

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 19/08/2026	Ref: 73234/FUL
Registration: 24/06/2026	LDFC: 19/08/2026	Expiry Date: 19/08/2026
Site Visit: 29/07/2026	Site Notice: 29/07/2026	Press Date: N/A
Objections: 3	Con Area:	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of garage and creation of parking area

Location: Land to east of Broad Oak Terrace, Bury, BL9 7ST

Description

The application site relates to a plot of land to the east of Broad Oak Terrace, and to the east of existing garages serving the properties along this street. The site is bound to the north, east and south by large trees and wooded areas.

This application has been submitted to obtain retrospective consent for the construction of a detached garage. The garage is 4.9m in length and 2.8m in width and once finished would incorporate a dual pitched, gable end roof a maximum height of 2.5m with an eaves height of 2.1m.

The site is located within the Green Belt and within the River Roch landscape character area.

Relevant Planning History

55290 - Raised decking opposite - Approve with Conditions 18/07/2012

Publicity

12 neighbouring properties were consulted on 10.07.2026. A site notice was erected on 29.07.2026.

6 objection comments from 3 neighbouring properties have been received detailing the following concerns:

- No information was shared with neighbours prior to the build
- Biodiversity has been destroyed
- Green Belt land has been destroyed
- Trees have been removed
- Increased surface run off and issues with mud; safety concerns due to are becoming more slippery; drains are now blocked
- Area outside of the garage is being used to store materials
- Reduction of parking due to angle at which garage is sited
- Applicant already has a garage for car parking
- The applicant does not own the land and did not have the landowners permission prior to the works starting
- Laying of concrete and fly tipping continued after the complaint about the building works were sent to the council
- Erosion of top soil
- Flooding of existing garages
- The applicant has not followed the planning process as started building prior to consent being sought
- Visual impact

DELEGATED REPORT

- Instability of the land
- Issues regarding the address of the proposal

2 supporting comments from the applicant were also received through the online portal detailing the following comments:

- Parking is becoming a major issue, with the intention of the development to create more space
- The proposed garage would be used to store belongings with the existing garage used to park a car, with another car parked outside the existing garage
- The development has created space for 4 cars to be parked
- Applicant didn't realise the area was Green Belt land
- The ground is heavily contaminated and trees fall over frequently
- The objection comments are not online, can these comments be sent over as some of the issues may be resolved

In response to this, 2 further objection comments were received detailing the below concerns:

- There is no issue with parking, the parking constraints are known when purchasing the properties
- A garden shed could have been erected rather than a garage on green belt land for storage
- There is not enough room for 4 more cars to be parked and cars are frequently blocked in
- Trees do not fall/blow over in the area, the only ones that have fallen have been due to the development
- All residents know the land is Green Belt
- The development is an eyesore
- The garage is not intended for storage as there is a ramp into the proposed

Statutory/Non-Statutory Consultations

- Traffic Section - recommended refusal based on:
 - restriction of existing turning facilities
 - insufficient information in regards to drainage
- Environmental Health - Contaminated Land - had no comments to make
- The Coal Authority - made the following comment:

The part of the site where development is proposed lies outside of the DHRA, i.e. is situated in the Development Low Risk Area. Therefore, we do not consider that a Coal Mining Risk Assessment is necessary to support this proposal, and we do not object to this planning application.

Recommended an informative which subject to an approval, would have been acknowledged.

- Greater Manchester Ecology Unit - summarised that it appears that a small amount of vegetation was removed to facilitate this part retrospective application. Mitigation should therefore be provided for loss of bird nesting habitat. Subject to an approval, this would have been acknowledged as a condition.

As the application is retrospective, the statutory BNG condition cannot be applied, although GMEU officers noted that it likely met the de minimis exemption anyway.

Pre-start Conditions - Not relevant

Development Plan and Policies

H2/2	The Layout of New Residential Development
H2/1	The Form of New Residential Development
EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
OL5/2	Development in River Valleys
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
JP-S1	Sustainable Development
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
JP-G7	Trees and Woodland
JP-P1	Sustainable Places
JP-C5	Streets For All
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
OL1	Green Belt

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.

Impact on the Green Belt

Paragraph GB6 of the NPPF states that development in the Green Belt is inappropriate unless it falls within one of the categories in policy GB7.

The categories listed in GB7 are as below:

The following categories of development are not inappropriate in the Green Belt, and therefore should not be regarded as harmful to the Green Belt or be required to demonstrate very special circumstances:

- a) Development which is for agriculture, horticulture and forestry, or which is solely for nature conservation, restoration and/or enhancement;
- b) The reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the original building. In the case of proposals for a replacement building, it should be for the same use and not materially larger than the one it replaces;
- c) Limited infilling in villages lying within the Green Belt;
- d) Limited affordable housing for local community needs under policies set out in this Framework or the development plan (for instance, on a rural exception site);
- e) The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential), which would not cause substantial harm to the openness of the Green Belt;
- f) Certain other forms of development, provided the impact on the openness of the Green Belt is minimised, and there would not be a significant conflict with the Green Belt purposes. These are:
 - i) Mineral extraction and processing, engineering operations, and transport, electricity network, water and telecommunications infrastructure required in a Green Belt location); ii) Development brought forward under a Community Right to Build Order or Neighbourhood Development Order;
 - iii) Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - iv) The provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments.
- g) Development where all of the following apply:
 - i) The development would utilise grey belt land and would not fundamentally undermine the

purposes (taken together) of the remaining Green Belt across the area of the plan;
ii) There is an evidenced unmet need for the type of development proposed;
iii) The development would be in a sustainable location, with particular reference to policy TR3 of this Framework; and
iv) In the case of major development involving the provision of housing, the development proposed complies with policy GB8.

h) Residential or mixed-use development which would:
i) Be within reasonable walking distance of a well-connected station (applying the definitions in the glossary at Annex B);
ii) Be physically well-related to the station or the settlement within which the station is located;
iii) Be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure;
iv) Not prejudice any proposals for long-term comprehensive development in the same location; and
v) In the case of proposals for major development, comply with policy GB8.

The supporting Green Belt statement submitted alongside the application states that the proposal falls within the below exception:

The redevelopment of previously developed land (including a material change of use to residential or mixed-use including residential), which would not cause substantial harm to the openness of the Green Belt.

It states that the proposal is adjacent to 8 no. existing garages that serve the adjacent row of terraced dwellings and that the site has plenty of existing development.

Whilst the site is adjacent to existing terraces and garages, the site has been cleared of trees and vegetation in order to facilitate the proposed garage.

In terms of the redevelopment of previously developed land therefore, it is not the view of the Local Planning Authority (LPA) that this land is previously developed.

This is strengthened by Appeal Decisions such as Appeal reference APP/N4205/W/24/3343705 where, despite housing once standing at the site, and other street furniture being present at the site, the houses were demolished many years ago and therefore the past housing has now blended into the site, and it cannot be considered previously developed land.

In comparison to this current application, this decision can relate as, despite other structures being present nearby, such as existing garages, the site itself was wooded prior to this development, and therefore the site had blended into the land.

It is therefore the view of the LPA that very special circumstances would need to be submitted in order for this application to be assessed, and potentially considered acceptable, on the impact of the Green Belt. This was relayed to the agent and applicant, both of which did not wish to strengthen the argument.

The proposed is therefore considered inappropriate development within the Green Belt, and as such should be refused on this basis.

Development in River Valleys

Policy OL5/2 - Development in River Valleys of the UDP states the below:

Within the River Valleys, new buildings or the change of use of existing buildings or the

change of use of land will not be permitted. The only exceptions considered acceptable will be those where the development would not lead to the division of the open parts of the valleys into sections and it falls within the terms below:

a) where the area is designated as Green Belt the established Green Belt policies will apply;

Given the proposal does not comply with Green Belt policy, the proposed is therefore also not compliant with Policy OL5/2.

Visual Impact

The proposed garage is sited to the east of Broad Oak Terrace, nearby existing garages serving the properties along Broad Oak Terrace.

Despite trees and vegetation having been removed from the site to facilitate the construction, the site is partially hidden from Broad Oak Terrace by existing properties and is only really visible once reaching the eastern side of Broad Oak Terrace. It is also sited in line with the existing garages within this area.

Given the above, the proposed does not have an unacceptable visual impact on the street scene, as is mostly hidden from public vantage points, and therefore is considered acceptable.

Residential Amenity

SPD 6 provides guidance on aspect standards between developments and residential properties.

The proposed is sited in excess of 30m away from any residential neighbours, compliant with the guidance outlined within SPD 6.

Highways/Parking Impacts

From an officer's site visit, it was noted that existing parking within the area is constrained, with some dwellings featuring garages with space for up to one vehicle. Other cars were parking in front of the existing garages.

The Highways Engineer was consulted who recommended refusal based on the proposal resulting in the restriction of existing turning facilities at the end of Broad Oak Terrace/within the garage colony, impeding the ability of for residents vehicles to enter and leave the site in forward gear, which would be detrimental to highway safety and the free flow of traffic. It was unclear whether the submission of plans showing turning facilities would be considered acceptable given the constraints of the site.

They also recommended refusal based on the application and submitted plans containing insufficient information in order to demonstrate that the proposal would not adversely affect existing surface water drainage arrangements in the existing garage colony/turning area.

Issue Regarding Retrospective Consent

Policy DM8.2 states the following:

In cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given

substantial weight in considering whether to grant planning permission.

From discussion with the applicant, it is considered that the applicant did not realise the site was within the Green Belt, and did not realise that planning consent would be required. This is strengthened by works to the proposed ceasing once the council had been notified.

Given this, in this instance, Policy DM8.2 has not been applied as a reason for refusal.

Response to Objectors -

- No trees removed were protected, with the impacts of their removal and impact on biodiversity considered by GMEU and discussed above.
- Issues regarding drainage have been acknowledged within the body of the report, and within the reasons for refusal.
- The applicant not owning the land is a civil/legal matter
- From officer's site visit, it was clear all works had ceased
- Other concerns have been addressed within the body of the report, or are not a material planning consideration.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development represents inappropriate development within the Green Belt as is not considered to fall within any of the exemptions outlined within Paragraph GB7 of the NPPF. Furthermore, no Very Special Circumstances have been submitted to argue how the impact of the proposed would clearly outweigh the substantial harm caused to the purposes and openness of the Green Belt and is therefore contrary to Policy OL1 of the UDP and Green Belt Policy outlined within the NPPF, as well as River Valleys Policy OL5/2 of the UDP.
- 2 The proposal would result in the restriction of existing turning facilities at the end of Broad Oak Terrace/within the garage colony, impeding the ability of for residents vehicles to enter and leave the site in forward gear, which would be detrimental to highway safety and the free flow of traffic, contrary to Policy JP-C5 of PfE.
- 3 The application and submitted plans contain insufficient information in order to demonstrate that the proposal would not adversely affect existing surface water drainage arrangements in the existing garage colony/turning area, contrary to Policy JP-C8 of PfE.

<u>Case Officer</u> CO 19.08.2026	<u>Date</u>	<u>Sign off Officer</u> DM 19/08/2026	<u>Date</u>
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