

DELEGATED REPORT

Report by Helen Pressley	Date of report: 10/09/2025	Ref: 72027/FUL
Registration: 30/06/2025	LDfC: 06/08/2025	Expiry Date: 25/08/2025
Site Visit: 16/07/2025	Site Notice: 16/07/2025	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Detached holiday let unit, hydrotherapy pod & 2 no. hot tubs

Location: Brook Bottom Farm, Bury Old Road, Shuttleworth, Ramsbottom, Bury, BL0 0RZ

Description

The application relates to a detached dwellinghouse on Bury Old Road. The site is accessed from Bury New Road with parking located to the north of the detached property. The site is located within the Green Belt. The site is currently utilised for various different uses which do not benefit from planning permission including holiday lets, and businesses within the existing outbuilding.

Planning permission is sought for the retention of a single storey, detached, 1no. bedroom holiday let, 2 no. hot tubs and associated structures and 1no. hydrotherapy pod and associated structures. The site is accessed via Bury Old Road and parking for the apartment would be located to the rear and side of the building.

This application would not address the subdivision of the existing dwelling house into 5no. holiday lets. This is being assessed under application 72026. The use of the detached outbuilding for a salon has is also not assessed within this application.

The proposed alterations have been completed and the application is therefore retrospective.

Relevant Planning History

02990/E - Single storey house extension, beauty salon, 5 holiday lets and associated facilities - Enquiry completed 05/09/2024

64744 - Lawful development certificate for a proposed detached outbuilding - Refused 02/12/2019

65025 - Erection of outbuilding - Approve with Conditions 18/02/2020

65601 - Single storey at rear & raised patio following removal of existing kitchen - Withdrawn by Applicant 24/08/2020

71297 - Variation of condition no. 2 (approved plans) following approval of planning permission 65025: (Erection of outbuilding) - alterations to the fenestration of the existing outbuilding - Approve with Conditions 16/12/2024

71469 - Single storey extension at rear and raised patio - Approve with Conditions 12/03/2025

72026 - Change of use of dwelling (Class C3) to 5 no. holiday let units - Approve with Conditions

Publicity

Site notice posted 16th July 2025

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section and Public Rights of Way- Condition requested in relation to implementation of bin and parking arrangements.

Waste Management - No response

Drainage Section - No response

United Utilities (Water and waste) - Pre start SuDs condition requested. Should be noted that the proposal is retrospective.

Greater Manchester Ecology Unit - recommend as mitigation/enhancement for potential loss of bird opportunities and loss of trees. Bird boxes could be fixed to the retained trees, with replacement native tree planting along boundaries.

Rossendale Borough Council - No response

Pre-start Conditions - Not relevant

Development Plan and Policies

JP-G9	The Green Belt
OL1/2	New Buildings in the Green Belt
H2/5	Conversion of Residential Property to Hotels
RT4	Tourism
RT4/3	Visitor Accommodation
EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
HT2/4	Car Parking and New Development
RT3/3	Access to the Countryside
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-S2	Carbon and Energy
JP-S5	Clean Air
SPD11	Parking Standards in Bury
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework

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.

Principle (Green Belt)

Paragraph 153 of the NPPF states that inappropriate development in the Green Belt is by definition, harmful and should not be approved except in Very Special Circumstances (VSC). Planning Authorities should ensure that substantial weight is given to any harm in the Green Belt. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF states that the construction of new buildings in the Green Belt should be regarded as inappropriate in the Green Belt. Exceptions to this are:

- 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.

UDP OL1/2 states that the construction of new buildings in the Green Belt is inappropriate unless it is for agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension, alteration or replacement of existing dwellings provided that this would not result in disproportionate additions over and above the size of the original dwelling; and limited infilling in existing villages.

PfE Policy JP-G9 - The Green Belt confirms the extent of the Green Belt within the Borough and confirms the five purposes of including land within the Green Belt. The beneficial use of the Green Belt will be enhanced where this can be achieved without harm to its openness, permanence or ability to serve its five purposes. In particular, the enhancement of its green infrastructure functions will be encouraged, such as improved public access and habitat restoration, helping to deliver environmental and social benefits for our residents and providing the high quality green spaces that will support economic growth.

The site was previously a dwelling house with a cattery business within the grounds however no plans have been submitted in relation to how the site was previously subdivided. Reviews of previous planning files from 1983 and 1986 however suggest the cattery building was sited in a similar position to the existing single storey salon building that was originally given consent as an outbuilding in association with the dwellinghouse. The dwelling had a single storey rear extension and single storey side conservatory extension that have subsequently been removed. A single storey rear extension, patio, and single storey outbuilding in association with the dwelling have subsequently been approved.

The planning statement makes reference to the proposal being justified as the site could be considered to be "grey belt" however this has not been expanded on, The planning history for the site suggests that the cattery building was located in broadly the location of the existing, permitted outbuilding that is currently being utilised as a salon, and was temporary in nature only gaining 3 years permission at a time. The use of the site would therefore have been residential prior to the occupation of the site for the various commercial uses under consideration. As such, the site would not fall under the definition of previously developed land as set out within the NPPF.

The Planning Statement then goes on to confirm that it is accepted that the applicant will need to prove Very Special Circumstances.

The applicant considers that the hydrotherapy pool building and the 2 hot tubs would be garden buildings which would be “permitted development” not requiring planning permission if the whole house had remained in residential use. Similarly, the detached holiday unit would be permitted development if it was used by a householder, for example as a garden room or gym, rather than as a letting unit. This fallback position is therefore set out below.

No outbuilding has been constructed on land forward of a wall forming the principal elevation. The maximum eaves height of the hydrotherapy building would be below 2.5 metres, and the overall height would be under 3 metres. The overall height of the holiday let would appear to be under 3 metres. It is unclear what the eaves height of this building is as it appears to have a parapet wall. The maximum eaves height of the hydrotherapy building would be below 2.5 metres, and the overall height would be under 3 metres. No drawings of the hot tub shelters have been provided however these are constructed of timber and appear to be of a similar scale to the hydrotherapy pod.

The hydrotherapy pod however does appear to have an area that could be considered to be a balcony/veranda. Similarly the holiday let has a patio area that could be considered to be a balcony area. No more than half the area of land around the "original house"* would be covered by additions or other buildings.

On balance, it does appear that similar buildings could be constructed within permitted development rights within the site should the property have been retained solely in residential use.

SPD 8 also states that careful consideration should be given to the impact of a proposal when viewed from several locations within the immediate vicinity and wider countryside. The view of the proposal from main roads, public footpaths and settlements in particular will be given significant weight when assessing planning applications. The hot tubs, and hydrotherapy pods are not visible from public view points and only glimpses of the detached holiday let are visible from Bury Old Road. The buildings that have been constructed as part of the development are subservient to the original farm house and have been maintained at a single storey level. The hydrotherapy pod, and hot tubs in particular appear to be less substantial and more temporary in nature only required in association with the proposed holiday let use. As a whole, the development appears as a cluster of buildings and it is accepted that the buildings within the site form a relationship of built development that would reduce the impact of the new buildings on the Green Belt by being located in close proximity to one another.

Given the above matters and the case presented, it is considered that these points do amount to very special circumstances and given the nature of this particular scheme, the site and its context in accepting the development, it is considered that it outweighs the in principle harm to Green Belt. A condition however will be attached to the proposal to ensure that the proposed holiday let remains ancillary to the main building on site. It is considered therefore that the proposal would not have an adverse impact on the openness of the Green Belt and therefore it is considered that the proposal complies with UDP Policies OL1/2, SPD8 and the NPPF.

Principle (Use and Conversion)

UDP Policy H2/5 seeks to ensure that the amenity of local residents and the local character of areas (where important) are not harmed by the conversion of existing residential buildings to hotels/guest houses.

UDP Policy RT4 states that The Council will promote and facilitate the development of tourism in the Borough. This is further supported by UDP Policy RT4/3 – Visitor Accommodation states that The Council will encourage and support proposals for development which would extend the range of visitor accommodation in the Borough. Any development proposals will be assessed and considered against the following factors:

- a) the appropriateness in terms of the design, scale and setting and the effect on the character, quality and visual amenity of the locality;
- b) the provision of satisfactory access;
- c) ability to accommodate the necessary car parking, service areas and landscaping within the site;
- d) the satisfactory compliance with development control policies for Green Belt areas and other open land policies where appropriate.

The proposal is for one additional holiday let in addition to the 5no. holiday lets proposed under application 72026 which involves the conversion of the former farm house at the site. This holiday let however would not be a conversion as it appears to be a purpose built holiday let with one no. bedroom. This building however has been assessed above and is considered to be acceptable in Green Belt terms.

It is considered that the hydrotherapy, and hot tubs would be ancillary to this use. It is considered appropriate that should the holiday let use cease at the site, that these buildings are removed and this would be secured by condition.

The impact of the proposal in terms of visual and residential amenity, and parking will be assessed in the remainder of the report.

Layout and Design

Policy EN1/2 - Townscape and Built Design seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 Sustainable Places seeks to create a city region that consists of a series of beautiful, healthy and varied places. High quality design is fundamental to achieving this. No external changes have been made to the dwelling house to facilitate the change of use.

As set out above the proposed buildings are largely shielded from view. The materials are of a similar appearance to the existing farm house and would not detract from the overall character and appearance of the dwelling house.

The hardstanding to the north and west of the dwelling has been replaced with black tarmac, however a central drive has been created and constructed from a sandstone coloured paving/block that replicates the stone work of the main dwelling. This same sandstone coloured material has also been utilised to mark out individual parking spaces, rather than paint. It is therefore considered that the material palette of the overall development has been replicated within the parking areas and are therefore acceptable.

As such it is considered that the proposal would not have a detrimental impact on the visual amenities of the area and would comply with the policy considerations set out above.

Amenity

Given the location of the site no residential amenity issues are foreseen.

Access and Parking

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. PfE Policies JP-C5 and JP-C6 requires streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport. UDP Policy RT3/3 is also applicable as it requires the Council to seek to improve and extend the existing network of Public Rights of Way.

Public Footpath Number 177, Ramsbottom (Hollins Lane) runs along the southern edge of the red edged site, but a stream separates the path from the proposed development.

In terms of parking standards UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements.

Supplementary Planning Document 11 (SPD11) provides parking standards for developments. The site is located within Zone 4 as set out within SPD 11.

The applicant has provided a parking plan, and statement that relates to all uses on site including the salon use which has yet to be applied for so that the parking needs for all development within the wider site can be assessed.

SPD 11 does not include parking standards for short term lets. These would be located adjacent to the holiday lets to which they are associated. It would appear to be reasonable to expect that the holiday lets would require one car parking space per bedroom. A site plan confirms that this can be achieved with a total of seven spaces. Two spaces are also allocated for staff although they are only likely to be on site for limited periods.

For the Salon use SPD 11 requires 1 space per 2 staff, and 4 spaces per consultancy room. Application 71297 confirmed there were 3 treatment rooms within the salon building and therefore it appears that this use would be expected to provide 13 spaces in total. The applicant however has confirmed that the salon has an appointment system with treatments lasting at least half an hour reducing the demand for parking. Six spaces have been allocated within the proposed parking plan, three each for customers and staff.

The car spaces have a minimum size of 2.5 by 5 metres as required by the SPD

Given the way the site is run it is considered that the parking requirements for the various uses on site have been met. The applicant has confirmed that one EV chargepoint would also be installed at the site.

Ecology and Biodiversity Net Gain

PfE Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by UDP Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 187 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment.

Any disturbance to wildlife would have occurred at site clearance. There is no way of knowing what if any bird or other interest was present. No further information is required.

Wildlife Issues are likely restricted to theoretical loss of bird nesting habitat in the trees removed though it is possible the trees were large enough to provide habitat for other wildlife. GMEU recommend as mitigation/enhancement for potential loss of bird opportunities and loss of trees. Bird boxes could be fixed to the retained trees, with replacement native tree planting along boundaries. The details can be provided via condition.

The development is exempt from mandatory biodiversity net gain as the application is retrospective.

Carbon and Energy

PfE Policy JP-S2 sets out the steps required to achieve net zero carbon emissions. The Planning Statement confirms that the thermal efficiency of the renovation and conversion of the house and the new buildings complies with or exceeds the Building Regulations current at the time of the work. An electric vehicle charging point has been ordered.

Digital Connectivity

PfE Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

The unit has full fibre connectivity.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 This decision relates to drawings numbered Location Plan, BB-TOPO-003, PL410, PL100 Rev A, PL100 Rev B, PL210 Rev A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 2 The holiday let hereby approved shall not be occupied at any time other than for the purposes ancillary to the property known as Brook Bottom Farm.
Reason. To ensure the proposed use remains ancillary to the principle use on the site.
- 3 Should the holiday let use approved by this permission, and permission 72026 cease to operate the 2no. hot tubs, hydrotherapy pod and associated structures shall be removed from site within 3 months of it ceasing operation.
Reason: In the interests of the visual amenity pursuant to Policy and OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan.
- 4 A landscaping scheme shall be submitted to, and approved by the Local Planning Authority within 3 months of the date of the decision. The contents of the plan should include native tree planting along the boundary and bird boxes to be fixed to the retained trees. The approved scheme shall thereafter be implemented not later than 12 months from the date the landscaping scheme is agreed or within the first available tree planting season, and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.
Reason. To secure the satisfactory development of the site and ensure enhancements and net gains for biodiversity pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 5 The parking, turning and bin storage arrangements indicated on the approved plans shall be implemented within 3 months of the date of the decision and thereafter maintained.
Reason. To minimise the standing of vehicles on the highway and to ensure adequate off-street car parking provision and adequate bin storage arrangements are provided within the curtilage of the site, in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development

Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	10/09/2025	DM -	10/09/2025