

NOTICE OF REFUSAL OF PLANNING PERMISSION

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

To:

Mr J Petersen
JPL Design and Construct Ltd
12 Ormskirk Close
Bury
BL8 2JG

On Behalf Of:

Ms H Sheppard & Mr R Fantauzzo
Ferns Farm Turton Road
Tottington
Bury
BL8 3QH

PART 1 - Particulars of Application

Application Number: 69172

Date of Registration: 12/12/2022

Proposal:

Demolition of stables and erection of 1 no. dwelling

Location:

Ferns Farm, Turton Road, Tottington, Bury, BL8 3QH

PART 2 - Particulars of Decision

The Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reasons:-

- 1 The proposed development is located entirely within the Green Belt. It is considered to represent inappropriate development in the Green Belt as defined in NPPF and the Council does not consider there to be special circumstances that would outweigh the harm that will be caused to the Green Belt by reason of inappropriateness, and to the character and openness of the Green Belt as a result of the development. As such, the proposal would be contrary to the requirements of the National Planning Policy Framework and Policy OL1/2 of the Bury Unitary Development Plan.
- 2 The proposed development, by virtue of its siting, design, appearance, bulk, massing and materials would cause significant harm to the character and visual qualities of the West Pennine Moors and Special Landscape Areas and would fail to relate sympathetically to the traditional farmhouse. The proposed development would thus be detrimental to the landscape character and visual amenities of the area, contrary to Policies EN1/1, EN9/1 and OL7/2 of the Bury Unitary Development and the National Planning Policy Framework.
- 3 The proposal would result in the intensification of daily use of an access onto a high speed classified road that is sub-standard in terms of visibility and arrangements at the junction with B6213 Turton Road, which would be detrimental to highway safety. The proposal is therefore considered contrary to Policies EN1/2, H2/2 and HT6/2 of

the Bury Unitary Development Plan and the National Planning Policy Framework.

- 4 As submitted the scheme fails to demonstrate that sufficient car parking, servicing and turning facilities provision exists for existing and proposed future occupiers of Ferns Farm, the development itself and users attending Ferns Farm livery stables. As such approval of the scheme would lead to conditions to the detriment of good design and highway safety. The proposed development is therefore considered contrary to Policies EN1/2, H2/2, and HT2/4 of Bury Unitary Development Plan, the National Planning Framework and the National Design Guide.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Where appropriate the council will seek to engage with applicants to resolve concerns over development proposals either before the application is submitted as promoted by paragraph 39, or during the consideration of the application as promoted by paragraph 38 of the NPPF. However, in some circumstances it will not be possible to resolve these concerns and so a refusal of the application is necessary due to the environmental / social / economic harm that will be caused by the development as identified in the reasons for refusal. In these circumstances an application is refused to enable the overall speed and quality of the council's decisions within the agreed timeframe to be maintained.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

OL1	OL1 - Green Belt
OL1/2	OL1/2 - New Buildings in the Green Belt
OL5/2	OL5/2 - Development in River Valleys
OL7/2	OL7/2 - West Pennine Moors
EN6/4	EN6/4 - Wildlife Links and Corridors
EN9/1	EN9/1 - Special Landscape Areas
MW1	MW1 - Protection of Mineral Resources

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

For the avoidance of doubt, this decision relates to the following plans:

- Dwg. No. LP02 Rev. B: Location Plan;
- Dwg. No. PB02 Rev. A: Proposed Block Plan;
- Dwg. No. L02 Rev. A: Proposed Ground Floor Plan;
- Dwg. No. L03: Proposed First Floor Plan;
- Dwg. No. E03 Proposed Elevations - 1 of 2; and

- Dwg. No. E04: Proposed Elevations - 2 of 2.

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read "Paul Kavanagh", written in a cursive style.

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On behalf of the Council

Date of Decision: 06/03/2023