

**Ward:** North Manor

Item 01

**Applicant:** Mr & Mrs Derek Abbott

**Location:** Abbots Hall, Woodhey Road, Ramsbottom, Bury, BL0 9RD

**Proposal:** Removal of condition 3 of planning permission ref. 54822 - to remove the occupancy restriction

**Application Ref:** 69054/Full

**Target Date:** 02/01/2023

**Recommendation:** Approve with Conditions

### **Description**

The application site is located to the east of Woodhey Road and is within the Green Belt. Planning permission was granted for the erection of a farm building for rabbit breeding and an associated farmhouse in 1992 and works commenced on the two buildings soon after. The dwelling, which is located adjacent to Woodhey Road, was not completed until 2012 and the farm building is located at the eastern end of the site. There is an unmade access, which passes along the northern boundary of the site and links the farm building to Woodhey Road. There is a bank of mature trees along the southern boundary. Woodhey Road is a public footpath and connects the site to Bolton Road West.

There are open fields to the east of the site and residential dwellings some 140 metres to the south west. Woodhey High School is located to the northwest and there are two residential dwellings some 95 metres to the north.

Planning permission (54822) was granted in March 2012 to vary the wording of condition 3 to allow the occupancy of the dwelling by a person mainly or solely in aquaponics or agriculture.

Consent was granted in July 2023 for the conversion of the agricultural building to 3 residential dwellings under prior approval (69509).

### Proposed development

The proposed development involves the removal of condition 3 from permission 54822. The condition states:

*The occupation of the dwelling shall be limited to a person solely or mainly employed in the locality in aquaponics (fish breeding for food) or agriculture (as defined in Section 336 (1) of the Town and Country Planning Act 1990 (including any dependants of such a person residing with him/her) or a widow of such a person.*

The reason the condition was imposed is because the dwelling did not meet the Green Belt policy tests applicable at the time, but it was demonstrated that there was an overriding need for a dwelling in this location for an agricultural worker.

### **Relevant Planning History**

C/23055/89 - Erection of rabbit farm buildings and farmhouse at land at Woodhey Road, Holcombe Brook. Approved with conditions - 14 September 1989.

C/27209/92 - Approval of reserved matters: erection of rabbit farm building and farmhouse at land at Woodhey Farm, Woodhey Road, Holcombe Brook. Approved with conditions - 9 July 1992

52941 - Application for non material amendment following grant of planning permission 27209 for change of window openings and door and alterations / infill to south elevation at

Abbotts Hall, Woodhey Road, Ramsbottom - Refused - 14 September 2010

52941 - Application for non material amendment following grant of planning permission 27209 for change of window openings and door and alterations / infill to south elevation at Abbotts Hall, Woodhey Road, Ramsbottom - Refused - 14 September 2010

54822 - Variation of conditions. New conditions to read No. 3. The occupation of the dwelling shall be limited to a person solely or mainly employed in the locality in aquaponics and/or agriculture. No. 5. The agricultural buildings hereby approved shall be used exclusively for aquaponics and/or agriculture at land at Woodhey Farm, Woodhey Road, Ramsbottom. Approved with conditions - 20 March 2012.

66045 - Extension to dwelling to provide quarantine area for fish in connection with existing business and a garage at Abbotts Hall, Woodhey Road, Ramsbottom. Withdrawn - 25 January 2021.

68483 - Prior approval for new agricultural building for the storage of hay and equipment at land off Woodhey Road, Ramsbottom. Prior approval required and refused - 8 July 2022 (residential amenity and lack of information).

69509 - Prior approval of proposed change of use of agricultural building to 3 no. dwellinghouses (Use Class C3) at Abbotts Hall, Woodhey Road, Ramsbottom. Prior approval required and granted - 20 July 2023.

#### Enforcement

13/0327 - Change of use to business at Abbotts Hall, Woodhey Road, Ramsbottom. Case closed - 1 August 2013.

13/0348 - Construction of a dwelling at Abbotts Hall, Woodhey Road, Ramsbottom. Case closed - 28 October 2013

13/0569 - Occupancy Condition at Abbotts Hall, Woodhey Road, Ramsbottom. Case closed - 1 April 2014.

14/0237 - Breach of agricultural occupancy condition at Abbotts Hall, Woodhey Road, Ramsbottom. Case closed - 29 July 2014

21/0114 - Unauthorised parking on land and caravan storage at Abbotts Hall, Woodhey Road, Ramsbottom.

#### **Publicity**

The neighbouring properties were notified by means of a letter on 22 November 2022 and a press notice was published in the Bury Times on 8 December 2022. Site notices were posted on 2 December 2022.

18 letters have been received. Many points are of no relevance to the application at hand ie removal of the planning condition restricting occupancy. Many points raise private dispute matters and personal accusations are thus not reported.

- Never operated as a rabbit breeding business. The applicant's son is still advertised as the proprietor of Aquaponics Ltd even though the applicant states his son has no interest or experience in aquaponics.
- Applicant applied for a fish quarantine building next to his farmhouse. This application was made after Aquaponics Ltd was dissolved. Also he recently applied for a large barn for farm equipment and hay but in his current application he states that he is unlikely to derive any income from agriculture or aquaponics.
- In 30 years, no serious effort has been made to establish any viable agricultural business.
- Only 4 months ago, the applicants sought permission to build a large barn on the green belt site claiming it was needed by their thriving farming business.

- The applicants should be required to sell the property to people who do meet the planning condition.
- When their occupancy was challenged in 2014, they claimed that they did not own the property, that it was their son's and that he was involved in agriculture and met the occupancy condition. Page 2 admits that the son 'has no interest or qualifications/experience in either farming or aquaponics industry'.
- The original condition was imposed as the site is in a green belt area. This has not changed. The fact that the applicants' personal circumstances have changed is not relevant - if they are in ill health and semi-retired, then they can sell the property to somebody who will use it for its intended purpose - and buy a property more suited for their needs.
- Just because somebody is not/cannot comply with a condition, it does not mean the condition should be removed.
- I strongly object to the proposal to remove condition 3 of the planning proposal ref 54822, as it would appear that there was never any intention of farming/ aquaponics other than to circumvent the local planning regulations on green belt land, and significantly increase the value of their assets. If the planning department agree and support such a change, then it sends a very clear statement to all developers of a similar disposition - that there are no rules that personal gain of the developer overrides that of the community in general, and the value of green belt land for future generations will diminish rapidly.
- A large barn was constructed in 1996 and footings put down for the farmhouse. However, the barn was used to store used cars and no form of rabbit farm was attempted.
- The farmhouse was completed in late 2012 and the applicants moved in and no agricultural activity took place - the barn was still full of cars. The Council investigated in 2013 and in 2014 found the Abbotts were in breach of the condition. The property was sold to their son and it was claimed that he was involved in agriculture and produced a business plan for a fish farming business.
- The business never took off and the whole thing was quietly shut down and the company dissolved. The applicant should provide details of the business turnover and profit and a list of customers and suppliers. Since then, the barn has been used for car storage only.
- Various commercial activities that have taken place at Abbotts Farm during this time. The most recent activity is the storage and repair of caravans on the land to the south east of the dwelling which is advertised at the entrance to the site, although there is no record of a planning application for the change of use of the land to allow these activities to take place.
- The removal of the occupancy condition is wholly unwarranted and would undermine Green Belt policy against which the original planning application was assessed and that which remains in place today.
- The supporting letter from the applicants' agent Roman Summer acknowledges that at the time of granting planning permission for the dwelling, and indeed now, planning permission for a new dwelling within the Green Belt would be resisted unless very special circumstances were demonstrated or if one of the exceptions criteria is met. Whilst time has moved on, the restrictive Green Belt policy has not fundamentally changed, either at local or national level
- An appeal decision in October 2019 addresses the removal of an agriculture occupancy condition in relation to a dwelling approved for use in connection with an agricultural holding in Cadeleigh, Mid Devon - 'While national and local planning policies have evolved since the imposition of the disputed condition, the fundamental aim of controlling development within the countryside remains.'
- No clear very special circumstances have been put forward by the applicant to justify the removal of the occupancy condition. The applicants' claim that the land has a poor soil quality is not evidenced and the fact that the land is 'landlocked' is irrelevant as the land can be readily accessed and serviced from the existing access road from Woodhey Road. It is only if the farmhouse were to become severed from the agricultural land and sold on, which is very possible if the agricultural workers occupancy condition were to

be removed, that access may be restricted if future occupants did not want to share their residential access with agricultural vehicles.

- It is noted that the agricultural dwelling and land have not been advertised on the open market. Evidence of a robust marketing exercise is essential in order to confirm that there is no need for an agricultural workers' dwelling within the area. It is generally accepted that a dwelling of this nature should be marketed for a period of at least 6 months and ideally 12 to 18 months at the correct value for a dwelling with the agricultural tie in order to establish if the unit could become occupied by someone working in agriculture.
- If the occupancy condition were to be removed there is then the concern that there would be subsequent pressure for the change of use of the large building and surrounding yard to a use that would not ordinarily be appropriate development within the Green Belt. The presence of the unauthorised caravan business is already a concern and has a harmful impact on the openness and character of the land.
- The claim that much of the applicants' land is covered by trees is incorrect. However, what is apparent from images taken from Google Earth is that the natural character of much of the area of land contained within the unit has been significantly eroded over the years with natural vegetation having been removed, areas of hard surfacing laid and areas being used for the storage of various items including mobile homes. This in itself has had a harmful impact on the openness of the land.
- Within the applicants' agent's supporting letter it is stated that the dwelling has an extensive domestic curtilage with full permitted development rights intact. It would be very unusual for any new dwelling, with an agricultural tie or not, to be approved without a residential curtilage being defined, particularly within the Green Belt. The curtilage shown appears very large in comparison to the dwelling footprint, particularly in view of the Green Belt location where residential curtilages are usually kept to a minimum.
- The opportunity for the Council to remove permitted development rights, which is unlikely to permit extensions and outbuildings to the extent suggested by the applicants, does not justify the removal of the agricultural occupancy condition or amount to very special circumstances.

The neighbouring properties and objectors were notified of additional information by means of a letter on 2 November 2023.

2 letters have been received, which have raised the following issues:

- The new report adds little value.
- It is clear that the applicants have set out to minimise the possibility of the property being sold by excluding any land in the sale.
- The planning condition should remain. The sale price should be reduced to attract buyers or land included in the sale.
- The additional planning statement submitted claims the property has been robustly marketed without any offers for a period of 6 months. It is my opinion that this prospectus has been drawn up to achieve exactly what it has achieved, no interest at all, and another document from a commissioned associate to support the removal of condition 3 of the planning permission ref 54822.
- By inclusion in the marketing prospectus of the non negotiable clause that entitles the vendor or their successor to 90% of the resulting uplift in value of any future sale should the planning restriction be removed in the future - is an absolute deterrent to any buyer.
- Regardless of the submission of this additional document, it does not change the basis of the initial objections to this application.
- Abbots Hall which was built to the applicants' specification and has 2 living areas, 2 kitchens and 7 bedrooms according to the estate agents photographs. This is a different dwelling to those referred to in the cases in the additional planning statement.
- The statement also only refers to the
- applicants marketing the property and does not say they intend to sell it. Indeed the planning statement says that the applicants may develop the barn themselves "or alternatively sell the barn and its associated land to a property developer for housing."
- The additional planning statement refers to the applicant as former farmers but the

applicant is also a house builder and land developer.

- Planning permission has been granted for three houses in the barn. If the occupancy restriction is taken away from the associated farmhouse, the applicant could then argue the fields are redundant and apply for more housing development on the fields.
- This would lead to more congestion on the single track lane that is used by walkers and school children.
- The applicant has tried to circumvent the planning process.
- There was never any real intention to establish a rabbit farm or any other agricultural activity at the site.
- Access is via a single track road - any increase in traffic would make it more dangerous.
- The lack of demand infers that the LPA has a duty to relax planning conditions - I do not believe that this is true and there is no such duty.
- Query whether the applicant has lived at the property and ran an agricultural/aquaponics business from there.
- The applicant had no knowledge of rabbit farming when permission was granted in 1992 and no attempt at rabbit farming has ever been made.

The objectors have been notified of the Planning Control Committee meeting.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - No objections.

**Environmental Health - Pollution Control** - No response.

**Public Rights of Way Officer** - No objections.

**The Ramblers Association** - No response.

**Pre-start Conditions** - Not relevant.

### **Unitary Development Plan and Policies**

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
OL1/2	New Buildings in the Green Belt
OL1/4	Conversion and Re-use of Buildings in the Green Belt
OL4/2	Protection of Farm Holdings
OL4/4	Agricultural Diversification
OL4/6	Agricultural Dwellings
OL5/2	Development in River Valleys
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
RT3/4	Recreational Routes
SPD 9	Conversion and Re-use of Buildings in the Green Belt
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning

considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Places for Everyone** - The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs. PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions commencing in November 2022 and were concluding in July 2023. The examination of the plan is on-going.

Whilst PfE cannot be given full weight until it is adopted, its advanced stage of preparation means that it is now considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

Consequently, the principle of this application has been considered against the Plan (as proposed to be modified). However, the principle of this proposal does not give rise to any conflict with PfE policies.

**Principle - Green Belt** - The proposed application seeks to remove condition 3, which restricts occupancy of the dwelling to a person solely or mainly employed in aquaponics or agriculture.

Para 147 considers that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 of the NPPF states that when considering an application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a. buildings for agriculture and forestry;
- b. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e. limited infilling in villages;
- f. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g. limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 150 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. These are:

- a. mineral extraction
- b. engineering operations;
- c. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d. the re-use of buildings provided that the building are of permanent and substantial construction;
- e. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Policy OL1/2 states that the construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes:

- agriculture or forestry (except where permitted development rights have been withdrawn);
- essential facilities for outdoor sport, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it;
- limited extension, alteration or replacement of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;
- limited infilling in existing villages as set out under Policy OL1/3.

Policy OL1/5 states that within the Green Belt other development, not including buildings, will not be inappropriate unless:

- it maintains openness and does not conflict with the purposes of including land in the Green Belt; or
- in the case of mineral extraction, it does not conflict with the purposes of including land in the Green Belt, and high environmental standards will be maintained and the site well restored.

Proposals for other development not falling into one of the above categories is inappropriate development and is, by definition, harmful to the Green Belt. Any development proposal considered to involve inappropriate development will only be permitted in very special circumstances.

The dwelling was granted consent in September 1989 (3055/89) and July 1992 (C/27209/92) as an agricultural workers dwelling and this was restricted by condition 3 on the decision notice. In March 2012, planning consent was granted to vary condition 3 to allow a person employed in aquaponics or agriculture to occupy the dwelling. The building as built has deviated from the approved plans and the amendments include the provision of windows in different positions and an infill extension to the south elevation. These amendments are immune from enforcement action and it should be noted that the amendments would be acceptable in planning terms.

The dwelling is in a location where local and national Green Belt policy would normally seek to restrict the construction of new dwellings except in specific defined circumstances. However, the dwelling already has planning permission, has been built and has been there for over a decade. It is lawful.

There would be no conflict with policies in relation to the Green Belt in removing the occupancy condition because the re-use of existing buildings in the Green Belt is not inappropriate development. Paragraph 150 (d) of the Framework refers to the re-use of buildings in the Green Belt provided that the buildings are of permanent and substantial construction.'

Construction of the dwelling commenced in the nineties and was completed in 2012. The dwelling is constructed from stone and slate and as such, is of permanent and substantial construction. As such, the condition was imposed over 30 years ago and the dwelling has

been in place for a decade. The building exists and exists lawfully. The existing dwelling would be capable of re-use as a market dwelling and would be appropriate development by complying with exception (d) in paragraph 150 of the NPPF. Therefore, a case for very special circumstances is not required and the proposed development would be in accordance with Policy OL1/5 of the Bury Unitary Development Plan and the NPPF.

**Is it reasonable and necessary to continue to impose the condition?** - An appeal inspector allowed an appeal (APP/D0840/W/19/322934) in Newquay to remove the condition restricting occupancy to a person employed in agriculture. The appeal decision makes it clear that while an unrestricted dwelling would not normally be permitted, the proposal is not to erect a new dwelling, but whether there is a need for the condition.

Whilst no longer part of government policy, the appeal inspector referred to guidance in former Planning Policy Statement 7, Annex A and stated that, *'Dwellings should not be kept vacant or occupiers unnecessarily obliged to remain simply by virtue of occupancy conditions which have outlived their usefulness.'*

The Inspector considered the availability of other 3 bedroom properties within the locality, which were significantly cheaper and which could be brought and used by an agricultural worker. Given the undisputed high value of the dwelling with the occupancy condition, those able to purchase it, would have access to a substantial number of other properties within the housing market. As such, the condition would only serve to allow a farm worker access to a wider housing market, rather than assisting the agricultural community in accessing the housing market generally. This may be attractive to parts of the agricultural worker's community, but it is not necessary to meet their needs. In other words, the restrictive condition on this property was not necessary as there were several cheaper dwellings available that would be more affordable for an agricultural worker.

The Inspector concludes that, *'Even if a purchaser could be found, the particular circumstances of this case where the high value of the property means that somebody with the ability to purchase it also has access to the wider open market, means that the condition no longer serves a useful purpose in providing access to housing for the agricultural worker's community.'*

**Marketing** - The proposed dwelling has been marketed by Charles Louis estate agents at a heavily discounted price (70% of market value), which reflects the restricted use of the dwelling. The property has been advertised on Charles Louis' website and on Right move, Zoopla and On the market websites for a period of over 6 months.

Despite the property being advertised locally and nationally, a letter has been provided from the estate agents, which confirms that no offers or serious expressions have been made by any agricultural workers or any other party, who would be entitled to occupy the dwelling with the current restrictions. The agent has confirmed that the property will remain on the market until a decision has been made on this application.

It is clear from the marketing that there is no current demand from an agricultural worker or someone employed with aquaponics for this dwelling. Given the high value of the dwelling, with the restrictive occupancy condition, any agricultural or aquaponics workers would have access to other, cheaper properties within the locality. As such, it is unlikely that there would be a future demand given the individual circumstances in this case. Consequently, it is considered that the restrictive condition on this property would only serve to allow a farm worker access to a wider housing market, rather than assisting the agricultural community in accessing the housing market generally. In other words, the condition is no longer necessary and has outlived its usefulness, as there are several cheaper dwellings available that would be more affordable for an agricultural or aquaponics worker. As the condition has been found to be unnecessary, it would fail to satisfy the tests that all conditions must meet and as such, should be removed.

It must be noted that the planning landscape has moved on through time. Different policies,



different approaches, other case law and appeal decisions all have relevance and have to a significant extent, presented a particular case of today, which as required, must be considered on its own merits according to the policies that apply today.

**Impact upon residential amenity** - The building is currently in use as a dwelling and would remain in use as a dwelling. The application is centred upon the removal of an occupancy condition. It is not considering the nature of the dwelling's locational relationship. However, the nearest residential property is 95 metres away, which would be in excess of the 20 metre aspect standard.

Planning permission has been granted to convert the agricultural building to the east to 3 dwellings. There would be 48 metres between the approved dwelling and the proposed development, which would be in excess of the 20 metre aspect standard.

Given the location of the dwelling in relation to its surroundings, the dwelling would not have a significant adverse impact upon the amenity of the neighbouring properties and the removal of the condition would not change this acceptable relationship.

**Highways issues** - The lawful use of the building is as a dwelling, albeit the occupancy is restricted. As such, the level of traffic associated with the proposed development would be the same as current conditions. There is space for parking on land to the north of the dwelling, which would accommodate 3-4 cars. In many ways, it is not unreasonable to consider that the removal of the agricultural occupancy condition would bring about the less likely need for agricultural vehicles from coming to the site for a daily or frequent reason. The Traffic Section has no objections to the proposed development. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy EN1/2.

**Public rights of way issues** - The building has an existing use as a dwelling, which would generate traffic from the occupiers or visitors. The proposed development would not generate any additional traffic and as such, would not have a greater impact upon the PROW. The Public Rights of Way Officer has no objections to the proposed development. Therefore, the proposed development would be in accordance with Policy RT3/4 of the Bury Unitary Development Plan.

### **Response to objectors**

- Aspartions and private disputes are not material planning considerations.
- The issues relating to the impact upon the Green Belt, whether it is reasonable and necessary to impose the condition and traffic generation have been addressed in the report above.
- Various complaints have been made between August 2013 and July 2014, which alleged that the occupiers were not complying with the occupancy condition. On each occasion an investigation took place, formal notices were served to obtain information as appropriate and the cases were closed as there was no breach of planning control.
- The planning history confirms that a prior approval application has been granted to convert the agricultural building into 3 dwellings on 20 July 2023.
- The property has been marketed for over 6 months at 70% of the market value to reflect the reduced value due to the restricted occupancy. No one has come forward to purchase the property, who would comply with the occupancy condition.
- An enforcement notice has been served to discontinue the use of the land adjacent to the agricultural building for caravan storage.
- The residential curtilage is marked on plan reference 154 PLN L 01 and would be secured by a condition.
- The surrounding fields are located within the Green Belt, which would restrict the development which could take place there. In any event, each application has to be assessed on its own merits.

## **Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

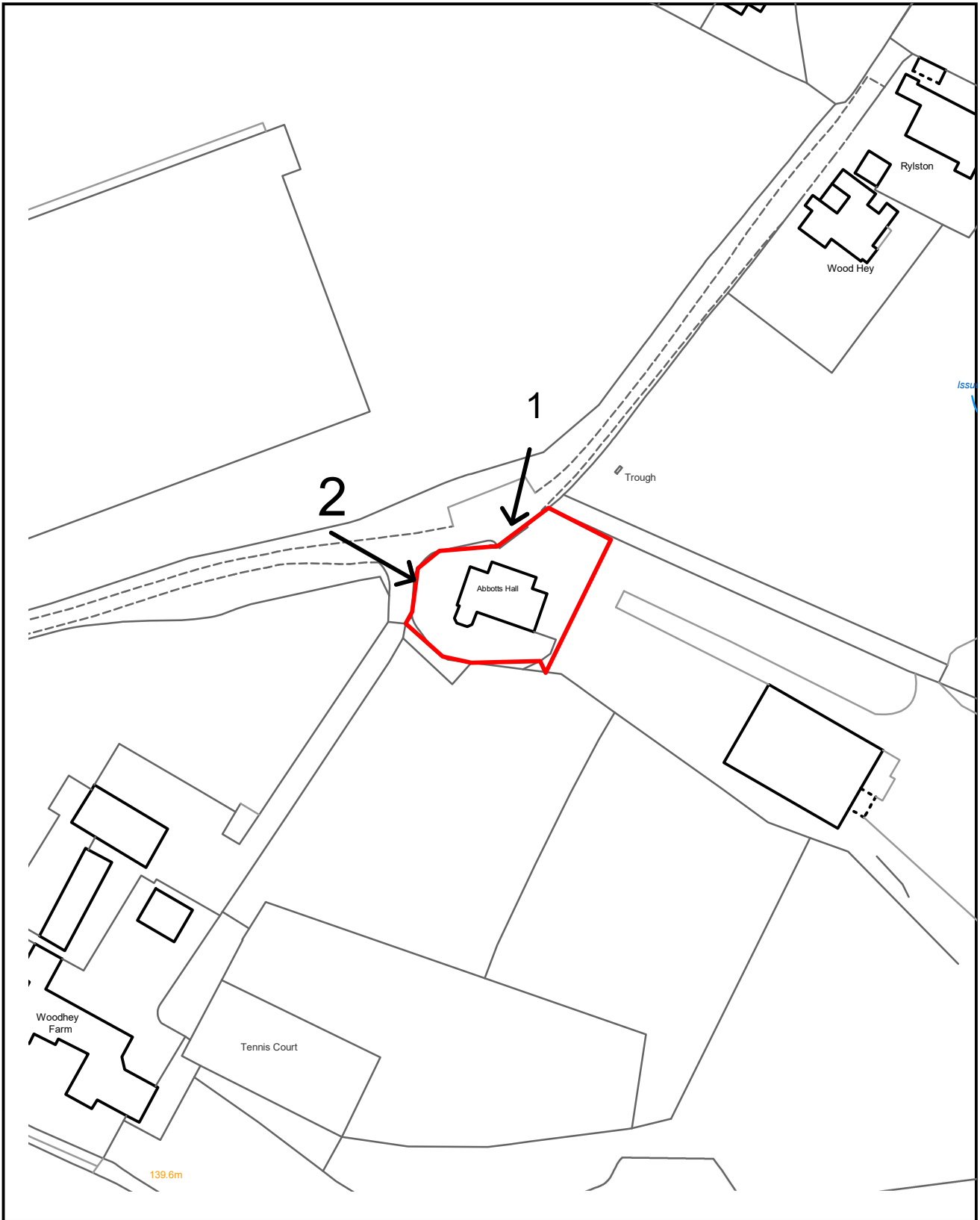
**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. The parking and servicing facilities shall be made available before the development is brought into use.  
Reason. To ensure adequate off-street facilities in the interests of highway safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
2. The landscaping scheme hereby approved at the reserved matters stage shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.  
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.
4. The agricultural buildings hereby approved shall be used exclusively for aquaponics and/or agriculture.  
Reason. To safeguard the character of the Green Belt and to ensure against inappropriate development in the Green Belt in accordance with Policy OL1/2 - New Buildings in the Green Belt of the Bury Unitary Development Plan and PPG2 - Green Belts.
5. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.  
Reason. To ensure a satisfactory means of drainage pursuant to Policy EN7/4 - Groundwater Pollution and Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
6. The highway improvements indicated on plan reference cm-01 shall be implemented to the written satisfaction of the Local Planning Authority before the buildings hereby approved are brought into use.  
Reason. To ensure good highway design in the interests of road safety pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.
7. This decision relates to drawings numbered cm-00, 154 PLN L 01 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

For further information on the application please contact **Helen Leach** on **0161 253 5322**

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 69054

ADDRESS: Abbots Hall Woodley Road



**Bury**  
Council

Planning, Environmental and Regulatory Services

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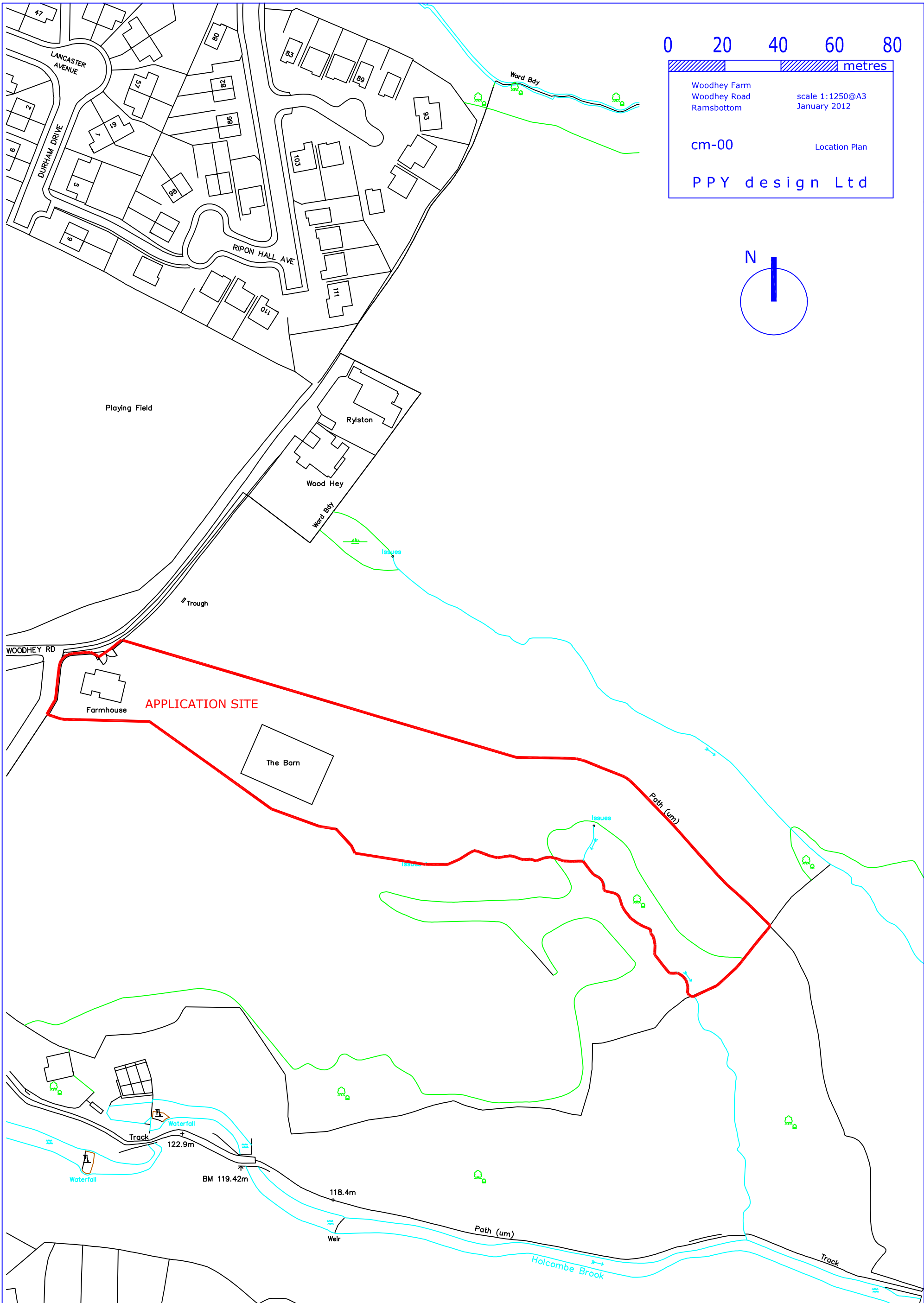
69054

Photo 1



Photo 2





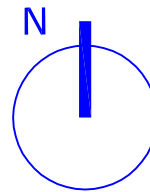
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Woodhey Road  
Ramsbottom

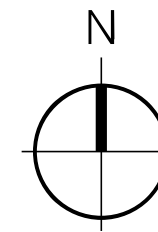
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Location Plan

PPY design Ltd



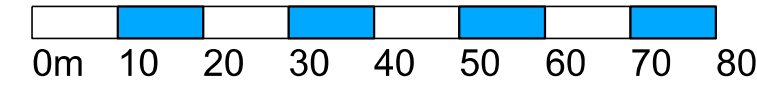


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**SITE SPECIFIC HAZARDS**

IN ACCORDANCE WITH THE REQUIREMENTS OF THE CDM REGULATIONS 2015 THE FOLLOWING SIGNIFICANT RESIDUAL HAZARDS HAVE NOT BEEN DESIGNED OUT OF THIS PROJECT AND MUST BE TAKEN INTO CONSIDERATION BY CONTRACTORS PLANNING TO UNDERTAKE THE WORKS SHOWN ON THIS DRAWING:

**SCALE 1:1250**



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REV.	DATE	NOTES	INIT.
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CLIENT / PROJECT  
**MR & MRS ABBOTT**  
**ABBOTTS HALL, WOODHEY ROAD**  
**RAMSBOTTOM, BL0 9RD**

DRAWING TITLE  
**BOUNDARY LOCATION PLAN**

STATUS  
**PLANNING**

DATE	DRAWN	SCALE @ A4
<b>NOV 22</b>	<b>RSL</b>	<b>1:1250</b>

PROJECT NUMBER	PLAN/ BUILD	TYPE	NUMBER	REVISION LETTER
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DRAWING NO.  
**154**   **PLN**   **L**   **01**

Site Location Plans	L	GA Plans	P	Elevations	E
Sections	S	Details	D	Prefix; Colour	C

**HAWTHORN DESIGN PARTNERSHIP**

**HAWTHORN ESTATES LTD**  
**LUMB, ROSSENDALE, BB4 9ND**

T. 08453 900 444

E. design@hawthorn-estates.co.uk  
www.hawthorn-estates.co.uk

