



## Appeal Decision

Site visit made on 22 June 2023

**by J Gunn DipTP, DipDBE, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 July 2023**

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### **Appeal Ref: APP/W2845/W/22/3312683**

### **Holcot Showground, Sywell Road, Holcot, Northamptonshire NN6 9SN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by NG & LM Middleton against the decision of West Northamptonshire Council.
  - The application Ref WND/2022/0270, dated 24 March 2022, was refused by notice dated 9 June 2022.
  - The development is described on the application form as 'Full planning application for the use of land for car boot sales and associated parking on Sundays (in addition to the already permitted days)'
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. Planning permission has been granted for the use of the appeal site for car boot sales and associated parking on Thursdays, Saturdays and Bank Holidays between 1 April and 31 October each year. This appeal seeks permission to allow the use of the appeal site for the same purpose on Sundays.
3. The appellant's statement makes it clear that car boot sales have run from the site on Sundays between April and June 2022. Comments received from interested parties suggest that car boot sales have also operated from the site during the whole of the 2021 and 2022 car boot sale seasons. Advertising indicates that the car boot site is open on Sundays during 2023. I have taken this matter into consideration when making my deliberations on this appeal.

### **Main Issues**

4. The main issues are
  - the effect of the development on highway safety; and
  - the effect of the development on the living conditions of residents living in Holcot, with particular regard to the impact of traffic passing through it, and the role the village plays.

### **Reasons**

5. Holcot is a small village located at the junction of Sywell Lane, Holcot Road and Moulton Road with limited services and facilities. The appeal site lies approximately 600m to the east of the village, with access from Sywell Road. Approximately 1.5km to the east of the appeal site is the A43, which links Northampton to Kettering.

6. At the time of my visit a car boot sale was taking place on the appeal site, and I saw that Sywell Road was a busy road, with a steady flow of traffic in both directions. I observed that short queues formed for west bound vehicles when right turning vehicles sought to enter the appeal site. Within the village I saw the crossroads where Sywell Road, Holcot Road and Moulton Road met, and the restricted width of Sywell Road near to the junction.
7. Traffic within the appeal site was moving smoothly with sellers and customers passing along the access tracks, with only limited delays as entry payments were made. That said, it was clear to me that there was significant spare capacity within the site to accommodate additional sellers and parking for customers.
8. I acknowledge that my observations represent only a snapshot in time and accept that the number of sellers and customers will vary considerably throughout the year. Nonetheless, my visit provided me with a good understanding of how the site was managed, and potential impacts.

#### *Highway safety*

9. The planning application was accompanied by a Transport Statement (TS) following surveys undertaken on behalf of the appellant. The traffic surveys took place at times when car boot sales were operating on the appeal site, in order to fairly reflect the impact of the development on the local highway network. The TS included mitigation measures, in response to concerns raised by the Highway Authority (HA), relating to queueing on Sywell Road. These measures included the introduction of an additional four lanes of storage for vehicle waiting to pay for entry into the car boot sale.
10. Whilst the HA did not object to the application, they were concerned that the sample traffic/visitor data was obtained at a time of the year which was not considered peak time for the sales taking place at the site. The survey was undertaken over a three day period in late September 2021, when car boot sales were taking place. This was towards the end of the trading season, on days that were cloudy with some rain showers. The traffic consultants took the view that the weather conditions would not affect the number of attendees at the car boot sales. In my view the time of year, and weather conditions, will have some influence over the choices people make when deciding whether to attend such activities, and consequently I am not inclined to dismiss this as a factor that would affect visitor numbers. Consequently, I agree with the HA that it is unlikely that the submitted surveys would reflect the peak time for sales.
11. Furthermore, I am conscious that the appellants have drawn conclusions regarding the level of trading that would take place on any particular day, based on the outcome of the surveys, concluding that Thursdays would be more popular than Sundays. However, in light of the limited evidence submitted, and what I have stated in above, I am not in a position to accept that this would be the case.
12. Paragraph 111 of the National Planning Policy Framework (the Framework) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

13. In the absence of robust evidence, I am unable to conclude, with any certainty, that the mitigation measures proposed would be sufficient to cope with peak flows arising from the development. As a result, there is scope for traffic to back up onto Sywell Road with an increased potential for conflict to occur at the site entrance. This could result in possible crashes or injuries. Furthermore, any additional queueing on Sywell Road would have a negative impact on the roads operational performance, as a result of increased levels of congestion.
14. Notwithstanding the above, I accept the HA's view that the stacking system proposed 'would have some benefit over the existing situation and should it be in operation on other sale days would offer a wider benefit in terms of traffic management for the site in general.'
15. Accordingly, on this main issue, I conclude that the development is contrary to paragraphs 111 and 113 of the Framework. These policies support, amongst other matters, the refusal of development where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. They also require all developments that will generate significant amounts of movement to be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

#### *Living conditions and role of village*

16. The appellants assert that the majority of visitors to the appeal site travel via the A43 and therefore do not travel through the village of Holcot. Moreover, they indicate that any visitors arriving from the village direction are those that live within the immediate vicinity of the site. The information provided within the appellant's TS supports this assertion, and I have no reason to disagree with their conclusion on this matter.
17. However, it is clear to me that there is still a significant increase in the number of vehicles passing through the village on trading days that can be attributed directly to the operation of the car boot sale. This adds to potential vehicular conflict particularly at pinch points within the highway network and at the crossroads within the village centre.
18. That said, the car boot sale has been operating for a number of years, and I have no substantive evidence before me to indicate that the impact of the additional traffic, when added to baseline flows, has resulted in a significant adverse impact on the operation of the local highway network as it passes through the village. I note that the HA has raised no objection with regards to this matter. I have no reason to disagree with their conclusion on this issue.
19. Notwithstanding the above, I am mindful of the concerns raised by local residents regarding the impact of the traffic on their amenity. In particular, I have taken note of objections made which refer to the noise and pollution arising from vehicles, noise from radios and occupants of the cars and the arrival of vehicles well in advance of advertised opening times. In this regard I note that no comments have been made by the Council's Environmental Health service.
20. I acknowledge that such activities can cause nuisance and disturbance, however in the absence of substantive evidence, I cannot conclude with any certainty that the development is harmful to local amenity or the tranquillity of

the village. That said, I did not witness any activity that I would describe as being significantly harmful to amenity, during my visit.

21. I have also taken into account the Council's view that the development is not appropriate to the character of the area, with the village's main role being the provision of a limited number of services and facilities for its residents, with small scale development to meet local needs. Whilst recognising that Holcot provides a limited range of facilities, including a parish church, pub, and village hall, I cannot ignore the fact that planning permission already exists for the operation of a car boot sale on the appeal site. Clearly the Council accepts that other activities that support the rural economy are permissible in the locality. This is consistent with paragraph 84 of the Framework which supports the development and diversification of agricultural and other land-based rural businesses. Paragraph 85 also recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
22. Accordingly, on this main issue, I conclude that the development would not be contrary to Policies SA, R2 e) and f), S10 i) and k), of the West Northamptonshire Joint Core Strategy 2014, Policies SP1 g), RA3 c) i) and vi), and RA6 viii) and ix) of the Settlements and Countryside Local Plan (Part 2) for Daventry District 2020, and paragraphs 12, 84 c), 174 b) and 185 of the Framework. These policies support, amongst other matters, sustainable development, including schemes for farm diversification involving small-scale business and commercial development that contribute to the operation and viability of farm holdings, in accessible locations to meet local needs.

### **Other Matter**

23. I have taken into account the submission of 92 letters of support for the proposal, noting that they are from 'local residents' who indicate that car boot sales have operated on Sundays for the last two seasons without 'negatively impacting the local community of Holcot.' Whilst I have concluded that the development does not have a significantly adverse impact on amenity, or the role of the village, this does not outweigh my concerns with regards to highway safety as set out above.

### **Conclusion**

24. There are no other material matters, of sufficient weight, that indicate the application should be determined other than in accordance with the development plan as a whole. The appeal is therefore dismissed.

*J Gunn*

INSPECTOR