

DELEGATED REPORT

Report by Helen Pressley	Date of report: 08/12/2025	Ref: 72491/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 garden pergola and decking

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 the retention of an existing pergola that comprises timber posts and beams that reaches an eaves height of approximately 2.4 metres and a ridge height of approximately 3.5 metres. An area of decking is also proposed to the front of the proposed pergola, adjacent to the ornamental pond that is being assessed under application 72490.

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

72490 - Retrospective application for replacement barn and ornamental garden pond - Pending

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

Publicity

Neighbour letter sent 14/11/2025.

1 comment received confirming no objections

Statutory/Non-Statutory Consultations

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 PfE 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.

The application would not fall under the exceptions set out above and therefore the applicant has put forward a justification, or case for Very Special Circumstances (VSC).

The proposed pergola is a timber structure that the applicant states replaced a shed/summerhouse that was in the same location however no evidence has been submitted in relation to this shed/summerhouse and this structure is not visible on Council Aerial photography. The existing structure comprises timber posts and beams supporting an open-slatted roof, with vertical slates to the eaves. To lessen the structures impact the applicant seeks to reduce the height of the existing vertical slates and introduce a timber balustrade for safety. The decking sits beneath the pergola.

The applicant states that the proposed structure is reversible, visually permeable and subservient to the wider setting of the site. The reduction in height of the vertical slats would help to increase the buildings permeability.

SPD 8 also states that careful consideration should be given to the impact of a proposal when viewed from several locations within the immediate vicinity and wider countryside. The view of the proposal from main roads, public footpaths and settlements in particular will be given significant weight when assessing planning applications. The proposed site is well screened when viewed from Bass Lane and Crag Lane and the development would be viewed within the context of an existing cluster of residential development at the edge of the village. The proposed structure would be viewed in the context of this established residential use, and given the materials utilised, which can be easily removed from site should the need for the structure cease, it is considered that the proposal would preserve the openness of the Green Belt.

As the applicant has made the case that the proposal is reversible it is considered that a condition should be placed on the permission that the pergola and decking should be removed from site should their use cease.

Given the above matters and the case presented, it is considered that these points do amount to very special circumstances and given the nature of this particular scheme, the site and its context in accepting the development, it is considered that it outweighs the in principle harm to Green Belt. It is considered therefore that the proposal would not have an adverse impact on the openness of the Green Belt and therefore it is considered that the proposal complies with UDP Policies OL1/2, SPD8 and the NPPF.

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. PpE 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 structure is considered to be appropriate to a residential use. As set out above the structure would be amended from its current form, reducing the height of the vertical slats and increasing the level or permeability across the site.

Overall it is considered that the proposal would not have a detrimental impact on the character of the street scene, neighbouring dwelling or property and as such complies with UDP Policies EN1/2 and H2/3, PfE Policy JP-P1 and SPD 6.

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 decking and pergola 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.

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 garden pergola and decking that was constructed in 2020. 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 garden pergola and decking that was constructed in 2020. 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 A002, A103, A109, A110 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 Everyone Joint Development Plan listed.
- 2 The pergola and decking hereby approved shall be removed from site to the written satisfaction of the Local planning Authority within 3 months of it ceasing operation.
Reason: In the interests of the visual amenity and to preserve the openness of the Green Belt pursuant to OL1/2 – New Buildings in the Green Belt of the Bury Unitary Development Plan and the NPPF.
- 3 The amendments to the pergola shown on approved drawing A110 shall be implemented within 3 months of the date of the decision.
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 Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 08/12/2025		HL 18/12/2025	