

NOTICE OF REFUSAL OF OUTLINE PLANNING PERMISSION

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

To:

Mr Richard Mitchell
Gary Hoerty Associates
Suite 9, Grindleton Business Centre
The Spinney
Grindleton
Clitheroe
BB7 4DH

On Behalf Of:

Mr, Mrs & Mrs Jones, King & Ormrod
c/o agent

PART 1 - Particulars of Application

Application Number: 72450

Date of Registration: 09/10/2025

Proposal:

Outline application (all matters reserved except access) for the demolition of an existing farmstead and the erection of 9no. dwellings and associated works

Location:

Brook Farm, Simister Lane, Prestwich,
Manchester, M25 2SB

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 applicant has failed to demonstrate that the development would not have substantial harm on the openness of the Green Belt contrary to paragraph 154g of the National Planning Policy Framework. As such, the proposal is inappropriate development, which by its definition, is harmful to the Green Belt and should not be approved, except in very special circumstances. The applicant has failed to demonstrate very special circumstances that would outweigh the in principle harm caused to the openness of the Green Belt. The proposed development would therefore be contrary to Development Plan Policies:
JP-G9: The Green Belt
JP-G1: Landscape Character
OL1/2: New Buildings in the Green Belt
National Planning Policy Framework
- 2 The proposed development for 9no. dwellings on the site of circa 0.42 hectares would not make optimal use of the potential of the site. Therefore, the proposed development would not make efficient use of land conflicting with Policy JP-H4 - Density of New Housing of the Places for Everyone Joint Development Plan.
- 3 There is a pond located within 50m of the development site. No recent surveys have been provided with the application to provide an assessment of the pond's potential

for Great Crested Newts. The applicant has therefore failed to demonstrate the proposal would not have a detrimental impact on a protected species contrary to Policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 4 The application and submitted plans contain insufficient information to enable them to be properly assessed in relation to Biodiversity Net Gain and the potential for on-site habitat creation. The proposal would therefore fail to comply with Schedule 7A of the Town and Country Planning Act 1990 and Policies JP-G8 A Net Enhancement of Biodiversity and Geodiversity, EN8/2 - Woodland and Tree Planting and JP-G7 Trees and Woodland of the adopted Development Plan.

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:

- EN1/2 EN1/2 - Townscape and Built Design
- EN6/3 EN6/3 - Features of Ecological Value
- EN7/5 EN7/5 - Waste Water Management
- EN8/2 EN8/2 - Woodland and Tree Planting
- OL1/2 OL1/2 - New Buildings in the Green Belt
- 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
- HT2/4 HT2/4 - Car Parking and New Development
- RT3/4 RT3/4 - Recreational Routes
- RT3/3 RT3/3 - Access to the Countryside
- JP-H1 Scale of New Housing Development
- JP-H3 Type, Size and Design of New Housing
- JP-H4 Density of New Housing
- 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-G9 The Green Belt
- JP-G8 A Net Enhancement of Biodiversity and Geodiversity
- JP-G7 Trees and Woodland
- JP-S2 Carbon and Energy
- JP-S4 Flood Risk and the Water Environment
- JP-P1 Sustainable Places
- NPPF National Planning Policy Framework
- SPD6 Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- SPD11 Development Control Policy Guidance Note 11 - Parking Standards in Bury
- SPD8 Development Control Policy Guidance Note 8 - New Buildings and Associated

Development in the Green Belt

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:

Jon.408.3653 - 03, Jon.408.3653 - 04, Jon.408.3653 - 05, Jon.408.3653 - 06,

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 04/12/2025