

DELEGATED REPORT

Report by Helen Pressley	Date of report: 04/12/2025	Ref: 72498/PIP
Registration: 03/11/2025	LDFC: 27/11/2025	Expiry Date: 08/12/2025
Site Visit: 24/11/2025	Site Notice: 10/11/2025	Press Date: N/A
Objections: 19	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Application for permission in principle for erection of up to 9 no. dwellings

Location: Land off Bentley Lane, Bury, BL9 6RZ

Description

The application relates to a piece of land located to the north of Bentley Lane. The site is located within the Green Belt.

The application seeks permission in principle (PiP) for residential development for between 1no. and 9no. dwellings.

The submission of a valid application for permission in principle requires a completed application form, plan which identifies the land to which the application relates and the correct fee. There are no other details or reports required in the submission.

A decision must be made in accordance with relevant policies in the development plan unless there are material considerations in the NPPF to consider.

To assess PiP applications a LPA consideration is limited to location, land use and amount of development, with other matters considered at technical details stage.

Local Planning Authorities must consult any body they would be required to consult in relation to an application for planning permission.

Conditions cannot be attached to a PiP.

Relevant Planning History

None

Publicity

Letters sent to neighbouring properties 5/11/2025

Site notice posted 10/11/2025

15 objections received in relation to:

- The site is Green Belt and should not be re-designated as Grey Belt
- Will not contribute to the housing crisis.
- Site is been in continuous agricultural use for many years
- Site forms part of the wildlife corridor extending along the M66
- Site is steep and any development would create overlooking.
- Access point at junction of three roads is dangerous.
- Lots of farm traffic on the narrow lanes.
- Loss of wildlife/habitat for wildlife.
- Area has been blighted by years of building works.
- Site is not allocated in the Local Plan or PfE

- Local infrastructure over stretched
- Air pollution and noise from motorway.
- HGV access
- Property value
- Community wellbeing will be affected by loss of green space
- Increased traffic
- Established trees would be removed.
- Existing properties on Bentley Lane rely on, on street parking.
- Bentley Lane has a history of refused access/driveways due to safety risks

Statutory/Non-Statutory Consultations

Traffic Section - Details of aspects to be considered at Technical Details Stage given.

Waste Management - No response

Drainage Section - SuDs condition requested.

Environmental Health - Contaminated Land - As a sensitive end use is proposed 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.

For this type of development, it would be expected that parking would be included. 1 no. electric vehicle (EV) charging point (minimum 7kW*) per dwelling/parking space would be required.

Greater Manchester Ecology Unit (GMEU) - Not aware of any ecological issues associated with this site. A Preliminary Ecological Appraisal (PEA) and any more detailed species surveys such as bats, badger and invasive species recommended by the PEA would be required at Technical Details Stage.

GMEU would also recommend a biodiversity net gain (BNG) statement confirming that the development is exempt owing to the development being self-build. If at technical details it is determined the development (or any part) is not self-build then a BNG assessment and statutory metric will be required.

United Utilities (Water and waste) - Guidance given in relation to their pre-application service, options for the sustainable management of surface water drainage, confirmation that a SuDs condition may be requested at technical details stage.

National Highways - Offer no objection.

Pre-start Conditions - Not relevant

Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN2/3	Listed Buildings
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
OL1/2	New Buildings in the Green Belt
RT3/4	Recreational Routes
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G9	The Green Belt
JP-P1	Sustainable Places
JP-P2	Heritage
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
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.

Principle

The Permission in Principle (PiP) application seeks to establish whether in principle, the site is suitable for a residential development for between 1 and 9 dwellings. Consideration of PiP applications are limited to location, land use and amount of development. Other matters are considered at technical details stage.

Consultations of the planning application can be carried out but conditions cannot be attached to a PiP approval.

The issues to establish acceptance of the proposed PiP development are analysed below.

Land Use and Location

The application site falls within the Green Belt as designated by PfE Policy JP-G9 and as a result any development on the site is subject to NPPF Paragraph 154 and 155.

Paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness.

Paragraph 154 of the NPPF is clear that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless one of the listed exceptions apply. The proposed development does not meet any exceptions listed within paragraph 154.

Paragraph 155 states that the development of homes should also not be regarded as inappropriate where:

- a) 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;
- b) There is a demonstrable unmet need for the type of development proposed;
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF; and
- d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

Grey belt is defined by the NPPF as "land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development."

The application site is within 200m of a Grade II listed Baldingstone House, though at the 'Permission In Principle' stage, this does not immediately provide a strong reason for refusing or restricting development. As such, the first test is to determine whether the land does or does not contribute strongly to the following purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;

Planning guidance published on 27th February 2025 for assessing a site against these purposes is relevant to determine whether the land constitutes grey belt for decision making. In particular, paragraph 005 of the guidance sets out the key considerations to inform judgements as to whether land is grey belt (Reference ID: 64-005-20250225). As such, the site's contribution to these purposes is considered below.

Purpose A - to check the unrestricted sprawl of large built-up areas

The guidance is clear that this relates to the sprawl of large built-up areas, not villages.

The site is located on the edge of Walmersley and is currently free of existing development, though would be contained by the presence of the M66 to the north-east and surrounding residential development to the south and west.

Therefore, it is considered that the site makes a limited contribution to checking the unrestricted sprawl of large built-up areas.

Purpose B - to prevent neighbouring towns merging into one another

The guidance is clear that this relates to the merging of towns, not villages. The site does not contribute toward maintaining a gap between towns, nor does it contribute to visual separation of towns. As such, it is considered that this site makes no contribution toward preventing the merging of neighbouring towns.

Green Belt Conclusion

As the site does not make a strong contribution to the Green Belt purposes (a) or (b), the site falls within the definition of Grey Belt land. However, for the proposal to be considered as not inappropriate development it must satisfy all of the criterion, a to c, listed in NPPF paragraph 155.

Criterion A Considering the impact on the remaining Green Belt in the plan area

This criterion requires that the development would not fundamentally undermine, the purposes, when taken together, of the remaining Green Belt across the area of the plan.

Following reference to the guidance (Paragraph: 008 Reference ID: 64-008-20250225), it is considered that whilst the development site would represent an irreversible encroachment into the countryside, the site is relatively small in comparison to the remaining Green Belt and overall the development of the site in principle would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

Criterion B Demonstrable unmet need for the type of development proposed.

This criterion requires there to be a demonstrable unmet need, which in the case of applications involving the provision of housing, means:

- A lack of a five-year supply of deliverable housing sites, including the relevant buffer where applicable; or
- Where the Housing Delivery Test is below 75% of the housing requirement over the previous three years.

Five-year supply

The National Planning Policy Framework (NPPF) is a material planning consideration in planning decisions, and emphasises the Government's objective of significantly boosting the supply of homes. The Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing, with either a 5% buffer to ensure choice and competition in the market for land, or a 20% buffer where there has been significant under delivery of housing over the previous three years. As set out in NPPF paragraph 78, the supply of housing must be assessed against the housing requirement set out in adopted strategic policies where these are less than five years old.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets

the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the following stepped targets for Bury:

- 246 homes per year from 2022-2025;
- 452 homes per year from 2025-2030; then
- 520 homes per year from 2030-2039.

Bury's Strategic Housing Land Availability Assessment is an assessment of potential sites for residential development and is used to assess the housing land supply. It includes sites that have an extant planning permission, sites allocated through the joint Places for Everyone Plan and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed.

The Council has carried out an assessment of the housing land supply to determine whether sites meet the deliverability tests in the NPPF and can contribute to the five year supply of housing land. Based on the 2025 5-year supply statement, the Council has demonstrated a 4.3 year supply of housing land. This includes a 20% buffer (as currently required in Bury due to past under delivery) and accounts for past oversupply when assessed against the adopted PfE housing requirement. The Council is therefore currently unable to demonstrate a deliverable five-year supply of housing land against the adopted housing requirement.

Housing Delivery Test

The National Planning Policy Framework also sets out the Housing Delivery Test (HDT), which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government (the 2023 measurement published on 12 December 2024) show that Bury has a HDT result of less than 75%.

The five year supply position and the housing delivery test result need to be treated as material factors when determining applications for residential development.

Paragraph 11(d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provide a strong reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

This means that as a result of the lack of five year supply and the latest published HDT result the 'tilted balance' set out in NPPF paragraph 11(d) applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

In this case, the site is located within the Green Belt so therefore paragraph 11 (d)(i) applies, and the proposal needs to be assessed against Green Belt policies. The latest published HDT result for Bury also means that NPPF paragraph 155(b) is triggered, and there is a demonstrable unmet need for the type of development proposed.

Criterion C Sustainable location

NPPF paragraph 155(c) requires consideration of whether the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.

Paragraph 110 states that the planning system should actively manage patterns of growth to support the sustainable transport objectives in paragraph 109. Development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 115 states that development should ensure that sustainable transport modes are prioritised and safe and suitable access to the site can be achieved for all users.

In this regard, PfE Policy JP-C1: An Integrated Network sets relevant advice, supporting:

- Patterns of development that minimises both the need to travel and the distance travelled by unsustainable modes to jobs, housing and other key services, including healthcare, education, retail, recreation and leisure facilities, green space and green infrastructure; and
- Locating and designing development, to deliver a significant increase in the proportion of trips that can be made by walking, cycling and public transport;

The site is located approximately half a mile (a 10-minute walk) from Walmersley Local Centre where there are facilities such as a newsagents, Springside Primary School, a Post Office and a convenience shop. Here, there are also frequent bus services to Bury and Ramsbottom, and further afield to Blackburn and Burnley. As such, it is considered that the site is in a sustainable location in principle. However, technical details should demonstrate how sustainable transport modes will be prioritised and how safe and suitable access to the site will be achieved & promoted through the development.

Green Belt conclusion

The site falls within the definition of Grey Belt land and meets all the required criteria a-c of NPPF paragraph 155.

Therefore, the proposal is considered to be acceptable in principle.

Amount of development

PfE Policy JP-H4 - Requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high-quality design. Policy JP-H4 sets out minimum densities that should be considered. The site falls in an area where a minimum density of 35 dwellings per hectare applies.

The total site area is circa 0.64 hectares, therefore 9 dwellings equates to 14 dwellings per hectare. The proposal for up to 9 dwellings would fail to meet the PfE density requirements set out in policy JP-H4.

The policy allows for lower densities where they can be clearly justified by:

1. Local housing market issues, such as a demonstrable need for a particular type of housing that cannot be delivered at a higher density; or
2. Site-specific issues, such as the design context and any potential impact on the wider landscape or townscape including heritage assets and green infrastructure.

The site's Green Belt location would not automatically justify a lower density. The applicant has supported their application with a Density and Character Analysis Statement that states:

Typical plot sizes range from 0.02 - 0.12 hectares for the larger properties, with generous front and rear gardens, off-street parking, and mature boundary treatments, while the smaller properties range from 0.008 - 0.028 a mixture of frontage development and small

gardens with off site parking on most properties. There is a single plot with planning permission from 2017 approx 0.06 hectares adjacent to the site.

It is considered that this statement mischaracterises the area to an extent. The dwellings immediately to the south of the site are terraced cottages, that directly front Bentley Lane and utilise on street parking. Bank Top and Baldingstone Lane again have terraced properties that appear to utilise on street parking. The converted pub (241 Walmersley Old Road) does have off street parking, as do the semi-detached properties on Walmersley Old Road but these would not be characterised as having generous front gardens. This element can probably only be attributed to Robins Bank, Ivy Cottage and 177 and 175 Walmersley Old Road. Further to the south of the site there are more semi-detached and terraced properties on Walmserley Old Road and Ribble Drive that have not been included within the character assessment.

The applicant also states within their Planning Statement that they intend the properties to be self build dwellings and that these would need to be detached units. The LPA however would not be in a position to restrict the development to solely self build units by condition. The application form also states that the PiP is for between 1 - 9 dwellings and as such an even lower density may come forward at Technical Details Stage. Should only 1 dwelling come forward at Technical Details Stage the density would be lowered to just 2 dwellings per hectare.

It is also acknowledged that there are other site specific constraints such as trees, the location of the M66 and the topography of the site. Whilst all these factors would play a part in the layout of any future residential development at the site the red edge as a whole has been applied for as a PiP and the LPA has no evidence at this stage to state which areas of land would, or would not be developable and these details can not be secured by condition. Smaller, or terraced units may also be able to provide a higher density whilst still taking into consideration these constraints.

It is considered that the applicant has failed to demonstrate that a higher density can not accommodated at this site. Developing the site for up to 9 dwellings would therefore be contrary to JP-H4 and NPPF paragraph 130 which expects development to make efficient use of land.

Response to Representations

As set out within the main body of the report, to assess PiP applications a LPA consideration is limited to location, land use and amount of development, with other matters considered at technical details stage.

It is considered that these matters have been covered within the main body of the report.

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 development for 1- 9 no. dwellings on a 0.64ha site would not make

optimal use of the potential of the site. 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	4/12/2025	HL	04/12/2025