

DELEGATED REPORT

Report by Tom Beirne	Date of report: 11/09/2026	Ref: 73456/FUL
Registration: 20/07/2026	LDFC: 19/08/2026	Expiry Date: 14/09/2026
Site Visit: 18/08/2026	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of land from paddock to domestic curtilage with garden shed.

Location: 399 Bass Lane, Summerseat, Ramsbottom, Bury, BL9 5NR

Description

The application relates to a small grassed paddock to the east of the applicant's two storey stone built, semi-detached house at the eastern end of Bass Lane, close to the junction with Walmersley Road (A56). The land slopes down from south/Bass Lane towards the treed land to the north and is bounded by a timber post and rail fence and shrub planting

The attached neighbour to the west is 397 Bass Lane and to the south, across the road is a detached house 400 Bass Lane. To the north, at the rear of the site is a well treed clough running east west also owned by the applicant. The site is within the Green Belt and River Valley and is within a designated Wildlife Links/Corridor.

The proposal involves formally changing the use of the paddock to garden ground, retaining the timber fence and boundary planting with additional landscaping and the siting of a garden shed on the north side.

Relevant Planning History

02964/E - Construction of replacement garage, attic extension to same and relocation of vehicular site access - Enquiry completed 16/05/2024
70983 - Replacement two storey garage; rear dormer and PV panels to roof and create new vehicular access - Approve with Conditions 17/10/2024
72923 - Application to discharge condition 4 (construction traffic management plan CTMP) on planning permission 70983 - Approve 16/04/2026
73459 - Variation of condition 2 (approved plans) on planning permission 70983 (Replacement two storey garage; rear dormer and PV panels to roof and create new vehicular access); Increasing the width of the garage to ensure the stairway and downstairs toilet are accommodated alongside the double garage; Reducing the pitch of the roof to provide additional headroom to the first floor, which allows space for a small en-suite to be accommodated; Adding two windows to the east elevation; Adding a utility space to the ground floor of the garage and increase in decking floor space to the rear - Approve with Conditions

Publicity

Immediate neighbours notified by letter dated 29/07/2026. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections received.

Planning Policy Manager - No objection.

Greater Manchester Ecology Unit - No objection.

Pre-start Conditions - N/A

Development Plan and Policies

OL1/5	Mineral Extraction and Other Development in the Green Belt
OL5/2	Development in River Valleys
EN6/4	Wildlife Links and Corridors
OL1/2	New Buildings in the Green Belt
EN1/1	Visual Amenity
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework
JP-P1	Sustainable Places
JP-S1	Sustainable Development
EN1/3	Landscaping Provision
EN1	Built Environment

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.

Use - The applicant has indicated in a supporting statement that the land is currently used as garden and was informally used as such by the previous owners. A 'statement of Truth' from a member of the previous owners family has been submitted with the application to confirm this.

It does appear from 'streetview' photos that the paddock was mowed and maintained by the owners of the property and has over a number of years appeared to be a functional part of the domestic curtilage rather than operating as a separate agricultural paddock. Given the modest size of the paddock and its location adjacent to the house and the copse of trees to the north, it is difficult to imagine it being used for more agricultural/horsicultural purposes. It is noted that the house opposite the junction on Bass Lane has a similar styled garden and therefore the proposal would not appear out of keeping within the immediate environs. On balance, it is considered that the principle of the change of use would be acceptable and comply with policies within the NPPF, the Joint Development Plan and the UDP as listed above..

Visual amenity and character of the Green Belt - The existing timber post and rail boundary fence would be retained and the applicant has planted a laurel hedge behind this to screen the garden from the public highway. The appearance of the site is in keeping with its surroundings and the planting would effectively screen the shed which is part built, modest in scale and sits in the lower northern section of the site. The shed would be timber clad and would not be prominent when viewed from the public realm. With the post and rail fence and hedge planting, the site would retain its semi-rural character and would not have a significant impact on the character and openness of the Green Belt.

It is considered appropriate, given its green belt location, that permitted development rights for development in the garden (Class E), are removed by condition. A further condition would require the new boundary hedge to be retained in situ.

The change of use of the land to garden ground would not have a detrimental impact on visual amenity and therefore would be acceptable and comply with UDP Policies EN1/1 Visual Amenity, EN1/3 Landscape Provision, OL1/2 New Buildings in the Green Belt and associated guidance.

Residential amenity - Given the location of the site, there are no residential amenity issues arising and it is noted that there are no objections from neighbours.

Ecology - Given that the site was formerly a grassed paddock, its use as a garden, with the retention of boundary planting and supplementary landscaping, would not have a significant impact on ecology. No objection from Greater Manchester ecology Unit and complies with the NPPF and UDP Policy EN6 Conservation of the Natural Environment.

Highway safety - Given the location of the site and nature of the proposal, visibility is not impacted. No objection from traffic section.

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

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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 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings submitted dated 21/07/2026, 18/08/2026 and 02/09/2026 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.
- 3 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, no other development other than what is contained within this approved scheme shall be carried out within the terms of Class E of Part 1 of Schedule 2 of the Order, without the submission and approval of a relevant planning application.
Reason. To ensure that future inappropriate alterations or extensions do not occur pursuant to policies of the Unitary Development Plan listed.
- 4 The boundary hedge indicated on the approved plan shall be retained in situ. Any part of the hedge removed, dying or becoming severely damaged or becoming seriously diseased within 3 years of planting shall be replaced by hedging of a similar size and species to that originally required to be planted.
Reason. In the interests of visual amenity and ecology pursuant to UDP Policies EN1/1 Visual amenity, EN1/3 Landscape provision and EN6 Conservation of the Natural Environment.
- 5 The landscaping scheme hereby approved shall be implemented to the written satisfaction of the Local Planning Authority not later than 12 months from the date the building(s) is first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policy EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan..

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
TB 11/9/26		DM 11/9/26	