

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Chris Shiels
Abbey Associates Design Ltd.
18 Pickering Close
Bury
Lancashire
BL8 1UE

On Behalf Of:

Mr Adnan Siddiqi
48 Dorset Drive
Bury
BL9 9DW

PART 1 - Particulars of Application

Application Number: 71709

Date of Registration: 20/03/2025

Proposal:

Change the use of land to a garden area to serve the property and erection of 1.8 & 2.4 metre high boundary fence (Retrospective)

Location:

The Stone House, off Dorothy Street,
Ramsbottom, Bury, BL0 9WG

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 site is situated within an area designated as a River Valley and where the open character of land should be maintained. The proposed development would lead to an urban encroachment into the river valley area and, as such, it would be contrary to Policy OL5/2 - Development in River Valleys of the Bury Unitary Development Plan.
- 2 The proposed development would result in the loss of a protected recreational facility and does not propose alternative provision or enhanced provision. If approved, it would create a precedent for similar development in the area and the cumulative loss of recreational land would be detrimental to the protected facility. The proposed development therefore conflicts with Policy RT1/1 – Protection of Recreation Provision of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 3 The application fails to demonstrate that the site is not valuable for biodiversity reasons by virtue of the potential to provide habitats for biodiversity, or that the impacts on biodiversity can be successfully mitigated. Therefore, the proposal is contrary to Policy JP-G8: 'A Net Enhancement of Biodiversity and Geodiversity' of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 4 The enclosure of the land by the installation of the boundary boundary fence erected extinguishes the unrecorded right of way, preventing any pedestrians accessing the playing fields from Dorothy Street, contrary to Policy JP-P7: Sport and Recreation of the Greater Manchester Places for Everyone Joint Development Plan and the requirements of Paragraph 105 of the National Planning Policy Framework.
- 5 The proposed extended residential garden curtilage does not follow an easily identifiable feature and would not be inline with the boundary line with existing adjacent properties. It is further considered the proposed extended curtilage would result in an anomalous, incongruous and discordant linear encroachment into the defined recreation land that would cause visual harm to and be of detriment to the semi-rural character and visual amenities of the area. The boundary fencing also appears as a stark and intrusive feature when viewing the site from the playing fields to the detriment of visual amenity. For these reasons the proposal is contrary to Policy EN1/2: Townscape and Built Design of the Bury Unitary Development Plan, Policy JP-G1: Landscape Character of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 6 The application contains insufficient information to ensure the proposed change of use of land and erection of boundary fencing would not cause drainage and flooding issues to occur elsewhere, contrary to the requirements of Policy JP-S4: Flood Risk and the Water Environment of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

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

OL5/2	OL5/2 - Development in River Valleys
RT1/1	RT1/1 - Protection of Recreation Provision in the Urban Area
EN1/2	EN1/2 - Townscape and Built Design
JP-G1	Landscape Character
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P7	Sport and Recreation
JP-S4	Flood Risk and the Water Environment
NPPF	National Planning Policy Framework

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:

A handwritten signature in black ink, appearing to read "Paul Harris", written in a cursive style.

3 of 3

.....
On behalf of the Council

Date of Decision: 15/05/2025