



Appeal Decision

Site visit made on 18 June 2026

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 June 2026

Appeal Ref: 6006965

Land off Bentley Lane, Bury BL9 6RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Jamie Unsworth against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 72498.
 - The development proposed is erection of up to 9 no. dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of up to 9 no. dwellings at Land off Bentley Lane, Bury BL9 6RZ, in accordance with the terms of the application Ref 72498.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. The appeal has been accompanied by a Noise Note prepared by the appellant, to support the appeal. Critically, this note was not before the Council at the application stage of the proposal. I cannot be assured that this submission has been reviewed by all parties with an interest in this appeal. This is tantamount to the submission of new information. The Planning Inspectorate Appeals' Procedure Guide makes it clear in chapter 16 that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council. I have not therefore considered this new information in this appeal as it would prejudice the Council, its decision and any interested parties. I have judged the appeal on the evidence which the Council made its decision on.

Main Issue

5. The main issue is whether the location, proposed use, and amount of development are appropriate for residential development, with specific regard to whether the proposed development would make optimal use of the potential of the appeal site.

Reasons

Amount

6. Policy JP- H4 of the Places for Everyone Joint Development Plan 2024 (PFE) sets out the requirements in respect of the density of new housing developments. In a location such as this, proposals are expected to deliver a minimum housing density of 35 dwellings per hectare. Chapter 11 of the National Planning Policy Framework (the Framework) is concerned with making effective use of land. Critically at Paragraph 130, it notes that it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site, stating at point C of that paragraph that applications should be refused where they fail to make an efficient use of land.
7. As noted, the site is expected to achieve a minimum density of 35 dwellings per hectare. With an area of approximately 0.64 hectares, a proposal for up to 9 dwellings would equate to around 14 dwellings per hectare, significantly below the requirement of Policy JP-H4 of the PFE. However, the policy allows for lower densities where justified by local housing market conditions or site-specific constraints, including design context and potential impacts on the wider landscape or townscape.
8. The appeal site is located to the north of Bentley Lane and is bound by the M66 motorway along a significant portion of its edge. The presence of the motorway is a key constraint. It would require the layout and design of any development to mitigate the potential noise impacts from the motorway on its future occupants. It would likely necessitate the positioning of dwellings away from this boundary. In addition, the site has a steep gradient rising from the M66 towards Bentley Lane. Without substantial excavation, the sloping topography would require careful design to ensure that any proposed dwellings can be appropriately accommodated and meet the necessary technical considerations at the detailed application stage, particularly in relation to character and appearance and living conditions. The presence of trees at various points along the boundary further add to these constraints overall too.
9. The wider townscape context is also relevant. The immediate area surrounding the site comprises individual or small groups of properties dispersed along Walmersley Old Road and Bentley Lane, giving it a village-like character distinct from the higher-density development further south. This location represents a transition from the built-up area to the countryside, where a lower density of development would be characteristic and appropriate. While a more recent, denser housing development is visible further to the south of Walmersley Old Road, it sits within an area characterised by closely arranged estate development. In contrast, the appeal site lies within a more spacious, village-like setting, where properties are more dispersed. This results in a greater sense of openness and supports a prevailing lower-density character of the area.

10. Together, these site constraints indicate that the physical characteristics of the appeal site would constrain the buildable area of the appeal site, and would therefore necessitate a lower dwelling density. Furthermore, a higher density scheme would risk appearing incongruous and uncharacteristically intensive within the local context.
11. Concern has been raised that, as the application was submitted under a Permission in Principle stage 1 application, where a range between 1 or 9 dwellings could be provided, that at stage 2, a final number of dwellings may come forward that is lower than the maximum range of 9 given in this application. As such, this would create an even lower density than the maximum density that would be created with 9 dwellings of 14 dwellings per hectare. This appeal relates to a stage 1 Permission in Principle application. In considering the technical details at stage 2, it would be for the determination of the Council if any number less than 9 dwellings would be appropriate, when the technical details of the scheme are before them.
12. Given the aforementioned considerations, I do not consider that the proposed development, taking into account the specific site constraints and surrounding design context observed during my site visit, would be at an inappropriately low density for this location. I therefore find no conflict with Policy JP – H4 of the PFE on this matter, the relevant provisions of which I have set out above. I also find no conflict with Paragraph 130 of the Framework which seeks to ensure that development makes efficient use of land, while taking into account, among other things, the identified need for different types of housing, and the desirability of maintaining an area's prevailing character and setting.

Location and proposed use

13. The appeal site lies within the Green Belt, where the Framework identifies the construction of new buildings, including residential dwellings, as inappropriate development. However, consistent with the Council's reasoning, the site is considered to fall within the definition of Grey Belt land. In line with Paragraph 155 of the Framework, the Council considers that the proposed development would not fundamentally undermine the purposes of the wider Green Belt. There is also an identified unmet need for the type of development proposed, and the site's location, approximately a 10-minute walk from Walmersley centre, makes it accessible in principle.
14. In reaching these conclusions, the Council determined that the appeal site falls within the definition of Grey Belt land and satisfies the requirements of Paragraph 155 of the Framework. Having reviewed the officer's assessment, I find no compelling reason to depart from these conclusions. Accordingly, the appeal site's location and proposed use are acceptable in principle.

Other Matters

15. Representations have been made by interested parties. Many of the issues raised, including impacts upon wildlife, living conditions, highway safety, and access, are technical matters that can only be fully assessed at the technical details stage, when supporting information is provided, as per the requirements of a permission in principle application route. It is therefore not possible to reach definitive conclusions on these matters at this stage. Comments have been raised that suggest that crime is undertaken under the M66 motorway bridge, a short distance

from the appeal site. There is no evidence to substantiate this claim, nor is it the responsibility of the planning system to deal with such matters away from the appeal site. Impacts on private views or property values are not material planning considerations.

16. It is acknowledged that up to 9 dwellings would not, in isolation, address the wider shortfall in housing supply, whether that be at a local or national level. However, as the Council cannot demonstrate a five-year supply of deliverable housing as required by the Framework, the proposal would make a small contribution towards meeting Bury's identified housing need.
17. During the appeal, reference was made to the right to fair treatment under the Equality Act 2010. This legislation establishes the Public Sector Equality Duty (PSED) under Section 149, which applies to the exercise of my functions. The PSED requires due regard to three aims. These are eliminating discrimination, harassment, victimisation, and other prohibited conduct, advancing equality of opportunity and fostering good relations between individuals with and without protected characteristics. I have given due regard to these requirements. There is no evidence to suggest that the individual concerned would be subject to unlawful discrimination as a result of my decision based on any protected characteristic.

Conditions

18. The PPG indicates that it is not possible to impose conditions as the terms of any permission in principle must only include the site location, type of development and amount. Without having to specify such by way of a condition, the default duration of permission in principle is 3 years, with any Technical Details Consent application to be determined during this period.
19. The Council have requested that informatives are placed on the decision, in the event that I were to allow the appeal. The Planning Inspectorate does not use informatives in their decisions. These are matters that must form the basis of considerations at the technical details stage application.

Conclusion

20. For the reasons set out above, in having regard to its location, the proposed land use and the amount of development, I conclude that the appeal should be allowed.

J Smith

INSPECTOR