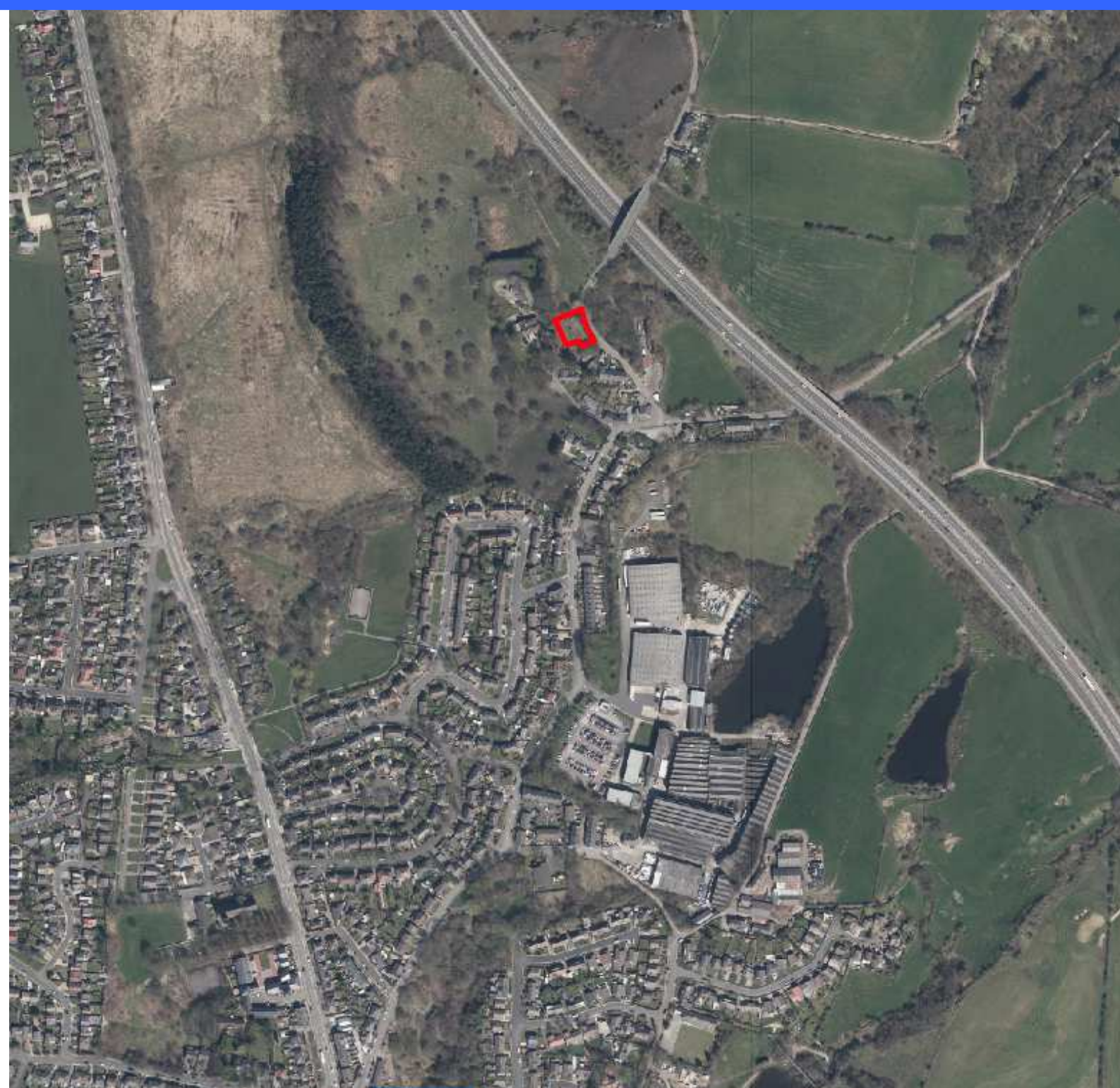


APPEAL - Mr I Alexander

Land at Ivy Bank, Walmersley Old Road, Bury



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1 Appeal References

- 1.1 Planning Inspectorate reference: 6002664
- 1.2 Local Authority reference: 72530

2 The Appeal Site and its Location

- 2.1 The application site relates to a grassed field, which is located to the west of Walmersley Old Road. There is a stone wall, which marks the boundary with Walmersley Old Road and there is a line of trees adjacent to the wall. There is a group Tree Preservation Order (TPO) on the whole site.
- 2.2 There is a residential property to the west with open fields beyond. Planning permission has been granted for a dwelling to the south of the site and there is a terrace of dwellings beyond. Walmersley Old Road forms the boundary to the east with an area of dense woodland beyond. To the north, there is a bank of trees with a dwelling (Grade II listed) beyond.

3 Description of the Proposal

- 3.1 The applicant sought a Permission in Principle (PIP) for the development of a single dwelling. The PIP application related to stage 1 of the process, which seeks to establish the principle of residential development and only the matters of location, land use and amount of development can be considered.
- 3.2 Only a location plan was provided with the application, so the position of the proposed dwellings is not known at this stage.

3.3 The application was refused under delegated powers on 15 December 2025 for the following reason:

1. 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.

It is acknowledged that there is a clerical error in the reason for refusal. It should have referred to a single (1) dwelling on a 0.07 hectare site.

4 Planning History

- 4.1 The following applications on the adjacent site are relevant to this appeal decision:
- 4.2 53835 - Erection of workshop building (retrospective) at Baldingstone works, Walmersley Old Road, Bury. Refused - 30 June 2011.
- 4.3 70409 - Demolition of existing building and erection of 1 no. dwelling at Ivy Bank, Walmersley Old Road, Bury. Approved with conditions - 14 March 2024.
- 4.4 72016 - Application to discharge condition 3 (Preliminary Risk Assessment), condition 7 (Natural England Licence), condition 8 (Non-native Invasive Species Management Plan), condition 10 (CTMP), condition 14 (materials) pursuant to application 70409 at Ivy Bank, Walmersley Old Road, Bury. Received - 6 June 2025.

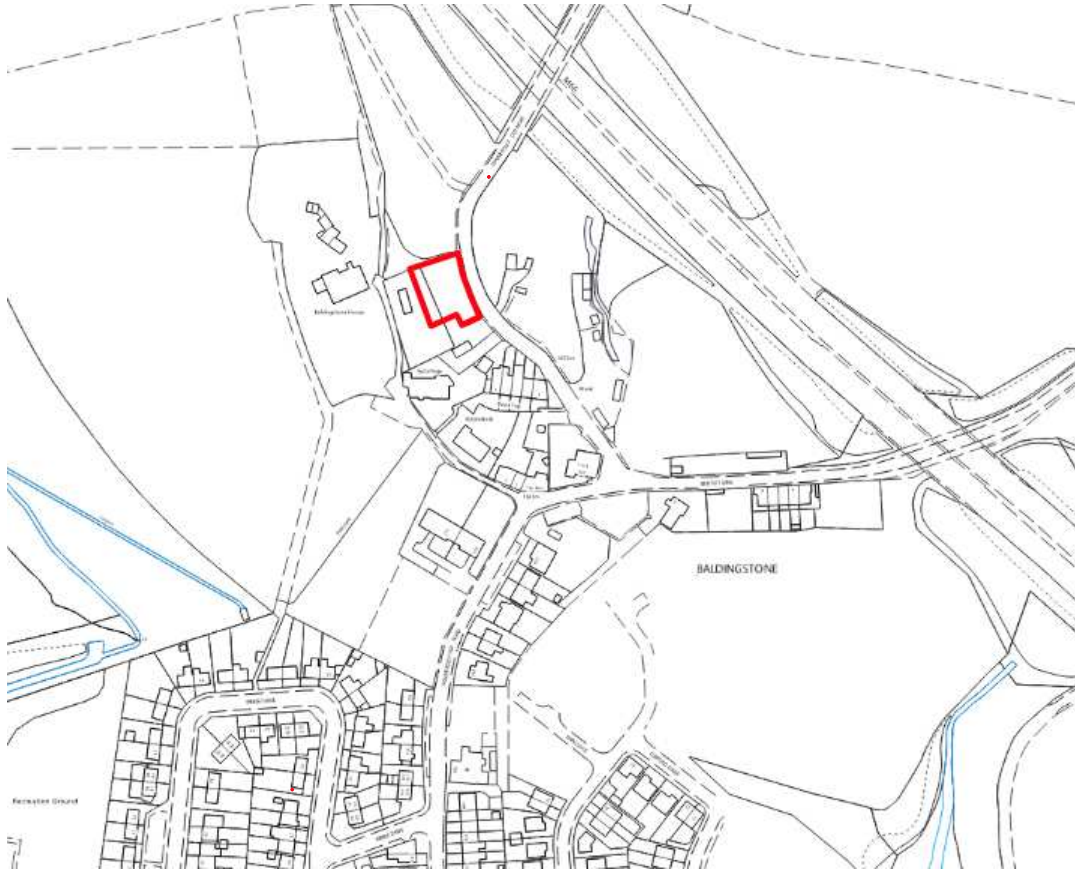
5 The Council's Case

- 5.1 The Council's case is covered in the officer report, which was provided in the Questionnaire.

6 Response to the Appellant's Grounds of Appeal

- 6.1 The appellant's statement refers to an application (70409), which was granted on 14 March 2024 for a single dwelling on an adjacent site. It is acknowledged that the density of that development is lower than the appeal proposal. However, this application was approved prior to the adoption of the Joint Places for Everyone (PfE) Plan on 21 March 2024. However, due to the advanced stage of the PfE Plan, Policy JP-H4 was considered in the case officer's report.
- 6.2 The application (70409) was also approved prior to the introduction of Grey Belt through the NPPF in December 2024 and as a consequence development within the Green Belt was inappropriate. This led to the built development being restricted to the land outside of the Green Belt. In this case, it was determined that the part of the site outside of the Green Belt equated to around 0.04 hectares, which would equate to 25 dwellings per hectare.
- 6.3 The need to keep built development outside of the Green Belt led to the proposed dwelling being located on the steeply sloping part of the site. At the time the application was determined, there was no adopted density policy in place. In contrast, due to the introduction of grey belt, there was no need to keep development in a certain part of the site, meaning the full site can be utilised. The proposed development would be located on a relatively flat piece of land and there is a minimum density policy in place.

- 6.4 The formal adoption of Places for Everyone and the introduction of Grey Belt through the NPPF December 2024 means that there is a difference in the policy context for these two applications (70409 and this proposal).
- 6.5 Policy JP-H4 states that lower densities may be acceptable where they can be clearly justified by:
1. Local housing market issues, such as 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 including heritage assets and green infrastructure.
- 6.6 The surrounding area includes 3 large dwellings (Baldingstone House (Grade II listed building), Ivy Cottage and Robins Bank). These dwellings are located to the south and west of the appeal site. However, there are also a number of smaller dwellings in the area with a more dense layout (1 & 2 Baldinston, The Old Barn, Flats 1 – 4, Mason Court and Nos 1 – 5 Bank Top). These dwellings are located immediately to the south of the appeal site. There are also terraced dwellings on Bentley Lane, including a terrace of 3 dwellings, which has recently been completed and is shown part built on the aerial photo below.



- 6.7 There is a group TPO on the appeal site and a number of individual TPOs on the Baldingstone House site. These TPOs provide a line of mature trees along the northern and western boundaries, which provide significant screening. As such, Baldingstone House is not visible in the context of the appeal site.
- 6.8 The appeal site would have a frontage along Walmersley Old Road and any development would be viewed in the context of Bank Top terrace dwellings, which would comply with and exceed the density within the policy. As such, it is considered that it would be appropriate in terms of the character of the area for 2 dwellings to be accommodated on the site. In addition, 2 dwellings could comprise 2 apartments, which would be achievable on the appeal site and would replicate the development at Masons Court.
- 6.9 It is acknowledged that there are trees on site, which are protected by a TPO and hedgerows. However, the photo within the appellant's statement shows a building located in the northeastern corner of the site underneath the canopy of the trees. Whilst further information would be required, it is considered that the presence of the trees would not preclude all of the land being available for development.
- 6.10 Whilst it is still currently subject to consultation, it is of note that Draft NPPF 2025 Policy L3 paragraph 4 states that development proposals that do not make efficient use of land should be refused. As set out in L3 paragraph 2, the existing character of an area should be taken into account but should not preclude development which makes the most of an area's potential.

7 Conclusions

- 7.1 On the basis of the above evidence, the Council has considered the site specific issues, including the impact upon the wider landscape,

including heritage assets and green infrastructure and considers that the appeal proposals are in conflict with policies of the adopted Bury Unitary Development Plan, the Places for Everyone Joint Development Plan and the National Planning Policy Framework. Accordingly, it is the Council's view that this appeal should be dismissed.

8 Suggested Conditions

- 8.1 Notwithstanding the Council's case, should the Inspector be minded to allow this appeal, the Council would respectfully request that this be done and the relevant information submitted by consultees are added as informatives.



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