

REPORT FOR NOTING

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	01 SEPTEMBER 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 21/07/2026 and 20/08/2026**



Application No.: 72978/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mrs Lorraine Mitchell

Location: Westgate, 339 Manchester Road, Ramsbottom, Bury, BL9 5NA

Appeal lodged: 24/07/2026

Appeal Type: Written Representations

Proposal: Creation of new front driveway including formation of vehicular crossing over the pavement

Application No.: 72985/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: AJ & MH Properties Ltd

Location: 33 Knowsley Street, Bury, BL9 0ST

Appeal lodged: 27/07/2026

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.: 73090/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Rachel Hankinson

Location: Land to rear of 354 Manchester Road, Bury, BL9 9NR

Appeal lodged: 06/08/2026

Appeal Type: Written Representations

Proposal: Erection of 1 no. dwelling

Application No.: 73159/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Prestwich BH Ltd

Location: 72-74 Kings Road, Prestwich, Manchester, M25 0LN

Appeal lodged: 07/08/2026

Appeal Type: Written Representations

Proposal: Change of use of 72 Kings Road from residential dwelling (Class C3) to synagogue (Class F1(f)); two storey side extension to link to existing synagogue at 74 Kings Road and external alterations

Total Number of Appeals Lodged: 4

**Planning Appeals Decided
between 21/07/2026 and 20/08/2026**



Application No.: 72260/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Christine Gill

Location: Hilsden Farm Stables, Ringley Road West, Radcliffe, M26 1DW

Proposal: Application for permission in principle for erection of up to 4 no. dwellings

Appeal Decision: Dismissed

Date: 17/08/2026

Appeal type: Written Representations



Appeal Decision

Site visit made on 14 July 2026

by K Mee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2026

Appeal Ref: 6007316

Hilsden Farm, Radcliffe, Bury M26 1DW

- 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 Christine Gill against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 72260.
 - The development proposed is described as: construction of up to 4 dwellings.
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Decision

1. The appeal is dismissed.

Background and 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 route has 2 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 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. Drawing Ref: 22/107/C01 shows a concept site layout and elevations, and I have considered these as indicative only.
4. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for up to 4 dwellings.

Main Issue

5. Given the above, the main issue is whether the site is suitable having regard to its location, proposed land use and the amount of development, in relation to:
 - whether the proposal would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, and the effect on openness;
 - whether the amount of development proposed would represent an efficient 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 very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

6. The appeal site is located within the Green Belt. The Framework states that 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. Development in the Green Belt is inappropriate unless one of the exceptions stated in the Framework applies. The appellant asserts that the proposal would meet the exceptions set out under paragraphs 154g) and 155 of the Framework.

Whether previously developed land

7. The exception under Paragraph 154g) of the Framework allows for the partial or complete redevelopment of previously developed land (PDL), including a material change of use to residential, which would not cause substantial harm to the openness of the Green Belt.
8. The Framework defines PDL as 'land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)'.
9. From the evidence before me and my site visit, the appeal site contains a range of existing development, including stables, portable buildings, storage containers, manège, hardstanding and access tracks, although a significant proportion remains open and vegetated. The buildings are modest in scale, and the site is only partially enclosed by low-level open fencing. As a result, it retains an open character that reflects the surrounding fields and prevailing agricultural landscape.
10. The presence of permanent buildings, together with access tracks and manège, means that part of the site clearly comprises PDL. This remains the case notwithstanding the presence of some temporary structures and the fact that a significant proportion of the site is open and appears not to have been previously developed.
11. Whilst the definition of PDL includes land within the curtilage of the developed land, the extent of any such curtilage in this case is uncertain. No substantive evidence has been provided to establish its extent, and my site inspection did not resolve the matter. In particular, the enclosed paddock to the north-west of the manège shows no apparent evidence of previous development. Moreover, the southern and western boundaries are not physically defined, with vegetation blending into the adjoining field and surrounding land. Accordingly, I cannot be satisfied as to the extent of the curtilage associated with the PDL, nor that it encompasses the appeal site in its entirety.
12. Turning to openness, this is an essential characteristic of the Green Belt. It can be perceived both spatially and visually. At this stage my assessment relates to the principle of the site for residential development, and does not include details such as height, massing, scale and design, which are to be considered at the technical

details stage. From my site visit, I observed that development on the appeal site comprises a limited number of modestly scaled buildings, including temporary buildings, together with informal hard surfacing to access tracks, a manège and some low-level open fencing. The remainder consists of open, vegetated land.

13. Spatially, the proposal would introduce a substantially greater built presence. Whilst the proposed dwellings are indicatively shown as single storey, they would likely exceed the height of much of the existing low-profile development on the site. Moreover, the proposed housing, access road, driveways and associated domestic features, including boundary treatments, parked vehicles and garden paraphernalia, would result in a markedly more urbanising form of development than the existing equestrian use, which is characteristic of a rural setting. Despite its setback from the highway, the open character and topography of the surrounding landscape would render the proposed development readily visible from a variety of public and private vantage points.
14. Consequently, the proposal would diminish the openness of the Green Belt in both visual and spatial terms. Given the uncertainty surrounding the extent of the curtilage associated with the PDL, and the conspicuous urbanising effect of the proposed development within an otherwise open rural landscape, I find that the proposal would result in substantial harm to openness. Accordingly, the proposal would not satisfy the exception under paragraph 154g) of the Framework.

Whether grey belt land

15. Paragraph 155 of the Framework advises that the development of homes in the Green Belt should not be regarded as inappropriate where 4 criteria are met, including a) where it would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area, b) where there is a demonstrable unmet need, c) where the development would be in a sustainable location considering paragraphs 110 and 115 of the Framework and d) where applicable the 'Golden Rules' are met.
16. With regard to criterion a), the main parties dispute whether the appeal site comprises grey belt land. The Framework defines grey belt land as land that does not strongly contribute to any of purposes a), b), or d) in paragraph 143. These are: a) to check the unrestricted sprawl of large built-up areas, b) prevent neighbouring towns merging into one another, and d) preserve the setting and special character of historic towns.
17. The main parties agree that the appeal site does not strongly contribute to purposes b) or d) and I see no reason to disagree. However, the dispute arises with regard to purpose a).
18. From the evidence before me and my site visit, although the appeal site contains a range of existing development, including stables, storage buildings and containers, manège, hardstanding and access tracks, a significant proportion remains open and vegetated. The limited enclosure provided by low-level open fencing allows the site to retain an open character that reflects the surrounding fields and prevailing agricultural landscape.
19. The main parties agree that the appeal site forms part of a wider parcel of land, referred to as BU-BA46 in the Greater Manchester Green Belt Assessment 2016 (GBA). It is located south of the A667 and is accessed via a track at the end of a

row of dwellings. Whilst a relatively modern housing estate lies on the opposite side of the A667, with a country park beyond, the character of the area to the south of the A667 is predominantly rural. Aside from the existing ribbon of dwellings, the surrounding landscape is characterised by open fields, interspersed with occasional farms and associated buildings, resulting in a largely open countryside character.

20. It is not disputed by the main parties that the GBA identifies the wider parcel of BU-BA46 as playing a strong role in inhibiting ribbon development south along the A667. However, in this respect I have also had regard to the cited appeal decision which concludes that when considering the contribution that land makes to the relevant Green Belt purposes, the emphasis should be on the land where the development would take place rather than the wider area within which it lies. As a result, the focus of this appeal should similarly be on the role of the site and whether it comprises grey belt land, rather than on the wider role of parcel BU-BA46.
21. The PPG sets out a number of considerations relevant to assessing the contribution of land to Green Belt purpose a). Although the site is not free from existing development, it is surrounded by open fields and lacks nearby physical features capable of restricting and containing further development. Furthermore, it is adjacent or near to a large built-up area and, if developed for residential purposes, would result in an incongruous pattern of development. I therefore find that the land makes a strong contribution to preventing urban sprawl.
22. Turning to criterion b), there is no dispute between the parties that the Council cannot demonstrate a 5-year supply of deliverable housing land. Consequently, there is an unmet need for housing in the area, and the proposal would comply with this requirement.
23. Criterion c) requires development to be in a sustainable location having regard to paragraphs 110 and 115 of the Framework. The main parties do not dispute that the site is within a sustainable location. Based on the evidence before me, and my site visit, I concur on this matter.
24. Criterion d) requires the application of the 'Golden Rules', however, these only apply to major development. Consequently, given the scale of the proposal, criterion d) is not pertinent to the appeal proposal.
25. Therefore, whilst criteria b) and c) would be met, and criterion d) is not necessary to be complied with in this case, I find that the site would not comply with the requirements of criterion a) set out under paragraph 155 of the Framework and would not meet with this exception to inappropriate development.
26. From the evidence before me, I have no reason to conclude that the proposed development would meet any of the other exceptions set out in the Framework and therefore the proposal would amount to inappropriate development in the Green Belt. This would be contrary to the Framework referred to above, unless very special circumstances (VSC) have been demonstrated. I will return to this matter later in my decision.

Amount of Development

27. Policy JP-H4 of the Places for Everyone Joint Development Plan Document 2022-2039 (March 2024) (the DPD) sets out the expectations on minimum net density for new residential development in this type of location, requiring at least 35 dwellings per hectare (dph). The appeal site has an overall site area of around 0.48ha, or 0.4ha if the access road is excluded, with up to 4 dwellings proposed. Overall, this would represent a density of around 8.3 dph, or 10 dph if excluding the access road.
28. The proposal would therefore be substantially less than that normally sought by the development plan, which the Council considers would represent an inefficient use of land. However, Policy JP-H4 of the DPD also states that lower densities may be acceptable where they can be clearly justified by either local housing market issues or site-specific issues, such as design context and any potential impact on the wider landscape.
29. The appellant asserts that the proposal prioritises quality over density. They contend that a more intensive form of development would fail to reflect the character and layout of the existing site, cause greater harm to Green Belt openness, and reduce opportunities for landscaping and the delivery of a 10% biodiversity net gain.
30. The indicative layout suggests that 4 detached bungalows could be accommodated on the appeal site. However, to comply with policy requirements, the site would be expected to deliver at least 14 dwellings. Given my findings above, and having regard to the site's Green Belt location, it is reasonable to conclude that development at the level required by the policy would result in a markedly more intensive and urbanising form of development than that shown indicatively. In these specific circumstances, a scheme of higher density, with greater built mass or site coverage, would consequently have a more pronounced effect on the surrounding landscape.
31. I therefore find that the proposal would make efficient use of land resulting in an acceptable amount of development. Accordingly, it would comply with Policy JP-H4 of the DPD which seeks to secure new housing densities achieve efficient use of land and high-quality design, but which are appropriate to the location. I have also had due regard to paragraph 130 of the Framework in respect of this main issue.

Other Considerations

32. The proposal would deliver up to 4 dwellings, which would support the Government's objective of significantly boosting the supply of housing. As a small site it could be delivered relatively quickly. The Council confirms that it cannot demonstrate a 5-year housing land supply, with a current supply of just over 4 years. I therefore find that there is a moderate shortfall in the supply of housing land and whilst the proposal is only for up to 4 dwellings, it would nevertheless make a positive contribution. I attribute significant weight to this benefit.
33. Furthermore, the proposal would deliver economic benefits arising during the construction phase and once occupied, with future occupiers contributing to local expenditure in shops and services. The delivery of biodiversity net gain would also represent a tangible environmental benefit.

Planning Balance and Conclusion

34. As set out above, I have found that the proposal would be inappropriate development in the Green Belt, which would cause harm to its openness. Paragraph 153 of the Framework states that I should afford substantial weight to any harm to the Green Belt, including harm to its openness. I find that the benefits, whilst they would be significant in combination, would not clearly outweigh this harm. Consequently, the VSC necessary to justify the proposal do not exist in this case.
35. Given the Council are unable to demonstrate a sufficient housing land supply, I am referred to paragraph 11 of the Framework. However, I have found that the proposal would be inappropriate development in the Green Belt and that it would cause harm to its openness. In the absence of VSC, I find that this constitutes a strong reason for refusing the proposal and, therefore, the presumption in favour of sustainable development does not apply in this case.
36. Accordingly, for the reasons given above, the proposal would conflict with the development plan as a whole. The material considerations in this case, including the Framework, do not indicate that the decision should be taken otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed

K Mee

INSPECTOR

The Ombudsman's final decision

Summary: We will not investigate Mr X's complaint about how the Council handled his anti-social behaviour, planning enforcement, safeguarding and building safety complaints. This is because there is not enough evidence of fault to justify an investigation and part of his complaint is out of time.

The complaint

1. Mr X complained that the Council did not investigate his complaints about anti-social behaviour, safeguarding, planning enforcement and building safety.
2. Mr X said he and his mother experienced distress and that he has lost faith in the Council. He said he has had to follow up for an outcome for his complaints.
3. Mr X wants the Council to complete an independent review for safeguarding, planning enforcement, anti-social behaviour and building control. He asks for his complaint to be considered under the Councils two stage process, provide an apology and make improvements in the Council processes.

The Ombudsman's role and powers

4. We investigate complaints about 'maladministration' and 'service failure', which we call 'fault'. We must also consider whether any fault has had an adverse impact on the person making the complaint, which we call 'injustice'. We provide a free service, but must use public money carefully. We do not start or continue an investigation if we decide there is not enough evidence of fault to justify investigating (Local Government Act 1974, section 24A(6), as amended, section 34(B))
5. The Local Government Act 1974 sets out our powers but also imposes restrictions on what we can investigate.
6. We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (Local Government Act 1974, sections 26B and 34D, as amended)

How I considered this complaint

7. I considered information provided by the complainant and the Council.
8. I considered the Ombudsman's Assessment Code.

My assessment

9. Mr X built an annex on his property, the annex was inspected by the Council and it met the necessary building regulations. After the annex was completed Mr X's mother moved into it. Later Mr X's neighbour installed a fence on their own land, outside the window of the annex.
10. Mr X complained to the Council that the fence impacted the safety and wellbeing of his mother. He said the fence blocked an escape route for the annex. Mr X told the Council the neighbour behaved in a hostile manner toward him. Mr X viewed the fence as a deliberate action that amounted to anti-social behaviour. He asked the Council to investigate his complaint about the fence structure.

Building Control

11. In its response to Mr X the Council said the consideration of an annex escape route would have required different planning processes to the one Mr X had obtained. The Council did not view the window as a formal means of escape. The proposed escape route required use of the neighbouring property. The Council said Mr X would have needed permission of the landowner for it to be considered as an escape route. In any case the Council would not normally consider an exit via windows in an annex as a suitable escape route.
12. Matters relating to the exit route date back several years. The Ombudsman will not usually exercise discretion to investigate matters that took place more than 12 months prior to the complainant becoming aware of them. In this case, Mr X had the Council certify his annex in 2016. I have decided not to exercise discretion to look at matters relating to the annex escape before November 2024 because it is reasonable to expect Mr X to have complained to us about the matter sooner.

Planning Enforcement

13. The Council considered Mr X's request for planning enforcement action to be carried out to remove the fence. The Council served an Enforcement Warning Notice for the fence. The fence was subsequently lowered and the Council decided it would not take further enforcement action because it would not be expedient to do so.
14. Councils can take enforcement action if they find a breach of planning rules. However, councils should not take enforcement action just because there has been a breach of planning control. Planning enforcement is discretionary and formal action should only happen when it would be a proportionate response to the breach. As planning enforcement action is discretionary, councils may decide to take informal action or not to act at all.
15. Government guidance says: "Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control." (National Planning Policy Framework December 2024, paragraph 60).
16. While Mr X may be disappointed with the Council's decision, it is not our role to act as a point of appeal against decisions councils make with which complainants are unhappy. We cannot question council decisions if they have followed the right steps and considered the relevant evidence and information.

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17. The Council visited the site and acknowledged that a breach had occurred but decided it was not expedient to take further enforcement action. This is a decision the Council is entitled to make and there is not enough evidence to suggest fault affected it.

Safeguarding

18. Safeguarding requires the Council to follow a process which will consider and protect at risk individuals against neglect and abuse. Mr X said that his mother had a safeguarding need. When Mr X raised concerns about his mother, he called them safeguarding concerns.
19. With the context of the complaint history, it was reasonable that the Council considered Mr X's safety concerns. The concerns would not fall into the scope for a safeguarding matter. There is not enough evidence of fault in the way the Council responded to Mr X's safety concerns.

Anti-Social Behaviour

20. The Council considered Mr X's report of antisocial behaviour. It wrote to Mr X and said the matter did not meet the threshold for Council involvement, and it could not establish the intent of the fence installation.
21. Mr X contacted the Council and asked it to reconsider its position on anti-social behaviour. The Council then sent his neighbour a letter about the matter. Due to data protection, the Council said it could not tell Mr X if the neighbour had responded.
22. It confirmed that his anti-social behaviour case remained open and told him to provide further evidence to the Council. We will not investigate this part of the complaint as there is not enough evidence of fault in how the Council conducted its investigation into Mr X's anti-social behaviour complaints.
23. Mr X complained about how the Council responded to his complaints. It is not a good use of public money to investigate complaints about complaint procedures where we decide to not investigate the substantive issue.
24. We will not investigate this complaint, in part it is late and there is not enough evidence of fault in the Council's actions to justify investigating.

Final decision

25. We will not investigate Mr X's complaint because there is not enough evidence of fault in how the Council managed his complaint. Part of the complaint is out of time.

Investigator's decision on behalf of the Ombudsman