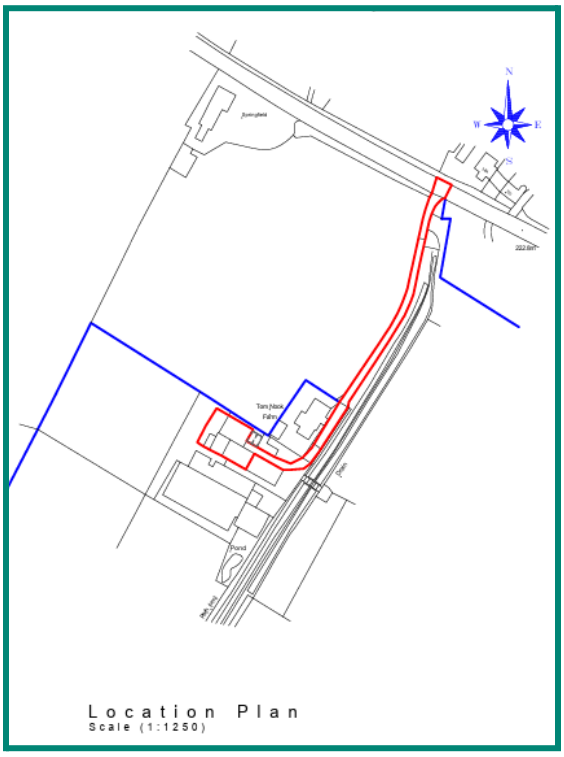
evPLANNING STATEMENT

November 2026

A request as to whether prior approval is required, and if it is, if it is given, in respect of the change of use of a building from agriculture to a use falling within Class C3 (dwellinghouses), together with building operations reasonably necessary to convert the building, under Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).



Tom Nook Farm, Turton Road, Tottington, Bury, Lancs. BL8 3QG

Prepared by MacMarshalls Rural Chartered Surveyors & Planning Consultants On behalf of AC and RJ MacKenzie

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1. INTRODUCTION

1.1. MacMarshalls are instructed on behalf of AC & RJ MacKenzie (the Applicant) to submit a request for prior approval for the change of use of an agricultural building and its curtilage at Tom Nook Farm to two dwellinghouses (Use Class C3). The request is made under Class Q(a) and Q(c) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

1.2. This is a resubmission of prior approval application 73085, refused on 8 June 2026. The building, the two dwellings and the layout are unchanged.

1.3. The Council's delegated report for 73085 found that the proposal met every limitation in paragraph Q.1. Of the prior approval matters in paragraph Q.2(1), it found noise, flooding, location, design and natural light acceptable, and raised a query on siting, which is addressed in Section 9. Prior approval was refused on two matters only:

- The application failed to demonstrate that the transport and highways impacts of the development would be acceptable.
- The application failed to demonstrate that the contamination risks at the site would not impact the development.

1.4. Both reasons concerned a lack of supporting information, not an objection in principle. This resubmission provides that information:

- Transport and highways - a Highway Supporting Statement and three drawings by CityStruct Ltd, proposing visibility splays, a segregated pedestrian footway and an uncontrolled crossing at the Turton Road access (Section 5); and
- Contamination - a Phase 1 Desktop Study (preliminary risk assessment) by CityStruct Ltd, prepared at the request of the Council's Contaminated Land Officer (Section 7).

1.5. Following the refusal, MacMarshalls asked the Council what further information was required (30 June to 2 July 2026). The Contaminated Land Officer confirmed that a preliminary risk assessment was needed and offered to discuss its scope with the consultant. CityStruct have not liaised directly with the Contaminated Land Officer, as this does not normally form part of a Phase 1 desk study. They will do so if clarification of the investigation scope is required.

1.6. The submission comprises:

- Application form and fee
- Location and site plan - C11-004 Rev B

- Existing plans and elevations - C11-002
- Proposed plans and elevations - C11-003
- Structural Report (Chris Markland) - Y25068, December 2025
- Highway Supporting Statement - MAC21-CTY-HGN-ZZ-RP-T-0001
- Proposed Footway -MAC21-CTY-HGN-ZZ-DR-D-0001
- Visibility Splays -MAC21-CTY-HGN-ZZ-DR-D-0002
- Footway Construction Standard Details - MAC21-CTY-HGN-ZZ-DR-D-0003
- Phase 1 Desktop Study - MAC21-CTY-VGT-ZZ-RP-G-0001_P01 (revised 29 October 2026), with appendices
- This Planning Statement - C11-29

2. THE BUILDING

2.1. The building is an enclosed agricultural storage barn at the centre of the farm complex, between the farmhouse to the north and agricultural storage buildings to the south. It is a substantial steel portal frame structure with concrete panel external and separating walls. The steel frame carries roof purlins and a profiled sheet roof, and the upper walls are clad in Yorkshire boarding.

2.2. The structural survey by Chris Markland (Y25068, December 2025) concludes that the structure is in good condition, with no significant structural defects, and is structurally suitable for conversion to domestic use. The proposed internal party wall and buttressing walls would further improve its lateral stability. The building is therefore capable of functioning as a dwelling and the works are a conversion, not the construction of a new building, as the Council accepted in 73085.

2.3. The building would form two semi-detached, single-storey, three-bedroom dwellings, each with an open-plan kitchen, dining and living area.

	Northern dwelling	**Southern dwelling**
External footprint	10.0m x 14.8m	9.9m x 14.9m
Floor space	approx. 149 sqm	approx. 149 sqm
Bedrooms	3 (all above 10.5 sqm)	3 (all above 10.5 sqm)
Maximum height	4.4m (unchanged)	4.4m (unchanged)

Parking	2 spaces	2 spaces

2.4. The building operations are limited to those reasonably necessary for the building to function as dwellings:

- New windows and doors, using existing openings wherever possible;
- Replacement roof cladding;
- New cladding to the lower walls, projecting no more than 0.2m;
- New internal party and buttressing walls; and
- Separate electricity and water supplies, a package treatment plant for foul drainage adjoining the site, and surface water discharging by the existing route to a field drain leading to the brook on the Applicant's land.

No extension and no demolition is proposed.

2.5. The curtilage of each dwelling is drawn tightly around the building and is no larger than the land area the building occupies, in line with the definition of curtilage in paragraph X of Part 3. It lies on existing hardstanding.

3. CONFORMITY WITH CLASS Q (PARAGRAPH Q.1)

3.1. The proposal is not excluded by any limitation in paragraph Q.1. The Council reached the same conclusion on each point in 73085, and nothing has changed since.

Q.1	Limitation (summarised)	Conformity
(a)	Site must have been part of an established agricultural unit on 24 July 2023 (or for 10 years if it joined later)	The building is part of the established agricultural unit at Tom Nook Farm, farmed by the Applicant, and was part of it on 24 July 2023. Accepted in 73085. A holding plan can be provided if required.

(b)	Former agricultural buildings: tests on when the site left the unit and any interim use	Not applicable - the building remains part of the agricultural unit.
(c)	No dwelling may exceed 150 sqm floor space	Each dwelling is approx. 149 sqm.
(d)	Cumulative Class Q development within the unit must not exceed 10 dwellings or 1,000 sqm	Two dwellings, approx. 298 sqm in total. No previous Class Q development on the unit.
(e)	Site not occupied under an agricultural tenancy without consent	The site is not occupied under an agricultural tenancy.
(f)	No agricultural tenancy terminated within the last year for Class Q purposes	Not applicable - no tenancy.
(g)	No development under Part 6 Class A(a) or B(a) on the unit in the previous 10 years	None. Planning permission 68930 (2022) was granted under a full application, not Part 6. Accepted in 73085.
(h)	External dimensions not to extend beyond the existing building, other than permitted extensions or protrusions of up to 0.2m	No extension. Only lower-wall cladding projecting no more than 0.2m.
(i)	Limits on extensions under Q(b)	Not applicable, no extension is proposed.
(j)	Building operations limited to windows, doors, roofs, exterior walls, services and partial demolition reasonably necessary	Works are limited to new windows and doors, replacement roof cladding, lower-wall cladding and services.

		No demolition. The structural survey confirms the building can be converted.
(k)	Not on article 2(3) land	The site is not article 2(3) land.
(l)	Not a SSSI, safety hazard area or military explosives storage area	None apply.
(m)	Not a scheduled monument	Not a scheduled monument and does not contain one.
(n)	Not a listed building	The building is not listed.
(o)	Building must be capable of complying with the Nationally Described Space Standard	Each dwelling far exceeds the 95 sqm minimum for a single-storey, three-bedroom, six-person home, and every bedroom exceeds 10.5 sqm.
(p)	Building must have suitable existing access to a public highway	The farm is served by an established vehicular access onto Turton Road, which the Council accepted in 73085. The access is retained, with improvements described in Section 5.

4. PRIOR APPROVAL MATTERS AND NATIONAL POLICY

4.1. As the development combines Class Q(a) with building operations under Class Q(c), paragraph Q.2(1) requires the Council to determine whether prior approval is required for seven matters only:

Q.2(1)	Matter	Outcome in 73085	This statement
(a)	Transport and highways impacts	Refused	Section 5
(b)	Noise impacts	Acceptable	Section 6
(c)	Contamination risks	Refused	Section 7
(d)	Flooding risks	Acceptable	Section 8
(e)	Location or siting	Location acceptable; siting queried	Section 9
(f)	Design or external appearance	Acceptable	Section 9
(g)	Natural light to habitable rooms	Acceptable	Section 9

4.2. The principle of the change of use is granted by the GPDO. Development plan policies on the principle of development, including Green Belt policy, are therefore not relevant. Planning Practice Guidance confirms that the permitted development right does not apply a test of the sustainability of the location.

4.3. Under paragraph W(10)(b), the Council must have regard to the National Planning Policy Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application. The current Framework was published on 17 August 2026 and replaced the December 2024 version. Its relevant national decision-making policies are:

NPPF policy	Subject	Prior approval matter
TR3, TR4, TR6	Sustainable transport, safe access, assessing transport impacts	(a) Transport and highways

TR8	Public rights of way	(a) Transport and highways
P2	Ground conditions and contamination	(c) Contamination
P3, P4	Living conditions and pollution; impact on existing activities	(b) Noise, (e) Siting
DP3	Key principles for well-designed places	(f) Design

4.4. Under paragraph W(13), the Council may grant prior approval subject to conditions reasonably related to the subject matter of the prior approval. This is the mechanism for securing the highway works and the remaining stages of contamination assessment set out below. Bury has used it on comparable Class Q conversions (see Section 7).

5. TRANSPORT AND HIGHWAYS IMPACTS

5.1. The transport and highways impacts are now acceptable. Each concern raised by the Highways Engineer is answered by a specific improvement designed by CityStruct. The previous submission offered no mitigation; this one does.

5.2. The Highways Engineer recommended refusal because of intensified use of the access onto Turton Road, a classified road with a 50mph limit. The concerns were sub-standard visibility in both directions, junction geometry, the lack of segregated pedestrian facilities, and potential conflict with users of the public right of way along the access.

5.3. NPPF policy TR6(4) directs refusal only where there would be an unacceptable impact on highway safety, or a severe impact on the road network, taking account of the mitigation proposed. It applies during construction and after completion. TR4(1)(c)(i) seeks to minimise conflict between pedestrians and vehicles.

Highways Engineer's concern	Mitigation proposed	Drawing

Sub-standard visibility in both directions	Hedges either side of the access trimmed back to the highway boundary to provide 2.4m x 160m visibility splays, based on the 50mph speed limit, and kept clear above 0.6m	D-0002
Junction geometry	Existing access retained, approx. 7.5m wide at the carriageway narrowing to 5.5m, wide enough for vehicles to pass without waiting on Turton Road	D-0001
No segregated pedestrian facilities	New 1.2m segregated footway on the eastern side of the access, linking to Black Lane (Tottington Footpath 63)	D-0001, D-0003
Pedestrians crossing Turton Road	New 2m uncontrolled crossing with dropped kerbs and buff tactile paving to the existing footway opposite	D-0001, D-0003
Conflict with public right of way users	Pedestrians separated from vehicles at the junction; footpath alignment and status unchanged and kept open	D-0001

5.4. The development is two dwellings. Policy TR6(1) requires a transport statement only where significant amounts of movement are likely, which two homes would not generate. A proportionate Highway Supporting Statement has nevertheless been provided.

5.5. No new access is proposed. The existing access already serves the farmhouse and the working farm, including tractors, trailers and delivery vehicles. The storage use of this building alone generates around 25 agricultural vehicle movements a week, including tractors moving bales, muck trailers and machinery. These movements would cease on conversion. Two dwellings would add only modest car

movements in that context, and the improvements would make the junction safer for every user than it is today.

5.6. The visibility splays are based on stopping sight distances for the posted 50mph speed limit rather than recorded speeds. As the access is existing and the conversion would add only a small number of movements, a speed survey is not considered proportionate. One can be provided if the Highway Authority requires it.

5.7. The alignment and status of Footpath 63 are unchanged, in line with policy TR8. The new footway and crossing improve the link between the footpath and the footway on the north side of Turton Road. The Applicant accepts the Council's standard informative on keeping rights of way open.

5.8. Footpath 63 shares the access track corridor with vehicles between Turton Road and the farm, as it does now. The track is an established tarmac farm access, approximately 5.5m wide beyond the junction, which allows vehicles and pedestrians to pass one another. The conversion would add only the car movements of two households to an access already used by farm traffic. The new footway and crossing address the main point of conflict at the junction with Turton Road, where pedestrians using the footpath currently have to walk across the access mouth and step onto the road.

5.9. The new footway would sit within the existing grass verge between the carriageway and the roadside hedge, which is approximately 1.2m wide on the eastern side of the access. Bury Council's highway extent records (Figure 1) show the adopted highway extending beyond the carriageway to the roadside boundary on both sides of the access. The footway, dropped kerbs and crossing therefore lie within the adopted highway and would be delivered under a section 278 agreement, and the hedge trimming needed for the visibility splays is to the highway boundary. The 1.2m width reflects the available verge and avoids the existing hedge and gas main. While 2.0m is the desirable width, 1.2m is a reasonable constrained arrangement in this location, subject to the Highway Authority's agreement. These works and the visibility splays can be secured under paragraph W(13) by conditions requiring them to be provided before first occupation.

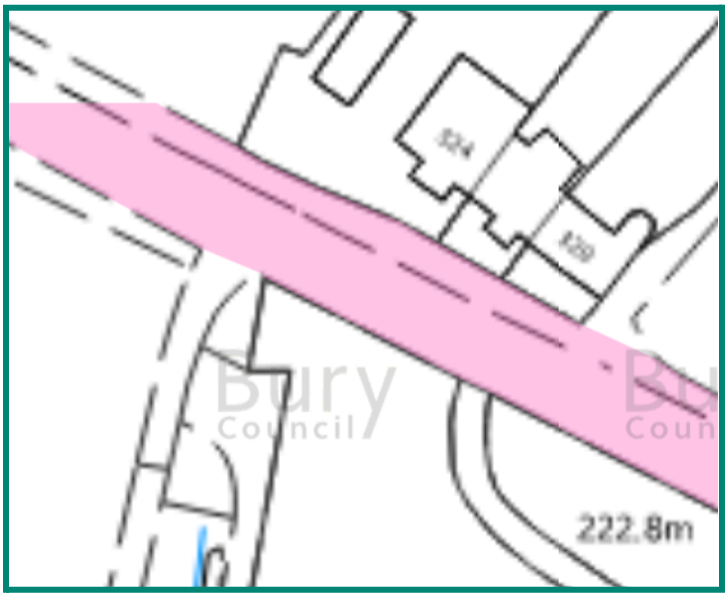


Figure 1: Extract from Bury Council's adopted highway records at the site access (Turton Road). Pink shading indicates adopted highway. Source: Bury Council.

5.10. As NPPF policy TR6(4) now covers the construction phase, the Applicant offers a short Construction Management Plan by condition, covering delivery times, vehicle turning within the farmyard, wheel cleaning and keeping the footpath open.

5.11. CityStruct recorded a localised carriageway collapse in Turton Road immediately outside the access. It is an existing highway defect, unrelated to this proposal, and has been reported to the Council. The Applicant is willing to coordinate the access works with any repair.

5.12. With these measures there would be no unacceptable impact on highway safety and no severe network impact. Prior approval should be given for transport and highways impacts.

6. NOISE IMPACTS

6.1. Noise impacts are acceptable, as the Council found in 73085. Residential use is a quiet use and the rural location means the development would not cause noise disturbance to others.

6.2. The adjoining farm buildings are owned and operated by the Applicant and are used for general farm storage, including machinery, bales and straw, and a workshop, which generates only low-level, intermittent activity through the year. A new internal party wall will separate the dwellings from the adjoining bay, with sound insulation to Building Regulations standards. The proposal therefore provides acceptable living conditions under NPPF policies P3(2)(a) and P4.

7. CONTAMINATION RISKS

7.1. Contamination risks are now acceptable. The preliminary risk assessment requested by the Contaminated Land Officer has been carried out. It deals specifically with both of the points Environmental Health raised, and it sets out the targeted intrusive investigation needed to complete the assessment. That investigation can be secured by condition, as Bury has done on other Class Q conversions.

7.2. Environmental Health raised two points. First, the track and adjoining land may have been infilled under a 1990 permission, with no record of the material, and any ground gas risk would need remediation. Second, the proposed gardens are on hardstanding used for storage and parking, so clean soil is likely to be needed.

7.3. NPPF policy P2 requires a site to be suitable for its proposed use, taking account of ground conditions, contamination and how risks can be mitigated. It should be informed by adequate site assessment by a competent person, and responsibility for a safe development rests with the developer.

Phase 1 Desktop Study

7.4. CityStruct prepared the Phase 1 Desktop Study in line with the Environment Agency's Land Contamination: Risk Management (LCRM) guidance, including a site walkover on 24 July 2026 and an Envirocheck data search. Its key findings are:

- The site has been agricultural land throughout the historical record from 1850, with no industrial use on site.
- Ground conditions are glacial till over Pennine Lower Coal Measures. The bedrock is a Secondary A aquifer, but the site is not in a Source Protection Zone.
- The potential infilling of the track and adjacent land under the 1990 permission is assessed in Section 6.10, which recommends soil contamination testing and a ground gas risk assessment, including monitoring wells.
- Permission 68930 (December 2022) for importing approximately 256m^3 of inert material is acknowledged in Section 6.13. The goat shelter permitted under 68930 has not been built.
- Current potential sources are typical of a farm: asbestos cement roof sheeting, a diesel tank, and possible residual pesticides and fertilisers.
- The site is within the coalfield but not within a Development High Risk Area, so a Coal Mining Risk Assessment is not required (Section 6.21). Basic radon protection is needed for new dwellings.

7.5. The revised report identifies potential pollution linkages typical of an agricultural site and recommends further investigation, set out in Section 1.4. This comprises soil contamination testing, ground gas monitoring and suitable imported soils for the gardens. None of these matters prevents the conversion. They are the normal next stages of the assessment process and can be secured by condition.

Environmental Health's two points

Concern	Response
Possible 1990 infill of the track and adjoining land; material and ground gas risk unknown	Addressed in Section 6.10 of the revised Phase 1, which recommends soil contamination testing and a ground gas risk assessment, including the installation of monitoring wells and subsequent monitoring. These works are offered by condition, with remediation and gas protection if required.
Gardens on hardstanding; soil likely to be imported	Addressed in Section 6.36. Imported soils will come from a supplier that has carried out appropriate testing before delivery, and the test results will be provided to show they are suitable for residential gardens. This can be secured by the Council's standard imported soils condition.

Other sources

7.6. Asbestos cement sheeting would be removed by a licensed contractor before conversion, under the separate asbestos regulations. The diesel tank is in an adjoining farm building and will be removed. Basic radon protection would be installed under the Building Regulations.

Conditions

7.7. Bury has granted prior approval for comparable Class Q conversions with contamination dealt with by condition:

- Barrack Fold Farm, Ainsworth (69436) - desk study submitted, with intrusive investigation, remediation and verification secured by condition.

- Abbotts Hall, Ramsbottom (69509) - phased contaminated land conditions from preliminary risk assessment through to verification.
- Holcombe Hey Fold, Hawkshaw Lane, Tottington (71324) - conditions for unexpected contamination and testing of imported soils for gardens.

7.8. The same approach is appropriate here. The scope of investigation recommended in Section 1.4 of the revised Phase 1 provides the basis for those conditions. The Applicant agrees to a pre-commencement site investigation (including ground gas) and remediation strategy if needed, with verification and imported soil validation before occupation. Prior approval should be given for contamination risks.

8. FLOODING RISKS

8.1. Flooding risks are acceptable, as the Council found in 73085. The site is in Flood Zone 1, at low risk from rivers and the sea, and Environment Agency mapping shows no surface water flood risk. Given the scale of the proposal, a flood risk assessment is not required.

8.2. Surface water from the roof would continue to discharge by its existing route to the field drain and brook. Impermeable area would fall slightly as hardstanding becomes garden. Foul drainage would be to a package treatment plant, operated under the Environment Agency's general binding rules or a permit as appropriate.

9. LOCATION, SITING, DESIGN AND EXTERNAL APPEARANCE AND NATURAL LIGHT

Location and siting - Q.2(1)(e)

9.1. The location and siting of the building do not make it impractical or undesirable to change to residential use. The Council found the location acceptable in 73085. Planning Practice Guidance confirms that this matter does not involve a test of the sustainability of the location.

9.2. The delegated report noted that siting next to other agricultural buildings might be undesirable, depending on their use. Those buildings are owned and operated by the Applicant and are used for general farm storage, including machinery, bales and straw, and a workshop, with no livestock housed against the building. The dwellings would be separated by a new internal party wall with sound insulation to Building Regulations standards. Under NPPF policy P4, the farming activity is the Applicant's own and can be managed.

Design and external appearance - Q.2(1)(f)

9.3. The design and external appearance are acceptable, as the Council found in 73085. The building keeps its simple agricultural form, roofline and materials, with existing openings reused wherever possible.

The new openings and materials would sit comfortably within the farm group and would not harm the character of the area, consistent with NPPF policy DP3.

Natural light - Q.2(1)(g)

9.4. Every habitable room in both dwellings has adequate natural light from new or existing openings, as the Council confirmed in 73085.

10. CONCLUSION

10.1. Prior approval should be given. The building satisfies the requirements of Class Q(a) and Q(c) and is not excluded by any limitation in paragraph Q.1.

10.2. The Council has already found the remaining prior approval matters acceptable, and the siting query is addressed in Section 9. The two reasons for refusal of 73085 are now addressed:

Reason for refusal	Response
1. Transport and highways impacts	Visibility splays, segregated footway, uncontrolled crossing and a Construction Management Plan (Section 5)
2. Contamination risks	Revised Phase 1 Desktop Study addressing the 1990 infill, ground gas and imported soils, with site investigation, remediation and imported soil testing secured by condition (Section 7)

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