

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 28/08/2026	Ref: 73371/FUL
Registration: 08/07/2026	LDfC: 31/07/2026	Expiry Date: 02/09/2026
Site Visit: 29/07/2026	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from domestic garage to nail salon/hairdresser (Class E); Garage door to be replaced with new window/infil & door

Location: 404 Bury Old Road, Prestwich, Manchester, M25 1PZ

Description

The application property is an end terraced dwelling located on the north-eastern side of Bury Old Road. The front of the property is separated from the pavement by a small yard area and low brick wall with fencing. To the south-eastern side, there is also fencing, with a large black gate to the rear/side to allow access for parking in the rear garden and access to the existing garage.

The proposal is to change the use from a domestic garage to nail salon/hairdresser (Class E) alongside the existing garage door to be replaced with new a window/infill & door.

The proposed is for the use of an occupant of 404 Bury Old Road to be used as her nail salon/hair salon. The garage has a floor area of approximately 17.9sqm with approximately half of the garage to be changed to a nail salon and waiting area with the other half to be a hair washing area. The existing garage door would be amended to a single panel door together with a window to the side and infill below.

The area is mixed use in nature, predominantly residential but with some commercial uses nearby. Parking in the area is an existing issue, with residents mainly parking on street.

Relevant Planning History

10/0338 - Erection of a wall; High gate; Change of use of land. - 22/09/2010

33687 - SINGLE STOREY EXTENSION AT REAR - Approved with conditions 28.11.1997

Publicity

15 neighbouring properties were consulted on 10.07.2026. 2 comments received detailing the below:

- Would there be any business signage visible from Park Place and Bury Old Road, and if so what dimensions would they be? Also, would any signage proposed be illuminated signage or intrusive signage? Given the traditional, non-high street nature residential area, consideration for nature of any business signage should be carefully taken.
- Impact of potential signage on neighbouring amenity
- Existing plans showed an existing car park at Park Place which is unadopted land and not a designated car parking area.

Statutory/Non-Statutory Consultations

Traffic Section - recommended refusal with reasons based on the impact on parking within the area and at the existing property.

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Borough Engineer - Drainage Section - raised no objections as the proposal does not result in any increase in impermeable area or alterations to the existing surface water drainage arrangements.

Waste Management - made comments that a commercial arrangement will need to be in place which is suitable for the amount of waste generated and any waste containers would need to be stored within the property boundary.

Environmental Health - Pollution Control - no objections

United Utilities (Water and waste) - no response received

Prestwich Village Neighbourhood Forum - no response received

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
PfE	Places for Everyone
H3/1	Assessing Non-Conforming Uses
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

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.

Principle of the Development

The application property is sited outside of a designated Town Centre area. For this reason, as outlined within Paragraph TC3 of the NPPF, a sequential test should be submitted in order to outline why the town centre use is appropriate within the proposed location.

Paragraph TC3.2 states the below:

The sequential test means that main town centre uses involving new development should be located within town centres identified in the development plan; then, if this is not feasible, in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre locations, preference should be given to accessible sites which are well connected to the town centre by sustainable transport modes.

The sequential test submitted alongside this application states that the proposal has arisen from the applicant's intention to establish a small-scale business from their home through the conversion of an existing domestic garage. It goes on to state that the applicant has therefore not undertaken a search for a conventional commercial unit within Prestwich town centre, as the proposal has not arisen from a requirement to establish a standalone town-centre salon. Renting a separate shop unit would represent a materially different business model, involving separate premises and associated overheads, and would remove the principal benefit of being able to operate a modest business from the applicant's home.

It is not uncommon for people wanting small-scale businesses within the rear garden of their own property. It should be however that these businesses are limited in scale and conform to the character of the existing area.

It is also noted within the sequential test that at any time, there would be a maximum of 4 clients at the site. It is not considered that having 4 clients at the site at any one time represents a small-scale business that could be run sustainably from the rear garden of the property. It is therefore considered that the applicant should have undertaken a search for a commercial unit better suited to the scale of the proposed business, and therefore the proposal is not compliant with Paragraph TC3 of the NPPF.

Furthermore, Policy H3/1 of Bury Council's UDP governs Assessing Non-Conforming Uses in primarily residential areas within the Metropolitan Borough of Bury. This policy assesses,

amongst other things, traffic generation and parking arrangements, and hours of operation. The proposal having a maximum of 4 clients at any time, including Saturdays, could mean an increase of 4 cars in an already constrained parking area. Furthermore, the garage becoming a commercial operation during weekend hours, when the area is usually predominantly residential during this time, would also impact neighbours.

Given the above, the principle of the development is not considered acceptable.

Design and Visual Amenity

The proposal would mean that the existing garage door is amended to a single pane door and window with infill below. This would be modest, and set back from Bury Old Road and so out of view from public vantage points.

Given this, it would not have an unacceptable impact on the visual amenity of the area and would be acceptable.

Residential Amenity

SPD 6 provides guidance on aspect standards between developments and residential dwellings.

As discussed above, it is considered that the introduction of this use within this area could intensify the use of the site to the detriment of neighbouring properties and therefore would not be considered acceptable.

In terms of interface distances, the proposal does not project any further towards neighbouring properties and does not introduce any habitable rooms/windows and therefore is unlikely to have any further privacy impacts on neighbours.

Parking/Traffic Issues

SPD 11 provides guidance on parking standards within the borough.

Despite the proposed having a floor space less than 20sqm, with SPD 11 stating that one off road car parking space is required per 20sqm of floor space, the Council's Traffic Officers were consulted and made the below comments:

Whilst the proposed floorspace may fall below the threshold requiring formal parking provision, the practical impact on local parking demand appears to have been underestimated.

The proposal would result in the loss of an existing off-street parking space/garage that currently serves the property. At the same time, the new commercial use is likely to generate additional vehicles/parking from customers and visitors. In practice, many customers attending hair and beauty appointments are likely to travel by private car rather than public transport, particularly where appointments involve travelling from outside the immediate area, or where convenience is a key factor.

The existing parking provision is already under significant pressure, and there is no evidence that spare capacity exists to absorb additional customer parking.

The proposal therefore risks increasing on-street parking stress in the surrounding area, leading to inconvenience and tension for existing residents and users of local facilities, and potentially causing accessibility issues.

For this reason, the development does not appear to be suitable.

Given the proposal would reduce the parking provision at the property to 1 space (with 6

people currently residing at the property), as well as the intensification of the use of the site, the proposal is therefore not considered acceptable in parking and traffic standards.

Furthermore, given waste management comments as detailed above, the inclusion of bins to serve the proposed use would further impact parking provision for the existing property leading to further parking impacts.

Response to Neighbouring Observations:

- No signage is proposed under this application. Any proposed signage would therefore need consent under a separate application should the application have been approved.
- The proposed plans were amended to remove Park Place as an existing car park.

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.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed use would introduce a non-conforming commercial use into a predominantly residential area and would result in the intensification of the use of the garage of a dwelling house which would cause impacts on neighbouring residents. The application has also not demonstrated that the proposed could be accommodated within a town centre location. The proposed development therefore conflicts with Policy H3/1 of the Bury Unitary Development Plan and Paragraph TC3 of the NPPF.
- 2 There is insufficient car parking provided within the site to accommodate for the use proposed. The proposed use would also impact the existing car parking provision at the dwelling. The proposed development therefore conflicts with the Policy JP-C8 of PfE.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CO	28.08.2026	HL	01.09.2026