

**Appeal against the refusal of Bury Metropolitan Borough Council for a
Permission in Principle (Stage 1) concerning the construction of 1 dwelling at
Dry Gap Barn, Bury Old Road, Turn Village, Ramsbottom, Bury BL0 0RX**

Application ref: 73303

Appeal Statement

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms. Joanna Kelly-Morris against the decision of Bury Metropolitan Borough Council.
- The application reference 73303 was refused by notice dated 13 July 2026.
- The proposed development is for 1 no. dwelling, (Permission in Principle)

The proposed development

The application relates to an area of land at Dry Gap Barn which is a Grade II Listed Building(LB), though the appeal site is at some distance away and is separated from it by a more modern, approved outbuilding. The appeal site would be accessed along an existing track within the associated land to Dry Gap Barn.

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.

The appeal site lies within the Green Belt and as shown in the Planning Statement which accompanied the application.

Matters not in dispute

In its officer report, the local planning authority (LPA) agrees that the land constitutes grey land, and that the Council cannot demonstrate a 5 year supply of deliverable housing land or its housing delivery requirement: -

Grey Belt

(The National Planning Policy Framework 2024 (as amended) (the Framework) states as follows: -

‘155. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.*

The Golden Rules apply only to ‘major developments’ and as the appeal relates to one dwelling only, item ‘d’ above is not pertinent.

The officer report conclusions with regard to item ‘a’ above (Meeting the Definition of Grey Belt Land

Paragraph 143 of the Framework states that in order to meet the definition of Grey Belt land, a site must not strongly contribute to the following purposes of the Green Belt:-

- ‘a) to check the unrestricted sprawl of large built-up areas*
- b) to prevent neighbouring towns merging into one another*
- d) to preserve the setting and special character of historic towns’.*

The LPA, in its officer report, concludes as follows:-

‘As the site does not make a strong contribution to the Green Belt purposes (a) or (b), the site falls within the definition of Grey Belt Land. However, for the proposal to be considered as not inappropriate development it must satisfy all of the criterion, a to c, listed in NPPF paragraph 155.’

‘The proposed development for one dwelling in the Green Belt would have limited impact on the remaining Green Belt due to the small size of the site. The development would not fundamentally undermine the purposes of the Green Belt across the area of the plan’.

(NB The officer report makes no mention, and no objection, to any harm to the setting or special character of any historic town., nor is this requirement applicable in this case).

The only purpose of the Green Belt which would be affected would be, in the eyes of the LPA, is purpose C which aims to safeguard the countryside from encroachment *‘as the development would represent an irreversible encroachment of built form into the countryside’*. However, this is not a matter which is taken forward as a reason for refusal.

Item B of Paragraph 155 of the Framework relating to Grey Belt

This criterion requires that *‘ there is a demonstrable unmet need for the type of development proposed’*.

The officer report concedes that in this case: -

‘Housing land Supply

‘The Council has carried out an assessment of the housing land supply to determine whether sites meet the deliverability tests in the NPPF and can contribute to the five-year supply of housing land. Based on the 2025 5-year supply statement, the Council has demonstrated a 4.3 year supply of housing land. This includes a 20% buffer (as currently required in Bury due to past under delivery) and accounts for past oversupply when assessed against the adopted PfE housing requirement. The Council is therefore currently unable to demonstrate a deliverable five-year supply of housing land against the adopted housing requirement’

‘Housing Delivery Test

The National Planning Policy Framework also sets out the Housing Delivery Test (HDT), which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous years, this needs to be considered in the decision-taking process. The latest results published by the Government (the 2023 measurement published on 12 December 2024) show that Bury has a HDT result of less than 75%.

‘The latest published HDT result for Bury also means that NPPF paragraph 155(b) is triggered, and there is a demonstrable unmet need for the type of development proposed’

Main issues

In view of the above, the main issues are (i) the sustainability of the location of the appeal land and (ii) the proposed density of development

Reasons

Sustainability

Paragraph 155(c) of the Framework relating to Grey Belt requires that:-

‘c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework’.

Paragraph 110 states that *‘significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making’.*

Paragraph 115 states that: -

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

(a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;

(b) safe and suitable access to the site can be achieved for all users;

(c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and

(d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach'.

So far as the above paragraphs are concerned, the proposal is not for 'significant' development,(taken to be synonymous with 'major development and defined as 10 or more houses)..

The reason for refusal is that *'The site represents an unsustainable location for residential development, lacking adequate access and lacking adequate access to local services, facilities and public transport. Future occupants would be heavily reliant on private vehicles. The proposed development would therefore be contrary to PfE policies JP-C1, JP-P1 and JP-S1'* (ie the Greater Manchester development Plan 2024, Places for Everyone) (PfE) .

Policy JP-C1 aims to minimise the need to travel and the distance travelled by unsustainable modes to services and facilities. Policy JP-P1 aims to promote well connected spaces, especially by public transport, and Policy JP-S1 aims to minimise climate change's adverse effects

Ther LPA considers that *'the site is approximately a 16-minute walk from the nearest bus stops on Whalley Road, which provide services to Bury Interchange, Rawtenstall, Blackburn and Burnley. These services operate at a frequency of two buses per hour between approximately 06:30 and 21:30'.*

The LPA considers that distances to local amenities are as follows:

‘□ *Primary School: 1.2 miles (approximately 27-minute walk)*

□ *Pharmacy: 1.1 miles (approximately 24-minute walk)*

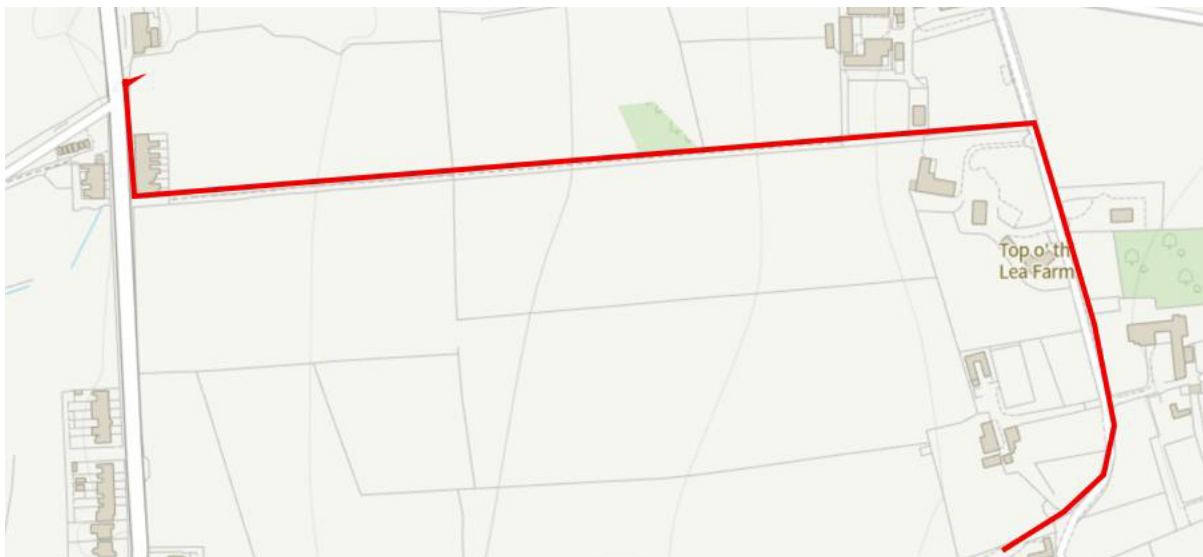
□ *Local Shop: 1.2 miles (approximately 26-minute walk)’*

The LPA is not objecting to such walking distances or times but rather to the routes to them, stating that ‘ *while several local amenities are located within a 30-minute walking distance of the site, access on foot is constrained by the nature of the surrounding walking infrastructure*’.

Having walked the various routes to the main road and access to buses, I calculate the walking time to be slightly less at about 13 minutes. However, bus timetables are much more extensive than the LPA suggests ,with buses running from 0509 hrs to 0030hrs (Monday to Saturday) and 0639 hrs to 0030hrs (Saturdays). See submitted bus timetables.

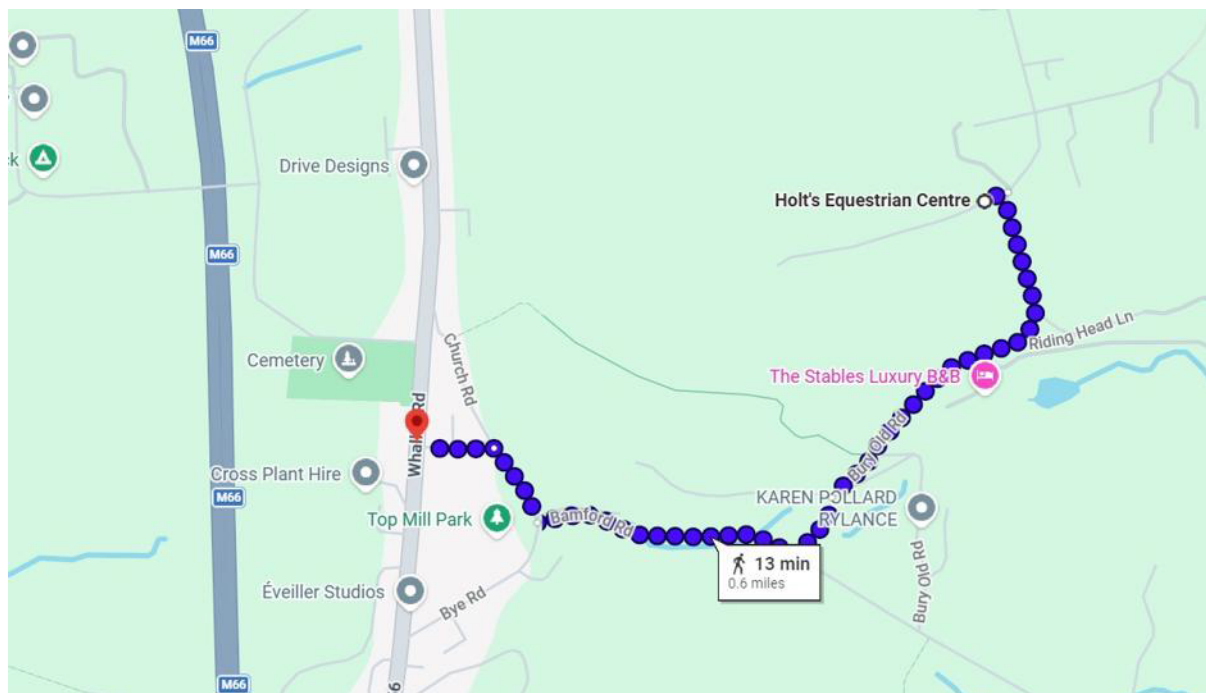
In our own Planning Statement which accompanied the application we have shown the various ways to buses on the main road.

Many villagers wanting to use the bus route between Bury, Ramsbottom and Rawtenstall use the link along Love Lane to the bus stop near the Duckworth Arms and which is approximately 0.5 mile and is about a 13 minute walk

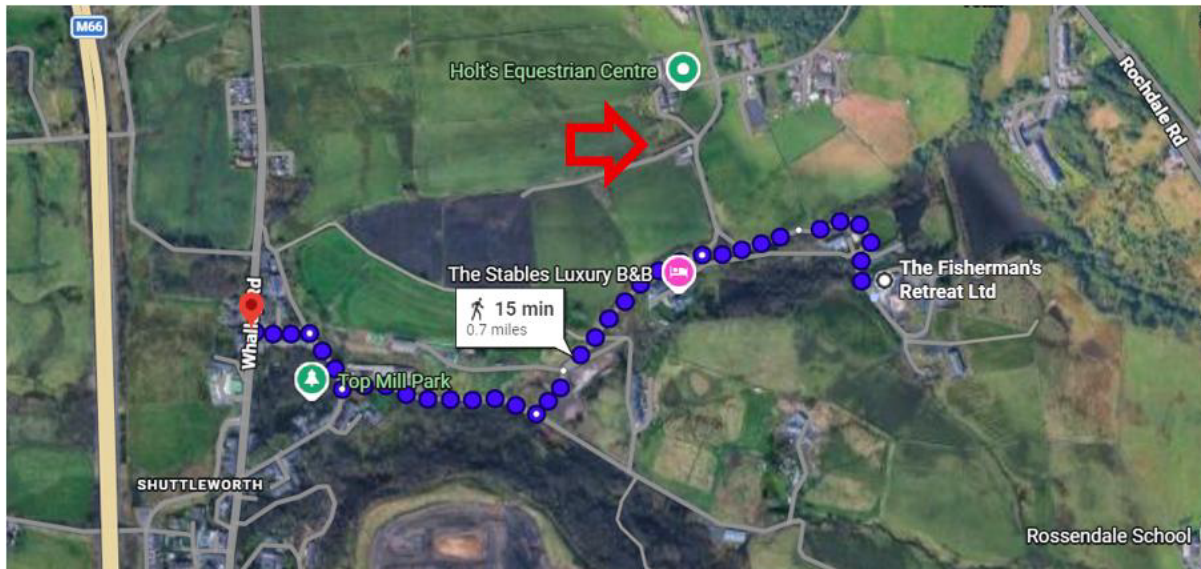


E accept that this route, even though it is used by villagers, is not suitable for all residents or possibly in all weather conditions.

However, the site is also only 13 minutes' walk from the same bus route by road:and while there are no footpaths along most of it, traffic speeds and numbers are light and it is the route taken by the existing residents of the village:-



The site is on the boundary with the adjoining Rossendale Borough Council which, in March 2026 under application 2025/0148, at its Development Control Committee, resolved to approve the conversion of buildings at the Fisherman's Retreat restaurant and resort in the Green Belt to form 18 dwellings and where the LPA concluded that it '*comprises sustainable development*'. (Subject to a S106 Agreement). The time to walk to the bus route on Whalley Road exceeds that from the current application site, though on largely the same route.



It is also the case that on 2 September 2019, under planning application 64119, Bury Council approved the change of use and conversion of the adjoining barn at Top O Th Lea , Turn Village to two dwellings. The approval relates to the building adjoining the appeal proposal.

The Decision Notice states: -

‘The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning authority worked proactively and positively to issue the decision without delay’ .

It is accepted that the above decision pre-dates the adoption of the current development plan (PfE) but sustainability is hardly a new concept and was a matter addressed in the Framework applicable at that time.

The courts have held that consistency in decision making is a material planning matter.

Paragraph 110 of the Framework states that *‘opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making’.*

Paragraph 116 states ‘ *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.*

Turn Village, within which the appeal site is set, is a long established, socially cohesive settlement where walking to the main road and the bus stop is very well established, a matter which is recognised in the planning approvals noted above.

Like just about any dwelling’s occupiers, private transport and the use of the car would be important, but the increasing use of electric vehicles will reduce carbon emissions. In addition, just one dwelling is unlikely to make any such significant adverse effect.

Local farms and the Bleak Holt Animal Sanctuary also provide work opportunities within the village.

Therefore, for the above reasons, the proposed development would accord with PfE policies JP-C1,JP-P1,JP-S1 and with the Framework when taken as a whole

Density of development

One dwelling is proposed

The reason for refusal is that ‘ *The application and submitted plans contain conflicting information to enable the proper assessment of the proposed density of the development in accordance with Policy JP-H4 and paragraph 130 of the NPPF which requires development to make optimal and efficient use of land.*’

The application form states that the area of the site is 306m² (0.03ha) and the planning fee of £538 was paid and accepted by the LPA on the basis of it being less than 0.1ha.

The LPA in its officer considers that the area of the site is 560m².

The difference is due to whether the existing access is to be included in the calculation. It has been included on the location plan because, with a 'normal' application, LPAs wish to see how a site will be accessed from the public highway.

The LPA refers to Policy JP-H4 of PfE and also to Chapter 11 of the Framework, (especially to paragraph 130) which require development to make optimal and efficient use of land.

However, chapter 11 of the Framework advises that, while the aim is to provide the efficient use of land, it *'may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas rather than one broad density range'* and which reflect *'an area's prevalent character and setting (including residential gardens ' as part of 'securing well-designed , attractive and healthy places'.*

Paragraph 135 of the same document emphasises that planning policies and decisions should ensure that developments will function well and will add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting, and which establish or maintain a strong sense of place with a high standard of amenity for existing and future users.

Policy JP-H4 of PfE states that *' new housing development should be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high-quality design. Regard should be had to the minimum densities set out in the policy which, in this case is 35 dwellings per hectare'.*

The policy does not make such a density mandatory. It states that 'regard' should be given to it. Moreover, the policy adds that *'lower densities may be acceptable where they can be clearly justified by:*

'Site-specific issues, such as the design context and any potential impact on the wider landscape or townscape including heritage assets and green infrastructure'.

If our own figure of 306m² is used for the site area, then this would require 1.07 houses to meet a hypothetical density of 35 dwellings per ha. If the LPA's figure of 560m² is used, this would mean 1.96 houses would be needed on the site to meet the hectare density. The LPA in its officer report agrees with the latter figure.

So, a strictly mathematical application of a density of 35 dwellings per ha would mean the use of the site for either 1 or 2 dwellings, depending on whose site area is used. But PfE policy and the Framework do not advocate such an inflexible, mathematical approach, noting that development should adopt the characteristics and appearance of the surrounding area.

In this case, the area is characterised by a scattering of farmhouses, similarly sited dwellings and barns. Moreover, as the LPA is concerned about access to services and facilities and with carbon emissions, one dwelling rather than two has advantages in this regard.

Therefore, for the above reasons, the proposed development would accord with policy JP-H4 of the PfE and with the Framework.

Other Matters

Setting of the Listed Building

The listing of the LB is primarily due to its internal cruck frame. The importance of the building is not appreciated from the proposed position of the appeal dwelling which would, by its distance from it and the presence of an approved intervening outbuilding, have no significant adverse effect upon its setting.

Even if that were not the case, the actual design of the proposed dwelling would be an important factor, but this would be a matter for the Technical Details stage.

Conclusion

The LPA has concluded that the land is grey belt It also concludes that there is a demonstrable unmet need for such housing.

The proposal would be sustainable development in accordance with the contents of the Framework and with Council conclusions regarding residential applications in the immediate vicinity. One proposed dwelling, being a reflection of the character and appearance of the area, would not be contrary to the development plan or the Framework in terms of the density of development.

Therefore, and for these reasons, we ask that the appeal is allowed.

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HP and DA Ltd

July 2026