

**Appeal against the planning refusal by Bury Metropolitan Borough Council for
the replacement of a stables building by a dwelling on land opposite 41 Arthur
Lane, Ainsworth, Bury BL2 5PR**

Appeal Statement

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr. G. Spillard against the decision of Bury Metropolitan Borough Council.
- The application Ref: 71365, dated 20 November 2024, was refused by notice dated 7 April 2025.
- The development proposed is the replacement of a stables building by a bungalow.

The site and the proposal

The appeal proposal would involve the demolition of a stables block and its replacement with a true bungalow. Access is from an unadopted lane leading from Arthur Lane and which affords vehicular and other access to several domestic properties as well as the appeal site.

On 22 July 2022, under application ref 67550, the change of use, conversion and extension of the existing stables block was allowed on appeal. (ref: APP/ T4210/W/21/3288575), subject to conditions (but not limiting permitted development rights under the General Permitted Development Order 2015 (GPDO) (as amended). The local planning authority (LPA), in its officer report, lists the planning history of the site, noting that all were refused. It fails to mention this appeal allowed, which is likely to have influenced its decision.

Pre-construction conditions were discharged on 15 June 2023.

The existing stable building and structures still remain on the land, though a legal start has now been made to the development approved on appeal (See photos in the submitted 'appeal approval notice and docs'.)

On 25 April 2024, under planning application 70580, planning permission for the replacement of the existing stables by a two storey dwelling was refused on the basis that, by its disproportionate size, scale and volume, it would be inappropriate in

the Green Belt, and also that its two storey development would adversely affect the character and appearance of the area.

The current application was then submitted in response to the refusal for the two storey dwelling. Thus, application is now made to demolish the stable and other buildings and to replace them with a single storey dwelling.

The main reason for the current application when compared to the extant approval is that the latter is close up to trees and hedging owned by the neighbour who wishes to keep the vegetation. As such, the outlook from the approved bungalow would be a limited one, and indeed the maintenance of the building would be inconvenienced.

The proposed siting for the current proposal pulls the building away from the boundary.

The site is within the Green Belt.

Matters not in dispute

The officer report notes that there are no objections in principle to the following matters: -

1. Impact upon residential amenities
2. Impact upon public rights of way.
3. Ecology and landscaping (including any possible impact upon bats.
4. Biodiversity net gain.
5. Traffic and access.
6. Drainage.
7. Servicing (bins).
8. Carbon reduction.
9. Digital connectivity.

The Main Issues

The appeal site is in the Green Belt.

Therefore, the main issues are (i) whether the proposed extension is inappropriate development within the Green Belt; (ii) the effect of the development upon the character and appearance of the area and (iii) if the proposal is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances to justify development.

Whether inappropriate

Policy JP-G9 of the Greater Manchester Places for Everyone 2024 (PfE) refers to the Green Belt but says little about applicable and related land use limitations and planning policy, concentrating instead upon how accessibility to it for public benefit might be improved

The National Planning Policy Framework 2025 (the Framework), which is a material planning consideration, notes at paragraph 154 that development in the Green Belt is inappropriate, subject to specified exceptions and where the following two are pertinent to the appeal: -

No1 exception

Para,154(g) 'Limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.'

The appeal site is a stable block and as such is previously developed land. The exception allows for its partial or complete redevelopment for a residential use, so long as the redevelopment would not cause substantial harm to the openness of the Green Belt.

The following compares the extant permission with the appeal proposal: -

	Floor area	Ridge height
Extant permission granted under appeal ref APP/ /T4210/W/21/3288575	71m2	Approx 4m
Appeal proposal	102m2	Approx 4m

The courts have held that openness has both a volumetric and a visual element.

In this case, the heights would be approximately the same, and while the appeal proposal is for a dwelling with a larger floor area than the extant permission, the difference upon openness is not *significantly* greater.

Indeed, the extant permission, once completed, would have the benefit of permitted development rights where its floor area can be more than doubled under Schedule 2, Part 1, Class A (relating to side elevations to the original dwelling, which the conversion would become) and under Class AA (relating to the addition of an upper floor). We deal with this matter further under '*other considerations so as to amount to very special circumstances to justify development*'

No.2 exception

Paragraphs 155 refers to '**grey belt**' land: -

'155. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*

d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below’.

Paragraph 156 of the Framework imposes ‘golden rules for ‘major’ development on grey belt land. Major development is defined in the Framework, for housing, as 10 or more houses or where the site is greater than 0.5 ha. Such requirements do not apply in the case of the current application where the appeal site is less than 0.5 ha.

Grey Belt Land is defined in Annex 2 to the Framework as follows: -

‘Grey belt: For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

NB. Footnote 7, which defines areas which are excluded from the definition of grey belt land, do not apply in this case. Such areas include habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

The application site in relation to the definition of ‘grey belt’ land

In order to meet the definition, the site must not ‘strongly contribute to any of the purposes (a), (b), or (d) of the Green Belt as defined in paragraph 143 of the Framework.

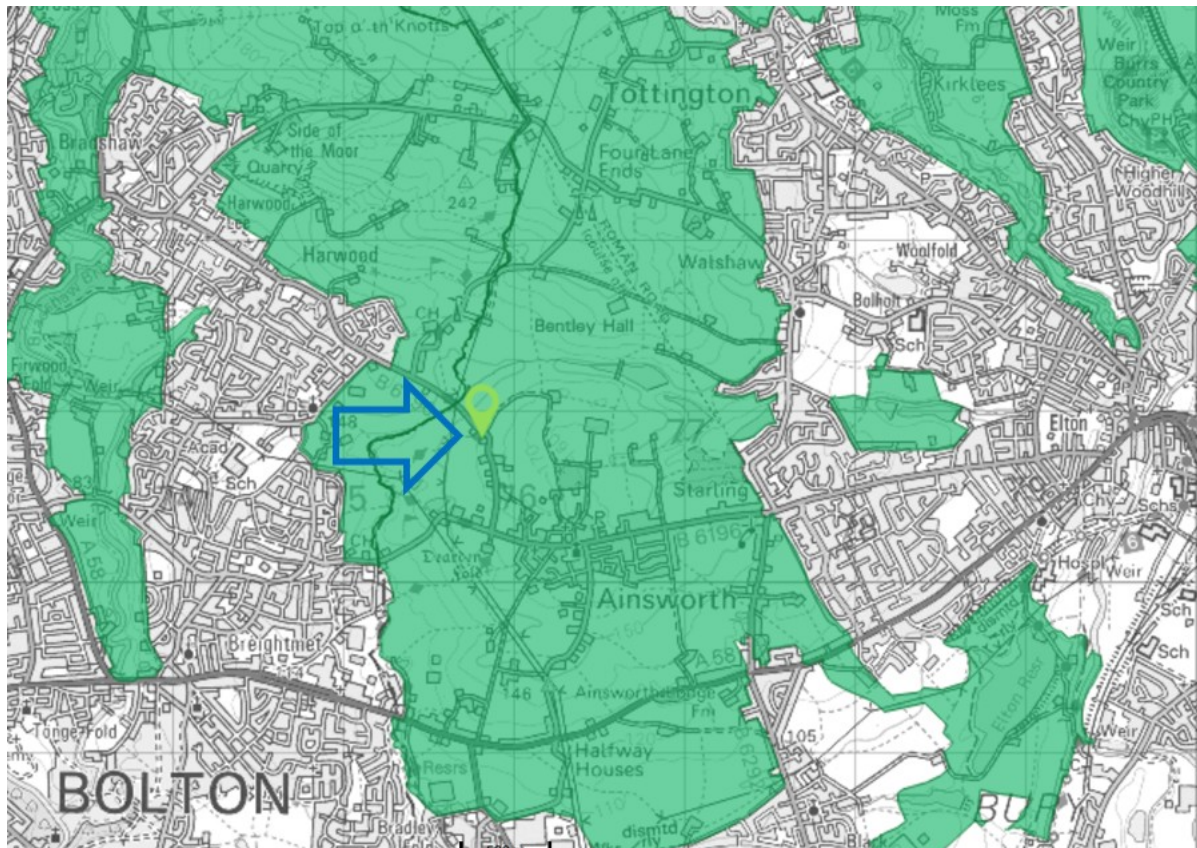
These purposes are stated as follows in the Framework: -

‘a) to check the unrestricted sprawl of large built-up areas

b) to prevent neighbouring towns merging into one another

d) to preserve the setting and special character of historic towns’.

The following plan shows the site in relation to the wider Green Belt designation: -



Planning Policy Guidance (PPG) (Paragraph: 005 Reference ID: 64-005-20250225) contains advice on how these matters might be assessed.

‘Purpose A – to check the unrestricted sprawl of large built up areas

This purpose relates to the sprawl of large built-up areas. Villages should not be considered large built-up areas.

Contribution Illustrative features

<i>Strong</i>	<i>Assessment areas that contribute strongly are likely to be free of existing development, and lack physical feature(s) in reasonable</i>
----------------------	---

Contribution Illustrative features

proximity that could restrict and contain development.

They are also likely to include all of the following features:

- be adjacent or near to a large built up area*
 - if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)*
-

Moderate

Assessment areas that contribute moderately are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land’s contribution to this purpose a, such as (but not limited to):

- having physical feature(s) in reasonable proximity that could restrict and contain development*
 - be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development*
 - contain existing development*
 - being subject to other urbanising influences*
-

Weak or None

Assessment areas that make only a weak or no contribution are likely to include those that:

- are not adjacent to or near to a large built up area*
 - are adjacent to or near to a large built up area, but containing or being largely enclosed by significant existing development’*
-

In this case, the appeal site is partly enclosed by the existing housing directly opposite, and as the site already has an extant approval for a dwelling, the proposed

development would not form an incongruous pattern of development. It is not adjacent to or near to a large built up area.

Therefore, the site makes only a weak contribution to the purposes of checking the unrestricted sprawl of a large built up area..

‘Purpose B – to prevent neighbouring towns merging into one another

This purpose relates to the merging of towns, not villages.

Contribution Illustrative Features

<i>Strong</i>	<i>Assessment areas that contribute strongly are likely to be free of existing development and include all of the following features: - forming a substantial part of a gap between towns - the development of which would be likely to result in the loss of visual separation of towns</i>
<i>Moderate</i>	<i>Assessment areas that contribute moderately are likely to be located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to): - forming a small part of the gap between towns - being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation</i>
<i>Weak or None</i>	<i>Assessment areas that contribute weakly are likely to include those that: - do not form part of a gap between towns, or - form part of a gap between towns, but only a very small part of this</i>

Contribution Illustrative Features

gap, without making a contribution to visual separation'

The Green Belt plan on page 7 shows that the application site forms only a tiny part of the gap between Bury and Bolton and, as there is already an extant permission for a dwelling on the site (and where a legal start has been made) it makes no contribution to the prevention of *neighbouring towns merging into one another*

Purpose D – to preserve the setting and special character of historic towns

This purpose relates to historic towns, not villages. Where there are no historic towns in the plan area, it may not be necessary to provide detailed assessments against this purpose.

In this instance, the site makes no such contribution.

Conclusion upon the purposes of the Green Belt (a, b and d) and the classification of the application site as grey belt.

The application site makes no contribution to the checking of an unrestricted sprawl of a large built-up area, or to the prevention of the merging of Bury and Bolton, neither does it make any contribution to the preservation of the setting and special character of a historic town.

Therefore, the application site is grey belt land, and as such it meets one of the exceptions to Green Belt policy as stated in paragraph 155 (a) of the Framework.

However, the development of grey belt land will only be not inappropriate where other considerations apply, notably its sustainability and where there is a demonstrably unmet need, as started in Paragraph 155: -

‘155. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

b. There is a demonstrable unmet need for the type of development proposed;

c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework and

d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 (Not applicable in this case because the size of the proposed development falls below the level where this condition becomes relevant)

Sustainable location

The Framework, as stated above, indicates that the proposed development of grey belt land should not be regarded as inappropriate if it is in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.

Paragraph 110 states that *‘significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making’.*

Paragraph 115 states that: -

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

(a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;

(b) safe and suitable access to the site can be achieved for all users;

(c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and

(d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

The issue of the sustainability of the site is no longer an issue, given that there is an extant permission for a dwelling on the site.

Demonstrable unmet need for the type of development proposed

Paragraph 155 of the Framework also states that development on grey belt land should not be considered to be inappropriate where there is a demonstrable unmet need for the type of development proposed.

Its footnote No 56 states that ‘ *which, in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years.*

Thus, there is an unmet need if the Council cannot demonstrate a minimum 5-year a deliverable supply of housing land, or else if the number of completed dwellings is deemed to be insufficient according to the Housing Delivery Test which applies to it.

In March 2025 the Council produced its ‘Bury Five Year Supply of Deliverable Housing Land. 1 April 2024 – 31 March 2029. (Copy submitted with the application).

It concludes that it can demonstrate a housing supply of 5.8 years.

However, it concedes that it is not meeting its target for the number of completed new dwellings, and which has to be assessed over a 3-year period.

The report concludes that for the latest available period including 2020-21, 2021-22 and 2022-23 (published in December 2024), the Council has met only 64% of its target as required in its Housing Delivery Test. The report includes a forecast of how things might look when the next figures are published, but even then, the estimate is that the Council will only meet 76% of its target. It is also just a forecast

Therefore, we conclude that there is a demonstrable unmet need for the type of development proposed and that the requirement of paragraph 155 (b) is also met.

Conclusion on Green Belt policy

The relevant criteria in paragraph 155 are satisfied and thus the proposal would not constitute inappropriate development. As such, it is not necessary to further consider the impact of the proposed development upon openness.

Other Matters concerned with Land use

As the Council's Housing Delivery Test indicates that the delivery of housing has been substantially below (less than 75% of) the housing requirement over the previous three years, paragraph 11(d) of the Framework is engaged as it is therefore considered that its housing policies are out of date, and which states that: -

' For decision-taking this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'

There are no protected areas or assets of particular importance which would provide a strong reason for refusing the development proposed

Character and appearance

When considering any other impacts, we have taken into account the possible impact upon the character and appearance of the area.

The LPA, in its officer report, concludes that *‘whilst the general design and finish of the house would in itself not be out of keeping in an infill plot, sitting out on its own on the south side of the access road, would appear prominent and incongruous and have a seriously detrimental suburbanizing effect on the visual amenity and character of the area with its surroundings’*.

The area is characterised by two storey dwellings in a semi-urban environment and where there is an extant permission for a dwelling on the appeal site which is comparable to what is currently proposed in the appeal.

In such circumstances, the proposed development cannot be said to *‘significantly and demonstrably’* outweigh the benefits of the proposed development.

Other considerations

There is already an extant planning permission, allowed on appeal on 20 July 2020 and where a legal start has been made for the conversion and extension of the stable block to form a dwelling (APP/ T4210/W/21/3288575).

The appeal approval does not include a condition removing permitted development (PD) rights under the GPDO. The conversion, when completed, would create an original dwelling which can be extended to the side by up to half of its front elevation to it (GPDO Schedule 2, Part1, Class A). In addition, under Schedule 2, Part1, Class AA there seems no reason why an additional storey cannot be added under prior notification requirements, and which relate only to the impact upon adjoining residential amenities and design. Such additions, when added to the extant permission, would create a dwelling with a greater visual and volumetric impact than the appeal proposal.

All preconstruction conditions have been discharged for the extant permission and a legal start to development has been made. (See the submitted appeal decision letter and associated documents). Therefore, there is no reason to doubt that the extant permission would be fully completed in the event that the appeal is dismissed.

The existence of the extant permission with its PD rights constitutes very special circumstances which support the appeal proposal

Conclusion

The appeal proposal would not be inappropriate development in the Green Belt , both because it meets the exception relating to previous developed land and also because it meets the requirements of grey land in this regard.

The Council cannot demonstrate that it is meeting its housing needs target.

The existence of the extant approval on the appeal site for a dwelling amounts to very special circumstance.

There are no other considerations which '*significantly and demonstrably*' outweigh the benefits of the proposed development.

Therefore, we consider that the planning balance is in favour of the proposed development.

Steven Hartley BA(Hons), Dist.TP (Manc), DMS, MRTPI, MRICS

HP and DA Ltd

April 2025