

DELEGATED REPORT

Report by Helen Pressley	Date of report: 09/12/2025	Ref: 72490/FUL
Registration: 04/11/2025	LDFC: 05/12/2025	Expiry Date: 30/12/2025
Site Visit: 08/12/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Retrospective application for replacement barn and ornamental garden pond

Location: Cragg Farm, 94 Bass Lane, Summerseat, Ramsbottom, Bury, BL9 5NS

Description

The application relates to an area of land associated with a terraced property that fronts Bass Lane. The row of terraced cottages are listed on the Draft Local List. The site, and dwelling are accessed from Crag Lane. The site comprises an area of land that has been previously been granted a certificate of lawfulness for residential use.

Planning permission is sought for a replacement barn to the west of the site, on the boundary with No. 100 Bass Lane. The barn measures 9.86m to the rear and is widest to the front where it measures 12.27m. It is 5.41m in depth. The lowest part of the roof to the rear measures 2.4m and at its highest point is 3.45m. Permission is also sought for retention of an ornamental pond that measures a maximum of 16.5 metres and 23.6 metres. Both elements for the application are sited within the area of land deemed to be residential use through the lawful development certificate. The application is retrospective.

Relevant Planning History

03060/E - The erection of fencing in excess of one metre in height adjacent to a highway (Bass Lane); The erection of an open sided building used for storage and bar: The formation of a hard standing/access road; Excavations and engineering options to create a natural swimming pool together with the erection of associated outbuilding and decking area with hot tub. - Enquiry completed 29/10/2025

70358 - Lawful development certificate for existing use - establishment of lawful extent of residential use - LD 23/4/2024

72491 - Retrospective application for garden pergola and decking - Pending

72525 - Retrospective planning permission for replacement driveway and installation of areas of hardstanding and associated landscaping - Pending

Publicity

Neighbour letters sent 14/11/2025. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - do not wish to restrict the granting of planning permission

Waste Management - No response

Environmental Health - Contaminated Land The Environment Section has assessed the application and has no comments to make regarding contaminated land and air quality.

Environmental Health - Pollution Control - No comment

Conservation Officer - No objection

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
OL1/2	New Buildings in the Green Belt
H2/3	Extensions and Alterations
JP-P1	Sustainable Places
JP-G9	The Green Belt
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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 (Green Belt)

The site is designated as Green Belt under PpE JP-G9.

Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.?

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. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF makes it clear that development in the Green Belt is inappropriate unless one of eight exceptions apply:

- a. buildings for agriculture and forestry;
- b. 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; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e. limited infilling in villages;
- f. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g. limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h. Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

UDP Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate development, unless it is for one of more of the following purposes: agriculture and forestry essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it; limited extension, alteration or replacement of existing dwellings, provided that this would not result in a disproportionate additions over and above the size of the original dwelling, or, in the case of replacement existing dwellings, the new dwelling is not materially larger than the one it replaces; limited infilling in existing villages.

Barn

The proposed barn is sited in a similar location to a barn that was previously on site. Council Aerial photography confirms the siting of a barn in this location. The siting of a barn in this location was also evidenced within the affidavit that was submitted as part of lawful development certificate application 70358. No elevations of the former barn have been provided with the application as the barn was removed and replaced without consent however the supporting letter/justification confirms that this barn was 51.22 sqm. This measurement provided by the applicant would tie in with the measurement from the Ordnance Survey mapping. The applicant confirms that the proposed barn would represent an increase in footprint of approximately 9 square metres.

Aerial photography confirms that the previous barn was dual pitched, where as the replacement barn is mono pitch with the roof raising in height away from the boundary with No. 100 Bass Lane. From reviewing the historical imagery of the site submitted in relation to application 70358 the former barn appears to have been single storey in height, with openings to facing towards the east. The replacement barn is also single storey with opening facing towards the east. The affidavit signed as part of application 70358 confirms that the barn was used for purposes incidental and ancillary to the residential use of the dwelling known as Cragg Farm.

Given the evidence available, and on the balance of probabilities it is considered that the proposal would constitute the replacement of a building, that the new building is in the same use and is not materially larger than the one it replaced. As such the proposal would fall under exception d of paragraph 154 of the NPPF and is therefore acceptable in principle.

Ornamental Pond

In relation to the pond, an area of the site, surrounded by trees can be seen in this location on aerial photographs of the site. The the affidavit submitted as part of the lawful development certificate 70358 confirmed a pond on the site. The supporting letter states that the pond has been extended and that large decorative stones have been placed around the edge of the pond and a stone water feature has been installed. Existing trees have been retained around on the eastern edge of the pond. Steps that were previously utilised to access the water have been removed.

In relation to the pond, it appears some form of engineering operations may have been undertaken to extend the pond however the location of the pond has not been amended and the works to extend the pond appear to have been limited. Given the evidence available, and on the balance of probabilities it is considered that the proposal would fall under exception h)ii. of paragraph 154 of the NPPF and is therefore acceptable in principle.

Layout and Design

UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places. Due to the nature of the proposal, located immediately to the east of a row of existing residential properties, it is considered that UDP Policy H2/3 and associated SPD 6 are also relevant to this proposal when assessing design. SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental

impact on the character and appearance of neighbouring properties and the general street scene.

The terraced row of cottages to the west of the site are listed on the Draft Local List and are therefore considered to be a non-designated Heritage Asset (NDHA). In relation to Non-designated Heritage Assets such as this site, Paragraph 216 of the NPPF confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The site to which the application relates, is detached from the NDHA and separated from the site by No.100 Bass Lane. Given that the proposal would relate to replacements, or alterations to existing structures and landscape features it is not considered that the proposal would directly or indirectly affect the significance of the NDHA.

The proposed barn building has been designed and constructed with a mono-pitch roof and is open on one side with 3no. supporting oak columns. The roof is constructed from grey corrugated metal, and the building is oak framed with timber cladding. Due to the significant soft Landscaping along the Bass Lane boundary the proposed barn is not visible from this public vantage point. The views of the proposal in the context of the immediate street scene presents that of an agricultural building not out of place within a rural setting and would therefore be acceptable.

The works to the ornamental pond would present a more formalised pond, that previously installed at the site however it is in keeping with the residential use of the land.

It is therefore considered that the proposal would comply with UDP Policies EN1/2 and H2/3, PFE Policy JP-P1, SPD 6 and the NPPF.

Amenity

UDP Policy EN1/2 seeks to ensure that the relationship of the proposal to the surrounding area is taken into consideration when assessing proposals. Due to the nature of the proposal, attached to an existing semi-detached dwelling and residential dwellings to all sides, it is considered that UDP Policy H2/3 would also be relevant. Policy H2/3 seeks to reduce the impact of proposals on the residential amenity of neighbouring properties. There are no adopted aspect standards for extended commercial properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and overbearing relationships and as such, would be a reasonable guide in this case given the proximity to residential properties.

The proposed barn is sited adjacent to the shared boundary with No. 100 Bass Lane. The proposed barn would be sited adjacent to an area that appears to be utilised for parking, and the side gable of this property. The proposed barn would project approximately 4.6 metres beyond the principal front elevation of this dwelling but would not project beyond the rear elevation. Due to the intervening driveway at No. 100 the proposed barn would not impact on a 45 degree line as taken from the nearest front ground floor habitable room window and as such would not be unduly overbearing.

The residential use of the barn would not be amended by this application.

The proposed pond would be located approximately 17 metres from the boundary of nearest residential property (no. 100 Bass Lane) and due to the nature of the development no adverse amenity impacts are foreseen.

The proposal is therefore considered to comply with UDP Policies EN1/2, H2/3 and SPD 6.

Access

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The access to the site would be as existing, from Crag Lane. Works have been undertaken to the access driveway however these works are being assessed under application 72525.

Ecology and Biodiversity Net Gain

While every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

Biodiversity net gain does not apply to retrospective applications made under section 73A of the town and country planning act as a pre-commencement condition cannot be applied to an application that has already commenced. The Planning practice guidance on biodiversity net gain also confirms that it would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain.

Carbon and Energy

PfE Policy JP-S2 sets out the steps required to achieve net zero carbon emissions.

As set out by the applicant the application seeks retrospective planning permission for an existing open sided barn and ornamental pond that was constructed in 2020. It is used for storage of garden furniture, garden maintenance equipment and cars. Therefore Policy JP-S3 is not relevant to the proposal.

Digital Connectivity

PfE Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

As set out by the applicant the application seeks retrospective planning permission for an existing open sided barn and ornamental pond. It is incidental to the existing residential property. There is no scope to provide affordable, high quality, digital infrastructure as part of this application and is therefore not relevant.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 This decision relates to drawings numbered A001, A101, A103, A105, A106, A108 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for

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Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	9/12/2025	DM	18/12/2025