



Development Management  
Bury Council  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ

Our Ref: MJ/RG/G315/L001  
Date: 8<sup>th</sup> July 2024

Dear Sir / Madam

**LAND ADJACENT TO ABBOTTS HALL, WOODHEY ROAD, HOLCOMBE BROOK, RAMSBOTTOM, BL0 9RD**

On behalf of Mr. & Mrs. Abbott, we hereby submit this application seeking full planning permission for external works associated with the approval of Class Q application 69509 on 20th July 2023 in respect of the change of use of the barn adjacent to Abbots Hall to form 3 houses.

For the avoidance of doubt, that Class Q PDR consent for 3 dwellings is already in place and is not the subject of this application.

The works proposed by this application relate to:

1. How those 3 approved houses will be accessed by both foot and vehicle; and
2. How the existing track that links Woodhey Road to those 3 approved houses is to be treated / reconfigured; and
3. How the Public Right of Way (PROW) that aligns with the access track is to be treated; and
4. How the garden areas, parking arrangements and vehicular manoeuvring for the 3 approved houses will be laid out / accommodated; and
5. How the site will be enhanced through new hard and soft landscaping; and
6. The erection of a recently (largely constructed) 'pet memorial' with associated stone bench and dog drinking trough (see photograph on the following page).

**Application Content**

In support of this planning application we submit the following :

- This letter explaining our client's planning case
- Preliminary Investigation Report (Ian Famer Associates)



- Preliminary Ecological Assessment (including Map 1: Extended Phase 1 Habitat Survey) (Pennine Ecology)
- Biodiversity Net Gain Assessment Summary Report + associated Metric Conditions Assessment and Metric Tool Calculation (Pennine Ecology)
- Biodiversity Gain Plan Form (Pennine Ecology)
- GIS shapefiles in respect of BNG (Pennine Ecology) [nb the author of this letter cannot access these 'shapefiles', but has been advised by Pennine Ecology that *"sometimes the LPA reviewers ask for them, so we just send them in case"*]
- Design and Access Statement (EAT Landscape)
- The following drawings (EAT Landscape):
  - D234.001 – Location Plan
  - D234.002 Revision A – General Arrangement Plan (Proposed)
  - D234.003 Revision A – Planting Plan

*Pet Memorial*





## Drawings submitted for Context

The following drawings (prepared by Hawthorn Design Partnership) are not submitted for approval, but rather to assist and by way of context. These drawings show the internal layout of the 3 houses and elevation changes to create the 3 houses that are **already approved** by virtue of Class Q, and as such – aside from establishing the approved context – **do not form part of this planning application**:

- L03 – Existing Site Plan
- L04 C – Proposed Site Plan
- P01 – Existing Ground Floor Plan
- P02 – Existing First Floor Plan
- P03 A – Proposed Ground Floor Plan
- P04 A – Proposed First Floor Plan
- S01 A – Existing and Proposed Sections
- E01 - Existing Elevations 1 of 2
- E02 - Existing Elevations 2 of 2
- E03 - Proposed Elevations 1 of 2
- E04 - Proposed Elevations 2 of 2

## Enforcement Matters

By way of further context, and while the Applicants dispute the manner in which it was issued, the LPA has issued an Enforcement Notice (ref: 23/0022 dated 27<sup>th</sup> March 2023) in respect of the land that is the subject of this planning application.

The Enforcement Notice (EN) sets out that the following matters that it suggests appear to constitute the breach of planning control:

*‘An agricultural storage unit has had its use changed to provide a caravan repair/refurbishment business. An area of land has been given over to the storage of caravans and motor homes, with an associated hardstanding being provided neither of which has the benefit of a planning approval. An access road has also been constructed, following the line of the public footpath, again, without the benefit of a planning approval. The associated stile and signage have been removed.’*

Part 5 of the EN sets out the works required to remedy the breach of planning control, namely:

- a) Remove the caravans and motor homes from the site.
- b) Remove the hardstanding, along with any spoil created.
- c) Regrade the area and seed to bring the land back to its former condition.
- d) Remove the roadway giving access to the site and reinstate as a footpath, along with the attendant signage and stile.
- e) Desist the business use of the agricultural storage use.

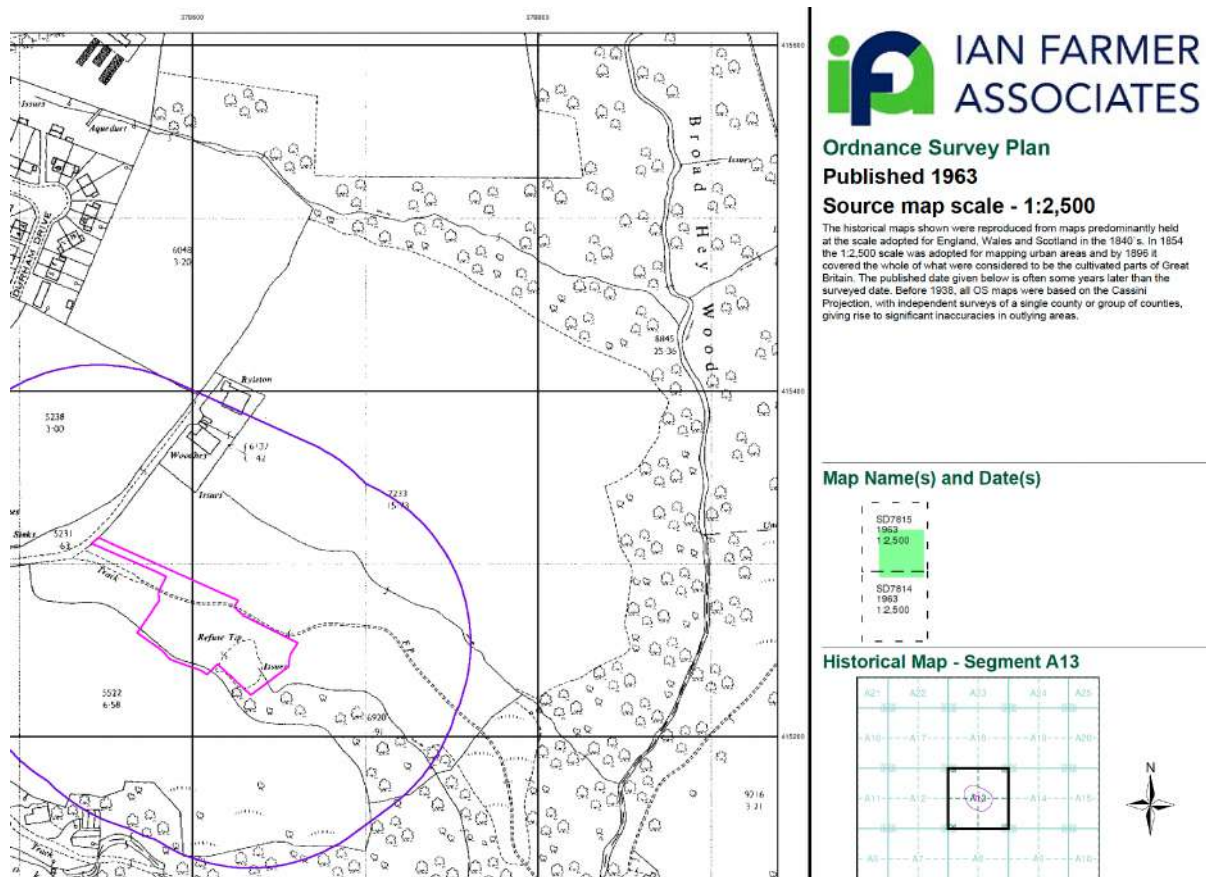


Whilst the Applicants continue to dispute the EN (ie they claim that it was not correctly served and that it was issued to the wrong party), this planning application is submitted as an attempt to satisfactorily regularise planning matters, in the hope that – if the application is approved (either by Bury Council or at a subsequent appeal) the concerns of the EN will have been dealt with in the interests of all parties moving forward.

## Planning History and the Proposal

The planning history at Abbots Hall is somewhat complicated.

As a starting point, the historic (1963) map below (extracted from the submitted Ground Report) indicates that there was a 'refuse tip' on part of the area that is currently referred to as 'hardstanding area'. We are unaware of the finer details of that, but it is evident that it is no longer a tip and has been capped off.



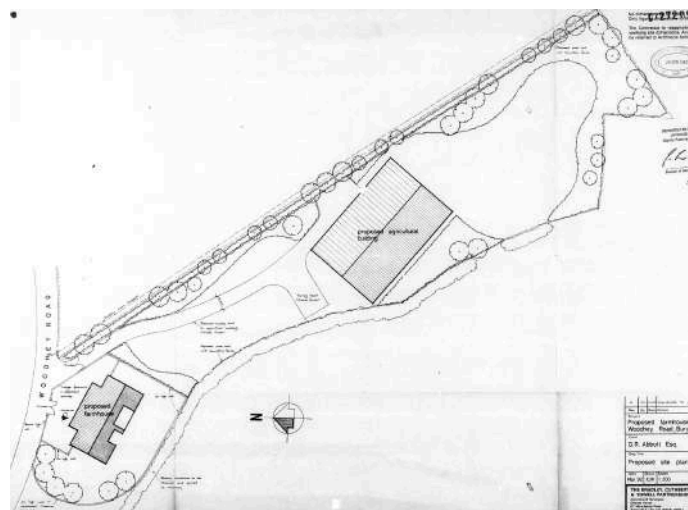


It is also worth highlighting the plan below showing the alignment of the PROW along the existing access track.



An original outline application (ref: C/23055/89) was approved in September 1989 for the 'erection of rabbit farm buildings and farmhouse'.

The subsequent Reserved Matters approval C/27209/92 was granted in 1992, subject to the plan below showing the positions and configurations of both the farmhouse and agricultural building.





As can be seen from the aerial image below, those two buildings were built out entirely different from the approved details, and as such – at that point in time – were unlawful.



However, given the passage of time, those buildings have since become immune from enforcement action and are now in turn lawful. Because of that history, none of the conditions attached to those previous permissions or subsequent permissions (including those referred to below) are applicable.

Notwithstanding that, it is worth noting that a subsequent S73 application (ref: 54822) to extend the occupation of the dwelling and agricultural building (approved on 20 March 2012) included the following condition:

*'The parking and servicing facilities shall be made available before the development is brought into use.'*

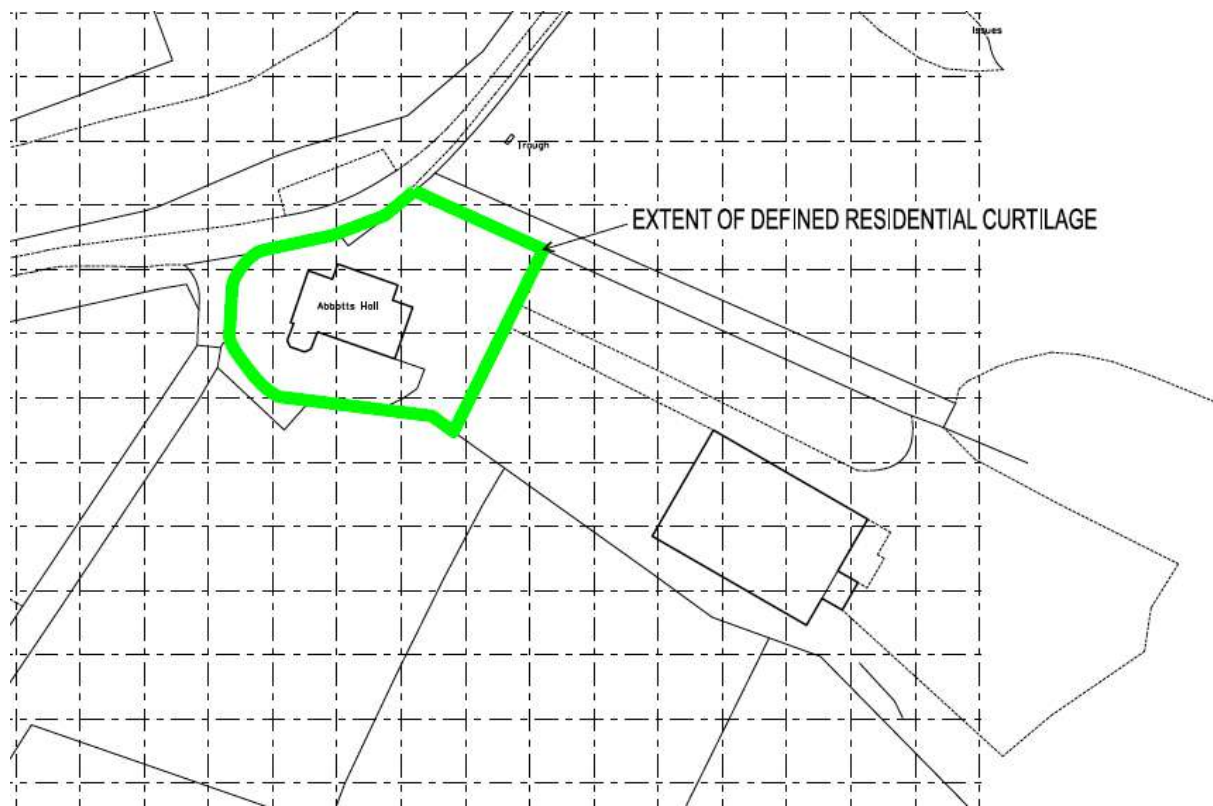
That same condition was carried forward onto the more recent S73 permission ref: 69054 (approved November 2023), as below:

- |   |                                                                                                                                                                                                                                                                                                                    |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <p>The parking and servicing facilities shall be made available before the development is brought into use.</p> <p><u>Reason.</u> To ensure adequate off-street facilities in the interests of highway safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.</p> |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



The above history (whilst unreliable in most respects for reasons explained) clearly accepted that the former agricultural building needed to be served with '*parking and servicing*'. Likewise it is a reasonable expectation that the 3 approved houses in that same building need to be served by appropriate parking and servicing.

More recently, in November 2023, permission was granted to remove Condition 7 of application 69054 in respect of the removal of an agricultural occupancy condition. Notwithstanding that that application ultimately proved pointless (for reasons explained above), it is worth noting that the following drawing was approved and Condition 7 specified that the permission must adhere to that drawing, which defined what was proposed to be the residential curtilage of Abbots Hall house.



That residential curtilage reflects the 'on the ground' reality and is the clear and obvious domestic curtilage of Abbots Hall.

The relevance of that (notwithstanding that the planning history has little status) is that it would be entirely inappropriate, unsafe and harmful to the amenities of residents of Abbots Hall (both current and future residents) for an access road intended to serve the 3 approved houses to sever that domestic curtilage and run immediately in front of the Abbots Hall house.

For obvious reasons, it is essential that the 3 approved houses are provided with appropriate access, and we suggest that the obvious solution is to utilise part of the existing access track that is the subject of the EN.



That access track has been in place for well over 7 years (at least). This is evident on the historic aerial photographs at *Annex A*, which demonstrate that the track was put in place some time between April 2013 and March 2017.

Given that the disputed EN was issued in March 2023, it is arguable that – as operational development – the 4 year enforcement period had elapsed, but we understand the LPA's position is that the track constitutes the change of use of land (albeit it is evident that there has historically been a track / PROW of some guise in place), in which case the LPA has suggested that the '10 year rule' is more applicable.





Irrespective of that, given that a period of at least 6 years had elapsed until the LPA took steps to enforce the track, that suggests that the track was not / is not causing any real offence or harm. Had serious material concerns arisen from the track, we venture that the LPA would have pursued enforcement action well before 6 years.

Ultimately the track is a simple / rustic agricultural track comprising two gravel tracks with central greenspace, flanked by mature hedgerow on one side and an agricultural timber fence on the other (see photograph on the page above). Such 'tracks' are commonplace in the countryside. They are entirely inoffensive and result in no harm to the openness of the Green Belt.

This proposal seeks to retain the first part (circa 45 metres) of the access track to enable access to the 3 approved houses, and to provide a new dedicated section of PROW along its northern edge. It is also proposed to provide a passing place and, in the event it is required, a zone for bins to be placed on refuse collection day.

Beyond that circa 45 metre point, it is proposed to 'grub up' and landscape the remainder of the track, but retain appropriate provision for the PROW.

The proposal is to divert the access track (at that circa 45 metres point) southwards towards the front of the 3 approved houses into a parking area comprising 6 private parking spaces (2 per house; 3 of which to be EV spaces) plus 3 visitor spaces, with appropriate vehicular manoeuvring space capable of accommodating larger vehicles (such as refuse vehicles, fire engines and delivery lorries).

It is also proposed to create 3 modest private garden curtilages to serve the 3 houses, and to implement a quality soft landscaping scheme / nature areas across the remainder of the site, mainly on the 'hardstanding' area (the former tip) that is the subject of the EN.

We anticipate, in the event of approval of this application, that the LPA will wish to attach a condition that requires the works to the access track and 'hardstanding' area to be completed within a fixed timeframe, in view of the enforcement position outlined earlier.

## **Policy Considerations**

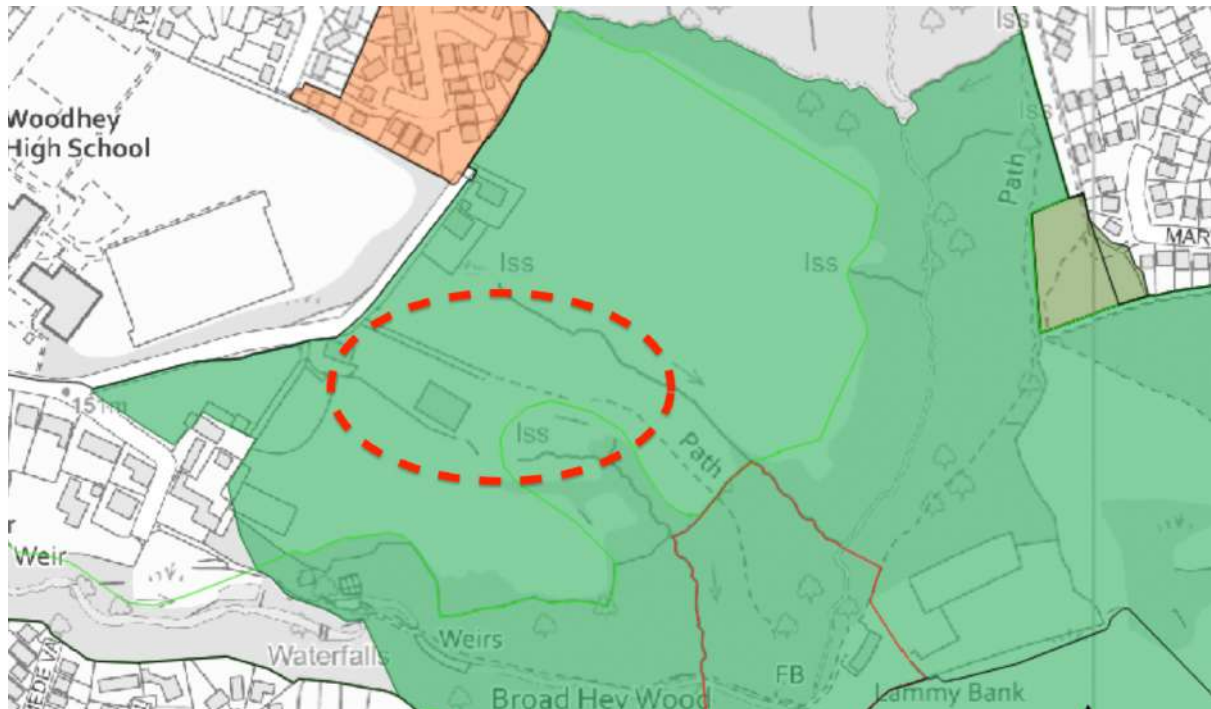
### **The Development Plan**

Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan, unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.



For the purposes of this application, the Development Plan comprises the Bury UDP (adopted almost 27 years ago, in August 1997) and the more recent *'Places For Everyone'* Joint Development Plan Document (March 2024).

An extract from the UDP Policies Map is reproduced below.



The site is located within both the Green Belt and a Special Landscape Area.

**UDP Policy OL1 (Green Belt)** seeks to maintain the Green Belt, ensuring that it fulfils the following strategic purposes:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from further encroachment;
- d. to preserve the setting and special character of historic towns;
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposal will not result in harm to any of these purposes. It will not result in 'unrestricted sprawl'. It will not result in any 'merging' of towns. It will not result in any meaningful encroachment, or – if the LPA adopts a contrary stance – the extent of encroachment of a short extent of rural access track that has been in place for over 7 years is negligible. It has no implications for any historic town, and it has no bearing on urban regeneration that might take place elsewhere. There is therefore no conflict with Policy OL1.



**Policy EN9/1 (Special Landscape Areas)** states that any development will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected. Unduly obtrusive development will not be permitted in such areas.

Again, we contend that the proposal is consistent with this policy. The retention of a short stretch of track that has been in place for more than 7 years (at least) does not erode landscape character. Such tracks are commonplace in the countryside, and indeed Bury Council has approved comparable access tracks elsewhere in the Green Belt (for example, see application 63006 approved in October 2018).

Likewise, the creation of a small number of parking spaces and manoeuvring area to serve 3 houses that are already approved will not harm landscape character, and the application proposes considerable new soft landscaping that, once established, will enhance landscape character and deliver biodiversity benefits.

For the same reasons, the proposal is consistent with **Policy EN1/1 (Visual Amenity)**, which states that development will not be permitted which would have a detrimental effect on the visual amenity (both within, or viewed from) of areas of environmental interest, including the Green Belt and Special Landscape Areas.

In view of the above assessment of the proposal against the most relevant policies of the UDP, the Applicants contend that the application is in accordance with that part of the development plan when considered in overall terms, and – furthermore – there are no material considerations that suggest that Section 38(6) ought not to be applied.

*‘Places For Everyone’* Policy JP-G9: The Green Belt essentially mimics NPPF Green Belt policy. It highlights that the Green Belt serves the five purposes, and encourages *‘the beneficial use’* of the Green Belt where this can be achieved without harm to its openness, permanence or ability to serve its five purposes. In particular, it states that the enhancement of its green infrastructure functions will be encouraged, such as improved public access and habitat restoration, helping to deliver environmental and social benefits for residents and providing the high quality green spaces that will support economic growth.

We suggest that there is no conflict with Policy JP-G9. The proposal will result in appropriate and *‘beneficial use’*. It will not harm openness or undermine any of the Green Belt purposes. It will retain (and moderately realign) the historic PROW and ensure a suitable / dedicated surface, and will introduce a considerable amount of new planting to deliver both natural greening and biodiversity benefits. The submitted BNG information confirms that the project will deliver a material gain, in excess of the mandatory 10% requirement.



## **NPPF**

The NPPF ('Framework') is an important material planning consideration, but it does not change the statutory status of the development plan as the starting point for decision making.

NPPF §155 confirms that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include:

- engineering operations; and
- material changes in the use of land

In the case of this application, no new buildings are proposed. The development comprises solely 'engineering operations' and 'material changes of use' from formerly agricultural land to form parking, manoeuvring areas and access required to serve 3 approved houses.

None of the physical development will impact on openness. Nor will it compromise any Green Belt purpose. It is therefore consistent with both NPPF and development plan Green Belt policy.

Notwithstanding that, we acknowledge that the parking of cars will have an impact on openness. That will be transitory as cars come and go, but this needs to be compared to the extent of traffic that would be associated with the ongoing use of the building for agriculture or aquaponics (both former uses). The nature of that traffic might be different, but it would not be at all unusual for a sizeable agricultural building to be associated with farm machinery / vehicles and cars owned by employees, delivery vehicles and visitors. We suggest that such traffic would have a broadly similar 'transitory' impact on openness, and would highlight again that the original approval for the farm building and subsequent S73 approvals clearly recognised that there would be a need for parking and servicing.

Furthermore, we suggest that when the Government introduced the Class Q PD right seeking to promote and facilitate the conversion of agricultural buildings into homes, it did not anticipate that planning permission would be resisted for proposals to provide adequate / reasonable access, parking and servicing arrangements. Such an outcome would be perverse and would undermine the intent of the Class Q regime.

It might be argued that the erection of the pet memorial harms openness, but we would suggest such a conclusion would be somewhat exaggerated and disproportionate. Ultimately this is a small structure constructed in natural stone, set against a boundary wall adjacent to the domestic curtilage, with a bench for walkers and an old stone trough to provide water for dogs (bearing in mind the PROW is used extensively by local dog walkers). The photograph on page 2 shows the memorial largely finished, albeit in place of the timber board will be images of our clients' past pets. The Applicant will of course maintain the structure, albeit it will require very little maintenance.



In the event that the LPA disagrees with our conclusion that the proposal is appropriate development in the Green Belt and expects 'very special circumstances' to be presented, those are clear and simple:

- The LPA has already approved a proposal to convert the barn into 3 houses.
- It is a given that those 3 houses need to be provided with decent quality, safe and efficient access arrangements, garden space and parking. That is hardly an unreasonable expectation and such 'infrastructure' provision was clearly anticipated when the Government introduced Class Q (bearing in mind that Class Q does not cover works beyond the confines of the building and that many applicable farm buildings are located in the Green Belt).
- It is not appropriate to provide such access immediately in front of Abbotts Hall dwelling within its obvious domestic curtilage, as that will sever what is a fairly modest curtilage, harm amenity and create potential safety and security issues.
- The obvious (perhaps only) solution to provide suitable access to the 3 approved houses is to utilise the existing access track that has been in place for at least 7 years. Whilst we acknowledge that planning permission was required for the track, the fact that it was not subject to any enforcement action for 6 years suggests that it has not caused any material harm.
- The track is similar to a surfeit of such tracks in rural Green Belt locations across the UK, including comparable tracks recently approved by Bury Council in arguably more exposed / sensitive circumstances / landscapes than this.
- The extent and quality of new landscaping (part of which above a former tip) and the exceedance of mandatory BNG is another material consideration.
- The pet memorial will barely impinge on openness and will not prejudice its purposes. It is a heartfelt shrine to our client's demised pets. It is a small, attractive, quirky feature of interest that might appeal to many walkers (others less interested can ignore it and it will hardly spoil their walking activities), many of whom we venture will be similarly affectionate about their pets. A small stone seat is provided for members of the public to sit and rest, and what we anticipate will be a well used drinking trough for hot dogs.



- Whilst part of the existing track will remain, other sections of 'track' will be removed / grubbed up, as indicated in green on the image on the following page. We accept that part of that track is unauthorised and as such the LPA may choose to place little weight on that particular section, but there is a second section of existing access track that will also become redundant as a result of this proposal. We suggest that it is important to have regard to that when balancing the issues.



## Summary

The purpose of this application is twofold.

First, it seeks to address and provide a satisfactory, good quality, sustainable solution to the outstanding concerns set out in the EN as described earlier, and will hopefully put to bed the 'rumblings' of small sectors of the local community over the last decade in respect of past activities at Abbots Hall and what appears to be a concerted (and somewhat unfair and arguably bullying – with reference to past comments on recent applications) attempt to paint the applicants as pariahs and pantomime villains.

Second, it provides the necessary and appropriate access, parking and manoeuvring areas required to service the 3 approved homes. It is simply not tenable or appropriate to provide access to those homes via what is a fairly 'tight' domestic curtilage to Abbots Hall.



The appearance of the track – similar to the surfeit of similar tracks found throughout the British countryside and Green Belt (comparable versions of which have been approved by the LPA) – will remain that of a simple agricultural track.

Part of the existing track – which has been in place for over 7 years and cannot possibly be causing any offence or material harm – will be retained. The remainder will be removed and landscaped, but leaving provision for the PROW.

None of that, or indeed any other part of the development, is harmful to openness and will not prejudice any of the purposes of the Green Belt.

The proposed parking and manoeuvring areas are well designed, discrete, and the entire site will be subject to extensive new 'greening', delivering visual softening and biodiversity benefits. Ongoing use of the building for agriculture or aquaponics would generate a broadly comparable extent of parking of vehicles and/or agricultural machinery.

We therefore contend that the proposal is appropriate in the Green Belt, but in the event that the LPA disagrees, we have set out what we consider to be a case for very special circumstances that we suggest outweigh any perceived conflict.

We therefore commend the details of the application and urge its approval as a good quality, policy-compliant, sustainable form of development.

If further information is required, please contact Richard Gee at the above offices.

Yours faithfully  
for Roman Summer Associates Ltd

Richard Gee  
**Director**



## Annex A

Historic Google imagery showing when the 'track' and hardstanding appeared [see date of each image at top left]





