

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 09/07/2026	Ref: 72952/FUL
Registration: 19/05/2026	LDfC: 26/06/2026	Expiry Date: 14/07/2026
Site Visit: 04/06/2026	Site Notice: 10/06/2026	Press Date: 04/06/2026
Objections: 0	Con Area: HOLC	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Replacement 1.2 m height fencing along Helmsore Road boundary

Location: Land between Emmanuel Church, Chapel Lane & Helmsore Road, Ramsbottom, BL8 4NB

Description

The application site is the northern boundary of a plot of land situated between Helmsore Road and Chapel Lane. The site is currently bound by chicken wire fencing to the north and stone walling to the west and south.

The proposal is to erect 1.2 m high fencing along Helmsore Road boundary to replace the existing chicken wire fencing. The proposed fencing will stretch approximately 105.6m across the entire northern boundary of the site. The proposed fencing would be timber.

The site is mixed use in nature, predominantly of residential and commercial uses. Parking in the area is predominantly on road. The site is located within the Green Belt and within the Holcombe Conservation Area.

The site is located within an area subject to an Article 4 Directive, which removes Permitted Development Rights on gates, wall, fences and other means of enclosure due to the area's characteristic boundary features.

Relevant Planning History

None

Publicity

7 neighbouring properties were consulted on 19.05.2026. A site notice was erected on 10.06.2026. No comments or observations have been received.

Statutory/Non-Statutory Consultations

Traffic Section - recommended refusal based on sections of the proposed fencing not being submitted and therefore the application and submitted plans contain insufficient information to enable the physical impact on the abutting adopted highway and retaining structure at the back of the footway to be properly assessed

Conservation Officer - recommended refusal, with comments discussed within the analysis below

Planning Policy Manager - no comments received

Public Rights of Way Officer - no comments received

Pre-start Conditions - Not relevant

Development Plan and Policies

OL1	Green Belt
EN1/1	Visual Amenity
EN2	Conservation and Listed Buildings
EN2/2	Conservation Area Control
PFE	Places for Everyone
NPPF	National Planning Policy Framework
SPD6	Supplementary Planning Document 6: Alterations & Extensions

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions

under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Heritage

The proposed would be sited within the Holcombe Village Conservation Area, therefore a heritage statement is a requirement. Consulting with the National Planning Policy Framework (NPPF) clause 207 requires that the applicant should describe the significance of any heritage assets affected, including any contribution made by their setting.

The proposed was reviewed by the Council's Conservation Officer, who made the below comment:

The views from Helmsore Road to the south are currently unobstructed due to the chicken wire fencing that currently forms the boundary of the north of the site. The proposed fencing would impact the views to the south and therefore would lead to an impact on the setting of Emmanuel Church.

Timber post and rail fencing, as proposed, is also more of a farmstead feature rather than a feature commonly seen within the built environment of a village, and especially within the Holcombe Conservation Area as there are no other timber post and rail fencing examples within this area. The character of boundaries within Holcombe Conservation Area is local stone.

Given this, as an alien feature the proposed fence would not preserve the character or appearance of the conservation area, it would not preserve the significance of the church by way of harm to its setting. It would represent less than substantial harm with no identified public benefit that would outweigh the harm identified and is therefore not recommended for approval.

Green Belt

Paragraph 143(d) of the NPPF states that one of the purposes of the Green Belt is to preserve the setting and special character of historic towns.

Paragraph 154 of the NPPF states that development in the Green Belt is inappropriate unless one of the following exceptions applies:

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

cause substantial harm to the openness of the Green Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

i. mineral extraction;

ii. engineering operations;

iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;

iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

It is not considered that the proposed falls within these exceptions. Furthermore, as discussed above, it is considered that the proposed would cause a further impact to views to the south of the site and therefore would impact the openness of the Green Belt. Together with the consideration of Paragraph 143(d) and the comments received from the Conservation Officer, it is also considered that the purpose of the Green Belt would also be impacted.

Given the above, the proposed would not be considered acceptable development within the Green Belt.

Visual Amenity

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The proposed fencing would be timber post and rail which is an uncommon feature within Holcombe and within the Conservation Area, with boundary features predominantly being local stone.

Furthermore, the site is within an area subject to an Article 4 Directive, with permitted development rights removed which includes gates, wall, fences and other means of enclosure. This is due to the area having a strong characteristic for boundary features, such as of local stone, and because of the need to preserve the character. As such there is no fall back position and the fence in its totality would be inappropriate.

Given this, it would not be considered acceptable.

Residential Amenity

SPD 6 provides guidance on aspect standards between developments and residential dwellings.

The proposed would be 1.2m in height, and sited over 5m from the nearest residential neighbour. Given this, there would be no impact.

Highways Issues

The Council's Highways Engineers were consulted who recommended the submission of section details of the fencing to be able to assess the physical impact on the abutting

adopted highway and retaining structure at the back of the footway.

Given the application is to be recommended for refusal given that discussed above, this was not requested although if the application was to be amended and re-submitted, this information would be necessary for determination.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would not preserve the character or appearance of the conservation area, it would not preserve the significance of the church by way of harm to its setting and it would represent less than substantial harm with no identified public benefit that would outweigh the harm identified to the Holcombe Conservation Area of which the site forms part. The proposal therefore conflict with the following policies of the Unitary Development Plan: EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control.
- 2 The proposed would represent inappropriate development in the Green Belt, and would cause harm to both the purpose and openness of the Green Belt and is therefore contrary to Policy OL1 of the UDP and the NPPF.
- 3 The application and submitted plans contain insufficient information to enable the physical impact on the abutting adopted highway and retaining structure at the back of the footway to be properly assessed against Policy JP-C5 of PfE.

<u>Case Officer</u> CO 09.07.2026	<u>Date</u>	<u>Sign off Officer</u> DM 09.07.2026	<u>Date</u>
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