

DELEGATED REPORT

Report by Tom Beirne	Date of report: 16/06/2026	Ref: 72793/FUL
Registration: 03/03/2026	LDfC: 01/04/2026	Expiry Date: 28/04/2026
Site Visit: 21/04/2026	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Erection of out building/office/store in rear garden

Location: 65B Windsor Road, Prestwich, M25 0DB

Description

The application seeks the retention of a single storey outbuilding to the rear of a two storey property on the end of a row of commercial properties that form a Neighbourhood Shopping Centre.

The ground floor of the main property is used as a cafe with the upper floor in residential use. The attached property on the east side is No.67 and is an accountant's office and on the west side, the detached property comprises two apartments (Nos.63A and B). Properties across Windsor Road and to the rear are also residential. The canopy at the front is currently subject to a planning appeal following refusal of permission in July 2025.

The outbuilding for which permission is sought is situated within the rear yard area and measures L6.7m by W5.8m with a flat roof height of 3.2m. Within the rear yard, it is noted that the building sits about 1m below the level of neighbouring properties. It is used in association with domestic activities of the resident in the flat above the cafe on the ground floor.

Relevant Planning History

69917 - Change of use of ground floor from shop to restaurant (Class E) with installation of a external flue pipe at the rear of the building - Refused 26/10/2023 (activities associated with the proposed use (outside seating) and insufficient information in relation to refuse collection/management and proposed extractor flue).

23/0337 - Enforcement - Unauthorised change of use of property to restaurant/ take away and installation of flue at rear of building - 21/09/2023.

70340 - Change of use of ground floor from shop to restaurant (Use Class E) with opening times 07.30 - 21.00; canopy at front and installation of an external flue pipe at the side/rear (Temporary consent for 12 months) - Approved with conditions 20/02/2024.

71520 - Change of use from shop to restaurant and the retention of extract flue and AC unit - Refused 22/07/2025

Publicity

Immediate neighbours notified by letter dated 11/03/2026. One objection received.

Concerns are summarised below:.

- The structure is overdominant and out of character and gives the visual impression of a commercial compound rather than a modest domestic storeroom and adversely affects the outlook and amenity of neighbouring properties.
- The rear access track serving this block is actively used by surrounding businesses and properties for deliveries and general access. This route is obstructed and effectively closed off at this site due to the outbuilding and fencing.
- The outbuilding does not appear to be functioning as a simple store. It is regularly used as a gathering space resulting in noise and disturbance at night. This matter was raised

by licensing during a site visit and having a permanent structure in this location appears to formalise and enclose an area that was associated with activity and continued disturbance.

Statutory/Non-Statutory Consultations

Traffic Section - No objection received.

Environmental Health - No objection received.

Pre-start Conditions - N/A

Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

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.

Use - The use of the outbuilding would be for ancillary domestic use by the applicant who lives at 65B Windsor Road, above the cafe. There is a desk, chair and sofa and pool table which appears to relate to this ancillary residential use.

Visual amenity - Situated to the rear of the premises and set down within the site, the flat roof outbuilding would not be readily viewed from the public arena and would not appear to be particularly prominent from neighbours to the side or rear. The gantry that was erected to access the building directly from the first floor has been removed and the original external staircase reinstated.

In terms of visual amenity, the outbuilding would not have such a detrimental impact as to warrant refusal of planning permission. The proposal is acceptable in terms of visual amenity and complies with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Residential amenity - The ancillary domestic nature of the outbuilding would tend to limit the potential for noise and disturbance that could occur from a more commercial use, such as an extension to the cafe bar on the ground floor. Whilst there could be noise generated, this would be subject to the normal environmental health regulations and a condition would be attached to any approval that the use would be restricted to ancillary domestic use associated with the address.

In terms of residential amenity, the proposal is, on balance, acceptable and would comply with UDP Policy H2/3 and guidance in SPD6 relating to Extensions and Alterations.

Access - The access from the front is unaffected by the outbuilding to the rear. Situated at the end of the rear access track, there does not appear to be any access from the rear entry and as such would not raise any issues in this respect. Access to other commercial properties on this row would be unaffected. The proposal, in terms of parking and access is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 relating to Extensions and Alterations.

Public Representation - The issues raised by the objector have been addressed in the above report. Should the outbuilding be used for anything other than ancillary domestic purposes, this would be an enforcement issue.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 This decision relates to drawings numbered 01A, 02, 03A, 04A, 05 and 06 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.

- 2 The outbuilding hereby approved shall not be used at any time other than for the purposes ancillary to the residential use of the dwelling known as 65B Windsor Road, Prestwich.
Reason. To ensure the proposed use remains ancillary to the principle use on the site in the interests of residential amenity.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	16/06/2026	DM	16.06.26