

DELEGATED REPORT

Report by Tom Beirne	Date of report: 30/10/2025	Ref: 72364/LDCE
Registration: 17/09/2025	LDFC:	Expiry Date: 12/11/2025
Site Visit: 28/10/2025	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for existing conversion of stable to a dwelling with an extension (approved under Appeal ref. App/T4210/W/21/3288575, LPA ref. 67550)

Location: Land opposite 41 Arthur Lane, Ainsworth, Bolton, BL2 5PR

Description

The application relates to an existing stable block on land to the south side of the access road serving the properties to the north. The proposal was initially refused but allowed on appeal in July 2022. The site lies within the Green Belt and is a Special Landscape Area. Vehicular access from Arthur Lane is via an unadopted and unnamed private road.

A Lawful Development Certificate is requested to confirm development has already commenced though drainage/ groundworks and that construction of the proposal would be lawful.

Relevant Planning History

02308/E - Increase single storey extension to full height on existing property and convert stables to accommodation or offices - Enquiry completed 02/07/2019
65562 - Conversion of stable to dwelling with single storey extension - Refused 23/07/2020
65895 - First floor side extension - Approved 19/10/2020
66129 - First floor extension at side with additional window - Approved with Conditions 16/12/2020
67550 - Conversion of stable to dwelling with single storey extension - Refused 06/12/2021 - Appeal allowed 22/07/2022
70580 - Replacement of stable with 1 no. detached dwelling - Refused 25/04/2024
71365 - Demolition of existing stable building and erection of 1 no. dwelling- Refused 07/04/2025

Publicity

N/A

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

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.

Assessment

Legislative background - Section 56(4) of the Town and Country Planning Act 1990 outlines the specific provisions that developers must adhere to.

'Commencement of development' is defined as the earliest date on which a material operation or a significant change in land use associated with the development is carried out.

'Material operations' can include construction, demolition, foundation work, road construction, or any activity that constitutes a substantial step towards the realisation of the approved development. It is important to note that the government's threshold for what constitutes commencement is relatively low and that minor works can be sufficient to initiate

the development process, as long as they reflect the planning permission.

In addition to the legal requirements for commencement of development, it is crucial for developers to understand and fulfil pre-commencement planning conditions.

The appeal was allowed in July 2022 and subsequently all prestart conditions for application 67550 were discharged by LPA Notice dated 14 June 2023.

The applicant has submitted evidence in the form of dated photographs showing drainage/groundworks that were carried out. The photos of the drainage work are dated 20 August 2024.

With the discharge of the pre-start conditions and the photographic evidence submitted within the application indicating a material start, the commencement of the development would be lawful.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The Local Planning Authority have considered the evidence presented in the application and deem it that material operations relating to the approved development under appeal reference APP/T4210/W/21/3288575 (LPA reference 67550) began prior to the expiration date of that application and this therefore constitutes a lawful material start to the approved development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	30/10/2025	DM	31/10/25