

Application Reference: 71982

Location: Land adjacent to 49 Rainsough Brow, Prestwich, Manchester, M25 9XW

Proposal: Erection of a two storey mixed use development consisting of 1 no. shop (Class E) on the ground floor and 1 no. apartment on first floor (Class C3) and associated car parking, landscaping and boundary treatment.

1. Introduction

This appeal is submitted against the decision of Bury Council dated 1 October 2025, refusing full planning permission for the above development.

We respectfully contend that the Local Planning Authority's decision is unjustified and that the proposed scheme complies with the relevant national and local planning policies. The design and layout have been carefully developed to respond to the site's context and make efficient use of a small urban plot in a sustainable location.

2. Overview of the Proposal

The proposal seeks to make beneficial use of underused land adjacent to an existing retail unit at 49 Rainsough Brow. The development comprises:

- A small-scale ground floor retail unit (Class E);
- A single one-bedroom apartment above (Class C3);
- Associated parking (5 spaces, including 1 accessible space), soft landscaping, and boundary treatments.

This development is modest in scale, designed to integrate with the existing built form, and contributes to both local housing and employment needs.

3. Response to Reasons for Refusal

Reason 1 – Design, Scale and Massing

The Council considered the proposed building to be a "prominent and intrusive feature" detrimental to the visual amenities of the area.

We disagree. The submitted drawings demonstrate that:

The scale and height of the building follow the established roofline along Rainsough Brow and respond to the natural topography of the site;

The architectural detailing and materials are consistent with neighbouring development and the approved apartment block to the west;

The proposed building's two-storey form represents a logical transition between the single-storey retail unit and the approved multi-storey apartments, creating a balanced streetscape.

Accordingly, the development is considered fully compliant with Policies EN1/2, H2/1, EC4/1 and S2/1 and paragraph 135 of the NPPF, which supports high-quality design that responds to local character without stifling innovation.

Reason 2 – Relationship with Adjacent Development

The report states that insufficient information was provided to assess the relationship with the approved residential development at 51 Rainsough Brow.

However, our proposed site plan clearly demonstrate acceptable separation distances and non-overlooking relationships. The first-floor flat has limited fenestration to the west and does not face directly toward habitable windows of the approved apartments.

Therefore, the proposal would not result in harm to residential amenity and complies with Policies H2/1, H2/2, EN1/2 and SPD6.

Reasons 3–5 – Parking, Servicing and Highway Safety

The Council's highways objections appear to have been based on the absence of vehicle tracking and assumptions regarding servicing arrangements.

We maintain that:

The proposed site layout provides adequate parking provision for both the existing and proposed uses in accordance with SPD11;

The retail unit is of a small-scale nature, and servicing can be undertaken safely from within the site, avoiding the highway;

A vehicle swept path analysis (to be provided if requested) can confirm that turning movements for both cars and light delivery vans can occur within the site;

The scheme includes clear pedestrian routes and visibility splays at the access point.

As such, the proposal is consistent with Policies JP-C5, JP-C6, JP-C8, HT2/4, and EC4/1, as well as the NPPF (Chapter 9), which requires that development should only be refused on highways grounds where the residual cumulative impacts on the road network would be severe—which is not the case here.

Reason 6 – Cycle Storage

The minor shortfall in cycle storage can easily be addressed by a condition requiring the provision of two covered and secure cycle stands adjacent to the shop frontage. This is a standard and proportionate planning condition, not a reason for outright refusal.

4. Planning Balance

The proposed development represents a sustainable reuse of previously developed land in accordance with NPPF paragraphs 8 and 119, delivering:

Economic benefits through local employment and enhanced retail provision;

Social benefits via additional housing in a sustainable location;

Environmental benefits through efficient land use, EV charging provision, and biodiversity enhancements (as acknowledged by GMEU).

The identified concerns are minor, technical, and capable of resolution through reasonable planning conditions. They do not justify refusal of a compliant and sustainable scheme.

5. Conclusion

In light of the above, the appellant respectfully requests that the Planning Inspectorate allows the appeal and grants planning permission for the proposed development.

The proposal:

Complies with the Bury Unitary Development Plan, Places for Everyone Plan, and the NPPF;

Makes effective use of a previously developed and underutilised site;

Causes no demonstrable harm to visual amenity, residential amenity, or highway safety.

We therefore believe that the Local Planning Authority's decision was unwarranted and that planning permission should have been granted.