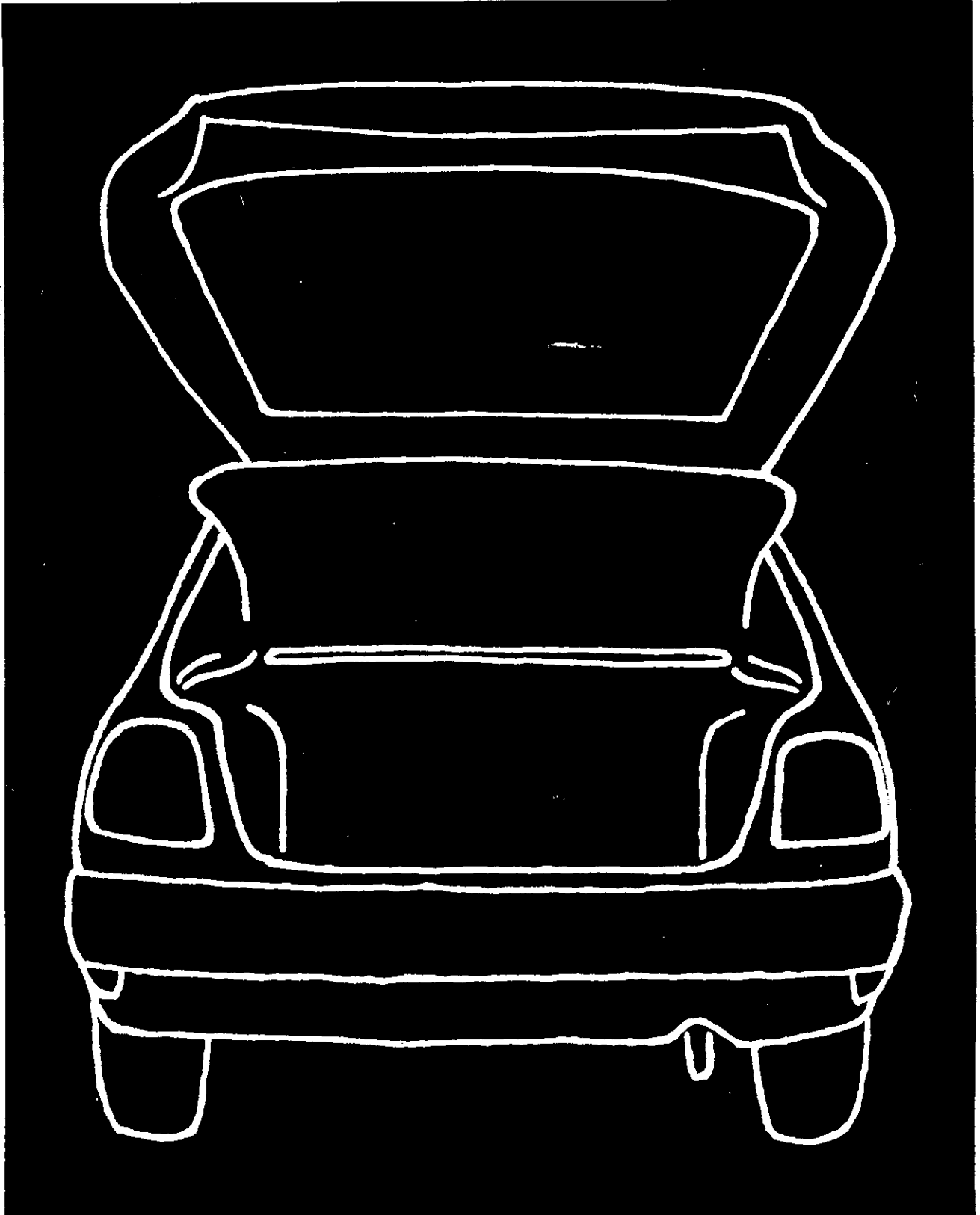


# PLANNING GUIDELINES

## *Car Boot Sales in Trafford*





# PLANNING GUIDELINES - CAR BOOT SALES IN TRAFFORD

AS AMENDED FOLLOWING PUBLIC CONSULTATION - DECEMBER 1995

## 1. INTRODUCTION

These Guidelines apply to all the various types of event known as car boot sales or Sunday markets, which range from small events occasionally held by a school or club for fund raising, to large regular weekly events with perhaps several hundred stalls run commercially.

The Guidelines are intended to assist those considering setting up a regular event and they set out what the Council's normal planning approach will be. Whilst the guidelines indicate what the Council normally regard as desirable, they are guidelines only and every application for planning permission will be dealt with on its merits.

Achieving planning permission does not affect the need to get any other consents, licences, land owner's permission, etc. which may be required. For convenience, information on some of these other considerations is given in an Appendix to these Guidelines. In particular the requirements to give the Council 28 days notice under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 should be noted.

## 2. PLANNING MATTERS FOR CONSIDERATION

### 2.1 Need for Planning Permission

Planning permission is usually needed for regular (i.e. weekly or monthly) car boot sales. Use of open land for a market (including a car boot sale) for up to 14 days a year is permitted by the Town and Country Planning (General Permitted Development) Order 1995. This does not apply to land within the curtilage of a building, but occasional sales e.g. 3 or 4 times a year would not normally amount to a material change of use requiring planning permission. Where the dividing line comes is a matter of fact and degree in the circumstances of each individual case. Advice on the need for planning permission in particular cases can be obtained from the Council's Engineering and Planning Directorate (Development Control Division).

## 2.2 Government Policy

Car boot sales are a form of retailing and the main Government Planning advice on retailing is contained in the Department of the Environment's Planning Policy Guidance Note PPG6 - Town Centres and Retail Developments. PPG13 - Transport is also relevant.

The main policies are

- to support the vitality and viability of town centres;
- to locate retail facilities where there is a choice of transport mode;
- to support retail competition and innovation.

## 2.3 Council Policy

The Council's main Planning Policies are set out in the Unitary Development Plan (UDP), currently in "Deposit Draft" form. Of particular relevance are the Shopping Proposals and Proposals D1 - All New Development, and D2 - Vehicle Parking. The guidelines in this document act as supplementary guidance to the Policies in the UDP and explain in more detail how the UDP Policies will be applied.

## 2.4 Planning Issues

The main planning issues are

- 1 The effects on neighbours and on the character of the area.

This includes consideration of :-

- Traffic generation
- Car parking
- Activity on the site
- Starting times
- Days of the week the event is held
- Number of stalls
- Number of events per year

- 2 Highway safety

This includes consideration of :-

- Traffic flows and safety
- Access arrangements
- On-street car parking

## 2.5 Effects on Neighbours and the Character of the Area

The activity associated with car boot sale can be unduly disturbing to residential occupiers nearby. Activities include the setting up of stalls, traffic to and from the site and customer activity on the site. On-street car parking can cause inconvenience and loss of amenity to nearby occupiers. The extent of the activity involved will depend particularly on the number of stalls or pitches.

The hours of operation of the event and particularly the starting time may be of concern. Some operators want an early starting time for admitting stallholders, e.g. 7.30 a.m. or earlier, which may be unacceptable if there are houses nearby.

Most car boot sales take place on Sundays which is when their effects are most noticeable. There will normally be less activity of other sorts in an area on Sundays and people's expectations of peace and quiet are normally higher. Car boot sales on other days of the week may be less intrusive.

A disturbing amount of activity will be more tolerable to any nearby resident if it only occurs rarely. How often a car boot sale is intended to be held will therefore be a relevant part of the planning consideration.

Besides residential areas, the other type of area where a car boot sale is likely to be out of character is the countryside. The introduction of a commercial activity into this type of area, having regard to the appearance, activity and traffic associated with such a use, would normally be inappropriate and would be contrary to policies for the Green Belt.

Conservation Areas and sites near Listed Buildings may be unsuitable for frequent car boot sales as these may adversely effect their character or setting.

## 2.6 Highway Safety and Car Parking

The Council will need to be sure for any particular proposal that the traffic generated will not result in an undue safety problem, having regard to the number of vehicles involved and the types of roads and junctions over which they would need to pass. For most sites in the built up area this is not likely to be a problem, but there may be sites whose use would involve use of roads not wide enough for more intensive two way traffic, or which would involve use of junctions which have very restricted sight lines.

Access into the site should normally be suitable in width and layout for two way car traffic, as otherwise obstruction to the highway may be caused by a vehicle waiting to enter.

If any on-street car parking occurs, this is likely to have an effect on highway safety and convenience. The Council will therefore normally look to all car parking of customers and stallholders being accommodated off the street, either within the site or conveniently close to it. There may be sites where some limited amounts of on-street parking would not cause a problem but these are likely to be the exception.

The Council's standards for car parking, based on experience of car boot sales operating in the Borough, are set out in Section 3 (e) of these Guidelines.

### 3. PLANNING GUIDELINES

(a) Occasional car boot sales

Car boot sales of less than 35 pitches held occasionally by schools, clubs, churches etc. on their premises no more often than once a month for fund raising will normally receive planning permission subject to there being satisfactory provision for car parking and no undue loss of highway safety or amenity.

(b) Regular car boot sales

(i) Regular weekly car boot sales should normally be located away from residential property and preferably on sites where they are accessible to customers on foot and/or by public transport.

ii) Regular Sunday car boot sales will not normally receive planning permission close to residential property, having regard to the extent of activity normally involved, the earliness of the starting time normally required, and the normally low background activity and high expectations of peace and quiet on Sundays from residents. The Council will consider whether an exception should be made if the car boot sale is small and could be adequately limited by conditions, e.g. on the number of stalls, the time of day the activity starts, or the number of events per year.

(c) Car boot sales outside the built up area

Car boot sales will not normally be allowed outside the main built up areas of the Borough.

(d) Conservation Areas and Listed Buildings

Car boot sales will not be allowed if they have an adverse effect on the character of a conservation area or adversely affect the setting of a Listed Building.

(e) Considerations generally applicable

(i) Adequate off-street parking space for customers of the car boot sale as set out below should be provided within or conveniently close to the site unless it can be shown that any likely on-street parking would not result in an undue loss of highway safety or convenience or undue loss of amenity or convenience to neighbouring occupiers.

(ii) For outdoor car boot sales, the customer car parking standard is two spaces per sales pitch. If the number of sales pitches is not known an estimate will be made. For most car boot sales, where seller's vehicles are next to their stalls, the sales area (including the area for sellers' vehicles, display tables, and aisles) can usually accommodate one pitch per 30 square metres.

- (iii) For more organised outdoor market operations, where sellers' vehicles are parked separately from the stalls, the stall density is likely to be higher than in (ii) above, and proportionately more customer car parking per square metre of sales area will be needed. Sellers' vehicles should be accommodated within the site at a standard of one space per stall.
- (iv) For indoor events, the car parking standard for customers is one space per 7.5 square metres of selling space including aisles. Sellers' vehicles should be accommodated within the site at a standard of one space per stall.
- (v) Vehicular access into the site should be capable of accommodating two way traffic and should normally be a minimum of 4.5 metres wide with 4.5 metre kerb radii.
- (vi) Car boot sales will not normally be allowed where they would cause loss of highway safety due to the additional traffic, manoeuvring and parking involved.

#### 4. PLANNING CONDITIONS

Imposing conditions on a planning permission can enable a development to proceed where it would otherwise be necessary to refuse planning permission but the mere imposition of conditions will not render an inappropriate site suitable. The following conditions are among those which may sometimes be appropriate for car boot sales.

- A trial period, e.g. for a year, may be appropriate in some circumstances to enable the effects of the use to be assessed in practice.
- A limit on the number of events, e.g. per month or per year, may be appropriate to limit harm to amenity. However, there is sometimes a problem of deciding whether an event has taken place, for example when a number of stallholders and customers gather on the site and the event is then cancelled due to small numbers or bad weather. For the avoidance of doubt it may be advisable to specify a criterion in the condition, for example whether pitches are occupied by actual or potential vendors at 0900 hours. An alternative would be to specify the dates when sales are permitted, so that neighbours can be sure which days will not have sales.
- A condition limiting the earliest starting time may be appropriate to limit harm to amenity. A wording such as "no vendors vehicles shall enter the site and no stalls shall be set up before - hours" is clear and enforceable. However it may result in stallholders vehicles waiting on the highway for a period before being allowed to enter, and this could cause highway problems and disturbances to any nearby residents.
- A condition limiting the latest finishing time may be appropriate although this is not normally as much of a problem as the starting time.

- A condition limiting the time at which sales shall commence may seem appropriate at first sight but would be very difficult to enforce if the stalls are already in place. Again, if customers cars arrive too early and are not allowed to enter, this might cause highway problems and disturbance to any nearby residents.
- A condition limiting the number of stalls or pitches will often be necessary to limit the overall extent of the activity.
- A condition requiring customer car parking spaces to be provided within the site and made available at all times when the car boot sale is in operation may be appropriate, usually with reference to the layout shown on a submitted plan.
- If any vehicular access alterations are proposed, a condition to ensure that these are carried out before the use commences will usually be appropriate.
- Other conditions may be appropriate depending on the individual circumstances of each case.

## CONSIDERATIONS OTHER THAN PLANNING

### 1. LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1992

The Council has adopted Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 which places a statutory duty on anyone proposing to hold a market to give the Council 28 days notice of their intention to hold a market. Any person who holds a temporary market without giving the required notice may be liable to a fine of up to £2,500.

If the proceeds of the temporary market, **which must include the proceeds received by each individual 'trader'**, are to be used solely or principally for charitable, social, sporting or political purposes or if the market is held in accordance with an approved planning permission, the provisions of this Act may not apply.

### 2. MARKET RIGHTS

Operators of some long established markets have the right to prevent rival markets being held within six and two-thirds miles of their market. The Council has this right as operator of Altrincham and Partington markets, and the distance covers everywhere in Trafford. Sites in the north of the Borough may also be within range of markets in Salford and Manchester.

### 3. THE COUNCIL'S POLICY ON LICENSING

The Council has resolved (Minute 127, Policy and Resources Committee, November 1992) as follows:-

"That applications to operate on the same day as the Council's market be refused unless that because of their nature, location or size they do not constitute a rival market.

That applications to hold markets on non-Council market days be licensed in the sum of £2.50 per stall day (1992 - 1st April 1994) subject to acceptance of the following conditions:

- (i) The operator must give the relevant notice under Section 37 of Local Government (Miscellaneous Provisions) Act 1982.
- (ii) There will be a fee payable of £2.50 for stall, pitch or vehicle space (for car boots) (Year to April 1994).
- (iii) The operator must make it clear in any advertising and on site that the market is "Licensed by Trafford MBC".
- (iv) Second hand goods only can be sold.
- (v) Adequate vehicle parking to be provided for traders and visitors.
- (vi) Adequate toilet facilities must be provided for traders.
- (vii) Site must be left in clean and tidy condition.



- (viii) The operator to indemnify the Council against any claims whatsoever.
- (ix) On being issued with a licence, the operator to deposit with the Authority 50% of the Council's anticipated licence fees, the balance to be paid within 5 working days of the event being held".

Voluntary organisations may be granted up to 4 free car boot sales per annum.

4. **FOOD SAFETY ACT 1990**

Sales of food from car boot stalls are not permitted, as food handling facilities will be inadequate at such locations.