

Bury Metropolitan Borough Council
Town Hall
Knowsley Street
Bury
BL9 0SW

FAO: Helen Pressley

22 October 2025

Dear Helen

CRAGG FARM, CRAGG LANE, SUMMERSEAT, BURY, BL9 5QN
PLANNING PORTAL REFERENCE NUMBER: PP-14362994

On behalf of Mr Matt Cullen, please find enclosed an application for retrospective planning permission at the above site. The application has been submitted via the Planning Portal.

The application seeks consent for:

‘Retrospective planning permission for oak framed outbuilding and ornamental garden pond’

The application is submitted following extensive pre application discussions with officers at Bury Council regarding unauthorised works at the property by the previous owners. This application seeks to regularise the planning position for the barn and pond. Subsequent applications will follow for the pergola and decking, and driveway/area of hardstanding in due course.

The application comprises the following documents, which were agreed during the pre application process with Helen Pressley:

- Application forms and certificates;
- Justification statement (this letter);
- Application fee of £588 (+ £85 service charge) made via the Planning Portal;
- Site Location Plan (drawing ref: 25003-A001);
- Existing Historic Site Plan (drawing ref: 25003-A101);
- Existing Site Plan (drawing ref: 25003-A103);
- Proposed Site Plan (drawing ref: 25003-A105);
- Proposed Site Plan (colour) (drawing ref: 25003-A106);
- Existing and Proposed Floorplans and Elevations (Drawing ref: 25003-A108).

THE SITE

The application site comprises a two storey terraced dwelling. The property has a frontage along Bass Lane, with a low wooden fence enclosing what was traditionally the front of the house. To the rear is a large established garden enclosed by a drystone wall. Beyond the garden wall, within the same ownership is a single storey converted garage, sweeping driveway and large field. The property is accessed via security gates off Cragg Lane.

As identified on the Bury UDP Proposals Map, the site sits wholly within the Green Belt. It also falls in the River Valleys allocation.

BACKGROUND

The property was purchased in August 2024 by the current owner (and applicant). In November 2024, the applicant received an enforcement notice from Bury Council regarding unauthorised works at the property including;

- The erection of fencing in excess of one metre in height adjacent to a highway (Bass Lane)
- The erection of an open sided building for storage and bar
- The formation of a hardstanding area/access road
- Excavations and engineering options to create a natural swimming pool together with the erection of associated outbuilding and decking area with hot tub.

The letter required the demolition of the unauthorised buildings, to drain the swimming pool and reinstate the site to its original state within 90 days. Following this, the applicant has engaged with the Council to discuss a meaningful way forward to resolve matters. One of the actions being to apply for retrospective planning permission for the barn and pond (previously referred to as a swimming pool).

PLANNING HISTORY

The previous owners applied for Certificate of Lawful Existing Use or Development (CLEUD) to confirm the 'lawful extent of residential curtilage' in April 2024 and therefore the works undertaken benefitted from Permitted Development Rights. Submitted alongside this application were sworn statements from other owners of the property and works they had undertaken during their tenure to presumably demonstrate that the enforcement matters had 'deemed consent' in any event.

During determination, the proposal was changed to 'establishment of lawful extent of residential land use'. In granting this certificate, whilst the Council accepted that the area of land has been in residential use as a garden, it does not establish an extension to the property's curtilage and therefore does not benefit from Permitted Development Rights and the works undertaken require planning permission.

There are other notable planning applications relevant to the site which are detailed in the table below:

PLANNING APP REF	DESCRIPTION OF DEVELOPMENT	DECISION	DATE
85/17595	Change of use: agricultural land to a garden and play area	Withdrawn	October 1985
86/18812	Garden and play area	Refused. Appealed	October 1986
87/19573	Amenity Area	Refused	May 1987
70357	Erection of 1.2m high fencing / 1.55m high fencing	Withdrawn	June 2024

THE PROPOSAL

This application seeks retrospective planning permission for the oak framed barn and the enlargement of the existing pond. Each of these elements are described in turn below.

The Barn

The barn is roughly rectangular, with the northern elevation angled to run parallel with the site boundary. It has a total footprint of 60sqm and has been constructed using quality materials including an oak frame, with mono pitch roof covered in grey corrugated metal, weather timber fascias and clad with grey/weathered timber on the outside. The barn is open on one side, exposing three supporting oak columns with stone plinths. Internally it is largely open, clad with treated timber internal cladding, with a small enclosed area secured with a grey metal access door.

The barn measures 9.86m to the rear and is widest to the front where it measures 12.27m. It is 5.41m in depth. The lowest part of the roof to the rear measures 2.4m and at its highest point is 3.45m.

The barn is used for storage of cars, garden furniture, outdoor cooking equipment and gardening/maintenance equipment.

The Pond

The pond measures 16.5m at its widest and 23.6m at its longest. It covers a total area of 219.5m². It is approximately 1.5m deep. Large decorative stones have been placed around the edge of the pond and a stone water feature has been installed. Existing trees have been retained around on the eastern edge of the pond.

RELEVANT PLANNING POLICY

The Development Plan for Bury includes:

- Places for Everyone, adopted March 2024
- Bury Unitary Development Plan (UDP) adopted 1997
- Greater Manchester Joint Waste Plan adopted in 2012
- Greater Manchester Joint Minerals plan adopted 2013

Places for Everyone (PfE), the Joint Waste Plan and Joint Minerals Plan are not relevant to this planning application.

Bury Council are currently preparing their new Local Plan, following the adoption of PfE and once adopted will replace the saved policies within the current UDP. The Council recently consulted on a draft of the Local Plan and draft Local Plan Proposals Map. The adoption of the new Local Plan is expected in June 2027. Until such time and as the draft Local Plan is at such an early stage, the policies within it can be afforded very limited weight.

Bury Unitary Development Plan

The UDP was adopted in 1997. In 2007, the Council resolved to save all policies (apart from OL7/1), until the new Local Plan was adopted. The application site is identified on the Council's proposals map as being located within the Green Belt and the River Valleys. It is therefore subject to the following policies;

- OL1 – Green Belt
- OL1/2 – New Buildings in the Green Belt
- OL5/2 – Development in River Valleys
- EN1 – Built Environment
- EN8 – Woodland and trees

Supplementary Planning Guidance

The New Buildings and Associated Development in the Green Belt Development Control Policy Guidance Note 8 was adopted in January 2007. It provides guidance for new buildings and associated development in the Green Belt and is therefore relevant to this application.

JUSTIFICATION

National and local Green Belt policy and supplementary guidance is clear that new buildings are generally not permitted and considered to be inappropriate development.

It is worth noting that the lawful development certificate granted in 2024, confirmed that the area of land for the barn has been established as residential land use through its use as a garden for a significant period of time by the previous owners. This therefore allows for some flexibility over what could be allowed in terms of new or replacement buildings on the site.

In this instance, the barn is a replacement for a previous barn erected in the 1980s, that was situated in the same location. This is evidenced within the affidavit submitted with the CLEUD in 2024. The previous barn was believed to be more rectangular in shape, with a small lean to extension on one side. It had a footprint of 51.22sqm. The replacement barn represents an increase in floorspace of less than 9sqm. It is similar in height, size and massing to the barn that it replaced and therefore does not have a greater impact on the openness of the Green Belt.

The site is relatively self-contained with existing fencing and hedges separating it from nearby residential properties. Due to the layout of the barn and existing boundary treatments, it is unlikely that nearby residents would be adversely affected in terms of privacy, outlook, or noise. The proposals therefore do not give rise to any harmful impact on neighbouring amenity, in accordance with the general principles of the NPPF and the UDP.

The use of oak framing, traditional proportions, and high-quality materials ensures the barn is in keeping with the rural context of Cragg Farm and the wider landscape, consistent with Policy OL1 and Policy EN1.

In relation to the pond, an existing pond can be seen in this location on aerial photographs of the site and confirmed within the affidavit submitted as part of the CLEUD. It was installed in the 1980s after the chicken farm ceased to operate on the site.

Despite being called a natural swimming pool in the enforcement letter, it is very much an ornamental pond and is used as such by the applicant. The steps that were previously installed to access the water have been removed.

The extension of the ornamental pond represents a modest enhancement to an existing landscape feature, with the retention of many existing trees and consequently has no adverse impact on Green Belt openness. The extended pond contributes positively to the character of the wider site, enhancing biodiversity opportunities and visual amenity in line with Policy OL1 and Policy EN8.

CONCLUSION

The works undertaken at Cragg Farm are therefore considered to represent appropriate development, fully consistent with the relevant provisions of both national and local planning policy. On this basis, it is respectfully requested that retrospective planning permission be granted.

I trust the enclosed application documents provide sufficient information for validation and determination. Should you require any further details or clarification, please do not hesitate to contact me.

Yours faithfully

GILLIAN WORDEN BA Hons MPlan MRTPI
DIRECTOR

