

REPORT FOR NOTING

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	28 July 2026
SUBJECT:	PLANNING APPEALS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	Planning Appeals: - Lodged - Determined Enforcement Appeals - Lodged - Determined
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A

Wards Affected:	All listed
Scrutiny Interest:	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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**Planning Appeals Lodged
between 20/06/2026 and 20/07/2026**



Application No.: 72535/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr & Mrs Ferguson

Location: 5 Chapel Grove, Fernbank, Radcliffe, Manchester, M26 1YP

Appeal lodged: 22/06/2026

Appeal Type: Written Representations

Proposal: Retention of metal fence around the boundary

Application No.: 72985/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: AJ & MH Properties Ltd

Location: 33 Knowsley Street, Bury, BL9 0ST

Appeal lodged: 14/07/2026

Appeal Type: Written Representations

Proposal: Change of use from a 6 bed/6 person HMO (Use Class C4) to a 7 bed/7 person HMO (Sui Generis)

Application No.: 72991/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: BT Group Plc

Location: Pavement outside Chicken Cottage, 1 Market Street, Bury, BL9 0BL

Appeal lodged: 03/07/2026

Appeal Type: Written Representations

Proposal: Installation of 1 no. BT Street Hub Unit with 2 no. digital 75 inch LCD display screens either side of unit

Application No.: 72992/ADV

Decision level: DEL

Recommended Decision: Refuse

Applicant: BT Group Plc

Location: Pavement outside Chicken Cottage, 1 Market Street, Bury, BL9 0BL

Appeal lodged: 16/07/2026

Appeal Type:

Proposal: Advertisement consent for 1 no. BT Street Hub Unit with 2 no. digital 75 inch LCD display screens either side of unit

Application No.: 73145/CONDIS

Appeal lodged: 22/06/2026

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Split Decision

Applicant: Failsworth Property

Location: Land at Westminster Avenue, Radcliffe, Radcliffe, Manchester, M26 3WD

Proposal: Application to discharge condition 7 (landscaping scheme), condition 9 (resurfacing works) and condition 10 (Construction Traffic Management Plan) on planning permission 71464

Total Number of Appeals Lodged: 5

**Planning Appeals Decided
between 20/06/2026 and 20/07/2026**



Application No.: 71464/FUL

Decision level: COM

Recommended Decision: Approve with Condition

Applicant: Failsworth Property

Location: Land at rear of Westminster Avenue, Radcliffe, Manchester, M26 3WD

Proposal: Erection of 14 garages - 2 identical blocks of 7 units each

Appeal Decision: Dismissed

Date: 07/07/2026

Appeal type: Written Representations

Application No.: 72414/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr Asim Humza

Location: 65A Windsor Road, Prestwich, M25 0DB

Proposal: Change of use from shop to restaurant/coffee shop (Class E(b)) including retention of front canopy with the installation of new extractor system at side and AC unit at rear

Appeal Decision: Dismissed

Date: 14/07/2026

Appeal type: Written Representations

Application No.: 72495/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr & Mrs S O Gara

Location: Land adjoining Plane Trees Farm, Bradley Fold Road, Radcliffe, Bolton, BL2 5QR

Proposal: Erection of stables and menage

Appeal Decision: Dismissed

Date: 10/07/2026

Appeal type: Written Representations

Application No.: 72498/PIP

Decision level: DEL

Recommended Decision: Refuse

Applicant: Cornell Group

Location: Land off Bentley Lane, Bury, BL9 6RZ

Proposal: Application for permission in principle for erection of up to 9 no. dwellings

Appeal Decision: Allowed

Date: 26/06/2026

Appeal type: Written Representations



Appeal Decision

Site visit made on 30 June 2026

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th July 2026

Appeal Ref: 6007933

Land to the rear of Westminster Avenue, Radcliffe, Bury M26 3WD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Mr Ian McDonald, Failsworth Property, against the decision of Bury Council.
- The application Ref 71464 was approved on 22 October 2025, and planning permission was granted subject to conditions.
- The development permitted is Erection of 14 garages – 2 identical blocks of 7 units each.
- The condition in dispute is No 9 which states that:

Notwithstanding the details indicated on the approved plans, no further development shall commence unless and until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

 1. Scheme of carriageway resurfacing works on the proposed site access between the junction with Westminster Avenue and the proposed gate position, and all associated remedial/accommodation works;
 2. Measures to prevent the discharge of surface water from the site and site access onto the adjacent adopted highway.

The highway works subsequently approved shall be implemented to an agreed programme before the development hereby approved is brought into use.
- The reason given for the condition is:

To ensure good highway design and the intervisibility of the users of the site and the adjacent highway in the interests of road safety and to maintain the integrity of the adopted highway

Development Plan Policies EN1/2 – Townscape and Built Design, JP-C5 – Streets for All, JP-C6 – Walking and Cycling, JP-C8 – Transport Requirements of New Development and JP-P1 – Sustainable Places.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The laying of hard-surfacing means that the development has been partially carried out. Therefore, this appeal is being considered under section 73a of the Town and Country Planning Act 1990 (as amended).

Background and Main Issue

3. Planning permission was granted on 22 October 2025 for the erection of 14 garages within the appeal site comprising two blocks of 7 units arranged either side of a courtyard. This was subject to a number of conditions, including condition 9, which requires a scheme of carriageway resurfacing works and measures to prevent the discharge of surface water from the site and site access onto the adjacent adopted highway. The appellant now seeks to remove this condition.

4. The main issue is therefore whether the condition is reasonable or necessary in the interests of highway safety and highway design.

Reasons

5. Policy JP-C5 of Places for Everyone¹ requires well designed and managed streets adopting a Streets for All approach. This includes maximising the ability of pedestrians to navigate easily and safely, amongst other things. Policy JP-C8 requires new development to be designed to enable and encourage walking and requires appropriate connectivity to the existing highway network and surrounding built environment, alongside other criteria.
6. Policy EN1/2 of the Bury Unitary Development Plan (1997) affords favourable consideration to proposals that do not have an adverse effect on the design and appearance of access, parking and service provision. Policy JP-P1 and JP-C6 of Places for Everyone, require places to be functional and convenient, safe, attractive and easy to move around, amongst other things.
7. The appeal site was formerly used as a garage colony. The planning permission is to reinstate garage blocks within the site, making use of the existing access. The site access crosses over the public footway and adjoins the carriageway of Westminster Avenue at a splayed access point. The access is tarmac and demarcated with kerb stones. There is a dropped kerb at the pavement crossover, allowing for near-level access for pedestrians over the access surface.
8. Although the appellant asserts that the access is unchanged and in a reasonable condition, I observed during my site visit that the surface is in a poor state of repair at the access point, and in the vicinity of the crossover. This has resulted in a pitted and uneven surface. As such, the ability of pedestrians to navigate easily and safely has been diminished and connectivity has been eroded. This is particularly the case for the visually impaired or less-abled bodied. Moreover, its deleterious condition contrasts harmfully with the smoother surface and higher visual quality of the adjacent footpath and amenity grassland.
9. It is unclear if the number of garages that were present on the site when it was in active use, was 17 or 20, however the site has not been in active use for a number of years. The appellant advises that the use ceased in 2019, but also that it was overgrown at that time. The Council state that it was a green vegetated area, as long ago as 2005.
10. Regardless of the length of time it has not been in active use, or the number of garages that were present, vehicular comings and goings will increase from the present number. This would be at least during construction of the garage blocks, and during the period when they become occupied. It is also reasonable to consider that the garages would have regular use, given that interested parties at the application stage, stated that there was a local demand. These comings and goings over an already dilapidated surface are highly likely to cause further wear.
11. The site itself has recently been hard surfaced. There is nothing before me to indicate that surface water from the site will not flow into or pool within the access or highway, including the pavement crossover point. Such occurrences would impede connectivity for pedestrians and reduce the quality of the walking route.

¹ Places for Everyone, Joint Development Plan for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan, 2022-2039, adopted 21 March 2024.

They would also be likely to compromise the effectiveness of the highway to reduce safety issues, such as vehicles skidding or spraying water.

12. The appellant contends that the application did not seek to re-surface the site access. Paragraph 56 of the National Planning Policy Framework (the Framework), is clear that consideration should be given to whether otherwise unacceptable development could be made acceptable through the use of planning conditions. The access forms part of the planning application site boundary, and its use is required in order to access the public highway.
13. To delete the disputed condition would mean that the surface of the site access could remain in a poor condition without incentive to repair it. Its condition may decline further when the site is actively used. There is also nothing before me to indicate that surface water will not discharge onto the public highway. The condition is therefore necessary, reasonable and relevant to the development, and accords with Policies JP-P1, JP-C5, JP-C6 and JP-C8 of Places for Everyone, and Policy EN1/5 of the Bury Unitary Development Plan.

Conclusion

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

E Heron

INSPECTOR

Appeal Decision

Site visit made on 23 June 2026

by K Mee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2026

Appeal Ref: 6008647

65A Windsor Road, Prestwich, Bury M25 0DB

- 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 Asim Humza against the decision of Bury Metropolitan Borough Council.
- The application Ref is 72414.
- The development proposed is the change of use from shop to restaurant/coffee shop (Class E(b)) including retention of front canopy with the installation of new extractor system at side and AC unit at rear.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted on 20 February 2024¹ for the temporary use as a restaurant (Class E) for a period of 12 months. The permission included a condition requiring customer use of the front canopy area to cease by 7:30pm.
3. The Council amended the description of development during the consideration of the application to one which more accurately describes the various elements of the proposal. I have taken the description above from the decision notice, which also appears in the appeal form. I am therefore satisfied that the main parties would not be prejudiced by use of the above description. I have determined the appeal accordingly.
4. The application form states that the development has already been completed. At the time of my site visit, the use was operating and a front canopy, extractor system and air conditioning (AC) unit were in place. However, the canopy installed includes additional solid vinyl panels on 3 sides, mounted on roller mechanisms, which are not shown on the submitted drawings and the extractor system also differs from that shown. For clarity, I have determined the appeal on the basis of the development as shown on the submitted drawings.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the proposed development on the living conditions of neighbouring residents with regard to noise and disturbance.

¹ LPA Reference 70340

Reasons

Character and Appearance

6. The appeal property occupies the end of a parade of commercial units characterised by a consistent rhythm of flush-fronted façades with ground floor shopfronts and fascia signage above, some with enclosed forecourts defined by low-level metal railings. Whilst some units retain commercial use across both floors, many have been converted at first floor level to separate residential accommodation. The commercial units comprise a mix of uses compatible with a residential context, the majority operating during daytime hours. The surrounding area is predominantly residential, comprising mainly traditional semi-detached dwellings.
7. The black metal canopy to the front elevation, incorporating a tinted glass balustrade to three sides, would be set on a raised platform projecting prominently from the façade of the building to the back edge of the pavement, facilitating outdoor seating. At the time of my visit, 4 tables and 8 seats were in place with lighting affixed to the underside of the canopy. The ground floor extractor system, incorporating a ventilation grille on the side elevation, would not be visually intrusive, and the rear AC unit would not be visible from public vantage points.
8. The scale, materials, means of enclosure and elevated form of the front canopy would result in an incongruous addition that draws the eye, particularly given the uniform, flush frontage of the parade and the predominantly residential character of the area.
9. The appellant suggests that the visual impact of the canopy could be mitigated through additional planters or green screening. However, no detailed proposals are before me and, in any event, such measures would not overcome the canopy's significant projection or its incongruous appearance in the local context.
10. Consequently, I find that the proposed development would materially harm the character and appearance of the surrounding area. It would therefore be contrary to Policy EN1/2 of the Bury Unitary Development Plan (August 1997) (the UDP) which seeks to protect the character and townscape from adverse impacts, having regard to the design, external appearance, choice of materials and relationship to the surrounding area of new development.

Living Conditions

11. The appeal site occupies a ground floor business unit with separate residential accommodation on the upper floor and is located in a predominantly residential area.
12. The proposal would introduce a covered outdoor seating area, enabling patrons to gather, converse and dine outside. Whilst relatively modest in scale, it could accommodate several people, and associated noise, including raised voices, would be perceptible, particularly in the early evening when background road noise is reduced.
13. The extractor system would be located on the side elevation, in close proximity and directly facing the neighbouring dwelling at 63b Windsor Road which has two openable windows at first floor level. Furthermore, the AC unit would be sited on

the rear elevation at first floor level directly between an entrance door and openable window for the existing flat above.

14. The proposed opening hours would be until 9pm. The nature of the canopy's use, with customers arriving, departing and socialising in small groups, would give rise to increased noise and disturbance, resulting in harm to the living conditions of nearby residents, particularly in the evening when residents would reasonably expect a quiet environment. This harm would be exacerbated in warmer months, when the canopy is more likely to be used and neighbouring occupiers are more likely to have windows open. This impact is further heightened by the site's location within a parade that is otherwise predominantly characterised by daytime uses.
15. The use has been operating for a period of time following the granting of a temporary permission². Objections have been received, even though the use of the canopy area was restricted until 7:30pm within the temporary permission, indicating potential harm to living conditions arising from noise associated with the business, including use of the front canopy, extraction system and AC unit. However, the appellant has failed to provide a noise assessment in support of the proposal or any technical information relating to the AC unit.
16. In the absence of any robust assessment or supporting technical evidence (other than limited information relating to the extractor system), I am unable to conclude that noise impacts would not be harmful to the living conditions of neighbouring residents. There is no information on noise levels above background or on the timing of potentially harmful effects. Consequently, even with the proposed limit on the use of the outside seating area to between 7am to 7pm, the appellant has failed to demonstrate that harm would not arise, and this would be difficult to enforce given the premises would be open until 9pm.
17. Consequently, in the absence of an acoustic assessment and any associated mitigation measures, on the evidence before me the development would be materially harmful to the living conditions of neighbouring residents with regard to noise and disturbance. It would therefore be contrary to Policies S2/6, EC4/1 and EN7/2 of the UDP which together, and amongst other things, seek to protect the amenity of residents.

Other Matters

18. The appellant identifies a range of benefits, including the provision of a livelihood for the operator, the occupation of a previously vacant unit, support for the local economy, increased footfall benefiting neighbouring businesses, an expanded range of services for local residents including a communal space for socialising, a dog-friendly space and has resulted in positive customer feedback. Nevertheless, there is no substantive evidence before me to demonstrate that the use could not operate in an alternative form without the elements that give rise to the identified harms and I give them only limited weight. These considerations do not therefore alter my conclusion.
19. I acknowledge the Council have not raised concerns with regards to highway safety or parking. However, while I have no reason to conclude otherwise, these are neutral matters which do not weigh in favour of allowing the appeal.

² LPA Reference 70340

Conclusion

20. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal should be dismissed

K Mee

INSPECTOR

Appeal Decision

Site visit made on 30 June 2026

by E Heron MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2026

Appeal Ref: 6006642

Land adjoining Plane Trees Farm, Bradley Fold Road, Ainsworth BL2 5QR

- 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 and Mrs S O Gara against the decision of Bury Council.
 - The application Ref is 72495.
 - The proposed development is described as 'Proposed stables and menage.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would be inappropriate development in the Green Belt with regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on highway safety; and
 - whether harm by reason of inappropriateness, and any other harm is outweighed by other considerations, so as to amount to very special circumstances required to justify the development.

Reasons

Whether Inappropriate Development

3. The appeal site is within the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of the Green Belt being their openness and permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions including those set out in paragraph 154.
4. Paragraph 154 b), allows for the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries, 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.

5. Policy OL1/2 of the Unitary Development Plan¹ (UDP), broadly reflects the requirements of paragraph 154 b) of the Framework, but states that facilities must be essential, rather than appropriate. As this pre-dates the provisions of the Framework, I attach more weight to the tests set out within the Framework. There appears to be no dispute that the development would be an appropriate facility for outdoor recreation.
6. To comply with paragraph 154 b) an assessment must also be made as to whether the development would preserve the openness of the Green Belt and whether it would conflict with the purposes of including land within it. The Council has not raised a conflict with Green Belt purposes, but in its officer report has found harm in relation to openness. Accordingly I have limited my assessment to that of openness.
7. Openness has spatial and visual aspects and can take account of activity. The appeal site is an open and undeveloped grassed field sloping from north to south that merges with the adjoining open land, with little separating it from fields to the east other than hedgerows. There are localised views towards the site from Bradley Fold Road and Bury and Bolton Road, and longer distance views from further south, interrupted by hedges and trees.
8. The development would not be adjacent to the building group to the north. It would be visually and spatially isolated from it and would be set apart from the nearest field boundaries. When viewed from the south, the space around the stable building would be particularly apparent, due to a combination of the building's volume and massing, the openness of the land, and the height difference between it and the nearest building group. It would introduce built development into an isolated open space.
9. The horse arena would have negligible volume and massing, would not be lit, and the post and rail fencing would be open aspect. As such it would not harm Green Belt openness. I also note the Council has not raised a concern in this respect. Nonetheless, there would be a low degree of harm to the openness of the Green Belt, taking account of the low-profile form of the stable building. This harm would not preserve the openness of the Green Belt. As the proposal fails this test, it is not necessary for me to further consider whether the proposal conflicts with the purposes of including land within the Green Belt.
10. Accordingly, the stable building would not fulfil the requirements of paragraph 154 b) of the Framework, and it would be inappropriate development in the Green Belt. Moreover, its harm to openness would conflict with the requirements of Policy JP-G9 of Places for Everyone, which states that the beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, amongst other things.

Character and Appearance

11. Policy OL4/7 of the UDP allows for development involving horses where it would not adversely impact on the appearance of rural areas. Policy JP-G1 states that within Landscape Character Areas development should reflect and respond to the special qualities and sensitivities of key landscape characteristics, including topography, views and perceptual qualities, amongst other things.

¹ Bury Unitary Development Plan, 'Creating a Brighter Borough,' Adopted Plan (1997)

12. Details of the wider Landscape Character Area are not before me. However, from a localised perspective the context is rural. Hedge-lined, spacious fields prevail, with sporadic but generally tight-knit, building groups leading from roads and lanes. Views across the site and wider field are afforded from the south, with more fleeting views along Bradley Fold Road to the west.
13. The stable would comprise a large U-shaped building with lengthy elevations, resulting in a visually prominent form. Its isolated position, removed from existing buildings and boundary features, would accentuate its presence within the landscape. SPD10² advises that stables are preferably sited adjacent to existing buildings or close to boundaries. By contrast, the proposed stable would appear detached and incongruous, increasing its harmful visual impact.
14. The appellant asserts that limited weight should be afforded to the guidance in the SPD10. SPD10 supports the policies of the UDP. The Framework is clear that Supplementary Planning Documents are capable of being a material consideration in planning decisions, even though they are not part of the development plan.
15. The stables would incorporate a shallow profile, sheet roof and simple timber walling. Windows and rooflights would provide natural light to what would otherwise be dark stables, leading from a central unlit space. As such the design of the building would be functional, rather than domesticated. The elevation which incorporates most windows and the rooflights faces north and would not be widely visible from outside of the site. Moreover, the post and rail fence around the horse arena, would be harmonious with the rural character of the surroundings. I am also satisfied that the arena's surface colour would be a matter reasonably dealt with by way of planning conditions.
16. Nevertheless, I conclude that the stables, by way of their siting and size, would have a harmful effect on the character and appearance of the area, and would conflict with the relevant provisions of Policies OL4/7 of the UDP, and Policy JP-G1 of Places for Everyone³. It would also conflict with Policy EN1/2 of the UDP, which is favourable towards development that does not have adverse effects on local character, amongst other things.

Highway Safety

17. Policy JP-C8 of Places for Everyone, requires safe and convenient access to sites for all users, ensuring appropriate connectivity to the existing highway network, and to make adequate provision for car parking, amongst other things.
18. I observed during my site visit that the access joins the highway at a bend in the road and that visibility in both directions is restricted. As such, use of the access would be hazardous due to the higher likelihood of conflict between vehicles, and I note similar observations were made by the highway authority consultee. The issue would be particularly acute for vehicles pulling trailers that are more likely to be moving slowly and potentially use more of the highway to manoeuvre.
19. The Council did not request access design details; however the access is existing and no design changes are proposed to it. I am also mindful that the use would not be commercial. The appellant asserts that the site is already used for grazing,

² Development Control Policy Guidance Note 10, 'Planning for Equestrian Development', adopted 10th January 2007.

³ Places for Everyone, Joint Development Plan for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan, 2022-2039, adopted 21 March 2024.

such that use of the access would be reduced, as horses would not need to leave the site for shelter or exercise.

20. Even so, the proposal is for five stables and a horse arena, on a site where there is currently no development. It is unclear, how many horses graze the site and the associated vehicle trips. It is also unclear as to the number of horses that would be kept on the site as a result of the development. The officer report refers to four horses on the land and two more owned by the appellant. The appellant refers to the stables being capable of accommodating five.
21. There is also no robust evidence to demonstrate that vehicle trips would significantly reduce or indeed stay the same. The lack of existing baseline data means it is not possible to make a comparison, and there is little evidence beyond an assertion that horses are less likely to be taken from the site due to the size of the land, and the proposed facilities. I am not persuaded that this would be the case, as travel may be required for vet visits, treks or events elsewhere.
22. The appellant states that there have been no highway safety issues to date, and I have no reason to disagree. Yet this relates to the existing use. The evidence does not persuade me that this is directly comparable to the proposal. I have also considered whether access details and visibility splays could be secured by way of planning condition. Due to the telemetry of the road and the access position, I am not persuaded that such details would be sufficient to overcome the highway safety concern.
23. The proposed drawings do not indicate parking or manoeuvring space within the site. The site is large enough to accommodate these requirements, far enough from the site's access without requiring vehicles to reverse into, park, or wait on the highway. I am also satisfied that the details of these space requirements could be dealt with by planning condition.
24. Policy JP-S4 of Places for Everyone expects developments to manage surface water run-off through sustainable drainage systems and as close to source as possible. There are no details of surface water drainage before me. However, the development is a significant distance from the highway, surrounded by grass, and the arena's surface would be permeable. In the absence of evidence to the contrary I am satisfied that such details can be agreed by way of a condition of planning permission. Even so, vehicles would still be required to utilise the existing access on to the highway, and I have already found the visibility to be inadequate.
25. Accordingly, I conclude that the development would have a harmful effect on highway safety. It would conflict with the relevant provisions of Policy JP-C8 of Places for Everyone. It would also conflict with Policy JP-C5 of Places for Everyone, which adopts a Streets for All approach, including ensuring streets are welcoming for all. It would also fail to accord with paragraph 116 of the Framework due to the unacceptable impact on highway safety.
26. The Council cites Policy EN1/2 in its reasons for refusals relating to highway safety and car parking provision. As the policy concerns itself with design and character, I identify no conflict with it.

Other Considerations

27. The proposal amounts to inappropriate development in the Green Belt that would result in a loss of openness. It would also harm the character and appearance of the area and would be detrimental to highway safety. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be allowed except in very special circumstances. 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.
28. The development is capable of meeting the requirements for 10% biodiversity net gain, by way of details submitted to discharge the statutory biodiversity gain condition. The stable building would incorporate energy efficiency measures such as roof insulation and locally sourced timber, amongst other things. These are modest benefits given the small extent of development
29. Due to the intervening distances between the development and residential dwellings, there would be no harm to the living conditions of neighbouring occupiers. I am advised that Plane Trees Barn is included on a draft local list of buildings of special architectural or historic interest. I am satisfied that the development would not adversely affect its significance through development in its setting, due to the aforementioned distances and the extent of development proposed. These are neutral factors that weigh neither for nor against the proposal.
30. The appellant refers to three appeal decisions within its Planning Statement. These were dismissed, and the case made by the appellant is that the appeal proposal differs from them. I have no details, such as the site context or proposals before me. I am therefore unable to assess whether the cases are comparable, and this limits the weight I can attribute to them.
31. The benefits attract modest weight in favour of the proposal. Therefore, the other considerations are not sufficient to clearly outweigh the totality of harm I have identified, including the substantial weight afforded to Green Belt harm. The very special circumstances needed to justify the development do not exist and the proposal conflicts with the Framework.

Other Matters

32. There is some dispute as to the post-planning permission requirements for Biodiversity Net Gain. I have not pursued this further with the parties given my other fundamental concerns.

Conclusion

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

E Heron

INSPECTOR



Appeal Decision

Site visit made on 18 June 2026

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 June 2026

Appeal Ref: 6006965

Land off Bentley Lane, Bury BL9 6RZ

- 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 Jamie Unsworth against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 72498.
 - The development proposed is erection of up to 9 no. dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of up to 9 no. dwellings at Land off Bentley Lane, Bury BL9 6RZ, in accordance with the terms of the application Ref 72498.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. The appeal has been accompanied by a Noise Note prepared by the appellant, to support the appeal. Critically, this note was not before the Council at the application stage of the proposal. I cannot be assured that this submission has been reviewed by all parties with an interest in this appeal. This is tantamount to the submission of new information. The Planning Inspectorate Appeals' Procedure Guide makes it clear in chapter 16 that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council. I have not therefore considered this new information in this appeal as it would prejudice the Council, its decision and any interested parties. I have judged the appeal on the evidence which the Council made its decision on.

Main Issue

5. The main issue is whether the location, proposed use, and amount of development are appropriate for residential development, with specific regard to whether the proposed development would make optimal use of the potential of the appeal site.

Reasons

Amount

6. Policy JP- H4 of the Places for Everyone Joint Development Plan 2024 (PFE) sets out the requirements in respect of the density of new housing developments. In a location such as this, proposals are expected to deliver a minimum housing density of 35 dwellings per hectare. Chapter 11 of the National Planning Policy Framework (the Framework) is concerned with making effective use of land. Critically at Paragraph 130, it notes that it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site, stating at point C of that paragraph that applications should be refused where they fail to make an efficient use of land.
7. As noted, the site is expected to achieve a minimum density of 35 dwellings per hectare. With an area of approximately 0.64 hectares, a proposal for up to 9 dwellings would equate to around 14 dwellings per hectare, significantly below the requirement of Policy JP-H4 of the PFE. However, the policy allows for lower densities where justified by local housing market conditions or site-specific constraints, including design context and potential impacts on the wider landscape or townscape.
8. The appeal site is located to the north of Bentley Lane and is bound by the M66 motorway along a significant portion of its edge. The presence of the motorway is a key constraint. It would require the layout and design of any development to mitigate the potential noise impacts from the motorway on its future occupants. It would likely necessitate the positioning of dwellings away from this boundary. In addition, the site has a steep gradient rising from the M66 towards Bentley Lane. Without substantial excavation, the sloping topography would require careful design to ensure that any proposed dwellings can be appropriately accommodated and meet the necessary technical considerations at the detailed application stage, particularly in relation to character and appearance and living conditions. The presence of trees at various points along the boundary further add to these constraints overall too.
9. The wider townscape context is also relevant. The immediate area surrounding the site comprises individual or small groups of properties dispersed along Walmersley Old Road and Bentley Lane, giving it a village-like character distinct from the higher-density development further south. This location represents a transition from the built-up area to the countryside, where a lower density of development would be characteristic and appropriate. While a more recent, denser housing development is visible further to the south of Walmersley Old Road, it sits within an area characterised by closely arranged estate development. In contrast, the appeal site lies within a more spacious, village-like setting, where properties are more dispersed. This results in a greater sense of openness and supports a prevailing lower-density character of the area.

10. Together, these site constraints indicate that the physical characteristics of the appeal site would constrain the buildable area of the appeal site, and would therefore necessitate a lower dwelling density. Furthermore, a higher density scheme would risk appearing incongruous and uncharacteristically intensive within the local context.
11. Concern has been raised that, as the application was submitted under a Permission in Principle stage 1 application, where a range between 1 or 9 dwellings could be provided, that at stage 2, a final number of dwellings may come forward that is lower than the maximum range of 9 given in this application. As such, this would create an even lower density than the maximum density that would be created with 9 dwellings of 14 dwellings per hectare. This appeal relates to a stage 1 Permission in Principle application. In considering the technical details at stage 2, it would be for the determination of the Council if any number less than 9 dwellings would be appropriate, when the technical details of the scheme are before them.
12. Given the aforementioned considerations, I do not consider that the proposed development, taking into account the specific site constraints and surrounding design context observed during my site visit, would be at an inappropriately low density for this location. I therefore find no conflict with Policy JP – H4 of the PFE on this matter, the relevant provisions of which I have set out above. I also find no conflict with Paragraph 130 of the Framework which seeks to ensure that development makes efficient use of land, while taking into account, among other things, the identified need for different types of housing, and the desirability of maintaining an area's prevailing character and setting.

Location and proposed use

13. The appeal site lies within the Green Belt, where the Framework identifies the construction of new buildings, including residential dwellings, as inappropriate development. However, consistent with the Council's reasoning, the site is considered to fall within the definition of Grey Belt land. In line with Paragraph 155 of the Framework, the Council considers that the proposed development would not fundamentally undermine the purposes of the wider Green Belt. There is also an identified unmet need for the type of development proposed, and the site's location, approximately a 10-minute walk from Walmersley centre, makes it accessible in principle.
14. In reaching these conclusions, the Council determined that the appeal site falls within the definition of Grey Belt land and satisfies the requirements of Paragraph 155 of the Framework. Having reviewed the officer's assessment, I find no compelling reason to depart from these conclusions. Accordingly, the appeal site's location and proposed use are acceptable in principle.

Other Matters

15. Representations have been made by interested parties. Many of the issues raised, including impacts upon wildlife, living conditions, highway safety, and access, are technical matters that can only be fully assessed at the technical details stage, when supporting information is provided, as per the requirements of a permission in principle application route. It is therefore not possible to reach definitive conclusions on these matters at this stage. Comments have been raised that suggest that crime is undertaken under the M66 motorway bridge, a short distance

from the appeal site. There is no evidence to substantiate this claim, nor is it the responsibility of the planning system to deal with such matters away from the appeal site. Impacts on private views or property values are not material planning considerations.

16. It is acknowledged that up to 9 dwellings would not, in isolation, address the wider shortfall in housing supply, whether that be at a local or national level. However, as the Council cannot demonstrate a five-year supply of deliverable housing as required by the Framework, the proposal would make a small contribution towards meeting Bury's identified housing need.
17. During the appeal, reference was made to the right to fair treatment under the Equality Act 2010. This legislation establishes the Public Sector Equality Duty (PSED) under Section 149, which applies to the exercise of my functions. The PSED requires due regard to three aims. These are eliminating discrimination, harassment, victimisation, and other prohibited conduct, advancing equality of opportunity and fostering good relations between individuals with and without protected characteristics. I have given due regard to these requirements. There is no evidence to suggest that the individual concerned would be subject to unlawful discrimination as a result of my decision based on any protected characteristic.

Conditions

18. The PPG indicates that it is not possible to impose conditions as the terms of any permission in principle must only include the site location, type of development and amount. Without having to specify such by way of a condition, the default duration of permission in principle is 3 years, with any Technical Details Consent application to be determined during this period.
19. The Council have requested that informatives are placed on the decision, in the event that I were to allow the appeal. The Planning Inspectorate does not use informatives in their decisions. These are matters that must form the basis of considerations at the technical details stage application.

Conclusion

20. For the reasons set out above, in having regard to its location, the proposed land use and the amount of development, I conclude that the appeal should be allowed.

J Smith

INSPECTOR