

DELEGATED REPORT

Report by Claire Booth	Date of report: 11/09/2026	Ref: 73500/PIP
Registration: 31/07/2026	LDFC: 27/08/2026	Expiry Date: 11/09/2026
Site Visit: 07/08/2026	Site Notice: 07/08/2026	Press Date: N/A
Objections: 3	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Application for permission in principle for 1 no. dwelling

Location: 20 Brookthorpe Road, Bury, BL8 3AD

Description

The proposal is a Permission in Principle application for the construction of one dwelling within the side garden area of no. 20 Brookthorpe Road, Bury. The site can be described as semi-rural in character with a gated private access road along the Northern Boundary that leads to 22 Brookthorpe Road situated on the Western Boundary beyond Brook House. To the South are open farmer's fields and to the East a walled and fenced boundary to 23 Brookthorpe Meadows.

The entire North, South and East boundaries have a variety of medium to larger trees and shrubs planted along them including mature Sycamore, Copper Beech, Japanese Maple and Conifers. The submitted details state that in order to facilitate a new site access from the North East corner 2 or 3 Leylandii type confers would have to be removed with minimal disturbance all subject to ecological and arboricultural reports that would need to be submitted at any Stage 2, Technical Details Stage.

Planning Practice Guidance (PPG) advises that Permission in Principle applications are 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.

The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. These considerations, whilst appearing as limited, can encompass various issues which relate to these matters. The PPG does not explicitly state what should or should not be considered within these considerations.

Relevant Planning History

4523/77 - One dwelling - Approved

Publicity

Letters to 9 nearby neighbours - 06/08/2026

Site Notice - 07/08/2026

A total of 4 representations were received, comprising 3 objections and 1 letter of comment. The issues raised are summarised as follows:

The objections raised the following concerns:

- Potential overlooking and loss of privacy arising from the proposed dwelling, including

- concerns regarding views into neighbouring gardens and habitable room windows;
- Highway and access matters, with concerns that the proposed access is too constrained for additional vehicles, which could lead to obstruction of neighbouring driveways and difficulties for residents accessing their properties;
- Discrepancies and lack of clarity within the submitted plans, including inconsistencies in window layouts and the absence of dimensions on certain elevations;
- Boundary and ownership issues, including concerns regarding rights of access, use of private driveways, access for construction works, and connections to drainage infrastructure; and,
- Concerns regarding the loss of trees and the potential impact on local wildlife, including birds and bats.

One representation raised no objection in principle to the proposal but requested that:

- The ridge height of the proposed dwelling should not exceed that of the existing property.
- The mature tree located within the site should be retained and protected.
- The separation distance between the existing and proposed dwellings should be maintained as shown on the submitted plans.

Whilst the representations received have been noted, in accordance with the Town and Country Planning (Permission in Principle) Order 2017 (as amended), the matters which can be considered by the Local Planning Authority in determining whether or not to grant Permission in Principle are limited to the location of development, the land use proposed, and the amount of development proposed. It is therefore only the comments received relating to these matters that have been considered.

Statutory/Non-Statutory Consultations

Traffic Section - The proposal cannot be support in highway terms. The site is served from an unadopted access which is not within the red-edge site (any applicant should have to prove that they have vehicular access rights over the access involved) and the proposed access, parking and turning facilities shown are sub-standard, with three accesses all converging at the same, awkward point on Brookthorpe Road.

Waste Management - No comments or observations received.

Borough Engineer - Drainage Section - No objections, subject to securing a satisfactory surface water drainage scheme at any Technical Details stage, or by planning condition.

Environmental Health - Contaminated Land -

Greater Manchester Ecology Unit - No objections, subject to bat assessments of any mature trees proposed for removal or are affected by the proposed by the development being submitted with any Technical Details Consent.

United Utilities (Water and waste) - No objections. They advise that should the applicant receive Planning in Principle permission for this proposal, United Utilities will review the drainage element of any application for Technical Detail Consent in line with the advice provided. They also advise the applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

Tree and Woodland Management Officer - No comments or observations received.

Pre-start Conditions - Not applicable.

Development Plan and Policies

JP-C1 Our Integrated Network
JP-P1 Sustainable Places

JP-S1	Sustainable Development
H1/2	Further Housing Development
JP-C1	Our Integrated Network
JP-H4	Density of New Housing
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.

Introduction

The Permission in Principle (PiP) application seeks to establish whether in principle, the site is suitable for a residential development for 1 no. dwelling within the garden area of 20 Brookthorpe Road, Bury.

Planning Practice Guidance (PPG) advises that the Permission in Principle application route 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 application relates to the first of these two stages.

The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. These considerations, whilst appearing as limited, can encompass various issues which relate to these matters. The PPG does not explicitly state what should or should not be considered within these considerations.

Location

As this is an application for Permission in Principle, the acceptability of residential development on the site falls to be determined at this stage.

NPPF Policy S3 (Presumption in favour of development) sets out the presumption in favour of development and distinguishes between development within settlements and development outside settlements.

The application site is located on an existing private estate planned off an unadopted highway that feeds directly onto Walshaw Road, comprised of Brookthorpe Road, Sharples Drive and Brookthorpe Meadows. This PiP application is therefore within a settlement, as defined within the Glossary of the NPPF.

NPPF Policy S4 (Principle of development within settlements) states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. NPPF Policy HO7 gives substantial weight to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community.

PfE Policy JP-C1 (An Integrated Network) seeks to secure a pattern of development that minimises both the need to travel and the distance travelled by unsustainable modes to jobs, housing and other key services, including healthcare, education, retail, recreation and leisure facilities, green space and green infrastructure.

The location of the development would be within a 15 minute walking distance of the village of Walshaw Village, where there are a variety of public houses, restaurants and a convenience store. Bus Stops exist on both sides of Walshaw Road near to the junction of Brookthorpe Road with Walshaw Road. TfFM operates two bus services from the nearby stops - the 480 - Bolton - Bury Bus and the 511

The 480 bus runs between Bury and Bolton via Ramsbottom (a Town Centre within the borough), Hawkshaw and Bradshaw along Walshaw Road. This bus operates on an hourly hourly along the 480 corridor.

The 511 bus runs between Bury and Bolton via Ainsworth and Brightmet, operated by the Bee Network. It runs every 30 minutes along Walshaw Road into Bury Town Centre directly into the Metrolink Interchange.

Based on the above, any future occupiers of the proposed dwelling would not be wholly

reliant on a private car to access daily services and amenities and thus the site is considered to be located in an accessible location. The erection of an additional dwelling in this 'settlement' would therefore accord with the locational requirements of PfE Policy JP-C1.

Land Use

The application site comprises part of the garden area of no. 20 Brookthorpe Road.

Garden land has been protected from housing developments by a technical classification; in the Glossary of the NPPF, the definition of Previously Developed Land explicitly excludes private residential gardens in built-up areas. This exclusion remains in place to prevent developers treating urban gardens as automatic housing sites. However the updated NPPF introduces new mechanisms that encourage densification unless its adverse impacts substantially outweigh its benefits. The core change inside settlements is Policy S4, which introduces a strong default "yes" (presumption in favour of sustainable development) for development within settlement boundaries. A planning application for housing inside a settlement must be approved unless its adverse impacts substantially outweigh its benefits.

NPPF Policy L2 (Making effective use of land) instructs local authorities to give substantial weight to the benefits of creating new homes through development within existing residential plots and curtilages (gardens). It states: "Substantial weight should be given to the benefits where a development proposal would achieve one or more of the criteria" within the policy. However the policy within the criteria cannot be assessed until Technical Details Stage and it is likely that this development would not comply with this NPPF Policy.

Amount of Development

PfE Policy JP-H4 requires new housing development to 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. Policy JP-H4 sets out minimum densities that should be considered. The NPPF requires the efficient use of land. This aspect therefore needs to be considered under this criteria.

The application site is an area where at least 35 dwellings per hectare is required.

The application site equates to approximately 0.06 hectares. On this size of site, two dwellings (smaller dwellings) could be accommodated based on this policy.

Policy JP-H4 allows for lower densities where they can be clearly justified by:

1. Local housing market issues, such as a demonstrable need for a particular type of housing that cannot be delivered at a higher density; or
2. Site-specific issues, such as the design context and any potential impact on the wider landscape or townscape including heritage assets and green infrastructure.

The application site is located on a gated estate of large detached houses set in large plots. The site context and the site specific conditions, such as the trees within the plot that have a visual amenity value. One dwelling on the plot would therefore be acceptable in this regard.

Housing Land Supply

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the following stepped targets for Bury:

246 homes per year from 2022-2025;
452 homes per year from 2025-2030; then
520 homes per year from 2030-2039.

The buffer applicable to the five-year supply assessment is based on NPPF Annex D paragraph 9. In Bury's case, a 5% buffer is required in accordance with paragraph 9c. A 20% buffer is no longer required because:

the latest Housing Delivery Test result exceeds 85% (NPPF Annex D paragraph 9b: 2025 result = 114%); and

the collective PfE requirement for all 9 PfE districts exceeds 80% of the LHN for those 9 districts (NPPF Annex D paragraph 9c: 10,305 PfE target against LHN of 12,470 = 83%).

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, a supply of 2,231 homes has been identified for the period from 2025-2030. This is set against a requirement for 2,270 homes (including a 5% buffer and having taken account of past over delivery). This gave a 5-year supply of 4.9 years, which is a very marginal shortfall based on last years assessment. However, the Council is currently in the process of updating its SHLAA with a March 2026 date and will need to take account of a number of new housing sites that have come forward and the progress that has been made on several large sites over the past 12 months or so. However, the Council is currently in the process of updating its SHLAA with a March 2026 date and will need to take account of a number of new housing sites have come forward and the progress that has been made on several large sites over the past 12 months or so. As it stands the planning balance is therefore tipped in favour of accepting the principle of a dwelling in this location.

Response to Objectors

As set out within the main body of the report, to assess PiP applications a LPA consideration is limited to location, land use and amount of development, with other matters considered at technical details stage.

Conclusion

The application seeks Permission in Principle for the erection of one dwelling within the residential curtilage of 20 Brookthorpe Road, Bury. Whilst the application contains full plans and elevations of a proposed dwelling these have not been assessed, in accordance with the Permission in Principle process, where the assessment is limited to the matters of location, land use and amount of development. The site is located within an established residential area and is considered to be in a sustainable and accessible location. The proposed residential use is compatible with the surrounding character of the area and the provision of a single dwelling represents an appropriate amount of development having regard to the size and context of the site.

Whilst concerns have been raised by neighbouring residents and the Highway Authority has identified issues relating to access arrangements, these matters relate principally to the detailed design and implementation of development and would require full assessment through any subsequent Technical Details Consent application. On balance, having regard to the development plan, national planning policy and the limited considerations applicable to Permission in Principle applications, it is concluded that the site is suitable in principle for the provision of one dwelling. Permission in Principle should therefore be granted

Recommendation: Approve

Conditions and Reasons:

The Principle of Permission hereby granted is for a period of 3 years from the date of this decision. This is the prescribed period as set out in the Town & Country Planning Act 199, Town and Country Planning (Permission in Principle) Order 2017

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as amended. The "Notes to Applicant" below provides guidance on what the detailed proposals should include at the Technical Details Stage.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB -	11/0/2026	DM	11.09.2026