

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Steven Hartley
HP & DA Ltd
Swallow Barn
Lower Chapel Hill
Hurst Lane
Rawtenstall
BB4 8TB

On Behalf Of:

Ms Joanna Kelly-Morris
Dry Gap Barn
Bury Old Road
Ramsbottom
Bury
BL0 0RX

PART 1 - Particulars of Application

Application Number: 73303

Date of Registration: 15/06/2026

Proposal:

Application for permission in principle for
erection of 1 no. dwelling

Location:

Land adjacent to Dry Gap Barn, Bury Old
Road, Shuttleworth, Ramsbottom, Bury, BL0
0RX

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 site represents an unsustainable location for residential development, lacking adequate access and lacking adequate access to local services, facilities and public transport. Future occupants would be heavily reliant on private vehicles. The proposed development would therefore be contrary to PfE policies JP-C1, JP-P1 and JP-S1 and fail the tests set out in Paragraph 155 (c) in relation to Grey Belt Land and therefore conflict with the National Planning Policy Framework.
- 2 The application and submitted plans contain conflicting information to enable the proper assessment of the proposed density of the development in accordance with Policy JP-H4 and paragraph 130 of the NPPF which requires development to make optimal and efficient use of land. Therefore, the proposed development would conflict with Policy JP-H4 of the Places for Everyone Joint Development Plan and Chapter 11, particularly paragraph 130 of the National Planning Policy Framework.

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.

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

NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide
H1/2	H1/2 - Further Housing Development
H2/1	H2/1 - The Form of New Residential Development
H2/2	H2/2 - The Layout of New Residential Development
EN1/2	EN1/2 - Townscape and Built Design
EN6/3	EN6/3 - Features of Ecological Value
HT2/4	HT2/4 - Car Parking and New Development
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-G1	Landscape Character
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G9	The Green Belt
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-P1	Sustainable Places
JP-P2	Heritage
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S1	Sustainable Development
JP-P2	Heritage
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:

Location plan ref : JKM.080626.A
Planning Statement ref : JKM.050626.A
Application form 7/6/26

NOTES TO APPLICANT

1. Consultee response - United Utilities - full response and Appendices can be found on the Council's website
United Utilities provides the following comments to support the Local Planning Authority in their determination of the planning application detailed above, and to direct the applicant to further sources of support and guidance on matters that might impact their proposal. The letter and Appendix should be read in their entirety (please see the Council's website for the full response).

Should this proposal be approved, and an application submitted for Technical Detail Consent, it is important to note that our response to a subsequent application will be based upon the information that is available at the time of response, and therefore, our position and advice may vary.

We strongly recommend that the applicant or any subsequent developer contacts United Utilities, using our pre-development enquiry service to discuss their proposals directly with our Developer Services team. They can find further advice, along with a pre-development enquiry form, on our website: Building & Developing - United Utilities

All options for the sustainable management of surface water must be thoroughly investigated before we will accept any surface water connections from new development to the public sewer. Where a new surface water connection to the public sewer is proposed, we will require robust evidence to demonstrate the drainage hierarchy has been fully investigated and there are no more sustainable options available for the management of surface water.

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 comments made above.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as a main river).

Management and maintenance of Sustainable Drainage Systems (SuDS)

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area, including the performance of the public sewer network (where the two systems interact). Therefore, where SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice. An example condition is included with the Appendix, Section 2.2.

When considering their drainage proposal, it is the applicant's responsibility to investigate the existence of any infrastructure that might impact their detailed design. This includes water, wastewater, operational and/or abandoned pipelines. United Utilities will not routinely review proximity or positioning of drainage proposals in relation to existing pipelines when assessing the suitability of a specific drainage design. Where infrastructure exists, the drainage design must comply with the relevant United Utilities guidelines and/or Building Regulations. Further information is available on our website: Working near our pipes - United Utilities. Failure to consider existing infrastructure when designing a drainage proposal may result in the applicant having to redesign proposals at a later date.

United Utilities property, assets and infrastructure

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

It is important that the supporting information contained in the Appendix, Section 3.0 'United

Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site. Additional information is available on our website: Working near our pipes - United Utilities

The applicant should also review United Utilities' 'Standard Conditions for Works Adjacent to Pipelines' document which can be found on our website: [standard-conditions-for-works-adjacent-to-pipelines-issued-july-2015.pdf](#). They, or any subsequent developer working on the proposed site must adhere to the details contained within this document.

Water efficiency in new development

All new homes are required to meet the mandatory national standard of 125 litres of water used per person per day (l/p/d) as set out in Building Regulations Approved Document G. If your adopted development plan includes a policy that implements the tighter water efficiency standard of 110 l/p/d for new-build dwellings in Part 3 of Building Regulations, you should ensure that this is a condition of any planning permission you may grant. You should also consider whether there is any adopted development plan policy relating to water efficiency in the construction of non-residential development. As this is a matter for the local planning authority / building control body, United Utilities would not be involved in the discharge of conditions relating to water efficiency.

2. Consultee response - Drainage Engineer

Would recommend a condition at Technical Details Stage as follows -

Development shall not commence until details of surface water drainage proposals have been submitted to and approved by the Local Planning Authority. The scheme must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or subsequent revisions of it. This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Design details should comply with guidance contained in the Greater Manchester's Sustainable Drainage Design Guide, March 25. Details of proposed maintenance arrangements should also be provided.

the approved scheme shall thereafter be implemented.

Reason. To promote sustainable development. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact.

3. Consultee response - Environmental Health

It is noted that this is a Stage 1 Permission in Principle application to establish the principle of development. As such conditions cannot be recommended, but the Section raise comments below regarding the information required for submission at the subsequent Stage 2, Technical Details Consent stage. The proposal is for the erection of 1 no. dwelling.

Contaminated Land

The site has been in agricultural use as such there is the potential for contamination

to be present. Furthermore, a sensitive end use is proposed. As such, to avoid pre-commencement conditions sufficient information must be submitted at Stage 2, Technical Details Consent stage, to demonstrate that no remedial measures are required or to agree such measures. Further information regarding Land Contamination and the planning process can be found in Bury Council's Developers Guide and on the Planning Portal.

Air Quality

For this type of development, it would be expected that parking would be included. The site is not located within an Air Quality Management Area. Due to the scale of the proposed development, it is considered very unlikely that the proposed development could create an increase of more than 500 AADT (annual average daily traffic). Therefore, in line with the EPUK Guidance, an air quality assessment will not be required.

Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. To support the principles of the Greater Manchester Clean Air Plan in reducing levels of nitrogen dioxide and in order to manage current and future levels of air pollution Bury Council is encouraging the use of cleaner vehicles. As such and in line the requirements of the Building Regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), as part of the Stage 2, Technical Details Consent stage, the developer should provide information regarding Electric Vehicle Infrastructure to the following specification:

1 no. electric vehicle (EV) charging point (minimum 7kW*) per dwelling/parking space

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Certification and photographic evidence of the installation of the agreed electric vehicle charge points will be required to be submitted to Local Planning Authority for approval prior to the development being brought into use. The infrastructure shall be maintained and operational in perpetuity.

5. **Other considerations for Technical Details**

Greater Manchester Combined Authority - Minerals and Waste

The Greater Manchester Minerals Plan (adopted 2013) forms part of Bury's Development Plan and sets out policies relating to minerals, including the safeguarding of mineral resources.

The proposed development is located in an Area of Search for sandstone. Policy 3 of the Minerals Plan (Aggregate Extraction within Areas of Search) is relevant here, and identifies potential areas for sand and gravel extraction in case of a shortfall in supply.

However, this does not preclude the use of this area for other purposes, and based on the information provided, the proposal is considered acceptable in terms of Minerals Plan Policy 3.

Ecology

As part of a technical details stage, a preliminary ecological appraisal and biodiversity net gain statement and accompanying BNG metric (if relevant) should be provided. Section 187 of the NPPF states that the planning policies and decisions should

contribute to and enhance the natural and local environment. Proposals for ecological enhancement should be provided at a technical details stage.

Carbon and Energy

The proposal is required to comply with Policy JP-S2: Carbon and Energy. Details on what measures the applicants intended to put in place to comply with this policy will be required to be submitted at the Stage 2, Technical Details consent stage.

Digital Connectivity

The proposal is required to comply with Policy JP-C2: Digital Connectivity. Confirmation will need to be sought at the Stage 2, Technical Details Consent stage that full fibre will be provided as part of the proposal.

4. **Consultee response - Conservation response**

Objection -

The proposed dwelling would be within the setting of the Grade II listed Dry Gap Farm and Outbuilding.

As such development within the listed assets setting has the potential to represent harm to its setting causing a loss of significance.

Signed:



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On behalf of the Council

Date of Decision: 13/07/2026