

# REPORT FOR NOTING

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>27 January 2026</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</li> <li>- Determined</li> </ul> <p>Enforcement Appeals</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</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:-

David Marno, Head of Development Management  
Planning Services, Department for Resources and Regulation,  
3 Knowsley Place ,Bury BL9 0EJ

**Tel: 0161 253 5291**

**Email: [d.marno@bury.gov.uk](mailto:d.marno@bury.gov.uk)**



**Planning Appeals Lodged  
between 08/12/2025 and 18/01/2026**

**Application No.:** 72321/FUL

**Decision level:** DEL

**Recommended Decision:** Refuse

**Applicant:** Garry Almond

**Location:** 15 Barnhill Road, Prestwich, Manchester, M25 9WH

**Appeal lodged:** 12/01/2026

**Appeal Type:**

**Proposal:** External escape staircase to side

**Application No.:** 72530/PIP

**Decision level:** DEL

**Recommended Decision:** Refuse

**Applicant:** Mr I Alexander

**Location:** Land at Ivy Bank, Walmersley Old Road, Bury, BL9 6RU

**Appeal lodged:** 16/12/2025

**Appeal Type:** Written Representations

**Proposal:** Application for permission in principle for the erection of 1 no. dwelling

**Total Number of Appeals Lodged: 2**



**Planning Appeals Decided  
between 08/12/2025 and 18/01/2026**

<b>Application No.:</b> 71572/FUL	<b>Appeal Decision:</b> Dismissed
<b>Decision level:</b> DEL	<b>Date:</b> 09/12/2025
<b>Recommended Decision:</b> Refuse	<b>Appeal type:</b> Written Representations
<b>Applicant:</b> Wells	
<b>Location:</b> 15 Bishops Road, Prestwich, Manchester, M25 0HT	
<b>Proposal:</b> Loft conversion with raised ridge and front and rear dormers	
<b>Application No.:</b> 71641/FUL	<b>Appeal Decision:</b> Dismissed
<b>Decision level:</b> DEL	<b>Date:</b> 12/12/2025
<b>Recommended Decision:</b> Refuse	<b>Appeal type:</b> Written Representations
<b>Applicant:</b> Mr Zvi Portnoy	
<b>Location:</b> 17 Belle Vue Terrace, Bury, BL9 0SY	
<b>Proposal:</b> Change of use of existing 6 bed house in multiple occupation (HMO) to 8 bed (single occupancy) HMO (Sui Generis)	
<b>Application No.:</b> 71905/PIP	<b>Appeal Decision:</b> Dismissed
<b>Decision level:</b> DEL	<b>Date:</b> 12/12/2025
<b>Recommended Decision:</b> Refuse	<b>Appeal type:</b> Written Representations
<b>Applicant:</b> Mr Steven	
<b>Location:</b> Land between 145 and 115 Holcombe Old Road, Bury, BL8 4NF	
<b>Proposal:</b> Permission in principle for the removal of barn/storage shed and erection of 1no. three bedroom detached dwelling	
<b>Application No.:</b> 71982/FUL	<b>Appeal Decision:</b> Dismissed
<b>Decision level:</b> DEL	<b>Date:</b> 30/12/2025
<b>Recommended Decision:</b> Refuse	<b>Appeal type:</b> Written Representations
<b>Applicant:</b> Mr Dileep Singh Ahuja	
<b>Location:</b> Land adjacent to 49 Rainsough Brow, Prestwich, Manchester, M25 9XW	
<b>Proposal:</b> Erection of a two storey mixed use development consisting of 1 no. shop (Class E) on the ground floor and 1 no.apartment on first floor (Class C3) and associated car parking, landscaping and boundary treatment	
<b>Application No.:</b> 72186/FUL	<b>Appeal Decision:</b> Allowed
<b>Decision level:</b> DEL	<b>Date:</b> 09/01/2026
<b>Recommended Decision:</b> Refuse	<b>Appeal type:</b> Written Representations
<b>Applicant:</b> Mrs Sam Clague	
<b>Location:</b> 84 Holcombe Road, Tottington, Bury, BL8 4AY	
<b>Proposal:</b> Rear dormer; extension of the existing side dormer, and front canopy along with cladding to front & rear elevations	



---

## Appeal Decision

Site visit made on 25 November 2025

**by D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 08 December 2025**

---

**Appeal Ref: APP/T4210/D/25/3375395**

**15 Bishops Road, Prestwich, Manchester M25 0HT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Wells against the decision of Bury Metropolitan Borough Council.
  - The application Ref is 71572.
  - The development proposed is the erection of a loft conversion, raised ridge and front and rear dormers.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the streetscene.

### Reasons

3. The appeal property is an altered 2-storey semi-detached dwelling situated on the west side of Bishops Road. There are community uses on the opposite side of the road. As identified by the appellant, the topography of the area is such that Bishops Road slopes from north to south with the ground floor levels of each pair of semi-detached dwellings being stepped. Consequentially, the eaves and ridge height of the pairs of semi-detached dwellings are also stepped rather than being of a consistent height.
4. The proposed development includes a roof extension which would raise the height of the property's eaves and ridge to match those of 17 and 19 Bishops Road. This neighbouring pair of semi-detached dwellings is sited at a higher ground level than the property and No. 13. The appellant claims that the height of the roof needs to be increased to create additional accommodation within the resulting roofspace to meet family needs and this would also be an efficient use of the property.
5. However, the effect of the proposed roof extension would be to visually and physically unbalance the pair of semi-detached dwellings comprising the property and No. 13. The ridge and eaves of the resulting property would be higher than those of No. 13 and this would result in an incongruous form of development within the streetscene. This difference in height would only be partially screened by neighbouring properties and would still be seen from the footways along both sides of Bishops Road.

6. It is noted that the council has not objected to the dormer extensions within the front and rear roofslopes and there are no reasons to disagree with this assessment. The front dormer would, however, contribute towards the unbalanced appearance of this pair of semi-detached dwellings.
7. Although other dwellings have been altered, there is a consistency to the height, rhythm and appearance of the stepped pairs of semi-detached dwellings within the streetscene along the west side of Bishops Road. This rhythm would be unacceptably disrupted by the proposed development. The use of matching external materials would not alter the physical difference between the roofs of the resulting property and No. 13.
8. The unacceptable harm which has been identified demonstrably is judged to demonstrably outweigh the creation of the additional accommodation within the roofspace.
9. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the streetscene and, as such, it would conflict with Policy H2/3 of the Bury Unitary Development Plan. This policy refers to house extensions and alterations being considered with regard to the external appearance of the proposal, and the character of the property in question and the surrounding area. Accordingly, it is concluded that this appeal should be dismissed.

*D J Barnes*

INSPECTOR

---

## Appeal Decision

Site visit made on 24 November 2025

**by R Gravett BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

---

**Appeal Ref: APP/T4210/W/25/3372781**

**17 Belle Vue Terrace, Bury BL9 0SY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Zvi Portnoy against the decision of Bury Metropolitan Borough Council.
  - The application Ref is 71641.
  - The development proposed is change of use of a 6 bed HMO to an 8 bed (single occupancy) HMO.
- 

### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Mr Zvi Portnoy against Bury Metropolitan Borough Council. The application is the subject of a separate Decision.

### Preliminary Matters

3. I have taken the description of development in the banner heading above from the application form, but I have removed reference to 'resubmission of application 71156' as this is not an act of development.
4. The Council has recently refused an application for a Lawful Development Certificate (LDC) for use of the appeal property as a small House in Multiple Occupation (HMO) (Use Class C4). However, within the context of an appeal under s78 of the Town and Country Planning Act 1990 (as amended) (the Act), it is not within my remit to formally determine whether the existing use or development is lawful. I shall consider the evidence as to the existing use in so far only as it is material to this appeal. If the appellant wishes to ascertain whether the existing use is lawful, they may make an application under s191 of the Act.

### Main Issue

5. The main issue is whether acceptable living conditions could be provided for existing and future occupiers of the proposed development, with regards to natural light, outlook and ventilation.

### Reasons

6. 17 Belle Vue Terrace is a two storey mid-terrace property which is in use as a House in Multiple Occupation (HMO) arranged with nine bedrooms over basement, ground, first and second floor. I observed that, although furnished, the three bedrooms on the ground floor are currently unoccupied.

7. The appellant asserts that the basement accommodation is excluded from the application and can be occupied regardless of whether planning permission is granted. However, the proposal is to change the use of the appeal *property* from a 6 bed HMO to an 8 bed HMO (single occupancy). Although the proposed plans show that the two additional en-suite bedrooms would be located on the ground floor, the matter for consideration is whether acceptable living conditions can be provided for a total of eight unrelated people. This would mean that eight of the nine bedrooms would be occupied, including at least one of the bedrooms in the basement.
8. The two basement bedrooms are accessed off the ground floor hallway via a very narrow staircase with restricted headroom. Each room is of a reasonable size and there is sufficient space for a compact ensuite shower room. A single window would provide some limited ventilation. However, the outlook from the rear room is restricted by the depth and limited size of the lightwell. Although some sky can be seen, the outlook from this room is principally toward the retaining wall of the lightwell and upwards toward the external communal decking. Similarly, the outlook from the front room is restricted by the narrow lightwell with sky only visible when stood within the bay of the window.
9. These bedrooms do not benefit from adequate levels of natural light and would be heavily reliant on artificial lighting for large parts of the day. Consequently, I found them to be dark and quite oppressive, and they would be uncomfortable rooms in which to spend much time. In conflict with the guidance in 'Development Control Policy Guidance Note 13: Conversion of Buildings to Houses in Multiple Occupation' (May 2007), the proposal would fail to provide an acceptable standard of accommodation for existing and future occupants of the basement bedrooms.
10. The proposed plans show that part of the ground floor room within the rear outrigger of the property would be integrated into the existing communal kitchen, dining and living area. The remaining (rear) part of this room would be a cycle store accessed from an area of communal decking which is proposed to include benched seating. There is a second, smaller kitchen/dining area at first floor, and overall, the communal space is particularly generous. I also note that all bedrooms exceed the Council's space standards for single and double occupation, and that the amount of communal space would be greater than in other 8-bedroom HMOs in Bury, to which the appellant has referred.
11. However, the quantum of space provided does not sufficiently mitigate the poor standard of space within the basement bedrooms, despite the high-quality of fixtures and fittings. Further, given that two of the ground floor bedrooms (Bedroom 7 and 8) are of a similar size but are comfortable, bright and inviting, I am not persuaded that should the appeal fail, these would realistically remain unoccupied in the longer term, or that the use of the basement bedrooms would be preferred.
12. Therefore, I conclude that acceptable living conditions could not be provided for existing and future occupiers of the proposed development, with regards to natural light and outlook. Consequently, it would conflict with saved Policy H2/4 of the Bury Unitary Development Plan (1997) which requires the conversion of a building into an HMO are considered having regard to the amenity of occupants.



### **Other Matters**

13. Whilst an increase in the number of occupiers would enable more efficient use of the appeal property and would provide much needed accommodation for single people, this should not come at the expense of the standard of accommodation provided. I acknowledge that the property would comprise brownfield land but given the harm I have found to the living conditions of occupiers, paragraph 125 c) of the National Planning Policy Framework lends little support to the proposal. Accordingly, these matters do not alter my conclusion on the main issue above.

### **Conclusion**

14. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal is dismissed.

*R Gravett*

INSPECTOR

---

## Costs Decision

Site visit made on 24 November 2025

**by R Gravett BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date:

---

### **Costs application in relation to Appeal Ref: APP/T4210/W/25/3372781**

#### **17 Belle Vue Terrace, Bury BL9 0SY**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Zvi Portnoy for a full award of costs against Bury Metropolitan Borough Council.
  - The appeal was against the refusal of planning permission for change of use of a 6 bed HMO to an 8 bed (single occupancy) HMO.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. The PPG gives examples of the types of behaviour that may give rise to a procedural award against a local planning authority. These include a lack of co-operation with the other party. Examples which may give rise to a substantive award include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. With reference to these examples, a full award of costs is sought by the applicant on both procedural and substantive grounds.
5. First, it falls outside the scope of this costs decision to determine whether the Lawful Development Certificate (LDC) submitted by the applicant was ambiguous, or whether it provided certainty that the appeal property operates as a lawful small House in Multiple Occupation (HMO). I have considered the evidence as to the existing use in my main decision only in so far as it is material to the main issue in dispute between the parties.
6. The evidence before me clearly shows that there was extensive and ongoing dialogue between the applicant and the Council throughout the planning application process, but no evidence that the Council failed to co-operate with the applicant or unreasonably resisted the application.

7. Further, although it is asserted that the Council sought reasons to delay determination of the application, based on the applicant's own 'Application Context and Chronology' a decision was made in a timely manner. Nevertheless, there was clearly disagreement between the parties about how the unoccupied ground floor bedrooms should be identified on the plans, but I do not find it unreasonable for the Council to seek clarification on this matter. To my mind, the amended plans more accurately reflect the existing ground floor arrangement of the property.
8. Although I appreciate the applicant's frustration in respect of the amendment sought to the description of development (to refer to the change of use from a dwellinghouse), the description on the decision notice is not substantively different to the one provided on the planning application form. Moreover, it is evident from the Officer Report that the application was not assessed on the basis of the loss of a dwellinghouse.
9. Finally, for the reasons given in my main decision, I do not find the Council to have erred in their assessment of the application. The matter for consideration should be whether the property can accommodate a quantum of 8 persons, which based on the plans and single occupancy of the rooms (as proposed) would necessarily include the use of at least one of the basement bedrooms. As they are entitled to do so, the Council has exercised a planning judgement as to whether the bedrooms in the basement provide acceptable living conditions for existing and future occupiers. Therefore, the Council's assessment of this matter and its finding of harm was not unreasonable, and it has adequately substantiated the reason for refusal. It did not prevent or delay development which should clearly have been permitted.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*R Gravett*

INSPECTOR

---

## Appeal Decision

Site visit made on 4 November 2025

**by F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

---

**Appeal Ref: APP/T4210/W/25/3371830**

**Land between 145 & 115 Holcombe Old Road, Bury, BL8 4NF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by Mr Oliver Steven against the decision of Bury Metropolitan Borough Council.
  - The application Ref is 71905.
  - The development proposed is the removal of barn and storage shed and construct a three bedroom detached house.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The permission in principle procedure, under Section 58A of the Town and Country Planning Act 1990, is limited to matters of location, land use and the amount of development only. I have considered the appeal on this basis.

### Main Issues

3. The main issues are whether the site is suitable for residential development having regard to its location, the proposed land use and the amount of development proposed, with particular reference to:
  - whether the proposal would be inappropriate development in the Green Belt, including the effect on the openness of the Green Belt, having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies;
  - whether the proposal would make effective use of land; and,
  - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

### Reasons

#### *Inappropriateness*

4. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

5. The Framework establishes that development in the Green Belt is inappropriate unless one of the exceptions set out at paragraph's 154 / 155 of the Framework apply. This includes the development of homes in the Green Belt which should not be regarded as inappropriate where the development would use 'grey belt' land, and where various other criteria are met.
6. The main parties agree that the site meets the definition of grey belt provided in the Framework Glossary. This is land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b) or (d) in paragraph 143 of the Framework<sup>1</sup>.
7. Given the small size of the appeal site, the development would not fundamentally undermine the purposes taken together of the remaining Green Belt across the area of the plan. It is also acknowledged by the Council that there is a demonstrable unmet need for housing as set out at paragraph 155 b) of the Framework.
8. Paragraph 155 c) of the Framework requires development to be in a sustainable location. The appeal site is referenced as being within Holcombe, but the linear group of properties that the appeal site forms part of, is separated by open areas of land from the core of the village, which is around the junction of Helmshore Road and Lumb Carr Road. To the south of the appeal site, further facilities can be found around the junction of Bolton Road West and Longsight Road. However, given the distances involved, which the Council has referenced as around 700m-900m, and that part of the route to either of these locations would entail walking along Holcombe Old Road that does not have a separate footway, the proposal would not provide a comfortable walking route to public transport connections and services. The changes in topography and the cobbled surface on Holcombe Old Road would also not make it suitable for cycling.
9. Ramsbottom provides a range of shops, schools and public transport connections, but for the reasons set out above, future occupants would be overly reliant on private vehicles to reach them. In relation to paragraph 155 c) therefore, the development would not be in a sustainable location, and it would not therefore contribute to the Framework's aim of actively managing patterns of growth in support of sustainable transport objectives.
10. Reference has also been made by the appellant to the development being considered under the exception at paragraph 154 e) of the Framework relating to limited infilling in villages. The Framework does not define a 'village', and nor have I been provided with a definition from the development plan.
11. Although the appeal site forms part of a linear area of development, given the separation created by open areas of land between this group of properties that the appeal site forms part of and development around the junction of Helmshore Road and Lumb Carr Road, there is a distinct physical break with the main area of the village as referenced by the Council.
12. The Appellant makes reference to an appeal decision<sup>2</sup>, where an appeal site was found to have the characteristics of a village location despite it being detached

---

<sup>1</sup> but excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

<sup>2</sup> Appeal Ref: APP/B5480/W/18/3200843

from it by an area of open fields. Whether a proposed development is within a village for the purposes of the Framework is a question of planning judgement, and although limited information is before me on the circumstances of the referenced case it is evident from the extract of the appeal decision provided, that the Inspector had regard to the particular merits of that case including attributes that provided for a cohesive character.

13. In the case of the appeal proposal, whilst it would infill a gap between buildings on neighbouring sites, and Holcombe is defined as a village<sup>3</sup>, I have found that the appeal site would not be within a village for the purposes of paragraph 154 e) of the Framework.
14. I therefore conclude that the proposal would be inappropriate development. As such, it would conflict with Policy OL1/2 of the Bury Unitary Development Plan and paragraph 153 of the Framework, which state, amongst other matters, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
15. The proposal, whilst resulting in a more consolidated form of development, would also introduce a residential dwelling, and associated domestic parking and residential paraphernalia that would result in both a spatial and visual loss of Green Belt openness.

#### *Effective use of land*

16. The proposal would provide for a single dwelling following the removal of the existing buildings. Reference is made to Policy JP-H4 of the Places for Everyone Joint Development Plan Document (Place for Everyone DPD) which sets out that new housing development should be delivered at a density appropriate to its location. The appeal site is in a location where a minimum net residential density of 35 dwellings per hectare is sought.
17. The proposal would result in a development density of 11 dwellings per hectare that would not comply with the density sought by Policy JP-H4 of the Places for Everyone DPD. However, the policy states regard should be had to the minimum densities set out and that density should be appropriate to its location.
18. The submitted Proposed Block Plan, although indicative as the proposal is for permission in principle, provides an illustration of how the site could be developed. Given the need to make provision for parking, outdoor amenity space and biodiversity enhancements, I consider that on this relatively small site at 0.09ha, that the density would be appropriate. I am not persuaded that this quantity of development would necessarily have a negative impact on the character of the conservation area, as the design, had the development been otherwise acceptable, would be addressed at technical detail stage.
19. I acknowledge the location of the site in a conservation area does not necessarily preclude higher density development nor is limited infilling confined to a single dwelling. A terrace of cottages, providing more than one dwelling may be appropriate to the character of the area. However, I am required to determine the appeal proposal that is before me.

---

<sup>3</sup> in the Holcombe Conservation Area Appraisal

20. I therefore conclude that the proposal would make effective use of land, and as such, it would not be contrary to Policy JP-H4 of the Places for Everyone DPD and Section 11 of the Framework, which seek, amongst other matters, to achieve appropriate densities and make efficient use of land.

*Other considerations*

21. The proposal would contribute positively economically to the area, both during the construction phase and through ongoing expenditure by future occupants. It would add an additional dwelling that would contribute to the delivery of housing in the area and sustain local services. These matters weigh in favour of the appeal, although as the development involves a single residential dwelling, they attract limited positive weight.

**Other Matter**

22. Reference has been made to the proposal adopting materials and detailing that would complement the surrounding area. These are not however matters that are before me for consideration under the permission in principle procedure.

**Conclusion**

23. The proposed development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Although the proposal would consolidate built form within the appeal site, it would be overall harmful to openness for the reasons set out. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm, is clearly outweighed by other considerations.
24. I have attached limited weight in favour of the proposal in terms of economic and social benefits given it involves a small residential scheme. The acceptability of the proposal in terms of the effective use of land is a neutral consideration.
25. With this in mind, the substantial weight I have given to Green Belt harm and other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
26. I conclude that the proposal would not accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be dismissed.

*F Rafiq*

INSPECTOR



---

## Appeal Decision

Site visit made on 23 December 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 December 2025

---

**Appeal Ref: APP/T4210/W/25/3374427**

**49 Rainsough Brow, Bury, Prestwich M25 9XW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Dileep Singh Ahuja against the decision of Bury Metropolitan Borough Council.
  - The application Ref is 71982.
  - The development proposed is erection of 2 no. storey mixed use development consisting of 1 no. shop (Class E) on the ground floor and 1 no apartment on first floor.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - the effect of the proposed development upon the character and appearance of the area;
  - the effect on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy;
  - the effect of the proposed development upon highway safety; and,
  - whether the development would provide adequate storage for bicycles.

### Reasons

#### *Character and appearance*

3. The appeal site is located within a car park serving an adjacent retail store. The store itself is a single-storey, flat-roofed building finished in grey painted brick and grey render. In the wider context, the built form along Rainsough Brow and Halliwell Walk to the rear of the site comprises residential properties. These are modest two-storey dwellings with simple side-facing gables, allowing their full roof profiles to be visible from Rainsough Brow. There is a significantly notable drop in levels along Rainsough Brow.
4. The proposed development would introduce a two-storey structure with a series of roof forms stepping down the slope of Rainsough Brow. This configuration would produce two excessively tall, steeply pitched roofs with their gables facing towards the highway. These gable roof forms would be linked by a flat-roofed section that would sit uncomfortably between them. Owing to its immediate proximity and



orientation to the public highway, the resulting massing would be unavoidably prominent.

5. When viewed as a whole, the building would present as an overbearing, visually discordant addition to the street scene, markedly at odds with the established character of the surrounding predominant built forms. Its fragmented form and disproportionate roofscape would create a harsh and intrusive presence within the public realm.
6. To conclude, the proposed development would conflict with Policies EN1/2, H2/1, EC4/1 and S2/1 of the Bury Unitary Development Plan 1997 (UDP). Collectively, these policies seek for development proposals to be of an appropriate design and appearance, where regard shall be had to design, scale, height and bulk, amongst other things.

### *Living conditions*

7. The parties acknowledge that planning permission has been granted for a residential scheme on the adjoining land to the west of the appeal site, although this development had not been constructed at the time of my site visit. The appellant asserts that acceptable separation distances would be maintained. However, the plans before me are limited to a basic footprint of the approved neighbouring scheme. No information is provided regarding window positions, room layouts, or the orientation of habitable spaces.
8. The Council highlight that habitable room windows within the approved neighbouring scheme would be positioned in very close proximity to the proposed development. The proposed plans confirm that the proposed building would sit extremely near to the approved footprint, with an almost blank elevation. This would create a tight spatial relationship. In the absence of any convincing evidence to demonstrate otherwise, it is reasonable to conclude that this arrangement would result in a materially harmful impact on the outlook of the occupiers of the adjacent scheme. The degree of enclosure and visual dominance arising from such proximity would be wholly unacceptable and significantly detrimental to the living conditions of these neighbouring occupiers.
9. The Council further identify that an area of amenity space is proposed to the rear of the approved neighbouring development. Owing to the splayed configuration of the appeal site, the proposed building would be positioned close to the rear boundary and thus, close to this area of amenity space. The submitted floor plans show a first-floor bedroom window directly facing this amenity space. Given its function as a habitable room and its extremely limited separation from the adjoining amenity space, the proposal would result in a clear and significant loss of privacy for the future occupiers of this neighbouring scheme.
10. To conclude, the proposed development would conflict with Policies EN 1/2, H2/1 and H2/2 of the UDP. These policies seek for development to have appropriate regard to residential amenity, the local environment and surrounding land uses.

### *Highway safety*

11. As previously noted, the appeal site is located within a car park which serves an existing retail store. An existing site plan for this retail store notes that eleven parking spaces are currently provided, several of which are located within the

proposed appeal site location. The Bury Development Control Policy Guidance Note 11 (SPD) sets out the parking requirements for the proposed development. The scheme includes four parking spaces to serve the ground-floor retail unit and one parking space for the first-floor residential unit. This provision accords with the standards outlined within the SPD.

12. Under the requirements of the SPD, the existing retail store should be served by ten parking spaces. However, the siting of the proposed development within an area currently used for car parking would result in a net loss of six spaces which serve the existing retail store, after accounting for the two additional spaces proposed at the front of the building. Following the proposed development, only five spaces would remain. This represents a substantial shortfall. Moreover, one of these new spaces would be positioned adjacent to a kerbed area, rendering it extremely difficult to access when the neighbouring space is occupied.
13. In addition, both the proposed retail unit and the neighbouring retail store would require servicing by delivery vehicles. Such vehicles are typically larger than those used by customers, yet the proposed site plan makes no provision for a dedicated servicing area. Consequently, delivery vehicles would be forced to utilise the oversubscribed parking spaces which would serve both retail units, or seek informal stopping points along the highway. Moreover, given the limited parking and turning space within the site, larger delivery vehicles entering the appeal site may be required to reverse onto Rainsough Brow to exit and locate alternative parking position. While the appellant asserts that a swept-path analysis would demonstrate that cars and delivery vehicles can manoeuvre within the site, no such evidence has been submitted.
14. As a result, during peak periods when demand for parking exceeds the limited number of available spaces, there would be increased pressure for vehicles to park in unsuitable locations, including along Rainsough Brow, when customers or delivery drivers are unable to park within the site's red line boundary. Parking in such locations would impede the free movement of traffic along the highway and create additional conflict. Vehicles attempting to leave the site if they fail to park within a space may also be required to reverse onto Rainsough Brow, further compromising highway safety. Consequently, the oversubscription of the constrained parking provision would have a significant adverse impact on both highway safety and the free flow of traffic.
15. The Council highlight that the application and submitted plans fail to provide the necessary information to assess the scheme's impact on visibility splays previously approved within the wider site. I agree that this omission represents a notable deficiency in the submitted material. Nevertheless, the access point serving the appeal site would remain largely unchanged as part of the proposal. Vehicles exiting the site would continue to stop at the established access point, which lies beyond the building line of the proposed development. Consequently, despite the lack of supporting visibility information, the siting of the proposed building would not, in this specific respect, give rise to an unacceptable impact on highway safety, beyond what is already experienced.
16. To conclude, the proposed development would conflict with Policies JP-C5, JP-C6, JP-C8 of The Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2024. It would also conflict with Policies EC4/1 and HT2/4 of the UDP and the

guidance found within the SPD. Collectively, these policies and guidance seek for development proposals to provide adequate parking, delivery and service provision, amongst other things.

### *Bicycle storage*

17. The proposed upper-floor residential unit would be served by a single secure bicycle parking space located within the rear stairwell. However, the SPD clearly requires that the proposed ground-floor retail unit should be supported by two dedicated bicycle parking spaces. The appellant has provided no substantive or detailed information demonstrating how these required spaces would be accommodated. This omission represents a clear failure to comply with established bicycle parking standards.
18. The appellant contends that this shortfall in bicycle storage provision could be addressed through the imposition of a planning condition. In light of this suggestion, I acknowledge that it would be reasonable to impose a condition requiring the submission of detailed specifications for bicycle storage prior to the commencement of the development, enabling its suitability to be assessed. Subject to such a condition, the development could offer customers to the ground floor retail unit a secure and appropriate facility that promotes sustainable transportation, consistent with the objectives outlined in the SPD.
19. To conclude, following the imposition of a suitably worded planning condition, the proposed development would not conflict with Policy JP-C6 of The Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2024 and the guidance found within the SPD. This policy and guidance require development to create safe, attractive and integrated cycling infrastructure.

### **Planning Balance and Conclusion**

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework indicates that a decision should be taken in accordance with the development plan.
21. I acknowledge that the proposed development would provide an additional unit of living accommodation in an accessible location. This would be a small, yet but positive contribution to the supply of housing. It would also provide economic benefits through employment and further retail provision once the development is operational. The proposal would also provide local economic benefits during the construction period. The future occupiers would also provide economic benefits to the local area once the development would be complete through their use of local shops and services. These elements are positive benefits which collectively attract moderate weight in my decision. The provision of EV charging provision and biodiversity enhancements is a policy requirement and therefore would be an absence of harm.
22. However, in my overall consideration of the scheme, these benefits are modest. They do not outweigh the harm I have found above in relation to the effect of the development upon the character and appearance of the area, the living conditions of neighbouring occupants to the appeal site and its effect upon highway safety.

There are no material considerations of such weight or significance before me as to justify a decision otherwise than in accordance with the development plan.

23. For the reasons given above, the appeal should be dismissed.

*J Smith*

INSPECTOR

---

# Appeal Decision

Site visit made on 8 December 2025

by **E Fawcett BA (Jt Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 January 2026

---

**Appeal Ref: APP/T4210/D/25/3374779**

**84 Holcombe Road, Tottington, Bury BL8 4AY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mrs Sam Clague against the decision of Bury Metropolitan Borough Council.
  - The application Ref is 72186.
  - The development proposed is described on the application form as “rear first floor dormer extension, new front canopy including material upgrades”.
- 

## Decision

1. The appeal is allowed and planning permission is granted for rear dormer, extension of the existing side dormer and front canopy along with cladding to front and rear elevations at 84 Holcombe Road, Tottington, Bury BL8 4AY in accordance with the terms of the application, Ref 72186, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 129BUR 100 (Location plan); 129BUR 101 (Block plan); 129BUR 107 (Proposed site and roof plan); 129BUR 108 (Proposed ground floor plan); 129BUR 109 (Proposed first floor plan); 129BUR 110 (Proposed elevations sheet 1); and 129BUR 111 (Proposed elevations sheet 2).

## Preliminary Matters

2. The description of development on the application form does not include the extension to the side dormer. This is clearly shown on the plans before me and the appellant has acknowledged this in their appeal submission. Therefore, in my decision, I have used the Council’s description from the decision notice as it more accurately describes the proposed development. I am satisfied that the cases of the main parties would not be prejudiced by using this description.

## Main Issue

3. The main issue is the effect of the development on the character and appearance of the appeal property and the surrounding area.

## Reasons

4. The appeal property relates to a detached dwelling situated within a large corner plot fronting Holcombe Road, with access off Oswestry Close. The dwelling is set

back from the highway with the frontage defined by a stone wall and hedgerow, and the side boundary along Oswestry Close by a combination of wall, fence, and gated access. The building is of a varied form, comprising both single and 2-storey elements that respond to a change in land levels. Its external appearance is characterised by white rendered walls beneath a grey tiled roof, punctuated by dormer windows of differing styles, including a distinct curved dormer at the front which gives the property a unique appearance. The immediate locality is predominantly residential in character, with dwellings of mixed age and architectural style, typically finished in stone, render, or brick. This varied built form and palette of materials contributes to the diverse context in which the appeal site is located.

5. The proposal would introduce zinc cladding to the property, including to a significant proportion of the front wall, the curved dormer and a new porch. At the rear of the property, the roof would be extended with a large flat roofed dormer across much of the rear elevation, resulting in a 2-storey elevation that would also be clad in zinc panels.
6. The Council's Supplementary Planning Document 6 (SPD) provides guidance in respect of alterations and extensions to residential properties. It sets out that extensions will not normally be permitted unless they achieve a high standard of design and complement the original building by reflecting its design, massing, scale and finishing materials and do not have a detrimental impact on the character and appearance of neighbouring properties and general street scene.
7. Whilst the appeal property and other dwellings in the vicinity of the site are not finished in similar materials to those proposed, the zinc cladding would complement the existing building which already contains various details in a grey colour, including the roof, windows and doors and the detailing to the front dormer window. Much of the cladding will be largely screened from public viewpoints due to the set back from the highway and the existing boundary treatments, and areas of render would be retained. In combination, these factors mean the alterations will have a subtle and sympathetic impact. The expansive roof slope would remain the most dominant part of the building within the street scene.
8. In respect of the rear extension, in keeping with its secondary status, this would be mostly screened due to existing boundaries, vegetation and the neighbouring property to the rear. Its design, with a sloping tiled roof facing Oswestry Close would minimise views of the cladding to the rear. Whilst its clean lines reflect a more modern approach, the design of the appeal property is already unique within its immediate context, and such alterations would complement its form and add interest. As such, it would achieve a high standard of design in line with the SPD guidance.
9. Furthermore, due to the varied style and age of properties close to the site, the proposal would continue to provide an interesting architectural contrast, thereby avoiding harm to the character and appearance of the host dwelling or the wider area.
10. I conclude that the proposal would not have a harmful effect on the character and appearance of the appeal property or the surrounding area. It would therefore not conflict with saved Policy H2/3 of the Bury Unitary Development Plan (1997) which seeks to ensure that extensions and alterations are considered with regard to the

design and appearance of the proposal and the character of the property and surrounding area.

### **Conditions**

11. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. The Council has indicated agreement to a condition requiring external materials to match those used in the existing building. However, the plans clearly show some materials that are different from those existing, and therefore this would not be reasonable or relate to the development proposed. The Council has not requested that details be provided of the zinc cladding and, as this and the relatively small area of tiled roof are detailed on the approved plans, I do not consider a condition to be necessary in this instance.

### **Conclusion**

12. For the reasons given above, I conclude that the appeal should be allowed.

*E Fawcett*

INSPECTOR