



**PLANNING COMMITTEE: Thursday,  
23 May 2024**

---

**Report of: Deputy Chief Executive  
Lead Member for Planning and Community Safety**

**Contact for further information:  
Case Officer: Robert Brigden  
(Extn. 5161) (E-mail: [robert.brigden@westlancs.gov.uk](mailto:robert.brigden@westlancs.gov.uk))**

---

**SUBJECT: PLANNING APPLICATION REF: 2024/0119/FUL**

**PROPOSAL: PLANNING APPLICATION TO ALLOW EXISTING SUNDAY MARKET  
AND CAR BOOT SALES TO OPERATE FOR 28 DAYS A YEAR**

**APPLICANT: MR JOHN PICKAVANCE**

**ADDRESS: LAND SOUTH OF PIPPIN STREET, BURSCOUGH**

**REASON FOR COMMITTEE DECISION: CALLED IN BY CLLR FOWLER DUE TO  
IMPACTS ON THE GREEN BELT, LOSS OF AGRICULTURAL LAND, ALONG WITH  
HIGHWAY SAFETY AND AMENITY.**

---

Wards affected: Burscough Town

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To advise Planning Committee on an application which seeks planning permission to allow Sunday market and car boot sales to operate for 14 days per year, in addition to the 14 trading days that can currently occur as permitted development.

## **2.0 RECOMMENDATION TO PLANNING COMMITTEE**

- 2.1 That planning permission be GRANTED subject to conditions.

## **3.0 THE SITE**

- 3.1 The site is around 11.5ha in area and comprises open, agricultural land located on the southern side of Pippin Street, approximately 120m to the west of the Ringtail Retail Park. The site mainly comprises open fields, largely enclosed by hedgerows, but also includes some primitive access tracks connecting to its 3 access/egress points on to Pippin Street. The site's northern boundary runs alongside the public highway, whilst its remaining boundaries lie adjacent to open countryside. The

nearest residential property is located around 125m to the south-west; otherwise, the nearest such properties are around 200m from the site's perimeter.

- 3.2 The submitted information explains that the site hosts a Sunday market and car boot sale during up to 14 days of the year, which is permitted development, and has done for 26 years. The site is designated as Green Belt and is in Flood Zone 1.

#### **4.0 PROPOSAL**

- 4.1 This planning application proposes an extension to the frequency of a Sunday market and car boot sale at the site from the current 14 days per annum, which is permitted development, to allow a further 14 days. The submitted information explains that the easternmost access point would provide the entrance to the site, providing access directly to a car parking area, with an internal track linking to a sales area at the southern end of the site, and a further parking area at the western end of the site where the two western-most access points would be used to exit the site.

- 4.2 The proposed additional trade days would be conducted in the same way as already occurs at the site. The applicant has explained that the parking areas would accommodate approximately 500 vehicles, with the sales area providing space for 250-300 pitches. The pitches typically either accommodate traders using vans along with tables and sometimes awnings for displaying their goods, or car boot sellers in a respective 60:40 split. There would be three food vans, along with toilets situated in two containers. Circulation, parking and trading would be managed within the site by 20-30 stewards to be employed on trading days. Trading would be on Sundays only, in the period between mid-March and mid-October; the hours of operation would be between 4.30am and 4.30pm.

- 4.3 The site would otherwise be used for sheep grazing, as is already the case.

#### **5.0 PREVIOUS RELEVANT DECISIONS**

- 5.1 There are no previous planning decisions at the site.

#### **6.0 OBSERVATION OF CONSULTEES**

- 6.1 Highways – No objections; conditions recommended to secure the proposed access/egress point improvements along with hard surfacing 10m into the site from public highway.
- 6.2 Environmental Protection – No comments to make.
- 6.3 Arboricultural Officer – No objections; conditions recommended to secure replacement hedgerow planting where necessary and to prevent hedgerow maintenance during the bird nesting season.

#### **7.0 OTHER REPRESENTATIONS**

- 7.1 Burscough Town Council has objected to the proposal for the following reasons:

- Will contribute to traffic problems in the area;
- People parking on the road side and selling items out of the back of their van / car has previously been observed, this will increase;
- Access is poor onto the site with no hard standing and additional usage will erode the current entrance / field;
- Hazards to pedestrians;
- Queues form out of the site into the road and from the road into the site which causes congestion and risk of accidents;
- Fly tipping by sellers leaving unsold items in the field;
- Litter

7.2 Two objections have been received from neighbouring occupiers, a summary of which is as follows:

- The proposal will contribute to existing litter problems in the locality;
- Increase in traffic congestion;
- The existing car boot sale causes overspill parking in the highway, which exacerbates congestion and is a safety hazard.

## **8.0 SUPPORTING INFORMATION**

Planning Statement  
Transport Statement

## **9.0 RELEVANT PLANNING POLICIES**

9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD (Local Plan) provide the policy framework against which the development proposals will be assessed.

9.2 The site is located within the Regional Town of Skelmersdale as designated in the Local Plan.

### **West Lancashire Local Plan 2012-2027 DPD**

Policy SP1 – A Sustainable Development Framework for West Lancashire

Policy GN1 – Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy IF2 – Enhancing Sustainable Transport Choice

Policy IF3 – Service Accessibility and Infrastructure for Growth

Policy EC2 – The Rural Economy

Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

### **Supplementary Planning Document**

Development in the Green Belt (October 2015)

Design Guide SPD (2008)

## **10.0 OBSERVATIONS OF DEPUTY CHIEF EXECUTIVE**

10.1 The main considerations for this application are:

Principle of Development  
Visual Impact  
Amenity  
Highways  
Other Considerations  
Very Special Circumstances

### **Principle of Development**

- 10.2 The proposed development would result in the material change of use of land located in the Green Belt. Concerns have been raised about the proposal's impact on the Green Belt.
- 10.3 Policy GN1 of the Local Plan states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan Policies. The guidance contained in the NPPF explains the preliminary assessment when considering proposals for development in the Green Belt, which is essentially as follows:-
- a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF sets out the categories of development not deemed to be inappropriate.
  - b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
  - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.
- 10.4 Inappropriate development in the Green Belt is harmful by definition and should be resisted, except where there are very special circumstances that clearly outweigh the harm to the Green Belt, by reason of inappropriateness and any other harm.
- 10.5 Paragraph 155 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Such development can include:
- (b) engineering operations*
  - (e) material changes in the use of land*
- 10.6 As will be discussed later in this report, hard surfacing back from the access and egress points is considered necessary to make the proposal acceptable in terms of its impact on the public highway. Such hard surfacing constitutes engineering operations. The limited extent of the surfacing required in this case, bearing in mind the existing situation where there is already some primitive hard surface in place, is such that this aspect of the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

- 10.7 In terms of the proposed change of use, a Sunday market and car boot sale can already occur at the site during 14 days of the year under Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015. The question then is whether the proposed additional 14 days per annum would preserve the openness of the Green Belt and whether it would conflict with the purposes of including land within it.
- 10.8 The proposed activity would include the parking of hundreds of cars, the siting of two toilet buildings, along with activity and paraphernalia involved in the holding of such events. It is considered that this would have a detrimental effect on the openness of the Green Belt during the days that it occurs, and also conflict with at least one of the reasons for including land in the Green Belt, namely, safeguarding the countryside from encroachment.
- 10.9 The restricted number of days per year, which can be secured through the use of a planning condition, would clearly limit the degree of harm versus a use that might occur every day of the year. The 14 days proposed would equate to just under 4% of the days in a calendar year, and nearly 8% when combined with the days that are permitted development. In other words, most of the time, there would not be any effect on the openness of the Green Belt. That said, on the days that the use would occur, the identified effects would be very noticeable, of an intense nature, and spread across a significant area. It is therefore concluded, on balance, that the proposal constitutes inappropriate development in the Green Belt.
- 10.10 Whether there are very special circumstances in this case, that clearly outweigh the harm by reason of inappropriateness, along with any other identified harm, will be considered later in this report.

### **Visual Impact**

- 10.11 Policy GN3 of the Local Plan, along with the Council's Design Guide SPD, require that new development should be of a scale, mass and built form that responds to the characteristics of the site and its surroundings.
- 10.12 The proposal would involve the visual transformation of the open, agricultural land under discussion during the proposed 14 days that trading would be held there. It is considered that the introduction of hundreds of parked cars and other paraphernalia would be harmful to the open, rural character of the site with little realistic ability to mitigate that impact through the use of landscaping. However, this would only be during a limited number of days in the year with the harmful elements being removed at the end of each relevant day and the site being returned to its original condition as open fields. Therefore, whilst the visual harm is considered unacceptable on the days that the activities would take place, this is offset by the fact that for most of the year – approximately 11 months (or 92% of the time), minus the 14 days proposed and what can already occur as permitted development – the site will be, and does have the appearance of, open fields.
- 10.13 The limited time of the activities has to be balanced against their arguably intense and transformational nature, over an extensive area, during the days that they do occur, along with the open nature of the site, its visibility from the public highway, and that it is located in the Green Belt. On balance considering the effects over the course of a typical year, it is concluded that the proposal would result in a minor

amount of visual harm to the site and its immediate surroundings. As such, the proposal is contrary to Policy GN3 of the Local Plan.

### **Amenity**

- 10.14 Policy GN3 of the Local Plan states that development should not result in unacceptable harm to the amenities of neighbouring occupiers.
- 10.15 Objections have been received from Burscough Town Council and neighbouring occupiers regarding the impacts of litter, both within the site and beyond its boundaries, and unsold items being left behind by sellers during trade days.
- 10.16 It is noted that the trade days would begin very early in the day, however, given the proximity to the nearest neighbouring properties, and noting that there have been no objections from the Environmental Protection Team, unacceptable impacts on the amenities of neighbours, as a result of noise and any other disturbance, is considered to be unlikely.
- 10.17 The concerns raised about littering and other discarded items can be addressed in two ways. Firstly, a planning condition can be imposed to secure a site management plan, to include measures for the removal of litter and unsold items within the site and along the highway, and to ensure that the site is restored to the condition it was in prior to any given trade day. Secondly, a condition can also be imposed that would limit the proposed use to one year so that the effectiveness of its management can be monitored and to allow the general public and the Council a further opportunity to assess the proposal and its effects later on following a testing period. It is also recommended that the stated operating hours be secured through the use of a planning condition.
- 10.18 Given its siting, scale and design, and its relationship to neighbouring properties, the proposal would not result in any unacceptable harm to the amenities of neighbours, in terms of their outlook, privacy or access to natural light, or in any other material respect. The proposal's impact on the general amenity of the area would also be acceptable, subject to the use of the aforementioned conditions. As such, the proposal is in accordance with Policy GN3 of the Local Plan.

### **Access Arrangements**

- 10.19 Policy GN3 of the Local Plan states that development should incorporate suitable and safe access and road layout design in line with the latest standards.
- 10.20 Concerns have been raised by Councillor Fowler, Burscough Town Council and neighbouring occupiers regarding the proposal's impact on highway safety and amenity.
- 10.21 The access arrangements at the site would be improved with the eastern exit point being widened and both egress points receiving new dropped kerbs. Hard surfacing would also be installed further back into the site than is currently the case. The Highway Authority has considered the proposal and noted that no severe impacts on the highway have been reported during what has been a considerable period of operation and that there would be no proposed increase in the number of vehicles visiting the site. The submitted information demonstrates

that acceptable visibility splays can be provided at the site egress points with the hedgerows being maintained at or below 1m in height. No objections are raised subject to the use of conditions to secure hard surfacing 10m back from both the access and egress points, and to ensure the provision of the proposed alterations to the public highway. A further condition can secure a site management plan to secure measures for preventing parking and congestion in the highway.

- 10.22 Subject to the use of these conditions, it is considered that the proposal would not result in unacceptable harm to highway safety or amenity, in accordance with Policy GN3 of the Local Plan.

### **Drainage**

- 10.23 Policy GN3 of the Local Plan contains a number of provisions to ensure that development proposals have regard to flood risk impacts and the need for adequate drainage arrangements.
- 10.24 The site is located in Flood Zone 1 and, as a change of use, is not subject to the need for a sequential test. Given the nature of the proposal, it is considered that it would not result in any harm in terms of flood risk or drainage and, in this regard, is in accordance with Policy GN3 of the Local Plan.

### **Ecology**

- 10.25 Policy GN3 of the Local Plan requires that development proposals avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. Policy EN2 advises about the Council's commitment to protect existing natural sites Section 4 of the Design Guide SPD advises that all development proposals should take proper account of the likely effect on wildlife.
- 10.26 The site does not have any formal ecological designations. The proposal would involve its temporary use for 14 days per year, in addition to those already permitted, with vehicles and pedestrians traversing what are open, agricultural fields. The proposal would not involve any significant, permanent changes or loss of green space, with the fields otherwise being grazed by sheep on non-trading days. There would not be any removal of hedgerows, although those within the access visibility splays would be maintained at or below 1m in height. The required laying of hard surfacing back from the access points would merely extend areas that have already had crushed stone laid over them.
- 10.27 The Council's Arboricultural Officer has raised no objections to the proposal, subject to use of a condition to ensure the re-stocking of any dead, dying or thinned parts of the hedgerow as a result of the lowering of the hedge height relating to the visibility splays. A further condition is recommended to prevent the cutting of the hedgerow between March and August to protect wildlife, however, it is considered more appropriate to apply an informative advising of this.
- 10.28 Overall, it is considered that the proposal would not result in any unacceptable harm to ecological impacts and that it is therefore in accordance with Policies EN2 and GN3 of the Local Plan.

### **Other Considerations**

10.29 Policy EC2 of the Local Plan states that the irreversible development of open, agricultural land will not be permitted where it would result in the loss of the best and most versatile agricultural land, except where absolutely necessary to deliver development allocated within this Local Plan or strategic infrastructure, or development associated with the agricultural use of the land.

10.30 Concerns have been raised over the loss of agricultural land. The proposal would only change the use of the land on a temporary basis, for a limited number of days per year over and above what can already occur as permitted development, with the site being available for grazing or other agricultural purposes for the remainder of the year. As such, there is not considered to be any unacceptable loss of agricultural land in this case, or any irreversible loss that would be contrary to Policy EC2.

### **Very Special Circumstances**

10.31 The proposal constitutes inappropriate development in the Green Belt and is therefore harmful by definition. As discussed above, the proposal would also result in a degree of visual harm as it would diminish the open, rural character of the area during trading days.

10.32 The applicants have provided the following justification for the proposal:

- There is an opportunity to bring the use under planning control, potentially enabling landscaping and access visibility improvements along with controls of operating times.
- There are economic benefits with trade not only being brought to the site itself but also the nearby retail park.
- There are sustainability benefits in enabling the transfer of existing, unwanted goods to new owners, both in terms of preventing waste and also helping people to cope with the cost of living crisis.

10.33 Policy SP1 of the Local Plan states that the Council will work proactively to secure development that improves the economic, social and environmental conditions in the area. Given the limited impact on the openness of the Green Belt and visual amenities of the area and bearing in mind the temporary nature of the proposal, the planning, economic and sustainability benefits described are considered sufficient, in this case, to outweigh the harm to the Green Belt, by reason of its inappropriateness, and the other harm identified.

## **11.0 CONCLUSION**

11.1 The proposal is considered to constitute inappropriate development in the Green Belt, given the relatively minor overall harm to its openness and degree of conflict with the reasons for including land within it. The proposal's visual impact is also considered to be harmful, albeit to a minor extent over the course of a year. However, there are very special circumstances that are sufficient to outweigh this harm. In all other material planning respects, the proposal would either not result in any unacceptable harm or is considered acceptable subject to the use of planning conditions, having regard to the Development Plan and all other material considerations.



## **12.0 RECOMMENDATION**

- 12.1 That planning permission is granted by the Deputy Chief Executive subject to the following conditions:

### **Condition(s)**

1. This is a temporary planning permission that will expire 12 months from the date of the first trading day permitted by this planning permission (i.e. excluding the 14 trading days that can otherwise occur). The Local Planning Authority shall be notified in writing one week prior to the occurrence of the first trading day approved by this planning permission.

Reason: to allow the effects of the proposal on the public highway and local amenity to be monitored and subject to further assessment to prevent unacceptable harm to highway safety and the amenity of the area, in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

2. The development hereby approved shall be carried out in accordance with the details shown on the following plans/documents received by the Local Planning Authority:

Location Plan - received 12<sup>th</sup> February 2024

Site Layout Plan - received 12<sup>th</sup> February 2024

Access Plan (SCP/230866/D01 Rev C) - received on 2<sup>nd</sup> May, 2024

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

3. The use hereby approved shall be undertaken in accordance with a Site Management Plan that has previously been submitted to and approved in writing by the Local Planning Authority. The submitted information shall provide details of the proposed:

- traffic management arrangements to prevent overspill parking and queuing in the public highway;
- measures to ensure litter and discarded items are removed from the site and adjoining land at the end of each trading day;
- hedgerow restocking including monitoring, use of plant species, and planting method when gaps are identified in the existing hedgerows.

Reason: To prevent unacceptable harm to highway and local amenity in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

4. Trading at the site shall not take place on more than 14 days in any calendar year (excluding those that are permitted development), and shall not take place on Sundays between 0430-1630 between the months of March and October.

Reason: To limit the proposal's Green Belt and visual impacts, along with its effects on the amenities of the locality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Prior to the first trading day approved by this planning permission, those parts of the access and egress points extending from the highway boundary, for a distance of 10m into the site, shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved in writing by the Local Planning Authority.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users, ensuring compliance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

6. Prior to the first trading day approved by this planning permission, the works within the adopted highway shown on the approved plans, intended to provide the extended and new drop kerbs at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) fronting the site, shall be completed in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, and shall be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility, ensuring compliance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Informative Notes**

a) This permission requires the construction, improvement, or alteration of an access to the public highway. A list of approved contractors only, can undertake the approved works under the Highways Act 1980 Section 171. Before any work begins at the site, please contact [lhsvehiclecrossing@lancashire.gov.uk](mailto:lhsvehiclecrossing@lancashire.gov.uk) or telephone 01772 534222 for the list of approved contractors and to start the section 171 process.

b) No vegetation should be cut back during the bird nesting season (March-September) unless a qualified ecologist has confirmed the absence of nesting birds.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

Policy SP1 – A Sustainable Development Framework for West Lancashire

Policy GN1 – Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development

Policy IF2 – Enhancing Sustainable Transport Choice

Policy IF3 – Service Accessibility and Infrastructure for Growth

Policy EC2 – The Rural Economy

Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

### **13.0 SUSTAINABILITY IMPLICATIONS**

13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

### **14.0 FINANCIAL AND RESOURCE IMPLICATIONS**

14.1 There are no significant financial or resource implications arising from this report.

### **15.0 RISK ASSESSMENT**

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

### **16.0 HEALTH AND WELLBEING IMPLICATIONS**

16.1 There are no health and wellbeing implications arising from this report.

### **Background Documents**

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

### **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

### **Appendices**

None.