

**Full application for the restoration of Windy Bank farmhouse, Church Road,
Shuttleworth, Bury**

Planning Statement

Grid Reference 380246;417859



October 2025

Prepared by Hartley Planning and Development Associates Ltd

Proposed development

Windy Bank Farmhouse has been vacant for over 50 years in which time it has lost its roof and there are gaps in some of its walls. The elevation facing Whalley Road remains largely unaltered.

The owners/ have been made aware in recent times that children and youths have been visiting the site and climbing its walls with some risk to their safety: -



The police have been informed and on 16 April 2025 a crime number was issued (1226-160424).

Nevertheless, not wanting there to be any accidents, and conscious of any resulting liabilities which might be proved, the owners carried out work to stabilise those parts of the structure where stones might be loose, and the site has been closed off with heras fencing.

Even so, children and youths continue to break in.

Largely as a result of the above, application is made for the restoration and refurbishment

of the farmhouse

The building is in the Green Belt

Main Issues

The main issues are (i) whether the proposal is inappropriate development within the Green Belt; (ii) the impact upon the character and appearance of the area and (iii) if the proposal is inappropriate development within 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 development

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 policy is more restrictive in its terms than green belt policy as expressed in the National Planning Policy Framework 2025 (the Framework), the latter of which is a material planning consideration. The Framework notes that '*a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt*'.

The Framework, at paragraph 154, permits certain exceptions to new development in the Green Belt including the following: -

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

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.

h)(iv) the re-use of buildings provided that the buildings are of permanent and substantial construction

Paragraph 155 also states that : -

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

The proposed development is a building, as defined in the Town and Country Planning Act 1990 (as amended) at paragraph 336(1) as “ ‘building’ includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building’

The proposed development does not require any extension or alteration which would add disproportionately to the origin building. In fact, the proposal is merely to restore it to its original size and shape. On that basis, the proposed alterations would accord with paragraph 154(c) of the Framework, which does not require any assessment of its impact upon openness. As such, it would not be inappropriate development in the Green Belt.

In addition , the site is previously developed land, meeting the definition in the Framework which is: -

‘ Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed’.

Again, such development is not inappropriate so long as it ‘*would not cause substantial*

harm to the openness of the Green Belt’.

The courts have held that openness has both a visual as well as a volumetric component¹.

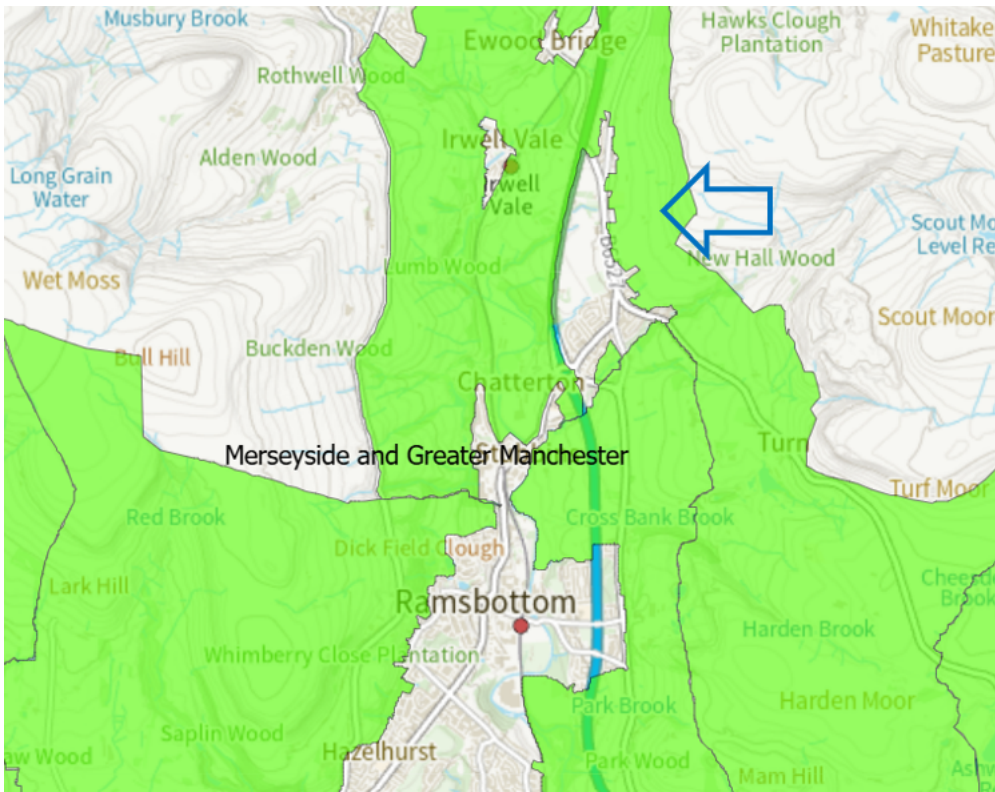
The building already exists and, in volumetric terms, it would have no substantial impact upon openness, with none compared to the original building. In visual terms too, as the building exists, and restoration would have a beneficial effect upon openness. Therefore, the proposed development would also accord with paragraph 154 (g) of the Framework and would not be inappropriate development in the Green Belt.

Furthermore, paragraph h(iv) of the Framework also permits as an exception to Green Belt policy *‘the re-use of buildings provided that the buildings are of permanent and substantial construction’*. The application clearly meets the definition of a building, as described above, and while it may not have been in use for several years, it has provided shelter for farm animals, and the proposal would be for the re-use of the building. As the building has stood on the site for many decades it is clearly of permanent and substantial construction

But in addition, paragraph 155 of the Framework provides a fourth reason why the proposed development would not be inappropriate in the Green Belt ,because of its inclusion as **‘grey land’**.

The proposed development is located at the very edge of the Green Belt: -

¹ Turner v SSCLG and East Dorset Council [2015] EWHC 2728 (Admin)



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.(My highlighting)

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'.*

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 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)</i>
----------------------	---

<i>Moderate</i>	<i>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</i>
------------------------	--

Contribution Illustrative features

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 application site cannot be said to be near to a large built-up area, and its development would not result in an incongruous pattern of development. .

For these reasons, the application site makes only a weak, or at best a moderate contribution to the checking of the unrestricted sprawl of a large built up area, but not a strong one.

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

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

Contribution Illustrative Features

Strong *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*

Moderate *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*

Weak or None *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 gap, without making a contribution to visual separation'*

The Green Belt plan above shows that the application site forms only a tiny part of the gap between Rawtenstall, Ramsbottom and Bury. Edenfield, with its Village fete, village cricket ground and community hall is classed as a village and where villages are not counted in the grey belt analysis . By its size and its location towards the edge of the Green Belt, it makes a weak contribution to visual separation.

Therefore, its contribution to the prevention of Bury and The Valley towns merging together is weak.

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 only a weak contribution to the checking of an unrestricted sprawl of a large built-up area. It makes only a weak contribution to the prevention of the merging of the Valley towns with Bury/ Ramsbottom, and it makes no 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 another of the exceptions to Green Belt policy as stated in paragraph 155 (a) of the Framework: -

‘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 impact upon the transport network in terms of capacity and congestion would not be minimal.

But in any event, there is a regular bus route along Whalley Road close to the site..

Therefore, the site is sustainably located and that safe and suitable access to the site is possible for all users.

Demonstrable unmet need for the type of development proposed

The Framework includes a definition of unmet need with regard to housing

developments. Its footnote 56 defines it as follows: -

‘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.

Golden Rules

For defined ‘major’ applications, the Framework requires that its ‘Golden Rules’ will apply if approval is granted for housing in the Green Belt.

However, the application is not included within the definition of a major application.

Conclusion on Green Belt policy and Grey Belt

The relevant criteria in paragraph 155 are satisfied and thus the proposal would not constitute inappropriate development. As such, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within.

For the above reasons, the proposed development would accord with grey belt policy in the Framework and therefore would not be inappropriate development in the Green Belt.

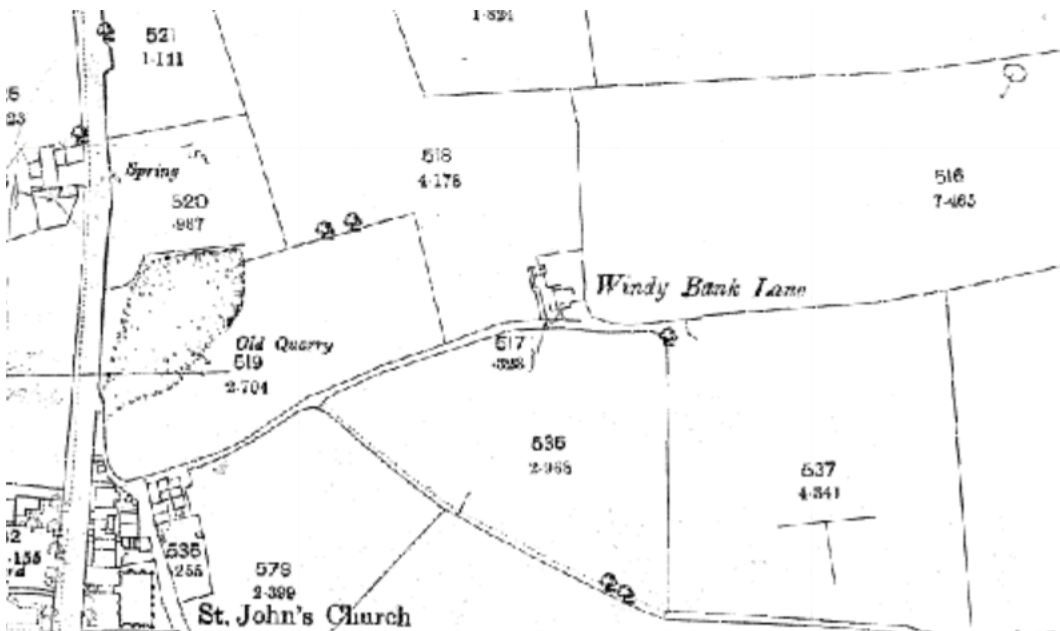
Conclusion on Green Belt policy overall

The proposed development meets 4 exceptions to Green Belt policy and as stated in the Framework: -

1. Under paragraph 155 (c) it would involve alterations to a building and which would not result in a disproportionate addition over and above the size of the original building. As such, the paragraph does not require any further consideration to be made with regard to any impact upon openness.
2. Under paragraph 154(g) it would involve the partial or complete redevelopment of previously developed land (including a material change of use to residential (whether redundant or in continuous use.
3. Under paragraph 154(h) it would involve the re use of a building of a permanent and substantial construction and which would not conflict with the purposes of including land within the Green Belt.
4. It would be development upon Grey Belt land

Character and appearance

The 1890's 1:2500 first edition of the Ordnance Survey map for the area shows Windy Bank Farmhouse on the site at that time together with its access along Windy Bank Lane.



The building has been part of the character and appearance of the area for at least 130 years,

The aim is to restore it to its original size, shape, height and overall design so that it would assimilate into the Pennine area, characterised by the use of natural stone and sturdily built, in the main, two storey farmhouses.

Its present appearance does not exactly enhance the appearance of the area.

Therefore, the restoration of the building for residential purposes would accord with policy JP-G1 of the Greater Manchester Places for Everyone Joint Development Plan Document (2024) (PfE) with paragraph 12 of the Framework, and with the Council's supplementary Planning Document No. 8 - New buildings and associated development in the Green Belt. all of which require development to have no significant adverse impact in terms of visual amenity and to have regard to the character and appearance of the area concerning layout and design

Very special circumstances

For the reasons stated above, we consider that the proposed development would not be inappropriate in the green belt and therefore there is no need to consider very special circumstances.

Other Matters

Access

The current access, from Church Road and along Windy Bank Lane, is in the ownership of the applicant. Much of it is currently hidden from wider views, being at a lower level to the adjoining fields

The proposal would be to restore the access using a hardcore surface.

Ecology and Biodiversity Net Gain (BNG)

The proposed development would be a self-build dwelling, conforming with the Self Build and Custom Housebuilding Act 2015, and is exempt from BNG as contained in the Environment Act 2021

We note that in similar circumstances² the LP has imposed the following condition on decision Notices: -

‘The residential unit (‘unit’) in the development hereby permitted shall be constructed as a self-build dwelling within the definition of self-build and custom build housing in the 2015 Act:

- (i) The first occupation of the unit in the development hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the unit for at least 3 years;*
- (ii) The Council shall be notified of the persons who intend to take up first occupation of the unit in the development hereby permitted at least two months prior to first occupation.*

Reason . The scheme as submitted and subsequently determined, is specifically based upon the scheme being a Small Scale Self-Build and Custom Housebuilding scheme, which benefits from The Biodiversity Gain Requirements (Exemptions) Regulations 2024 to otherwise provide for Biodiversity Net Gain’.

Examples of the use of the above condition by Bury MBC are submitted as part of the

² Applications 71320 and 71688

current application.

Notwithstanding the above, we submit a draft unilateral Undertaking with the application and will submit a signed version once the planning number is known.

It is accepted that paragraph 187 of the Framework does require some net gain to biodiversity.

An ecology report is submitted with the application which includes recommendations for achieving biodiversity as well as giving protection to protected species including the barn owl which has been found to be nesting in the building.

We are content to accept all the recommendations in the ecology report and which can be controlled by way of a condition(s)

Carbon Reduction and Digital Connectivity

Please see separate report

Nationally Defined Space Standards

The total area of the proposal, and also the sizes of the proposed bedrooms, more than meet the minimum sizes of the Nationally Defined Space Standards, 2015

Housing supply

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

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

Conclusions

The proposed development is not inappropriate in the Green Belt.

Its restoration would enhance the character and appearance of the area

For the above reasons, we consider that the application should be supported.