



Appeal Decision

Site visit made on 13 January 2026

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Appeal Ref: APP/T4210/W/25/3375135

Land North of Bass Lane, Manchester Road, Walmersley (in the vicinity of the Halfway House Cafe), Bury BL9 5NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr John McGauley of PUS Construction against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 72082.
 - The development is a proposed housing development.
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Decision

1. The appeal is allowed and permission in principle is granted for a minimum of 7 dwellings and a maximum of 9 dwellings, at Land North of Bass Lane, Manchester Road, Walmersley (in the vicinity of the Halfway House Cafe), Bury BL9 5NB, in accordance with the terms of the application, reference 72082.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second, technical details consent (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages only.
3. The PPG further says the scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted¹. I have determined this permission in principle appeal accordingly.
4. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, the application form indicates a minimum of 7 no. dwellings and a maximum of 9 no. dwellings.
5. Since the Council's notice of decision was issued, a revised National Planning Policy Framework Consultation, and accompanying Written Ministerial Statement, dated 16 December 2025 were issued. They relate to proposed changes, and they are not government policy. As such they attract limited weight in my decision.

¹ Paragraph: 012 Reference ID: 58-012-20180615

Nevertheless, in view of the reason for refusal on the Council's notice of decision the main parties have had the opportunity to comment on them in regard to the appeal proposal, and I have taken those comments into account in my decision.

Main Issues

6. The main issues are whether the location, the proposed land use and the amount of development are suitable, having regard to:
 - whether the proposal would constitute inappropriate development in the Green Belt, considering the National Planning Policy Framework (the Framework) and any relevant development plan policies, including where necessary, the effect on openness, and
 - if relevant, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposed development would be inappropriate development

7. The appeal site comprises part of a grassed field within the Greater Manchester Green Belt, as set out within Policy JP-G8 of the Places for Everyone, Joint Development Plan Document, for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan, 2022-2039, adopted March 2024 (PfE). It is also located between the M66 and A56 (Manchester Road), opposite a small collection of housing and adjoining a commercial premises. Although it is situated outside of the nearby settlements of Bury, Ramsbottom, and Walmersley, there are footpaths along the sides of the connecting roads to them all, and regular bus services to them, that link to the Greater Manchester transport system and beyond.
8. The Framework at paragraph 142 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out that development in the Green Belt should be regarded as inappropriate, other than in a limited number of exceptions.
9. PfE Policy OL1/2 also states that new buildings in the Green Belt are inappropriate development, unless for some limited purposes. Furthermore, Bury's New Buildings and Associated Development in the Green Belt, Guidance Note, adopted 10th January 2007 (GN) says new residential development is not permitted in the Green Belt, other than for agricultural and forestry workers accommodation, limited infilling or for a replacement dwelling. There is no apparent dispute between the main parties that the proposal would not satisfy any exceptions or limited purposes as set out within paragraph 154 of the Framework, PfE Policy OL1/2 and the GN, and I see no reason to disagree.
10. However, paragraph 155 of the Framework also states homes in the Green Belt would not be inappropriate development if; a. the proposed development would utilise grey belt land and not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; b. that there is a demonstrable unmet need for the type of development proposed; c. the

development would be in a sustainable location (with particular reference to paragraphs 110 and 115); and d. if major development, it would satisfy the golden rules. The PfE and the GN pre-date the Framework and the relevant Green Belt policies of the PfE and GN are not consistent with paragraph 155 of the Framework, which in this case is a significant material planning consideration.

11. The Framework defines grey belt land, as land in the Green Belt, comprising previously developed land and/or any other land that, in either case, does not strongly contribute to purposes a), b), or d) in paragraph 143 of the Framework. It excludes land where the application of the policies relating to areas or assets of particular importance as set out in footnote 7 of the Framework (other than Green Belt) would provide a strong reason for refusing or restricting development. In terms of those purposes, the Council does not conclude that the appeal site prevents neighbouring towns merging into one another, or that it preserves the setting and special character of historic towns, nor is there any evidence that it would conflict with areas or assets of importance as set out within footnote 7. From the available evidence, I have no reason to disagree, and the appeal site does not strongly contribute to the above-mentioned purposes, it is therefore grey belt land.
12. There is also no dispute between the main parties that the proposed development of the appeal site, which is partly said to be previously developed and situated between two major roads would fundamentally undermine the purposes of the Green Belt across the area of the plan, and again, I do not disagree. Consequently, criterion a. of paragraph 155 of the Framework is met.
13. The Council's recent updated Five Year Housing Land Supply Statement says it has a 4.3-year supply of housing, including a 20% buffer, so there is a demonstratable unmet need for housing, and criterion b. of paragraph 155 of the Framework is met. In view of the proposed number of dwellings to be located on the appeal site (between 7-9 dwellings), along with its site area, it would not be major development, so the golden rules within criterion d. would not apply in this case.
14. Turning to criterion c., paragraph 110 of the Framework says amongst other things that the location of new development should limit the need to travel and offer a genuine choice of transport modes, it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which should be taken into account in decision-making. Paragraph 115 adds that sustainable transport modes should be prioritised.
15. Although the appeal site is said to be some 30 minutes or so walk from local services and grocery shops, which may not be ideal for all future occupiers, there are regular bus services operating very close to the appeal site to neighbouring settlements and beyond. In addition, it is possible for future occupiers to cycle the short distance to the neighbouring settlements, on what are mostly well-lit roads, in this rural location. Moreover, development would not be in a materially less sustainable location than the existing residential development immediately opposite the appeal site. Therefore, whilst the car may be the mode of transport of choice for some future occupiers, it is by no means the only option, with other genuine sustainable modes of travelling being available for future occupiers, including public transport, cycling and walking. In terms of paragraph 155 of the Framework, the location can be regarded as sustainable and criterion c. is met.

16. Although paragraph 115 does require safe and suitable access for all users, the scope of this permission in principle stage is limited to principle matters only. Details relating to the location, and safety of new access(es), including sight lines, speed surveys and proximity of nearby junctions, along with the detailed highway safety aspects of the proposed development would be matters for a TDC application.
17. I therefore conclude that the location, the proposed amount, and residential land use would be appropriate in principle at the appeal site, and the proposal would not be inappropriate development in the Green Belt, and it would accord with the provisions of the Framework in respect of the Green Belt, notably paragraph 155. It is not necessary for me to consider the effects of the proposal on the openness of the Green Belt, as this is implicitly considered in this exception, nor would there be any very special circumstances needed to justify the development. Whilst there would be conflict with PfE Policy OL1/2 and the GN, as set out above, the Framework takes precedence as those policies are more restrictive than the Framework in terms of homes in the Green Belt. The conflict with the development plan in this regard is outweighed by the Green Belt policies of the Framework.
18. Although not cited within its reason for refusal, the Council referred in its statement to conflict with PfE policies JP-C1 and JP-C8. Policy JP-C1 requires new development to be located to enable and encourage walking, cycling and public transport use, to reduce effects of car dependency, and Policy JP-C1 states that proposals should deliver a pattern of development that minimises both the need to travel and the distance travelled by unsustainable modes. In light of my findings above regarding the appeal site being in a sustainable location and providing a genuine choice of sustainable transport modes other than the car, future occupiers would not need to be car dependent for such journeys, although some may choose to travel by car. I do not find any conflict with these policies on this main issue.

Other Matters

19. Interested parties have raised a number of issues in addition to the main issue above, including but not limited to drainage, highway safety, and the provision of local services. At this stage only the principle of the use can be considered, most of the issues raised would be considerations that would be assessed separately at the TDC stage.

Conditions

20. The Council has not suggested any conditions, and in any event the PPG states that it is not possible for conditions to be attached to a grant of permission in principle².

Conclusion

21. For the reasons set out above, I conclude that the appeal should be allowed.

A Hunter

INSPECTOR

² Paragraph: 020 Reference ID: 58-020-20180615