

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 12/02/2026	Ref: 72818/LDCP
Registration: 05/02/2026	LDFC:	Expiry Date: 02/04/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level:
		Stat Class: NREQ

Proposal: Lawful development certificate for proposed single storey garden building

Location: Sedgewell, 120 Brandlesholme Road, Tottington, Bury, BL8 4DZ

Description

A lawful development certificate is sought for a single storey garden building.

Relevant Planning History

02653/E - Erection of fence to Brandlesholme Road - Enquiry completed 25/10/2021
03129/E - Use of approved garden building as dwelling - Enquiry completed 03/12/2025
20/0330 - Erection of fencing - 20/01/2022
37956 - FORMATION OF ADDITIONAL VEHICULAR ACCESS - Withdrawn
41732 - TWO STOREY GARAGE AND OFFICE EXTENSION; PITCHED ROOF TO EXISTING GARAGE (TO BECOME LIVING ACCOMMODATION) - Refused 19/01/2004
49847 - CONVERSION OF FLAT ROOF TO PITCHED ON EXISTING GARAGE; SINGLE STOREY EXTENSIONS TO REAR OF GARAGE AND SIDE - Approved with conditions 28/05/2008
66466 - Retrospective application for 1.8m high boundary fence and gates - Refused 22/03/2021
72091 - Lawful development certificate for proposed single storey garden building - Lawful Development 15/08/2025

Publicity

None relevant

Statutory/Non-Statutory Consultations

None relevant

Pre-start Conditions - Not relevant

Development Plan and Policies

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.

The building is not listed nor in a conservation area.

The building has not had its permitted development rights removed.

The total area of ground covered by buildings, enclosures and containers within the curtilage would not exceed 50% of the curtilage.

The building would not be situated on land located forward of the principal elevation of the original dwellinghouse.

The building would only have a single storey.

The outbuilding would not be within 2m of the boundary.

The outbuilding would have a dual pitched roof and the total height would not exceed 4 metres.

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The height of the eaves of the building would not exceed 2.5 metres.

It would not include the construction or provision of a verandah, balcony or raised platform.

With regard to the above the proposed outbuilding is permitted development in that it complies with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposal as described in the First Schedule, is deemed to be 'Permitted Development' having regard Article 3, Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015.

<u>Case Officer</u> CO 12/02/2026	<u>Date</u>	<u>Sign off Officer</u> DM 17/02/2026	<u>Date</u>
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