

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 05/06/2026	Ref: 73085/PMBPA
Registration: 13/04/2026	LDfC: 07/05/2026	Expiry Date: 08/06/2026
Site Visit: 01/05/2026	Site Notice: 01/05/2026	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed change of use of an agricultural building to create 2 no. dwellings.

Location: Tom Nook Farm, Turton Road, Tottington, Bury, BL8 3QG

Description

Prior approval is sought for the proposed change of use of an agricultural building to create 2 no. dwellings.

The site is located on an existing farm, with the access road from the south of Turton Road. The building itself is within the central area of the farm, adjoining other agricultural buildings and sandwiched between the existing farmhouse to the north and storage buildings to the south.

The proposed would create 2no dwellings, each being single storey and featuring 3 bedrooms. Each dwelling would have 2 allocated car parking spaces, and a private amenity space.

The dwelling to the north would be 10m wide and 14.8m in length. The dwelling to the south would be slightly smaller at 9.9m wide and would be slightly longer at 14.9m. The maximum height of the dwellings would be 4.4m, from the lowest point of ground level given the levels changes differ slightly at the site.

Relevant Planning History

00331/E - INDOOR MENAGE

02691/E - Shelter for goats; agricultural bale storage area following the piping of a small ditch and importation of approximately 256m³ of inert material - Enquiry completed 24/02/2022

50616 - EXTENSION TO MANEGE AND CONSTRUCTION OF TIMBER STORE - Approve with Conditions 03/12/2008

53280 - Erection of two roofs on timber frames to cover existing hard-core yard areas to provide sheltered accommodation for agricultural vehicles. - Approve with Conditions 29/11/2010

59513 - Replacement garden building to be used as "granny annex" - Withdrawn by Applicant 17/03/2016

60670 - Replacement garden building to be used as "granny annex" - Approve with Conditions 19/12/2016

64470 - THE TRACK IS HARDCORED WITH TARMAC PLANINGS ON TOP, ALL EXCAVATED MATERIAL WILL REMAIN ON SITE AND FILL A HOLLOW IN THE FIELD. THE TRACK WILL PROVIDE ACCESS INTO A BLOCK OF MOWING LAND WHICH IS USED FOR HAY MAKING, THE MACHINERY USE THE EXISTING ACCESS BUT MUD IS BEING TRANSPORTED ONTO THE HIGHWAY, THE TRACK WILL MITIGATE THIS, - ZZZ Special deleted application 24/07/2019

64523 - Installation of a hardcore track from an existing access off Turton Road onto

Springbank Farm - Withdrawn by Applicant 25/11/2021

68930 - Erection of goat shelter; Extension of agricultural bale storage area following the piping of a small ditch and the importation of approximately 256 m3 of inert material

- Approve with Conditions 08/12/2022

09/0570 - CHANGE OF USE TO VEHICLE STORAGE - 04/12/2009

25/0237 - Breach of pre commencement conditions of planning permission 68930 -

24/04/2026

Publicity

6 neighbouring properties were consulted on 16.04.2026. A site notice was erected on 01.05.2026. No objections or comments have been received.

Statutory/Non-Statutory Consultations

Traffic Section - recommended refusal based on the proposal resulting in the intensification of use of an access onto a classified road subject to a speed limit of 50mph that is sub-standard in terms of visibility, geometry and lack of segregated pedestrians facilities at and in the vicinity of its junction with Turton Road, which would be detrimental to road and pedestrian safety and lead to conflicts between vehicles and users of the adjacent Public Right of Way.

Environmental Health - Contaminated Land - recommended refusal based on more evidence being required to ensure the development is not impacted by contaminated land.

Environmental Health - Pollution Control - no response received

Pre-start Conditions - Not relevant

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.

The application will be assessed using the criteria contained within the The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class Q.

Class Q states that the development must consist of—

(a) a change of use of—

(i) a building that is part of an established agricultural unit and any land within that building's curtilage,

to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,
(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

From the Officer's site visits, it was considered that the building was clearly part of an established agricultural unit within the curtilage of the farm.

Class Q also states that development is not permitted if—

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—

(i) on 24th July 2023, or

(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

It has been confirmed within the Planning Statement submitted alongside the application, and from the Officer's site visit, that the building was in agricultural use and part of the established agricultural unit.

(b)in the case of a site that was (but is no longer) part of an established agricultural unit—

(i)the site was part of an established agricultural unit on 24th July 2023,

(ii)where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or

(iii)since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,

Not applicable to the site.

(c)the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

The maximum floor space of each dwelling would be 149sqm, which falls within the 150sqm limit.

(d)the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—

(i)the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or

(ii)the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,

Only 2 dwellings are proposed, which will have a floor space of a maximum 299sqm, therefore falling below the limits above.

(e)the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained,

The Planning Statement submitted alongside the application confirms the site is not occupied under an agricultural tenancy.

(f)less than 1 year before the date development begins—

(i)an agricultural tenancy over the site has been terminated, and

(ii)the termination was for the purpose of carrying out development under Class Q,

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use,

Not Applicable.

(g)development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins,

The Planning Statement confirms that no buildings have been erected within the agricultural unit over the last 10 years.

Application 68930 was approved on 09/12/2022 for the erection of goat shelter; Extension of agricultural bale storage area following the piping of a small ditch and the importation of approximately 256 m3 of inert material. From the officer's site visit, and reviewing the proposed plans for this application, it is noted that this has not been built.

(h)the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than—

(i)extension of the building allowed by paragraph Q.1(i);

(ii)protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),

The submitted Existing and Proposed Elevations Plans show that the proposed development would not result in any alterations extending beyond the external dimensions of the existing building at any given point other than the cladding to the bottom part of the walls, which do not protrude more than 0.2m, and therefore complies with this point. The Planning Statement also confirms this.

(i)the development under Class Q(b) would result in an extension that—

(i)has more than one storey,

(ii)is sited anywhere other than to the rear of the existing building,

(iii)extends beyond the rear wall of the existing building by more than 4 metres,

(iv)has eaves the height of which exceed the height of the eaves of the existing building,

(v)is higher than whichever is the lower of—

(aa)the highest part of the roof of the existing building, or

(bb)a height of 4 metres above the ground,

(vi)extends beyond a wall that forms a side or principal elevation of the existing building, or

(vii)would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—

(aa)the hard surface was not provided on the land on or before 24th July 2023, or

(bb)where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,

No extensions are proposed.

(j)the development under Class Q(c) would consist of building operations other than—

(i)the installation or replacement of—

(aa)windows, doors, roofs, or exterior walls, or

(bb)water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse, and

(ii)partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(j)(i),

The Planning Statement accompanying this application provides the following information:

The plans show the installation of windows and doors, with only partial alterations to exterior walls. No demolition is proposed. The roof cladding will be replaced.

The building already has the benefit of mains electricity and water. A separate electricity and water supply is proposed for the dwellings. A septic tank/treatment plant will be installed adjoining the site. Surface water will follow the route of the existing building, into an existing field drain that leads into the brook on the applicants land.

Given this, it is considered that it is compliant with the criteria above.

(k)the site is on article 2(3) land,

It is not located within article 2(3) land

(l)the site is, or forms part of—

(i)a site of special scientific interest;

(ii)a safety hazard area;

(iii)a military explosives storage area,

The site is not located or does not form part of any of these constraints.

(m)the site is, or contains, a scheduled monument,

The site is not and does not contain a scheduled monument.

(n)the building is a listed building,

The building is not listed.

(o)the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or

The proposed dwellings meet the standards outlined within the Nationally Described Space Standard. 3 bed, 6 person dwellings over 1 storey should be a minimum of 95sqm, which these dwellings far exceed. Furthermore, each bedroom is in excess of the double bedroom standard of 10.5sqm.

(p)the building does not have suitable existing access to a public highway.

The existing access to the site provides an access point to the public highway.

The conditions of the prior approval under Class Q states that, where the development proposed is development under Class Q(a) together with development under Class Q(c), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a)transport and highways impacts of the development,

The Council's Highways Engineer was consulted who visited the site and noted that due to the existing arrangements on site, in particular the lack of a segregated footway, junction geometry, and substandard visibility in both directions at the junction, this application cannot be supported. The access track to the proposed is also a Public Right of Way, and therefore the impacts on this were also taken into account.

The Highways Officer therefore recommended refusal based on the proposal resulting in the intensification of use of an access onto a classified road subject to a speed limit of 50mph that is sub-standard in terms of visibility, geometry and lack of segregated pedestrians facilities at and in the vicinity of its junction with Turton Road, which would be detrimental to road and pedestrian safety and lead to conflicts between vehicles and users of the adjacent Public Right of Way.

Given this, a full application would need to be submitted to demonstrate how these highways impacts would be mitigated.

(b)noise impacts of the development,

The noise impacts of the development would be minimal and, given the rural nature of the site, unlikely to cause further impacts.

(c)contamination risks on the site,

Environmental Health Officers were consulted who made the below comments:

The Environment Section has assessed the application and has concluded that it has a sensitive enduse and the site may be potentially affected by land contamination. As such sufficient information must be submitted to agree commencement, by demonstrating that no remedial measures are required or to agree such measures.

Information held by this Section indicates that the track leading to the barn and land adjacent to it may have been subjected to infilling in accordance with a 1990 planning permission. We hold no information as to whether the infilling was carried out, or if it was, confirmation of such infilling and the nature of the material. It would be useful to provide any available information regarding this and also, if applicable, consider it within a contaminated land assessment. Should a potential gas risk be identified, appropriate remedial measures will be required.

It is noted that garden areas are proposed for the dwellings. Aerial imagery indicates this area of the site is currently hard standing with storage and parking. There is the potential for contaminants to be present here and it is considered likely that soil will need to be imported to ensure the gardens are suitable for use. Information regarding this is also requested.

Given the above, it is considered that further information would be required evaluating the contamination risks at the site and therefore prior approval cannot be granted in this instance, and a full application would need to be submitted to ensure that any contamination risks at the site are mitigated.

(d)flooding risks on the site,

The site is located within Flood Zone 1.

(e)whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3

(dwellinghouses) of Schedule 1 to the Use Classes Order,

The location of the building would be considered acceptable, however the siting of the building adjoining other agricultural buildings may not be desirable based on the use of this adjoining building.

(f)the design or external appearance of the building, and

The design and external appearance would be acceptable as it would largely have the appearance of an agricultural building.

(g)the provision of adequate natural light in all habitable rooms of the dwellinghouses,

All habitable rooms have adequate sources of ventilation and natural light.

Given the above, it is considered the proposed development to convert the agricultural building to a two Class C3 dwellinghouses would not be permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class Q(a) and (c), for the change of use of a former agricultural building, extension of the building and building operations reasonably necessary to convert the building. This is

Recommendation: Prior Approval Required and Refused

Conditions and Reasons:

- 1 The application has failed to demonstrate that the transport and highways impacts caused by the development would be acceptable. As such the development does not comply with the regulations outlined within Class Q, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended).
- 2 The application has failed to demonstrate that the contamination risks at the site would not impact the development. As such the development does not comply with the regulations outlined within Class Q, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended).

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CO 05.06.2026		DM 08.06.2026	