

DELEGATED REPORT

Report by Tom Beirne	Date of report: 14/08/2025	Ref: 71946/FUL
Registration: 23/06/2025	LDFC: 28/07/2025	Expiry Date: 18/08/2025
Site Visit: 29/07/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of recreational land to extend garden / residential curtilage and erection of fencing and gates

Location: Land rear of 11 Oakley Close, Radcliffe, Manchester, M26 1DF

Description

The application relates to a two storey detached house whose rear garden backs onto a plot of land given over to shrubs and rough grass. Previously used as a communal area when the estate was originally built, it has become overgrown and unused. The land measures approximately 60sqm.

The occupier of 11 Oakley Close requests permission to enclose this area into his garden, situated immediately to the south and would include an additional parking bay accessed onto a residential spur of Chapeltown Road. The proposed plan indicates the majority of the extended garden given over to grass with existing small trees retained. A new hedge with shrubs would be planted around the boundary. The existing fence and hedge fronting the grassed service strip onto Chapeltown Road would be retained with new timber inward opening gates installed.

Relevant Planning History

66631 - Replace part of existing conservatory with single storey rear extension with first floor balcony with glass balustrade above - Approve with Conditions 25/05/2021
70148 - Non material amendment following grant of planning permission 66631 - Alterations to scheme - Approve with Conditions 01/12/2023
21/0193 - Raised decking at rear - 25/01/2022

Publicity

Immediate neighbours notified by letter dated 04/07/2025. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.
United Utilities - No comment.
Environmental Health - No comment.
Greater Manchester Ecology Unit - No objection.

Pre-start Conditions - N/A

Development Plan and Policies

NPPF	National Planning Policy Framework
JP-P1	Sustainable Places
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
H2/2	The Layout of New Residential Development

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.

Use - The change of use of the land in question lies between two existing domestic gardens and was unused area of shrubs and small trees within the existing residential estate. The inclusion of the area into the garden of No.11 Oakley Close would not appear to be significant, particularly as the area would be, for the most part, be planted up with grass, shrubs and trees. The proposal is considered to be acceptable in principle and complies with the NPPF, Places for Everyone Policy JP-P1 and UDP Policy H2/2 The Layout of New

Residential Development.

Visual amenity and Layout - With new planting/landscaping and boundary hedging retained, there would be no significant impact on the character of the streetscape over and above the existing situation. The proposal is acceptable and complies with Places for Everyone Policy JP-P1 and UDP Policies EN1/2 Townscape and Built Design and H2/2 The Layout of New Residential Development.

Residential amenity - Given the nature of the proposal and the relationship with surrounding neighbours, there are no residential amenity issues arising.

Ecology - Given that the change of use is part retrospective and the area of land in question is modest in scale, there is no requirement for biodiversity net gain. The plans indicate trees to be retained and boundary hedges and shrubs to attract wildlife and this is considered to be acceptable. The proposal is acceptable and complies with Places for Everyone Policy JP-P1 and UDP Policy EN6 Conservation of the Natural Environment.

Parking and Access - The new parking bay would not raise any highway issues and would be acceptable and comply with UDP Policy H2/4 Car Parking and New development.

Conditions - Conditions would ensure the service strip around the head of the cul-de-sac is not compromised and the condition regarding the gates is attached to ensure the height is not higher than the existing boundary fencing.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 This decision relates to revised plan numbered 005/B and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 2 Prior to first use of the parking bay, details of the new block paving and how it relates to the existing adopted, block paved service strip shall be submitted to the Local Planning Authority for approval. Only the approved details shall be implemented.
Reason. In order to protect the adopted service strip pursuant to UDP Policy HT2/4 Car Parking and New Development.
- 3 The development hereby approved shall not be brought into use unless and until the car parking alterations indicated on approved plan reference 005 Revision B, incorporating the use of the existing service strip crossing, inward opening gates and hardstanding in a permeable/porous material and/or measures to prevent the discharge of surface water onto the adopted highway, have been implemented to the

written satisfaction of the Local Planning Authority.

Reason: To ensure good highway design and maintain the integrity of the adopted highway in the interests of highway safety.

- 4 Notwithstanding the approved plan, the height of the proposed gates shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this decision notice.

Reason. In the interests of visual amenity pursuant to UDP Policy EN1/2 Townscape and Built Design.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	14/08/2025	DM -	14/08/2025