

APPELLANT'S APPEAL STATEMENT

27 March 2026

Appeal by Ms. C. Gill (“The Appellant”) against the refusal of Application Reference 72260: Permission in principle for erection of up to 4 no. dwellings”



At: Hilsden Farm Stables, Ringley Road West, Radcliffe, M26 1DW

Prepared by MacMarshalls Rural Chartered Surveyors & Planning Consultants

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Appendices

Appendix 1 - Appeal ref: 337495 at Land adjacent to 456 Chester Road, Woodford, Stockport, Cheshire SK7 1QS

Appendix 2 - Greater Manchester Green Belt Assessment Appendix 4.3 - Bury

1. INTRODUCTION

- 1.1. This Appeal has been prepared and submitted on behalf of the Appellant against the refusal, by Bury Metropolitan Borough Council (“The Council”), in its decision letter dated 03/10/2025.
- 1.2. The application was refused for the following reasons:
 1. *“The proposed development site contributes strongly to Green Belt purpose (a) (unrestricted sprawl of large built-up areas) and therefore, the proposed development would fail the tests set out in Paragraph 155 in relation to Grey Belt Land.”*
 2. *“The proposed development for 4 No dwellings on a 0.48ha 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.*

2. ASSESSMENT

2.1. Reason for Refusal 1

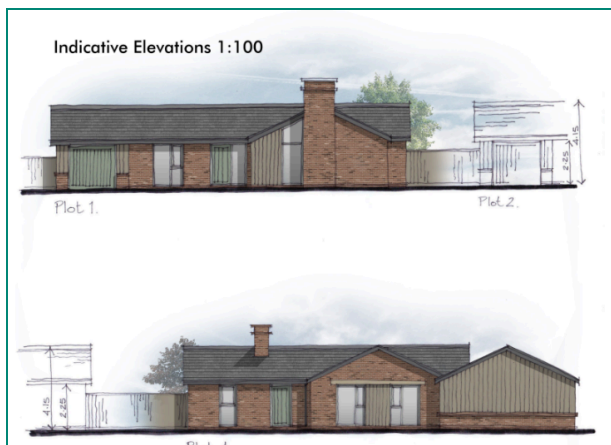
- 2.2. Government Guidance as to whether a site strongly contributes to purpose (a) states that:
- 2.3. “Areas that contribute strongly are likely to be free of existing development, **and** lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also **likely** to include all of the following features:
 - be adjacent or near to a large built up area
 - if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)”
- 2.4. The guidance also states that villages should not be considered large built up areas.
- 2.5. The Council’s officer report states that;

“The site is located within a key part of the Green Belt between Bury and Salford, near to the built-up area of Radcliffe. The development of the site would result in an extended finger of development into a key part of the Green Belt and does not have any physical features that could restrict and contain development, nor is it partially enclosed by existing development. Whilst there are some urbanizing features, there is generally a sense of openness relating to the farmed landscape in this location.

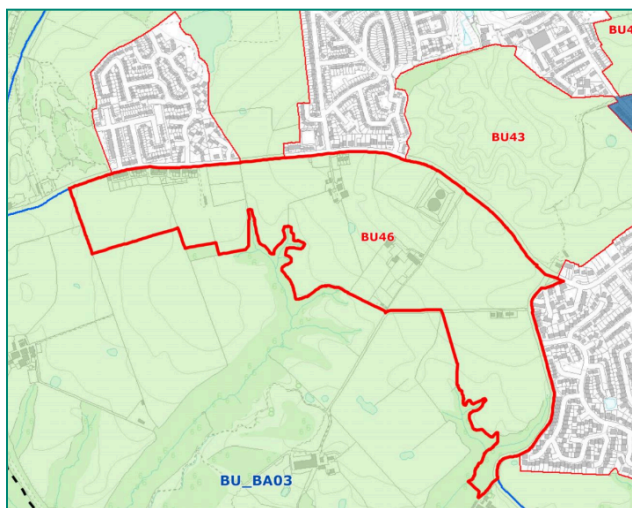
As such, it is considered that the development would result in an incongruous pattern of development to the south of Ringley Road West and that it contributes strongly to this purpose. This is supported by the assessment of the wider parcel BU-BA46 in the Greater Manchester Green Belt Assessment (2018) which found that it plays a strong role in inhibiting ribbon development south of the A667 and along protruding minor internal access roads.”

- 2.6 The site constitutes previously developed land. All existing buildings and containers are lawfully sited, as is the riding arena and all hard surfaces, inclusive of the existing hard surfaced access into the site.
- 2.7 The application site consists of existing development to which significant weight should be given in the context of the application.
- 2.8 The site is also enclosed in part, by fencing and hedges. Further, the layout of the existing buildings and containers also contribute to the sense of enclosure that is clearly apparent when entering the site, and when viewed on plan.
- 2.9 Indicative plans submitted as part of this appeal demonstrate four bungalows that can be constructed on the site with a similar pattern/layout of development to that which currently exists. The indicative plans show true bungalows, with low eaves and ridge heights, similar to that of the existing buildings, to reduce any impact on openness.





- 2.10 Development of the land therefore will not result in an incongruous pattern.
- 2.11 The Council stated that its reason is” *..supported by the assessment of the wider parcel BU-BA46 in the Greater Manchester Green Belt Assessment (2018) which found that it plays a strong role in inhibiting ribbon development south of the A667 and along protruding minor internal access roads.*”
- 2.12 We have been unable to locate the 2018 Assessment to which the LPA refers, however, in any case it is presumed to be the same as the 2016 Assessment. The assessment for Parcel BU-BA46 is contained within Appendix 2. The document as a whole provides a broad assessment of all land parcels. The assessment of Parcel BU-BA46 is not an assessment specific to the application site. It pre-dates the Framework, it pre-dates Grey Belt and its definition, and pre-dates National Planning Practice Guidance on assessing Green Belt to identify Grey Belt.
- 2.13 BU-BA46 is shown below:



- 2.14 Paragraphs 7 and 8 of a recent appeal decision, ref: APP/C4235/W/25/337495 (Appendix A) at Land adjacent to 456 Chester Road, Woodford, Stockport, Cheshire SK7 1QS, are relevant. They are contained below with a part of it highlighted in bold:

“7. The appeal site lies within a parcel of land which is referred to as SEB7 in the Green Belt Assessment (GBA)2. The GBA assessment of SEB7 indicates it performs strongly against purpose (a) to (c) and weakly, or not at all, against purpose (d).

*8. The PPG on Green Belt gives specific advice on how the contribution that land makes to the relevant Green Belt purposes should be assessed and how this should be used in the development management process. The Framework indicates that, subject to other considerations, the development of homes should not be regarded as inappropriate development if it would utilise grey belt land. **The emphasis is therefore on the land where the development would take place rather than the wider area within which it lies. As a result, the focus in the appeal should be on the role of the site and whether it comprises grey belt land, rather than the role of SEB7.**”*

- 2.15 In conclusion, the land is not free of existing development, the land does not lack physical features in reasonable proximity that could restrict and contain development, and if developed it would not result in an incongruous pattern of development into the Green Belt. The Greater Manchester Green Belt Assessment cited by the LPA does not specifically focus on the application site itself. Having regard to the specifics of the site it cannot therefore be said to **strongly contribute** to purpose (a), at worst it is considered to have a moderate impact.

2.16 **Reason for refusal 2**

- 2.17 Policy JP-H4 of the Places for Everyone Joint Development Plan states;

New housing development should 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. Regard should be had to the minimum densities set out below..

..Lower densities may be acceptable 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.”

- 2.18 Having regard to the above, it is clear the densities set out in the PfE are not prescriptive.

- 2.19 In this instance there is clearly design context and potential impact on the wider landscape/townscape that necessitates careful consideration. Development of the site at a higher density (the LPA consider 14 as the baseline) would significantly increase the impact on openness of the Green Belt, and would fail to have regard to the character and layout of existing buildings on site. It would also reduce the ability to provide at least a 10% increase in Biodiversity Net Gain. The overall aim is to achieve high quality development on a rural green belt site, not to achieve as high a density as possible. Indeed the riding arena area has been included within the red edge specifically in order that this be replaced with features that would increase biodiversity, to improve the overall design and provide a sensitively and suitably landscaped development, rather than it being left in situ with no specific purpose remaining for it.
- 2.20 In any case, section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that in making any determination under the Planning Acts, regard is to be had to the development plan, 'the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 2.21 It is routinely accepted that policies within Development Plans can and do pull in different directions.
- 2.22 Case law has confirmed that what matters under Section 38(6) is whether a proposal accords with the development plan as a whole - not whether it complies with each and every policy. Proposals can breach lots of policies in a plan, but still comply with it as a whole.
- 2.23 Therefore even if it was concluded that the proposal was contrary to Policy JP-H4, regard must be had to other policies in the Plan, and this would include those relating to biodiversity and securing good design.
- 2.24 Most importantly, it is common ground that the Council does not have an up to date five year housing land supply. This engages the 'tilted balance'.
- 2.25 In accordance with 11d) of the Framework permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides 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 this Framework taken as a whole, 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.
- 2.26 The case has already been made that the development does not constitute inappropriate development in the Green Belt, complying with paragraph 155. There are no other policies in the Framework that protect areas or assets of particular importance relative to the site. Accordingly Green Belt policies in the Framework cannot provide a strong reason for refusing the development and the tilted balance continues to apply.

2.27 The scheme has a number of benefits. The most important is that it would provide additional housing in a period of undersupply. This should be afforded significant weight. The scheme would also generate economic benefits, during the lifetime of the development such as creating investment in shops and services, and also in the shorter term during the construction phase. It would also (via the Stage 2 Technical Consent Stage) provide high quality residential development and biodiversity net gain on site of over 10%. All of the above would be in a manner appropriate to the rural character and sensitivities of the site. The only harm identified by the LPA is its opinion that the development does not comply with Policy JP-H4. This is disputed as set out previously, however, in any case when it is weighed in the balance it is considered that it would not **significantly and demonstrably outweigh the benefits**.

2.28 **Compliance with 154(g)**

2.29 It is also considered that the scheme complies with paragraph 154(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.”

2.30 The LPA considered that the proposal is contrary to 154(g), stating:

“Whilst the development of the site could be partially acceptable under 154 (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. However, in this case, a significant portion of the site is not previously developed and comprises only temporary structures. Therefore, the proposed development does not meet any exceptions listed within paragraph 154.”

2.31 Contrary to the above, simply because a structure is temporary, it does not mean that the land it is sited upon fails to be considered previously developed. In this instance all the buildings and containers, whether considered temporary or not, form part of the equestrian planning unit. Substantial harm is a high bar, particularly when the land comprises significant existing built development and lawful containers. A comparison between the existing spread of buildings and that shown on the indicative plan demonstrates a reduction in sprawl southwards, with the built development more tightly contained. A full set of elevations of all buildings/containers and their locations is included as part of this appeal. Taking all these factors into account, and having regard to the true bungalows shown on the indicative plans, it is considered that the harm to openness would not be substantial.

3. CONCLUSION

- 3.1 Section 38(b) of the Planning & Compulsory Purchase Act 2004 requires that in making any determination under the Planning Acts, regard is to be had to the development plan, *'the determination must be made in accordance with the plans unless material considerations dictate otherwise'*
- 3.2 It has been demonstrated that the proposed development is acceptable in principle within the Green Belt.
- 3.3 The Council cannot demonstrate an up to date five year housing land supply and there are no policies in the Framework that protect areas or assets of particular importance that provide a strong reason for refusing the development proposed. It is also the case that there would be no adverse impacts of the scheme that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 3.4 Accordingly, we respectfully request that this appeal be allowed.

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