



Appeal Decision

Site visit made on 23 December 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 December 2025

Appeal Ref: APP/T4210/W/25/3374427

49 Rainsough Brow, Bury, Prestwich M25 9XW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Dileep Singh Ahuja against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 71982.
 - The development proposed is erection of 2 no. storey mixed use development consisting of 1 no. shop (Class E) on the ground floor and 1 no apartment on first floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area;
 - the effect on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy;
 - the effect of the proposed development upon highway safety; and,
 - whether the development would provide adequate storage for bicycles.

Reasons

Character and appearance

3. The appeal site is located within a car park serving an adjacent retail store. The store itself is a single-storey, flat-roofed building finished in grey painted brick and grey render. In the wider context, the built form along Rainsough Brow and Halliwell Walk to the rear of the site comprises residential properties. These are modest two-storey dwellings with simple side-facing gables, allowing their full roof profiles to be visible from Rainsough Brow. There is a significantly notable drop in levels along Rainsough Brow.
4. The proposed development would introduce a two-storey structure with a series of roof forms stepping down the slope of Rainsough Brow. This configuration would produce two excessively tall, steeply pitched roofs with their gables facing towards the highway. These gable roof forms would be linked by a flat-roofed section that would sit uncomfortably between them. Owing to its immediate proximity and

orientation to the public highway, the resulting massing would be unavoidably prominent.

5. When viewed as a whole, the building would present as an overbearing, visually discordant addition to the street scene, markedly at odds with the established character of the surrounding predominant built forms. Its fragmented form and disproportionate roofscape would create a harsh and intrusive presence within the public realm.
6. To conclude, the proposed development would conflict with Policies EN1/2, H2/1, EC4/1 and S2/1 of the Bury Unitary Development Plan 1997 (UDP). Collectively, these policies seek for development proposals to be of an appropriate design and appearance, where regard shall be had to design, scale, height and bulk, amongst other things.

Living conditions

7. The parties acknowledge that planning permission has been granted for a residential scheme on the adjoining land to the west of the appeal site, although this development had not been constructed at the time of my site visit. The appellant asserts that acceptable separation distances would be maintained. However, the plans before me are limited to a basic footprint of the approved neighbouring scheme. No information is provided regarding window positions, room layouts, or the orientation of habitable spaces.
8. The Council highlight that habitable room windows within the approved neighbouring scheme would be positioned in very close proximity to the proposed development. The proposed plans confirm that the proposed building would sit extremely near to the approved footprint, with an almost blank elevation. This would create a tight spatial relationship. In the absence of any convincing evidence to demonstrate otherwise, it is reasonable to conclude that this arrangement would result in a materially harmful impact on the outlook of the occupiers of the adjacent scheme. The degree of enclosure and visual dominance arising from such proximity would be wholly unacceptable and significantly detrimental to the living conditions of these neighbouring occupiers.
9. The Council further identify that an area of amenity space is proposed to the rear of the approved neighbouring development. Owing to the splayed configuration of the appeal site, the proposed building would be positioned close to the rear boundary and thus, close to this area of amenity space. The submitted floor plans show a first-floor bedroom window directly facing this amenity space. Given its function as a habitable room and its extremely limited separation from the adjoining amenity space, the proposal would result in a clear and significant loss of privacy for the future occupiers of this neighbouring scheme.
10. To conclude, the proposed development would conflict with Policies EN 1/2, H2/1 and H2/2 of the UDP. These policies seek for development to have appropriate regard to residential amenity, the local environment and surrounding land uses.

Highway safety

11. As previously noted, the appeal site is located within a car park which serves an existing retail store. An existing site plan for this retail store notes that eleven parking spaces are currently provided, several of which are located within the

proposed appeal site location. The Bury Development Control Policy Guidance Note 11 (SPD) sets out the parking requirements for the proposed development. The scheme includes four parking spaces to serve the ground-floor retail unit and one parking space for the first-floor residential unit. This provision accords with the standards outlined within the SPD.

12. Under the requirements of the SPD, the existing retail store should be served by ten parking spaces. However, the siting of the proposed development within an area currently used for car parking would result in a net loss of six spaces which serve the existing retail store, after accounting for the two additional spaces proposed at the front of the building. Following the proposed development, only five spaces would remain. This represents a substantial shortfall. Moreover, one of these new spaces would be positioned adjacent to a kerbed area, rendering it extremely difficult to access when the neighbouring space is occupied.
13. In addition, both the proposed retail unit and the neighbouring retail store would require servicing by delivery vehicles. Such vehicles are typically larger than those used by customers, yet the proposed site plan makes no provision for a dedicated servicing area. Consequently, delivery vehicles would be forced to utilise the oversubscribed parking spaces which would serve both retail units, or seek informal stopping points along the highway. Moreover, given the limited parking and turning space within the site, larger delivery vehicles entering the appeal site may be required to reverse onto Rainsough Brow to exit and locate alternative parking position. While the appellant asserts that a swept-path analysis would demonstrate that cars and delivery vehicles can manoeuvre within the site, no such evidence has been submitted.
14. As a result, during peak periods when demand for parking exceeds the limited number of available spaces, there would be increased pressure for vehicles to park in unsuitable locations, including along Rainsough Brow, when customers or delivery drivers are unable to park within the site's red line boundary. Parking in such locations would impede the free movement of traffic along the highway and create additional conflict. Vehicles attempting to leave the site if they fail to park within a space may also be required to reverse onto Rainsough Brow, further compromising highway safety. Consequently, the oversubscription of the constrained parking provision would have a significant adverse impact on both highway safety and the free flow of traffic.
15. The Council highlight that the application and submitted plans fail to provide the necessary information to assess the scheme's impact on visibility splays previously approved within the wider site. I agree that this omission represents a notable deficiency in the submitted material. Nevertheless, the access point serving the appeal site would remain largely unchanged as part of the proposal. Vehicles exiting the site would continue to stop at the established access point, which lies beyond the building line of the proposed development. Consequently, despite the lack of supporting visibility information, the siting of the proposed building would not, in this specific respect, give rise to an unacceptable impact on highway safety, beyond what is already experienced.
16. To conclude, the proposed development would conflict with Policies JP-C5, JP-C6, JP-C8 of The Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2024. It would also conflict with Policies EC4/1 and HT2/4 of the UDP and the

guidance found within the SPD. Collectively, these policies and guidance seek for development proposals to provide adequate parking, delivery and service provision, amongst other things.

Bicycle storage

17. The proposed upper-floor residential unit would be served by a single secure bicycle parking space located within the rear stairwell. However, the SPD clearly requires that the proposed ground-floor retail unit should be supported by two dedicated bicycle parking spaces. The appellant has provided no substantive or detailed information demonstrating how these required spaces would be accommodated. This omission represents a clear failure to comply with established bicycle parking standards.
18. The appellant contends that this shortfall in bicycle storage provision could be addressed through the imposition of a planning condition. In light of this suggestion, I acknowledge that it would be reasonable to impose a condition requiring the submission of detailed specifications for bicycle storage prior to the commencement of the development, enabling its suitability to be assessed. Subject to such a condition, the development could offer customers to the ground floor retail unit a secure and appropriate facility that promotes sustainable transportation, consistent with the objectives outlined in the SPD.
19. To conclude, following the imposition of a suitably worded planning condition, the proposed development would not conflict with Policy JP-C6 of The Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2024 and the guidance found within the SPD. This policy and guidance require development to create safe, attractive and integrated cycling infrastructure.

Planning Balance and Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework indicates that a decision should be taken in accordance with the development plan.
21. I acknowledge that the proposed development would provide an additional unit of living accommodation in an accessible location. This would be a small, yet but positive contribution to the supply of housing. It would also provide economic benefits through employment and further retail provision once the development is operational. The proposal would also provide local economic benefits during the construction period. The future occupiers would also provide economic benefits to the local area once the development would be complete through their use of local shops and services. These elements are positive benefits which collectively attract moderate weight in my decision. The provision of EV charging provision and biodiversity enhancements is a policy requirement and therefore would be an absence of harm.
22. However, in my overall consideration of the scheme, these benefits are modest. They do not outweigh the harm I have found above in relation to the effect of the development upon the character and appearance of the area, the living conditions of neighbouring occupants to the appeal site and its effect upon highway safety.

There are no material considerations of such weight or significance before me as to justify a decision otherwise than in accordance with the development plan.

23. For the reasons given above, the appeal should be dismissed.

J Smith

INSPECTOR