

DELEGATED REPORT

Report by Jane Langan	Date of report: 04/08/2026	Ref: 73133/FUL
Registration: 26/06/2026	LDfC: 31/07/2026	Expiry Date: 21/08/2026
Site Visit: 02/07/2026	Site Notice: 02/07/2026	Press Date: 09/07/2026
Objections: 0	Con Area: RAMS	Adv Type: CAAF
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Erection of 1.83m high boundary fence/gate along property boundary on Grants Lane

Location: 30 Kay Brow, Ramsbottom, Bury, BL0 9AY

Description

The property is an end town house in a row of 5. It has garden to the front and along the side a gravelled strip which leads up to a gate to the rear garden. There is then a section of planting and to the rear a detached garage and drive. The footpath to the side of the property boundary is along Grants Lane and this form the boundary with Ramsbottom Conservation Area. There are similar properties to the rear of the site and to the west side of Grants Lane is the Grade 2 Listed Barwood Lea and Barwood Lea Mill apartments, a Non-Designated Heritage Asset (NDHA).

The application proposes the erection of a 1.83m high timber fence with concrete post and panel and including a gate, It would enclose the gravelled strip at the side, coming out 0.5 - 2.8m and running from the main two storey front elevation along for 7.3m. At this point the fence would be angled in at 45 degrees and extend a further 2m across up to the garage.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 30/06/26. A site notice was posted on 02/07/26 and press notice placed in the Bury Times on 09/07/26. No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Conservation Officer - A detailed response has been provided, see Conservation section below. It concludes that the proposal would not preserve the setting of the Grade II Listed Building or preserve the character or appearance of Ramsbottom Conservation Area.

Public Rights of Way Officer - No comments to make.

Pre-start Conditions - Not relevant.

Development Plan and Policies

EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
EN2/3	Listed Buildings
EN1/2	Townscape and Built Design
H2/3	Extensions and Alterations

SPD6	Supplementary Planning Document 6: Alterations & Extensions
PFE	Places for Everyone
JP-P2	Heritage
NPPF	National Planning Policy Framework

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.

SPD6 Section 8 relates to Gardens, Garden Structures and Fencing and states that

proposals for new or replacement fences, walls or other means of enclosure will be considered in terms of their impact on the character of the locality, residential amenity and highway safety.

Impact on Conservation Area, Heritage Assets and Visual Amenity

The application site is the side boundary of 30 Kay Brow on the east side of Grants Lane adjacent to its junction with Kay Brow. It is part of a 1970s built housing development comprising of short rows of terraces of two storey dwellings of brick and tile in predominantly small open plots. Some plots have low walls or fences, those adjacent Grants Lane to the east and within the setting of Barwood Lea Mill, Barwood Lea and the conservation area are characterised by open plan plots. Directly opposite west across Grants Lane is Barwood Lea Mill a Non-Designated Heritage Asset (NDHA), has its boundary treatment characterised by a low stone wall. Directly to the south approximately 50 metres on the west side of Grants Lane is Barwood Lea a Grade II listed Building dating from the late 18th century. The two heritage buildings referenced are within the Ramsbottom Conservation Area. Both of the buildings have been constructed from natural stone and slate and make a strong and positive contribution to the character and appearance of the conservation area. The boundary to this part of the conservation area runs south from Kay Brow down the east side of Grants Lane to its termination. The application site at the side of 30 Kay Brow is adjacent to this part of the conservation area boundary and as such the proposed fence is considered to be within the setting of the conservation area, the NDHA Barwood Lea Mill opposite and the Grade II listed Barwood Lea.

The area within the vicinity of the application site and heritage assets is characterised by open plan plots and low stone walls and the proposed fence by virtue of its siting, size, scale, materials and design being a 1.83m high close boarded fence with concrete posts would represent an incongruous feature within the street scene contrary to its character. It would also represent visual harm to the settings of the designated and non-designated heritage assets causing harm to their significance and special historic or architectural interest.

As such the proposal would not preserve the setting of the grade II listed Barwood Lea contrary to section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990. Its indirect impact on Barwood Lea Mill, NDHA, would cause harm to its setting. The proposal would not preserve the character or appearance of that part of Ramsbottom conservation area contrary to section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990. The harm caused would represent less than substantial harm without any public benefit identified, as a private scheme, that could be weighed against the harm to heritage conservation identified.

The applicant has referenced a new fence of similar size, scale, materials and design within the vicinity of the application site as justification for the proposal. This fence has been erected without the benefit of planning permission. It is also stated that a precedent is set referring to application 60879 approved in 2017. This fencing is not located within the immediate area but a considerable distance away at Holcombe Brook and which is not within the setting of a conservation area or heritage assets.

Highways Issues

The proposal would not impact on the existing parking arrangements. The plans include a visibility splay to the fence to allow safe access from the drive. The Traffic Section have raised no objection subject to conditions for no encroachment to the adopted highway and the visibility splay to be implemented and maintained free from obstruction above 0.6m in height.

Residential Amenity

Located to the side of the site the proposal would not have any serious impact on the amenity of any of the neighbouring properties.

Other Issues

The Design and Access statement makes reference to the need for privacy and security to the side and rear boundary of the property as there is opportunity for opportunistic intrusion. The side boundary is a narrow graveled strip and the property has a solid brick side elevation wall. The proposed fencing would create minimal enclosed space. In terms of the rear garden then the existing side gate is set back from the highway and could be increased to 1.83m and be of a solid material under permitted development rights to provide increased security and privacy.

In conclusion, as noted above, as the development is contrary to the following policies with regard to its impact on the conservation area and heritage assets it is recommended that the application is refused :-

UDP Policies EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation areas, EN2/2 - Conservation Area Control, EN2/3 - Listed Buildings, H2/3 and SPD 6 - Alterations and Extensions to Residential Properties, JP-P2 - Environment of Places for Everyone.

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.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed fence by virtue of its siting, scale, size, design, height and materials would not preserve or enhance the character or appearance of that part of Ramsbottom conservation area contrary to section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990. The harm caused would represent less than substantial harm without any public benefit identified, as a private scheme, that could be weighed against the harm to heritage conservation identified. The proposed fence would also cause harm to the setting of the Grade II Listed Barwood Lea contrary to section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and indirectly to the setting of Barwood Lea Mill a Non-Designated Heritage Asset. The proposal therefore conflicts with the following policies of the Unitary Development Plan: EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation areas, EN2/2 - Conservation Area Control, EN2/3 - Listed Buildings. JP-P2 - Environment of Places for Everyone and paragraphs 210, 212, 213, 215, 216 and 219 of the National Planning Policy Framework.
- 2 The proposed fence, by reason of its height and position and materials, would be a prominent and intrusive feature in the street scene, out of character with the area and therefore seriously detrimental to the visual amenities of the area. The development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 - Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.

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<u>Case Officer</u> JL	<u>Date</u> 04/08/26	<u>Sign off Officer</u> HL 06/08/2026	<u>Date</u>
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