

Bury Metropolitan Borough Council
Town Hall
Knowsley Street
Bury
BL9 0SW

FAO: Helen Pressley

27 October 2025

Dear Helen

CRAGG FARM, CRAGG LANE, SUMMERSEAT, BURY, BL9 5QN
PLANNING PORTAL REFERENCE NUMBER: PP-14402382

On behalf of Mr Matt Cullen, please find enclosed an application for retrospective planning permission at the above site. The application has been submitted via the Planning Portal.

The application seeks consent for:

‘Retrospective planning permission for driveway, hardstanding and associated landscaping’

The application is submitted following extensive discussions with officers at Bury Council regarding unauthorised works at the property by the previous owners. This application seeks to regularise the planning position for the driveway and area of hardstanding.

The application comprises the following documents, which were agreed during the pre application process with Helen Pressley:

- Application forms and certificates;
- Justification statement (this letter);
- Application fee of £588 (+ £85 service charge) made via the Planning Portal;
- Site Location Plan (drawing ref: 25003 A003)
- Existing Site Plan (drawing ref: 25003 A103 Rev A)
- Proposed Site Plan (drawing ref: 25003 A105 Rev A)

THE SITE

The application site comprises a two storey terraced dwelling. The property has a frontage along Bass Lane, with a low wooden fence enclosing what was traditionally the front of the house. To the rear is a large established garden enclosed by a drystone wall. Beyond the garden wall, within the same ownership is a single storey converted garage, sweeping driveway and large field. The property is accessed via security gates off Cragg Lane.

As identified on the Bury UDP Proposals Map, the site sits wholly within the Green Belt. It also falls in the River Valleys allocation.

BACKGROUND

The property was purchased in August 2024 by the current owner (and applicant). In November 2024, the applicant received an enforcement notice from Bury Council regarding unauthorised works at the property including;

- The erection of fencing in excess of one metre in height adjacent to a highway (Bass Lane)
- The erection of an open sided building for storage and bar
- The formation of a hardstanding area/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.

The letter required the demolition of the unauthorised buildings, to drain the swimming pool and reinstate the site to its original state within 90 days. Following this, the applicant has engaged with the Council to discuss a meaningful way forward to resolve matters. One of the actions being to apply for retrospective planning permission for the barn and pond (previously referred to as a swimming pool).

PLANNING HISTORY

The previous owners applied for Certificate of Lawful Existing Use or Development (CLEUD) to confirm the 'lawful extent of residential curtilage' in April 2024 and therefore the works undertaken benefitted from Permitted Development Rights. Submitted alongside this application were sworn statements from other owners of the property and works they had undertaken during their tenure to presumably demonstrate that the enforcement matters had 'deemed consent' in any event.

During determination, the proposal was changed to 'establishment of lawful extent of residential land use'. In granting this certificate, whilst the Council accepted that the area of land has been in residential use as a garden, it does not establish an extension to the property's curtilage and therefore does not benefit from Permitted Development Rights and the works undertaken require planning permission.

There are other notable planning applications relevant to the site which are detailed in the table below:

PLANNING APP REF	DESCRIPTION OF DEVELOPMENT	DECISION	DATE
85/17595	Change of use: agricultural land to a garden and play area	Withdrawn	October 1985
86/18812	Garden and play area	Refused. Appealed	October 1986
87/19573	Amenity Area	Refused	May 1987
70357	Erection of 1.2m high fencing / 1.55m high fencing	Withdrawn	June 2024

THE PROPOSAL

The application seeks full planning permission for the laying of tarmac on the existing, established driveway, as well as additional areas of tarmac to the front of the barn to provide a suitable surface for vehicles. Some of the previously laid tarmac will be removed and replaced with a gravel/hoggin type material to deliver a softer,

permeable surface. Its appearance will be further softened with new landscaping and hedging along the driveway edge.

RELEVANT PLANNING POLICY

The Development Plan for Bury includes:

- Places for Everyone, adopted March 2024
- Bury Unitary Development Plan (UDP) adopted 1997
- Greater Manchester Joint Waste Plan adopted in 2012
- Greater Manchester Joint Minerals plan adopted 2013

Places for Everyone (PfE), the Joint Waste Plan and Joint Minerals Plan are not relevant to this planning application.

Bury Council are currently preparing their new Local Plan, following the adoption of PfE and once adopted will replace the saved policies within the current UDP. The Council recently consulted on a draft of the Local Plan and draft Local Plan Proposals Map. The adoption of the new Local Plan is expected in June 2027. Until such time and as the draft Local Plan is at such an early stage, the policies within it can be afforded very limited weight.

Bury Unitary Development Plan

The UDP was adopted in 1997. In 2007, the Council resolved to save all policies (apart from OL7/1), until the new Local Plan was adopted. The application site is identified on the Council's proposals map as being located within the Green Belt and the River Valleys. It is therefore subject to the following policies;

- OL1 – Green Belt
- OL1/2 – New Buildings in the Green Belt
- OL5/2 – Development in River Valleys
- EN1 – Built Environment
- EN8 – Woodland and trees

Supplementary Planning Guidance

The New Buildings and Associated Development in the Green Belt Development Control Policy Guidance Note 8 was adopted in January 2007. It provides guidance for new buildings and associated development in the Green Belt and is therefore relevant to this application.

National Planning Policy Framework (NPPF)

The NPPF was published in December 2024, and sets out the Government's planning policies for England and how these should be applied. The policies relevant to this proposal are detailed below:

Paragraphs 38 and 39 speak of the need for a positive and proactive approach to delivering sustainable development and for applicants and authorities to work together.

Paragraph 40 emphasises that decisions should take account of whether the design outcome will be well designed and inclusive.

Paragraph 135-139 emphasis the need for developments to be of high quality, and integrate with the surroundings, respect local character and support a sense of place.

In relation to the Green Belt, Chapter 13 sets out that the fundamental aim of the Green Belt is to 'prevent urban sprawl by keeping land permanently open'. Paragraph 142 confirms that the essential characteristics of the Green Belt is its openness and permanence. Paragraph 143 sets out the five purposes of the Green Belt, which includes safeguarding the countryside from encroachment. Paragraph 153 confirms that inappropriate development is by definition harmful to the Green Belt and should not be approved unless in very special circumstances.

JUSTIFICATION

It is acknowledged that the laying of tarmac, over an existing established driveway, could be seen as urbanisation of the Green Belt. However, the proposal does not introduce any additional built form, massing or enclosure of the property. The applicant has introduced soft landscaping and the removal of some of the tarmac to soften its appearance and to allow for more permeability, thereby retaining the Green Belt's openness and permanence.

When assessed against the five purposes of the Green Belt, the proposals would not result in the unrestricted sprawl of large built up areas. It would not result in neighbouring towns merging into one another and it does not encroach into the countryside. It would continue to preserve the setting and special character of historic towns and does not relate to any urban regeneration scheme, involving the recycling of derelict and other urban land.

Therefore, in accordance with paragraph 154(b) of the NPPF, in connection with the existing use of land or a change of use, the development cannot be considered inappropriate where it preserves openness and does not conflict with the purposes of the Green Belt, and should be approved.

I trust that this is all that you require to validate the planning application. Should you need anything further, please do not hesitate to contact me.

Yours faithfully



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