

# REPORT FOR NOTING

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>18 February 2025</b>
<b>SUBJECT:</b>	<b>PLANNING APPEALS</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	<p>Planning Appeals:</p> <ul style="list-style-type: none"> <li>- Lodged - none</li> <li>- Determined - none</li> </ul> <p>Enforcement Appeals</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined - none</li> </ul>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to the note the report and appendices
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A

<b>Wards Affected:</b>	All listed
<b>Scrutiny Interest:</b>	N/A

**TRACKING/PROCESS**

**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

**1.0 BACKGROUND**

This is a monthly report to the Committee of the Planning Appeals lodged against decisions of the authority and against Enforcement Notices served and those that have been subsequently determined by the Planning Inspectorate.

Attached to the report are the Inspectors Decisions and a verbal report will be presented to the Committee on the implications of the decisions on the Appeals that were upheld.

**2.0 CONCLUSION**

That the item be noted.

**List of Background Papers:-**

**Contact Details:-**

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**Details of New Enforcement Appeals Lodged  
between 20/01/2025 and 09/02/2025**



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**Case Ref:** 23/0029

**Date of Appeal:** 03/02/2025  
**Appeal Type:**

**Location:** 530 Bury New Road, Prestwich, Manchester, M25 3BD

**Issue:** Unauthorised decking

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**Total Number of Appeal Cases: 01**

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21 January 2025

Complaint reference:  
24 016 841

Complaint against:  
Bury Metropolitan Borough Council

## **The Ombudsman's final decision**

Summary: We will not investigate this complaint about how the Council dealt with a planning application and an application for a certificate of lawfulness of proposed use or development. This is because the complainant has not suffered significant injustice as a result of the alleged fault.

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## **The complaint**

1. Mr X has complained about how the Council dealt with a planning application and an application for a certificate of lawfulness of proposed use or development (CLOPUD). Mr X says the Council failed to consult him about the applications and the developments will impact his property.

## **The Ombudsman's role and powers**

2. We investigate complaints about 'maladministration' and 'service failure', which we call 'fault'. We must also consider whether any fault has had an adverse impact on the person making the complaint, which we call 'injustice'. We provide a free service, but must use public money carefully. We do not start or continue an investigation if we decide:
  - there is not enough evidence of fault to justify investigating, or
  - any injustice is not significant enough to justify our involvement.(Local Government Act 1974, section 24A(6), as amended, section 34(B))

## **How I considered this complaint**

3. I considered information provided by Mr X and the Council.
4. I considered the Ombudsman's Assessment Code.

## **My assessment**

5. Councils are required to give publicity to planning applications. The publicity required depends on the nature of the development. However, in all cases the application must be published on the Council's website.
6. Mr X disagrees with the Council's decision to grant the CLOPUD application and says the Council should have consulted him as the proposal will impact his property. However, there was no requirement for the Council to notify neighbouring residents about the application. I am also satisfied the application

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was properly considered in line with the relevant legislation before the Council decided the proposal was permitted development and therefore Mr X's neighbour did not need to apply for planning permission to change the use of the property.

7. Mr X says he was also not told about an application to extend the property. However, even if I did consider the Council failed to notify Mr X about this application as it should have, I do not consider he has suffered any significant injustice as a result.
8. I am satisfied the Council properly assessed the acceptability of the development before granting planning permission. The case officer's report referred to the impact on neighbouring properties and the surrounding area. However, the officer decided there would not be a detrimental impact on neighbouring amenity.
9. I understand Mr X disagrees. But the Council was entitled to use its professional judgment to decide the application was acceptable. As the Council properly considered the acceptability of the development, I consider it likely the decision to grant planning permission would be the same had Mr X known about the application and objected.

### **Final decision**

10. We will not investigate Mr X's complaint because he has not suffered significant injustice as a result of the alleged fault.

### **Investigator's decision on behalf of the Ombudsman**

