;
- Transport Technical Note.

2.0 SITE DESCRIPTION AND PLANNING BACKGROUND

Site and Context

2.1 The site subject to this application comprises an approximately 6.1ha generally flat field used predominantly for agricultural purposes, situated at Windley Meadows Farm, Wirksworth Road, Duffield, Belper, DE56 4AQ. The site is already used for car boot sale purposes 14 days per year in accordance with the right granted under Schedule 2, Part 4, Class B of Town and Country Planning (General Permitted Development) (England) Order 2015. The site location is shown in figure 1 below.



Figure 1: Site Location Plan

2.2 The site is located in the countryside and is surrounded by agricultural fields to all sides. The sites boundaries comprise hedgerows interspersed with trees.

2.3 Access to the site is taken from Wirksworth Road, where the site already has an existing entrance and exit point. These ensure that traffic accessing the site is never at conflict and can be seen below in figure 2.



Figure 2: Site Access Points marked with blue arrows

2.4 There are no Public Rights of Way within the site boundary that will be affected by the proposal. The site is also located outside of the Green Belt, the boundary of which is located some 40m to the southeast.

2.5 The site is located entirely within Flood Zone 1, that is, land with a less than 1 in 1000 annual probability of flooding from rivers and the sea. The site is also at low risk of surface water flooding.

2.6 The site is not located in close proximity to any designated or non-designated heritage assets, nor are there any areas of significant ecological value on or immediately adjacent to the site. In this regard the proposed use of the site is not considered to be constrained by heritage and conservation.

Planning History

2.7 No relevant planning history for the site could be identified. The site is currently used for car boot sale purposes 14 days per year in accordance with the right granted under Schedule 2, Part 4, Class B of Town and Country Planning (General Permitted Development) (England) Order 2015, and there have never been any issues raised with this operation of the site on highways grounds or otherwise.

3.0 PROPOSAL

3.1 This application seeks permission to change the use of the site to increase the number of annual car boot sale events from 14 to 28. This increase in the number of events will allow the owner of the site/applicant to diversify their farm business and will support the expansion of this successful operation.

3.2 The current car boot sale events accommodate approx. 250 no. sales pitches, with a further 1000 members of the public visiting the site to purchase items, the parking for which is accommodated on site. The site entrance is followed by an approximately 100m long unmade vehicle track. This allows traffic entering the site to queue on site rather than on the public highway, thus negating its impact on the highway.

3.3 Events occur on Thursday mornings, with the site opening at 6am for traders and the public being granted access from 7am. Operations cease at 2pm. Car boot sale events have been operating on the site for 14 days each year since 2015 under the right granted by Schedule 2, Part 4, Class B of Town and Country Planning (General Permitted Development) (England) Order 2015. Currently, these are held weekly between mid-May and the end of September. Under the proposal this will increase to weekly events from the beginning of May and to the end of October.

3.4 The proposal will not involve the erection of any permanent structures in this location, thus not having any irreversible impacts on the character of the landscape or countryside.

4.0 POLICY CONTEXT

4.1 This section considers the relevant planning policy framework for the site and surrounding area, having regard to the development proposed. It considers relevant national planning policy, together with policies contained within the statutory Development Plan and other local planning policy guidance.

Local Policy

4.2 Section 38(6) of The Planning and Compulsory Purchase Act 2004 requires that determinations must be made in accordance with the development plan, unless material considerations indicate otherwise. From this regard, the development plan for Amber Valley Borough Council currently consists of the saved policies of the Amber Valley Borough Local Plan (2006), as the new Local Plan for Amber Valley Borough was withdrawn from examination on 22nd May 2019.

Amber Valley Borough Local Plan (2006) – Saved Policies

4.3 **Policy LS1** directs development proposals towards sustainable locations by encouraging development that re-uses of previously developed land, ensures the protection of the built and natural environment, reduces over-reliance upon car-based travel and ensures the capacity of existing infrastructure to absorb further development.

4.4 The needs of people with disabilities and those of restricted mobility must be taken into account by development proposals, in accordance with **Policy LS4**. This could, where appropriate, result in conditions being attached to a planning permission seeking provision in terms of site layout, car parking arrangements and public access.

4.5 **Policy ER6** sets out that planning permission will be granted for development which assists in the diversification of the rural economy, provided that the proposals create or maintain employment and do not detract from the visual or rural character of the surroundings.

4.6 **Policy TP1** states that the Council will require that satisfactory access can be obtained to the transport network and that any additional traffic movements likely to be generated by the development can be satisfactorily accommodated on the transport network.

4.7 In considering development proposals, the Borough Council will have regard to the maximum parking standards set out at Appendix 3. Where development is proposed in locations which

are either readily accessible to public car parking provision, or are well-served by public transport, the Borough Council will seek to secure levels of additional private car parking provision significantly below the maximum standards, as is stated in **Policy TP6**.

4.8 **Policy EN1** sets out that, in the countryside, outside the built framework of settlements, new development will only be permitted where it:

(a) is essential in conjunction with the requirements of agriculture or forestry,

(b) is necessary within the countryside and cannot reasonably be located within an existing settlement, or

(c) will improve the viability, accessibility or community value of existing services and facilities in settlements remote from service centres provided by the towns and larger villages.

National Planning Policy Framework

4.9 The Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework (NPPF) on 24 July 2018, which was the first revision since 2012. Following a technical consultation on updates to national planning policy, a number of minor changes to the text were made and the NPPF was formally updated on 19 February 2019.

4.10 The NPPF emphasises the role of the Development Plan in decision making (paras 2, 12 and 47) but also states that the NPPF itself is a material consideration in the determination of planning applications. The NPPF is underpinned by a presumption in favour of sustainable development and those provisions that are relevant to this proposal are identified below.

Achieving Sustainable Development

4.11 Paragraph 7 describes that the purpose of planning is to contribute to the achievement of sustainable development. Paragraph 8 proceeds that the planning system, in the context of sustainable development, has 3 overarching interdependent objectives:

- An economic objective;
- A social objective; and,
- An environmental objective.

4.12 Paragraph 10 states that to ensure sustainable development is pursued in a positive way,

there is a presumption in favour of sustainable development at the heart of the Framework. For decision-taking, paragraph 11 confirms that this means:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

4.13 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way, working proactively with applicants and seek to approve applications for sustainable development where possible.

4.14 Paragraphs 39 to 45 promotes early engagement and pre-application discussions, whilst paragraph 46 advocates consideration of voluntary planning performance agreements, particularly for large or complex applications.

4.15 Paragraph 47 requires decisions on applications to be made as quickly as possible and within the statutory timeframes unless a longer period has been agreed.

4.16 Paragraph 48 proceeds that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the emerging policies to those in the Framework (being minded of the transitional arrangements set out at footnote 22).

4.17 Paragraphs 54 to 56 require local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, subject to compliance with the relevant tests.

Building a Strong, Competitive Economy

4.18 Paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs.

4.19 Paragraph 83 highlights that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas and the development and diversification of land-based rural businesses.

Highways

4.20 Paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Conserving and Enhancing the Natural Environment

4.21 Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by, inter alia, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution.

4.22 Paragraph 180 sets out that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. In doing so they should, inter alia, mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to adverse impacts on health and the quality of life.

Extension of Permitted Development Rights

4.23 In June 2020, the Government announced a set of temporary permitted development rights in response to the Covid-19 pandemic. This included an extension of the right granted under Schedule 2, Part 4, Class B of Town and Country Planning (General Permitted Development) (England) Order 2015 to allow 28 rather than 14 days of activity. This extension has since expired, however, it is clear from the introduction of these rights that the Government consider such uses to have economic and social value to the community, especially during lockdowns introduced due to the pandemic and which remain in place.

5.0 PLANNING CONSIDERATIONS

5.1 This section provides a review of the key planning considerations relating to the development as proposed, the details of which are considered in the context of local and national policy, along with any other relevant material planning considerations.

Principle of Development

5.2 The starting point for considering the principle of development is, by law, the Development Plan, which in this case consists of the saved policies of the Amber Valley Local Plan. However, these documents contain no policies which are directly relevant to the principle of the change of use on this site; 'saved' policy ER6 allows for the diversification of the rural economy through development involving new buildings but does not cover changes of use such as that proposed here, and no other policies refer to the specific change of use here proposed. As such, the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF should be applied.

5.3 Whilst not subject to a previous planning permission, the principle of the use of the site for car boot sales has been established by its continuous use under permitted development rights for the previous 6 years without issue being raised by the Local Authority. Given that the present proposal is for the extension of this use without intensification in terms of user numbers or operating hours, and the fact that no permanent structures are proposed to be erected on the site, it is considered acceptable for this proposal to be granted. Furthermore, whilst not addressing the specific goals of 'saved' policy ER6, the scheme accords with the principles of enabling the diversification of rural business and will maintain the employment generated by the car boot sale. The scheme also accords with paragraph 83 of the NPPF.

5.4 In this regard, the primary considerations are set out below.

Impact on the Highway Network

5.5 As set out in the enclosed Technical Note prepared by the DLP Sustainable Development Delivery team, the site currently operates within its capacity, providing adequate on site parking for approximately 1,250 cars. Furthermore, the site already benefits from safe access and egress points that are able to accommodate the maximum amount of trip generation of 200 arrivals and 200 departures per hour. Given that the proposals seek only to increase the number of events held and will not have an impact on the nature or scale of the events, it is considered that there would not be a severe impact on the surrounding highway network.

5.6 With the above in mind, the parking provisions therefore comply with 'saved' policies TP1 and TP6 of the Local Plan. Further, the change of use will not result in an unacceptable impact on highway safety or a severe residual cumulative impact on the road network, therefore according with the requirements of the NPPF as set out at paragraph 109.

Impact on Amenity

5.7 The site is located at a significant distance from any neighbouring occupiers, the only nearby dwelling being occupied by the landowner. As such there will be no negative impact on the amenity of residents arising from noise or other forms of disturbance that may be brought about by the proposal.

5.8 The proposal will also have a minimal impact on the character of the countryside due to the lack of any permanent built structure and the limitation of the use to one morning per week during the summer months.

5.9 In light of this, it is considered that the proposal will have no negative impact on amenity, and therefore accords with paragraph 180 of the NPPF.

6.0 SUMMARY AND CONCLUSIONS

6.1 In summary, the proposed use is appropriate to its location as a sustainable destination for a car boot sale site. Use of the site for this purpose has been previously established, and the increase in the number of events on the site will contribute to the diversification of the farm business.

6.2 The site has ample parking to avoid a negative impact in highways terms, with traffic queueing only within the site boundaries and avoiding any trip generation in the evening peak. As required by the NPPF at paragraph 109, the extended temporal change of use will not result in an unacceptable impact on highway safety or any material residual cumulative impact on the road network.

6.3 The proposed scheme complies with all the relevant policies of the Development Plan and the relevant provisions of the NPPF, notably the presumption in favour of sustainable development. On this basis, planning permission for the proposed development should be granted without delay.

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