
Sequential Test

**Proposed McDonald's
Restaurant**

Devizes

February 2026

1. The Sequential Approach

- 1.1 The National Planning Policy Framework, or Framework, requires planning applications for town centre uses that are outside of centre to be accompanied by a sequential test. This report considers that test.
- 1.2 Should the council be aware of any sites that have not been considered for inclusion in this report, then we would be happy to address such sites. The Framework and the NPPG clarify that applicants and the local authority should work together to consider the sequential test.
- 1.3 This statement has been prepared in respect of the application submitted by McDonald's Restaurants Ltd for a new Drive-Thru McDonald's restaurant in Devizes.
- 1.4 Section 2 of this statement reviews national planning policy in relation to the sequential test. Section 3 reviews relevant case law, Section 4 sets out the proposed methodology. Section 5 then considers the areas of search, followed by section 6 on suitable, available and viable. Section 7 sets out the actual sequential test. Our conclusions are set out in section 8.

2. Sequential test

National Planning Policy Framework (December 2024)

- 2.1 The Framework advises in paragraph 90 that planning policy should generally promote competitive town centres, and that in drawing up local plans local authorities should, amongst other issues, allocate a range of sites to meet the scale and type of retail developments needed in town centres. It states “allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary”.
- 2.2 The Framework further confirms that LPAs should “allocate appropriate edge of centre sites that are well connected to the town centre” where “suitable and viable town centre sites are not available.” It further states that if edge-of-centre sites are not available, policies should consider other accessible locations that are well connected with the town centre.
- 2.3 Para 91 sets out the requirement for the sequential test where proposals are not in accordance with an up-to-date development plan, focusing location on Town Centre, then edge-of-centre and then out-of-centre. The guidance confirms that when edge and out of centre proposals are considered; preference should be given to accessible sites.
- 2.4 Para 92 confirms that both LPAs and applicants should be flexible when considering format and scale.
- 2.5 Para 94 of the Framework requires impact assessments to be completed on retail proposals over 2,500sqm if there is no locally set threshold.
- 2.6 Para 95 further confirms that where permissions are to be refused it should be demonstrated that ‘significant adverse impact’ will occur.
- 2.7 Flexibility in the size of the restaurant proposed can be considered, but intrinsic to this proposal is the drive-thru facility that provides an appropriate format of restaurant for the demand that is identified at the site. This section is expanded on further, specifically in respect of relevant case law below.
- 2.8 Indeed, various appeal decisions for McDonald’s have supported the view that the scope for flexibility is extremely limited due to the nature of the business. The Treloggan Road appeal cited below is the most relevant. McDonald’s flexibility can only extend to sites capable of accommodating the development.

- 2.9 The NPPG states that the *'Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations'*. This is particularly relevant to drive-thru restaurants, which require certain levels of passing traffic and space to accommodate a drive-thru lane and parking.
- 2.10 A new freestanding McDonald's restaurant requires approximately 0.3ha of available space to viably support the proposed restaurant, drive-thru lane and associated parking.

3. Relevant Case Law

- 3.1 It's important to give regard and material weight to relevant case law relating to sequential tests. In 2006, the courts held that it is not for the applicant to reduce or segregate their proposal so that it could be made to fit elsewhere stating:

The question is whether the alternative town centre site, in this case the existing Lidl site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit into the alternative site [Lidl UK GmbH v Scottish Ministers (2006)]

- 3.2 It is therefore not for the applicant to adapt their proposal to fit a site, rather to consider other sites that are of a suitable size that fit the proposal.

- 3.3 In 2012, the courts confirmed that directing applicants to smaller town centre sites is inappropriate. The suitability is directed at the developer's proposal, not some alternative scheme:

To refuse an out-of-centre planning consent on the grounds that an admittedly smaller site is available within the town may be to take an entirely inappropriate business decision on behalf of the developer [Tesco Stores Ltd v Dundee City Council (2012)]

- 3.4 This case also established that if a site is not suitable for the commercial requirements of the developer then it is not suitable for the purposes of the sequential test.

- 3.5 The Rushden Lakes SoS decision (APP/G2815/V/12/2190175) references the Dundee case. In agreeing with the Inspector, the Secretary of State confirms that the Dundee case established the principal that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential test. Thus, it is for the proposed development to be considered (not an alternative development), when looking at alternative sequential site. The Inspector states:

"There is no suggestion here that the sequential test means to refer to anything other than the application proposal."

- 3.6 In light of the above, the proposal needs to be considered in context as a whole and cannot be segregated. The proposal is for a drive-thru restaurant and the elements of eating in or driving thru cannot be segregated. To segregate elements of the scheme would represent "an inappropriate business decision on behalf of the developer".

- 3.7 To support the format of operation of freestanding drive through units we refer to an appeal against a refusal of planning permission for a drive-thru restaurant at Treloggan Road, Newquay (APP/Q0830/A/051182303). The Inspector stated that:

“it is difficult to envisage how a developer could be flexible in respect of the format of a drive through restaurant. Unlike a conventional restaurant, which could easily be accommodated on any of the identified sites, a drive-through by definition requires vehicular access and circulation through or around the building.”

- 3.8 In accordance with the Framework, there is a requirement to undertake a sequential assessment to determine whether there are any sequentially preferable sites to the site that has been selected that could accommodate the proposed development. The order of priority is set out in the Framework and comprises of the Town Centre, Edge of Centre, and accessible location out of centre. This needs to be considered in context with the proposed use and the sites location.

4. Methodology

- 4.1 This statement has been written in accordance with both Chapter 7 of the NPPF, “Ensuring the vitality of town centres” and the Local Plan.
- 4.2 This assessment has been based in accordance with both adopted local and national planning policy.
- 4.3 Given the policy considerations above the sequential hierarchy of Town Centre, Edge of Centre and Out of Centre has been applied within this assessment.
- 4.4 Should the council (or any other party) be aware of any other sites they consider should be included in this assessment, then in accordance with the NPPF these sites should be identified by the authority, and as agents, we will suitably and properly consider the sequential implications.
- 4.5 The proposed development requires approximately 0.3ha of available space (subject to shape) to viably support a restaurant, drive-thru lane and associated parking. Any assessment of alternative sites needs to consider the operation of the proposed restaurant and the space required to successfully operate including sufficient parking to meet the operational needs of the proposal. This assessment is therefore in accordance with the requirement of 0.3ha. Such an approach complies with case law regarding the suitability of alternative sites.
- 4.6 The drive thru lane is an integral part of the proposed development attributing around 50% of the stores trade. The restaurant and drive-thru cannot be segregated.

5. Area of Search for Alternative sites

- 5.1 In line with local and national guidance, careful consideration is given to the sequential approach, considering Devizes Town Centre, as the nearest allocated centre. The site is located approximately 2km northeast of Devizes Town Centre and is considered an out of centre location.
- 5.2 The search has reviewed the allocated Town Centre and Edge of Centre for suitable, available and viable sites.
- 5.3 As confirmed in the Thornton Cleveleys appeal decision (APP/U2370/W/19/3226028), there is limited benefit comparing out of centre sites with other out of centre sites as the purpose of the sequential test is to protect centres. The key aspect of out of centre sites is that they are accessible.

'The Jubilee Park Harvester is closer to Cleveleys town centre. However, it is not in the town centre, being around 427m away. The sequential test is used to identify preferable sites in town centres for accommodating main town centre uses. Although the Jubilee Park Harvester is located closer than the appeal site to the town centre, both sites would be regarded as 'out of centre' as they are more than 300m away from the town centre boundary but not outside the urban area4.'

'In terms of the effect upon the vitality of the town centre, the Council present very little evidence to suggest why developing the Jubilee Park Harvester would ameliorate the vitality of the town centre, in comparison to developing the appeal site. The appeal site is accessible, being in the urban area near existing development, accessed off a main trunk road with a bus stop in walking distance. Thus, it is well connected to the town centre.'

'Consequently, as both sites are 'out of centre', I see little reason why it would be sequentially preferable to develop one 'out of centre' site over another, having regard to the policy objective to support the vitality of Cleveleys town centre.'

6. Suitable, Available and Viable

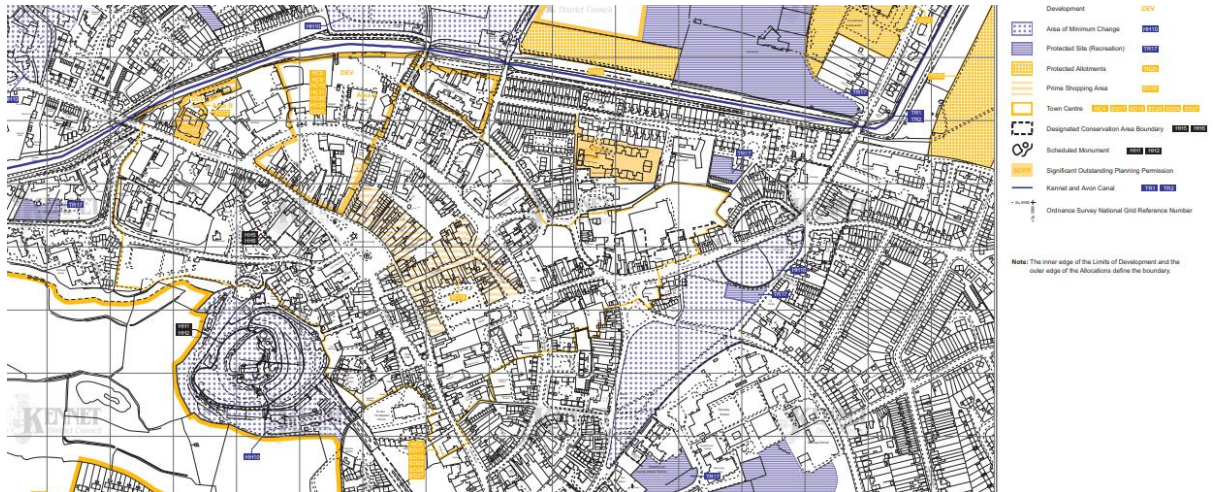
6.1 Paragraphs 90-92 of the NPPF (2024) require that where sequentially preferable sites are available, they should be considered for development. It should be demonstrated, and sound reasoning given, that such sites are either not suitable, not available or are not viable.

- i. **Suitability** – *The suitability of each site to accommodate the development proposal.*
In accordance with Practice Guidance on Need, Impact and the Sequential Approach, consideration is given to policy restrictions, physical limitations, potential impacts and environmental conditions experienced by potential users of the proposal.
- ii. **Availability** – *Whether the site is available or is likely to become available within a reasonable period of time, with specific reference to the potential for acquisition.*
- iii. **Viability** – *The extent to which the site would provide a genuine and viable trading location for McDonald's.*

6.2 Generally speaking, a single drive-thru requires 20,000 passing traffic movements for a roadside location or other 'attractors'. The subject site will provide a significant amount of passing trade supported by a mix of operators in the immediate area and being accessible by a range of methods to the town centre.

7. Sequential test

- 7.1 We have assessed Devizes Town Centre as identified in yellow on the map within the Local Plan.



Insert from Saved Kennet Local Plan

- 7.2 The proposal is for a restaurant with drive thru facility. These elements cannot be disaggregated as one use is dependent upon the other. The search is therefore for a drive-thru restaurant with the ability to provide approximately 50 seats and parking.

Devizes Town Centre

- 7.3 The majority of Devizes Town Centre is inherently inappropriate for a drive-thru business model by the very nature of its size and accessibility to the road network, which impacts upon the overall viability. The town centre is historic and densely formed, around The Market Place. Most available space is in the form of existing car parks, which are unavailable and serve the needs of the town centre.
- 7.4 There are some available high street units, however these are clearly unsuitable for a drive-thru business model as demonstrated above. We have therefore not considered these smaller unsuitable sites individually in more detail as they are not sequentially preferable for this scheme.
- 7.5 Other surface car parks include Sainsburys and Morrisons, however these are not available or large enough to accommodate the proposed development, whilst retaining enough spaces for the existing supermarkets.

- 7.6 Calne Motor Services is located to the northwest of the town centre. The site is approximately 0.13ha and therefore too small to accommodate the proposed development. There is also no indication that the site is currently available.
- 7.7 The former Police Station on New Part Street is available. The site measures approximately 0.2ha and is therefore too small to accommodate the proposed development.
- 7.8 The Kwik Fit site is only 0.13ha and therefore too small to accommodate the proposed development. There are also no indications that the site is available.
- 7.9 The town centre does not have an available site of sufficient size to locate a drive-thru restaurant. There are therefore no sequentially preferable sites within the town centre.

Edge of Centre

- 7.10 Moving away from the town centre, the town is constrained with dense development with residential and commercial properties, along with countryside and amenity space.
- 7.11 To the west the town narrows around Bath Road, with dense development, constrained by the canal, sites such as the Esso garage are far too small to accommodate the proposed development.
- 7.12 To the southwest is the Castle and countryside, with no suitable or available sites. To the east is residential development, with open space at The Green and Crammer Pond. The north is also constrained by existing built form and the canal.
- 7.13 There are no edge of centre sites of a suitable size or location to accommodate a drive-thru restaurant within 300 metres of Devizes Town Centre boundary.

Accessibility of the application site

- 7.14 The application site is in a highly accessible location albeit out of centre. The location is in close proximity to a range of other commercial uses and benefits from both joint/linked trips and a high volume of passing traffic (diverted trips), whilst being in walking and cycling distance from the local population.
- 7.15 The application site is accessible by a range of modes of transport. This is explored in detail within the accompanying Transport Assessment.

Conclusion

- 7.16 We have explored Devizes Town Centre. No site has an allocation for a drive-thru restaurant. There are no sites of suitable size to accommodate the proposed development that are either available or viable.
- 7.17 Should the council, or a third party suggest any other sites, we would of course be willing to assess them in terms of the sequential preference.

8. Retail Impact

- 8.1 Policy 38 of the Core Strategy requires retail and leisure proposals of over 200sqm to assess the impact upon Devizes Town Centre.
- 8.2 The NPPG advice on an impact assessment focusses mainly on retail uses, rather than leisure. Drive-through restaurants are identified as leisure uses within the Framework Annex 2: Glossary. In our view there is no accepted or proven methodology that measures the impact of QSR's (Quick Service Restaurants).
- 8.3 The overall floor space of the proposed restaurant is 288m² (GIA). The applicant operates over 1,400 restaurants throughout the UK and is market leader in their field. They have precise requirements both for the customer area, but more importantly for the back of house, including specific storage and access requirements, precise kitchen requirements and precise staff rest facilities. These requirements significantly and disproportionately increase the back of house areas compared to almost all other restaurants, when considered against the customer floor area. The customer floor area measures 103m², with the back of house measuring 185m². Typically the back of house for almost all other restaurants would in our view be around 20% to 25% of the total floor area. The disproportionate floor area created on this occasion supports our view that the measure of any impact based on gross floor area can at most be used as a guide. The actual customer floor area of the restaurant itself therefore falls well below the 200sqm threshold set within the Core strategy.
- 8.4 In addition to the above, the operation of QSR's is different from traditional restaurant formats. There is no table booking, and trips are typically unplanned with many being spontaneous. This is more visible in the coffee market, but has applied to McDonald's for a significant period of time. The Transport Assessment includes statistics for the proposed store which are based on surveys and expected trading levels of the store. Only 29% of the traffic on Friday and 25% on Saturdays peaks will be Home-McDonald's-Home (additional) trips. A significant proportion of the remaining trips will be spontaneous and not planned. Individual spending at QSR restaurants is significantly lower than at destination or typical restaurants.

- 8.5 QSR restaurants and coffee shops do not have defined catchment areas, like traditional retail developments. The ADL pass-by and joint trips confirms this. There is also no average set weekly spend. Given the high percentage of joint and linked trips it is very unlikely to discourage someone from specifically going to Devizes Town Centre who was already planning to do so, the impact will therefore be negligible.
- 8.6 The proposal would be served by a number of joint and linked trips from the road network and, serving an entirely different market than the existing town centre restaurant portfolio. The proposed development would not deter someone who was already intending to visit the town centre from doing so as it is not considered that people would make a specific trip to the town centre purely for a takeaway. This is even less likely given the rise of delivery across the sector. It would be more likely that a visit to such an establishment would be on impulse as part of a wider shopping experience, such as visiting the Post Office, Library or general high street shopping.
- 8.7 Is not considered that McDonald's is a destination in its own right and as such the people intending to visit Devizes for reasons such as visiting the Post Office, or the market, will not deviate from this because of the proposed McDonald's. In theory, if people were dissuaded from visiting the Town Centre because they wanted a McDonald's, then that event would already have occurred due to the existing restaurant in Melksham. The proposal seeks to provide additional choice to the north of the town, retaining people within the Devizes area, accounting for a high number of joint/linked trips and pedestrians visits.
- 8.8 The proposal seeks to provide an additional 120 jobs for local people. This in turn will benefit the local economy, allowing local wages to be reinvested elsewhere into the local economy.
- 8.9 To the best of our knowledge, there are not any identified sites for a drive-thru in the borough.

9. Conclusion

- 9.1 In conclusion, there are no alternative suitable sites for a drive thru restaurant within Devizes Town Centre. The proposed site represents a very accessible location and thus, the proposal accords with the sequential test.
- 9.2 Should the council be aware of any other sites that they consider could be sequentially suitable, we would of course be happy to assess them.
- 9.3 We have assessed the proposal in context with Devizes Town Centre in an appropriate and proportionate manner given the nature and scale of the proposal.
- 9.4 The proposed site contains the characteristics to run a successful drive-thru facility without affecting the vitality and viability of the town centre, the proposed development would include joint trips to the surrounding area, rather than additional trips, thus complying with local policies.