

# NOTICE OF REFUSAL OF PLANNING PERMISSION

## Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

**To:**

Mr Robert MacKenzie  
MACMARSHALLS  
112A-116 Hamill House  
Chorley New Road  
Bolton  
BL1 4DH

**On Behalf Of:**

Mr Peter Duxbury  
Holhouse Farm  
Holhouse Lane  
Tottington  
Bury  
BL8 4HD

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### PART 1 - Particulars of Application

**Application Number:** 69078

**Date of Registration:** 18/04/2023

**Proposal:**

Erection of an agricultural building and proposed access track

**Location:**

Land on South side of Bolton Road, between Glencott and 1-3 Oak Cottages, opposite nos. 74 - 82 Bolton Road, Hawkshaw, BL8 4HZ

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### PART 2 - Particulars of Decision

The Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reasons:-

- 1 The proposed development by virtue of its siting, design, scale, massing and appearance would be harmful to the landscape qualities of the area being located in an isolated and remote position which would be visually prominent, incongruous and obtrusive incursion to the West Pennine Moors countryside area, the Special Landscape Area and the street scene, to the detriment of landscape character and visual amenity, contrary to Bury Unitary Development Plan Policies EN9/1 - Special Landscape Areas, OL7/2 - West Pennine Moors, OL4/5 - Agricultural Development, EN1/1 - Visual Amenity, and the principles of the NPPF.
- 2 The proposed development by virtue of its siting, scale, design, massing and appearance would result in a large and imposing building within close proximity to residential properties which would cause overshadowing of habitable rooms, and which would feel overbearing and oppressive to the occupants of nos. 76 - 82 Bolton Road and would result in an undue sense of enclosure to the detriment of residential amenity, with potential unacceptable noise and disturbance from activities undertaken within and around the agricultural building also considered to be detrimental to the amenity of properties bordering the site. The proposed development is therefore considered contrary to Bury Unitary Development Plan Policy OL4/5 - Agricultural Development, and the principles of the National Planning

## Policy Framework.

- 3 The proposal would result in the intensification of use of an existing, sub-standard field maintenance access onto a high speed classified road in a hazardous position adjacent to the bend in Bolton Road and directly opposite the existing unadopted access between No.'s 74 & 76 Bolton Road, which would be detrimental to road safety and maintaining the free flow of traffic, contrary to Policies HT2 - Highway Network and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 4 The proposal would result in the intensification of use of an existing access onto a high speed classified road that is sub-standard in terms of width and visibility, which would be detrimental to road safety and maintaining the free flow of traffic, contrary to Policies HT2 - Highway Network and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 5 The proposed car parking, manoeuvring and servicing arrangements shown on the submitted plans are sub-standard, vehicles parking and carrying out manoeuvres on the adjacent high speed classified road in a hazardous position adjacent to the bend in Bolton Road by not being able to clear the highway sufficiently when entering/leaving the site, and directly opposite the existing unadopted access between Nos. 74 and 76 Bolton Road, to the detriment of the free flow of traffic and road safety, and more hard standing being required urbanising the countryside further, contrary to Policies HT2 - Highway Network, HT2/4 - Car Parking and New Development, EN9/1 - Special Landscape Areas, OL7/2 - West Pennine Moors and EN1/1 - Visual Amenity of the Bury Unitary Development Plan.
- 6 The proposal does not provide suitable accommodation for vehicles to enter and leave the site in a forward gear, and therefore is detrimental to road safety and maintaining the free flow of traffic, contrary to Policies HT2 - Highway Network and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 7 Insufficient information has been submitted to demonstrate that the building would be safeguarded from crime and disorder, and would create a safe environment where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience, contrary to the requirements of PPG 3: 'Planning out Crime in New Development', the National Planning Policy Framework and Planning Practice Guidance.

### **The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:**

- |       |                                         |
|-------|-----------------------------------------|
| OL1   | OL1 - Green Belt                        |
| OL1/2 | OL1/2 - New Buildings in the Green Belt |
| OL5/2 | OL5/2 - Development in River Valleys    |
| EN7/4 | EN7/4 - Groundwater Protection          |
| EN9/1 | EN9/1 - Special Landscape Areas         |
| EN1/1 | EN1/1 - Visual Amenity                  |
| OL4/5 | OL4/5 - Agricultural Development        |
| EN5/1 | EN5/1 - New Development and Flood Risk  |

|       |                                                                                                         |
|-------|---------------------------------------------------------------------------------------------------------|
| EN8   | EN8 - Woodland and Trees                                                                                |
| OL7/2 | OL7/2 - West Pennine Moors                                                                              |
| HT2   | HT2 - Highway Network                                                                                   |
| HT2/4 | HT2/4 - Car Parking and New Development                                                                 |
| SPD3  | Development Control Policy Guidance Note 3: Planning Out Crime in New Development                       |
| SPD8  | Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt |
| NPPF  | National Planning Policy Framework                                                                      |
| NPPG  | National Planning Policy Guide                                                                          |

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**Applicant Plan Numbers:**

**NOTES TO APPLICANT**

Not Applicable

Signed:



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On behalf of the Council

**Date of Decision:** 16/06/2023