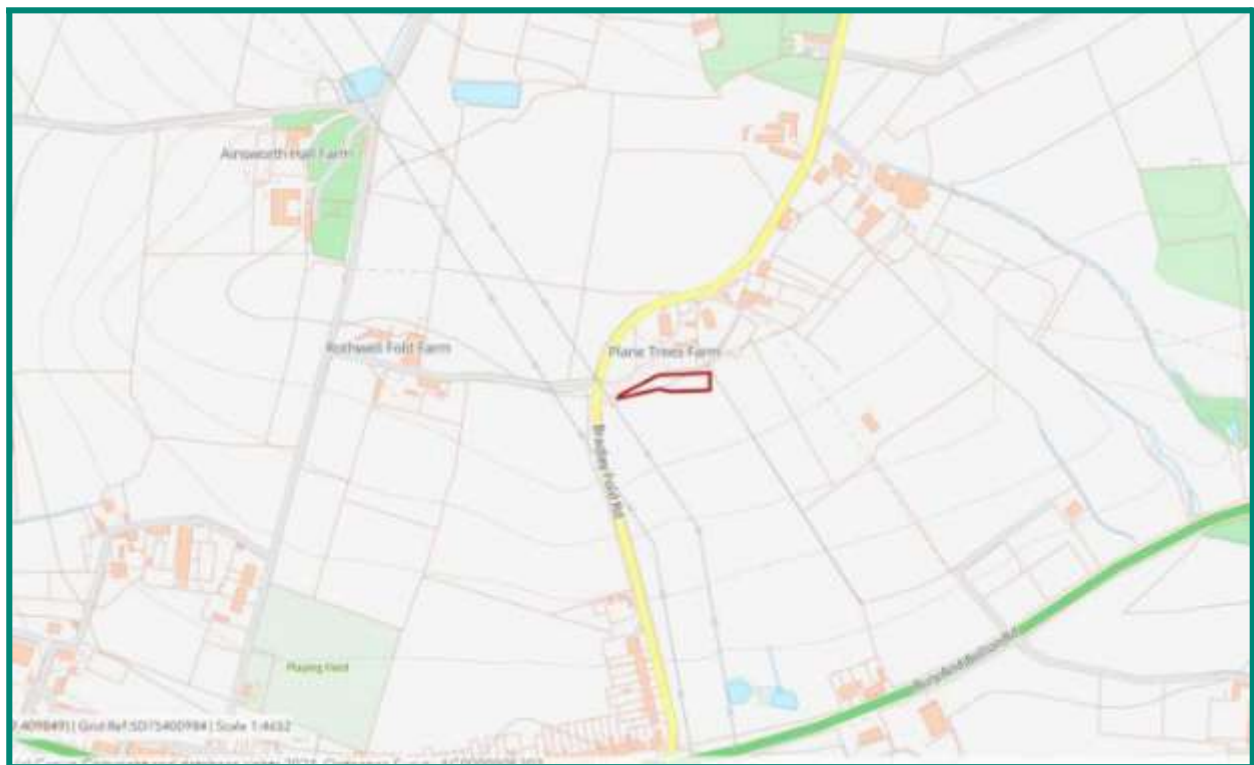


APPELLANT’S APPEAL STATEMENT - FINAL COMMENTS

5th May 2026

Appeal by Mr and Mrs S O Gara (“The Appellant”) against the refusal of planning permission for the erection of stables and menage on land adjoining Plane Trees Farm, Bradley Fold Road, Radcliffe, Bolton, BL2 5QR



At: Plane Trees Farm, Bradley Fold Road, Radcliffe, Bolton, BL2 5QR

Prepared by MacMarshalls Rural Chartered Surveyors & Planning Consultants



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1. INTRODUCTION

- 1.1. This Appeal is made on behalf of Mr & Mrs S O Gara against the decision of Bury MBC (“the LPA”) to refuse planning permission for the erection of stables and menage on land adjoining Plane Trees Farm, Bradley Fold Road, Radcliffe, Bolton, BL2 5QR under application reference 72495/FUL. The application was refused on the 8th January 2026.

2. SITE CONTEXT

- 2.1. The appeal site comprises part of a field located to the east of Bradley Fold Road, Ainsworth. Ainsworth village is located approximately 700 metres to the north of the site. Bolton is located to the west and Bury is located to the east. Bradley Fold Road links up with Bury New Road, which links the two towns. The extent of the site is shown below as Figure 1.

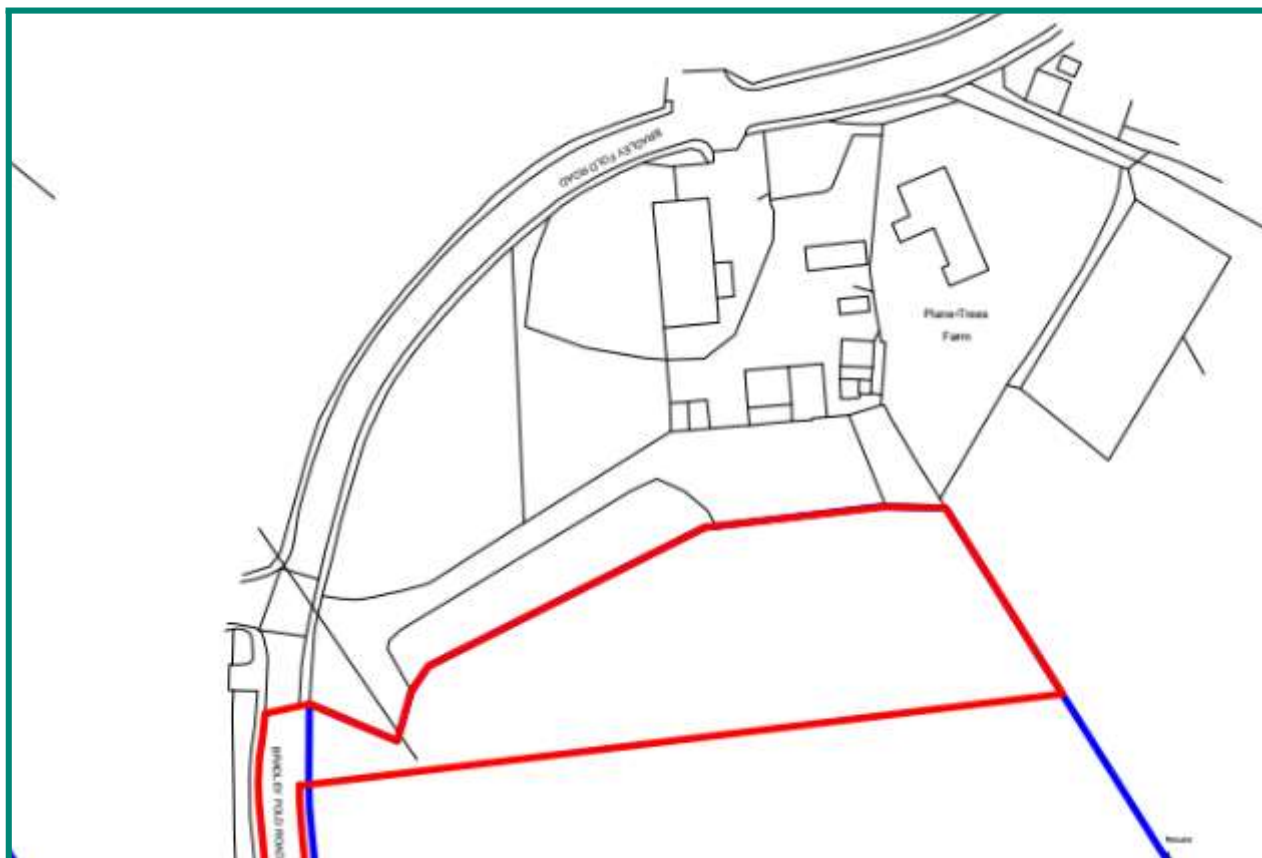


Figure 1: Location Plan of the site

- 2.2. The appeal site comprises a field, which slopes up gently from south to north. To the north of the site is a hay barn, to the east are further agricultural fields and to the south is the host field, which is within the ownership of the applicant. To the west is the site access leading onto Bradley Fold Road. Two photographs shown below identify the site when viewed from the south.



Figure 2: Photographs taken from the south towards the site

3. RESPONSE TO LOCAL PLANNING AUTHORITY COMMENTS

- 3.1 The appeal relates to a refusal of a stable block and a menage. This statement is to be read in conjunction with the Statement of case previously provided by the appellant in respect of this appeal. This statement will not seek to repeat the points raised in the previous statement, however, will address the comments set out in the Local Planning Authority statement in relation to this appeal.
- 3.2 It is unclear of the points being raised by the Local Planning Authority in relation to the appeal statement referencing reasons for refusal 1 and 2 together within the statement. It is not disputed that there are two reasons for refusal, however as per the appeal statement it is clear that these reasons deal with similar matters under the same planning policies. This point is clarified by the Local Planning Authority in their own statement, referring to the impact of the proposed stables by virtue of their siting and location and by reason of size, design and appearance. These are matters all covered under the same policies within the Development Plan which is clear within the reference to the policies listed within the decision notice.

- 3.3 With regards to the statement that the development would be located in an isolated location, the Local Planning Authority position considers the development to be isolated on the basis that the proposed stables would be located circa 21m from the existing agricultural storage barn and more than 30m from the other agricultural buildings to the north. It is not considered that at these distances the proposal would be considered to be isolated. They would be viewed in the context of the wider site, and it is considered that the proposal is closely related to and in the vicinity of the existing built form, and appropriately located in the wider context.
- 3.4 Reference is made to Supplementary Planning Document 10 which states that stables should be sited close to boundaries, near to other buildings and not in exposed areas. As per the previous comments the siting is not considered to be isolated. Siting the stables close to the boundary with the road would have a greater visual impact and result in the development being further from the existing built form. It is also noted that this is a guidance document so should be afforded limited weight in decision-making process as this position is not set out in planning policy.
- 3.5 In referencing comments on levels the Local Planning Authority acknowledges that the land levels drop away from North to South, therefore supporting the appellant's position that views of the proposal are limited. The stables would not therefore appear prominent or exposed.
- 3.6 It is unclear as to the concerns raised by the Local Planning Authority with regards to a doorway access into the stables, as it is unclear how access would otherwise be gained to the stable block. The scale of the building is not that of a domestic building with the proposed stable block only measuring 3787.2m to its ridge and suitably located alongside the proposed riding arena. Whilst there are windows, these are limited in number, and simply to provide light into the stables given the lack of natural light sources due to the design and layout proposed. If it is considered that the number of windows is unacceptable the appellant would be willing to accept a suitable worded condition, if it was considered necessary to make the development acceptable in planning terms. However, it should be noted that it is not considered that the inclusion of limited windows would result in an unacceptable form of development.
- 3.7 The LPA states that 'the application did not provide any details of the access to the site and indeed the

access to the site has not even been shown on any of the submitted plans'. The plans clearly indicate the access to the stables within the site with the location plan indicating the site's connection to the highway. Full details of the proposed access details can be controlled by a suitably worded condition. If during the course of the application the Local Planning Authority considered further details were required with regards to this aspect the appellant would have worked proactively with the LPA to provide these details. If it was considered that the plans were not acceptable in terms of failing to show a connection to the highway the LPA should have made the application invalid on receipt.

- 3.8 The Local Planning Authority states that visibility is poor in both directions. However, it is noted that there is an existing access point on this part of the road which has not created any unacceptable impacts on highway safety. It is also noted that there is a suggested condition with regards to providing a visibility splay at the entrance. Whilst the details regarding this condition are very limited within the submission, it is considered that this is a matter that can be suitably controlled by condition. It is also key to note that the LPA did not seek details to demonstrate acceptable levels of visibility when exiting the site or tracking provided of a vehicle entering and exiting the site with a horsebox as part of the application process. These would have been willingly provided if requested.

4. SUGGESTED CONDITIONS

- 4.1 Paragraph 57 of the National Planning Policy Framework states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 4.2 The Local Planning Authority have only provided bullet point details and not full conditions to review as part of the appeal. It is considered that in this format they fail to provide adequate details to enable comments on the precise nature of the conditions set out, and therefore comments on these are limited due to this. We would welcome details of full conditions for review.
- 4.3 With regards to the list provided:
- Commencement condition for 3 years compliance is acceptable and agreeable;
 - Implemented in accordance with approved plans- acceptable subject to agreed list of plans;
 - Submission of materials for approval is acceptable;

- The conditions requiring statutory Biodiversity Net Gain condition and updated BNG metric and HMMP is not fully in accordance with the officer report which advises that the BNG matters can be dealt with through the submission of a biodiversity net gain plan. There are no details of the length of time the HMMP would relate too;
- Details of manure storage are acceptable. Drainage would be expected as a separate condition. It is not considered a drainage condition for the stables is necessary with regards to this development, however details can be provided if this is considered necessary by the Inspector;
- A further condition also relates to a drainage scheme. This relates to surface water run-off, it is unclear as to the difference between these conditions. It is considered that this condition seems onerous for development of this scale, but again agreeable if considered to be necessary;
- With regards to the construction traffic management plan, this is not considered to be necessary or reasonable for a development of this scale which would not result in significant traffic movements, would require a short construction period, and would not have a detrimental impact on highway safety or amenity. It is considered that this condition would fail the six tests, however if the Inspector considers the condition to be necessary it would be acceptable to the applicant;
- No lighting is proposed, however a condition relating to any proposed lighting is considered to be acceptable;
- The details of this condition are not precise in terms of the visibility splays the Local Planning Authority consider to be acceptable. It is not considered that this is necessary or reasonable in relation to the scale of the development, however the appellant would be happy to provide these details subject to further details.

5. CONCLUSION

- 5.1 Whilst there are six reasons for refusal listed on the decision notice, many of those reasons are interrelated and rely on the same policies. The alleged conflict with the Framework, the adopted Places for Everyone Joint Development Plan Document (PFE) and the saved policies within the adopted Bury Unitary Development Plan (UDP) does not exist as set out in the Statement of Case and this statement.
- 5.2 The proposal is compliant with the Councils own supplementary planning guidance relating to equestrian development and relevant Local Plan policies.

- 5.3 The Local Planning Authority's refusal rests on 6 limbs, none of which withstand scrutiny:
- The visual impact of the development, the impact of landscape and visual amenity are unfounded. The development is appropriately sited in the context of existing development, is sensitively located, screened by existing planting, on lower land, set away from the highway edge, and is small scale in nature. All these factors limit the visual impact of the proposal.
 - Matters related to the safe operations of the highway are unfounded, and where necessary can be controlled by appropriately worded conditions.
 - Surface water concerns in relation to its impact on the highway, given both the nature of the development, and its distance from the highway can not be demonstrated, Again, however this is a matter that could be controlled by an appropriately worded condition.
- 5.4 There are therefore no material considerations which indicate that planning permission should be withheld. The appeal proposal complies with the Development Plan when properly interpreted and in line with the Framework.
- 5.5 The conditions set out lack precision and not all are considered to be necessary to make the development acceptable in planning terms. However, the applicant would be willing to adhere to any conditions the inspector finds to be necessary in relation to the proposed development should the appeal be allowed.
- 5.6 Accordingly, the Inspector is respectfully requested to allow the appeal and grant planning permission for the development.

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Ref: C42-3 Appeal Final Comments

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