

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr John Pickup
3D Eco
Red Cottage
Stubbing Square
Hebden Bridge
Halifax, West Yorkshire
HX7 6LS

On Behalf Of:

Mr & Mrs J Oestergaard
RIBA
Woodentops
Saville Road
Hebden Bridge
Halifax, West Yorkshire
HX7 6ND

PART 1 - Particulars of Application

Application Number: 71599

Date of Registration: 13/03/2025

Proposal:

Erection of 1 no. dwelling with new public
footpath

Location:

Land off Leigh Lane, Bury, BL8 1RJ

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 application fails to ensure that minimum densities as set out within Places For Everyone Joint Development Plan Policy JP-H4 - Density have been met which would require a minimum residential density of 35 dwellings per hectare at the site. The site is 3.5 hectares, which based on a total of 1 dwellings would result in a density of 0.28 dwellings per hectare. The proposal would therefore not ensure efficient use of land. The applicant has failed to demonstrate why a lower density at the site would be acceptable contrary to Development Plan Policy JP-H4 - Density.
- 2 The proposed development would, by reason of its size, position and design introduce a discordant, intrusive and permanent development which would have a detrimental and long term harmful impact on the character and openness of the locality and Landscape Character Area leading to weakening of the Green Belt Boundary. The applicant has failed to demonstrate Very Special Circumstances that would outweigh the in principle harm caused to the openness of the Green Belt. The proposed development would therefore be contrary to Development Plan Policies:
JP-G9: The Green Belt
JP-G1: Landscape Character
JPA9: Walshaw
OL1/2: New Buildings in the Green Belt
National Planning Policy Framework

- 3 The submitted Location Plan, Floor plans and Elevation drawings do not accurately scale electronically. The application and submitted plans contain insufficient information to enable them to be properly assessed in terms of visual amenity, residential amenity or Nationally Designated Space Standards. The proposal would therefore conflict with the following Policies of the Development Plan:
EN1/2 - Townscape and Built Design
H2/1 - The Form of New Residential Development
H2/2 - The Layout of New Residential Development
JP-H3 - Type, Size and Design of New Housing
- 4 The proposed development by virtue of its size and siting would result in threat to the continued well being of existing trees which are subject of Tree Preservation Order 201. The application has failed to demonstrate the potential impact of the proposal on trees protected by means of Tree Preservation Order number 201 or mitigation that may be required to facilitate development. The damage to or loss of these trees is considered to be unacceptable because of the impact on the general amenity and character of the area in which the application site is located. The development is therefore contrary to the following policies of the Development Plan:
EN8/1 - Tree Preservation Orders
EN8/2 - Woodland and Tree Planting
JP-G7: Trees and Woodland
- 5 The proposed development would directly impact part of Cyrus Ainsworth's Nurseries and Parkes Lodges Grade B Site of Biological Importance. The applicant has failed to demonstrate how the area of SBI within the red edge will be managed and what the extent of the domestic curtilage would be which has the potential for negative indirect effects on the SBI. The proposed development would therefore be contrary to Bury Unitary Development Plan Policy EN6/2 - Sites of Nature Conservation Interest (LNR's and Grade B and C SBI's) and Chapter 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework.
- 6 The applicant has failed to demonstrate that the proposed development would not have a detrimental impact on bats within trees contrary to Development Plan Policies EN6/3 - Features of Ecological Value and JP-G8: A Net Enhancement of Biodiversity and Geodiversity.
- 7 The location of the proposed terraces facing towards the eastern boundary would result in unacceptable overlooking of land outside of the applicant's ownership by reason of the sub-standard distances between elevated amenity areas and the directly facing boundary and the lack of screening under the control of the applicant. The proposed development therefore conflicts with Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development and Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 8 The application and submitted plans contain insufficient information in order to assess the following highway aspects of the proposed development:
 - Confirmation that vehicular access to the site can be achieved on land within the applicant's control;
 - Access, parking and turning arrangements/facilities for the dwellings;
 - Physical impact of the development and the access arrangements proposed on the adjacent Public Rights of Way;
 - Mitigation measures required to overcome the site's emergency access deficiencies from a fire safety perspective in view of the site's remote location

from the adopted highway network, constraints along the routes to the site for fire appliances and excessive cul-de-sac lengths effectively involved.

The proposed development therefore conflicts with Development Plan Policies:

JP-C5: Streets for All

JP-C6: Walking and Cycling

JP-C8: Transport Requirements of New Development

RT3/3 - Access to the Countryside

RT3/4 - Recreational Routes

HT2/4 - Car Parking and New Development

Supplementary Planning Document 11: Parking Standards in Bury

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:

EN1/2	EN1/2 - Townscape and Built Design
EN6/2	EN6/2 - Sites of Nature Conservation Interest (LNR's and Grade B and C SBI's)
EN6/3	EN6/3 - Features of Ecological Value
EN6/4	EN6/4 - Wildlife Links and Corridors
EN8/1	EN8/1 - Tree Preservation Orders
EN8/2	EN8/2 - Woodland and Tree Planting
OL1/2	OL1/2 - New Buildings in the Green Belt
H1/2	H1/2 - Further Housing Development
H2/1	H2/1 - The Form of New Residential Development
H2/2	H2/2 - The Layout of New Residential Development
HT2/4	HT2/4 - Car Parking and New Development
RT3/4	RT3/4 - Recreational Routes
RT3/3	RT3/3 - Access to the Countryside
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-G1	Landscape Character
JP-G9	The Green Belt
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G7	Trees and Woodland
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-P1	Sustainable Places
NPPF	National Planning Policy Framework
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

SPD11 Development Control Policy Guidance Note 11 - Parking Standards in Bury
SPD8 Development Control Policy Guidance Note 8 - New Buildings and Associated
Development in the Green Belt

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 'J. H. H.', is written over a dotted line.

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On behalf of the Council

Date of Decision: 08/05/2025