

Planning Statement

In Support of a Planning Application for

**The change of use of land to domestic
curtilage (retrospective)**

**At
2 Sussex Avenue
Bury
BL9 7JE**

**Mrs Ida Lee
7th July 2025**

The Site

2 Sussex Avenue is a two-storey end-terrace property, situated to the northern end of Sussex Avenue. The property is brick-built with enclosed gardens to the front and rear. To the north of the property is an alleyway which runs from Sussex Avenue to Birchfield Avenue. The site is a piece of land to the rear of 2 Sussex Avenue, separated from the property by a pedestrian access to the rear of nos. 2 and 4.

Proposed Development

Planning consent is sought for a change of use of the land within the site to domestic garden. The applicant has used and maintained the site for many years and therefore the proposal is retrospective.

Background

The Applicant, together with her husband Samuel Lee, purchased 2 Sussex Avenue in 1978. At the time of purchase the Lees were advised that the property included an area of land to the rear (the application site) on which stood a garage. The position of the garage was to the western end of the site and was accessed from Bury Old Road. The Lees rented out the garage for many years to the owners of 265 Bury Old Road. In addition, the site was used for parking by the applicant's daughters following them passing their driving tests in 1982 and 1984.

In 1990 the applicant applied for householder planning permission for a replacement double garage as the existing garage was in a state of disrepair. Planning Permission was granted under reference D25414H. A further planning application was made in 1995 for the erection of a single garage after it came to light that the original double garage would interfere with access to the adjacent substation. This was granted under reference D32301H. Due to the death of the applicant's husband, this planning permission was never implemented, and the applicant continued to tend the site as an extended garden.

Attempts have been made to establish the true ownership of the site. In 1989 the applicant made enquiries with the Land Registry, but they simply provided documentation to confirm the applicant's own ownership. In 1992 enquiries were made with Leslie Fink Ltd, the freehold owners at the time, who referred the applicant to Mrs P Marsden as Trustee of the Levinson Estate. Mrs Marsden was unable to assist the applicant any further.

In May 2006 the applicant received correspondence from Rochdale Council advising her that her property may be affected by a planning application. The proposal was for use of land to provide extensions to private gardens (part retrospective) relating to land to the rear of 2-16 Sussex Avenue, Bury (Application No. 06/D47178). The applicant contacted Sue Cahill (the applicant of application 06/D47178) and paid money towards the cost of the application. However, when permission was granted on 21st June 2006, the decision notice was for land to the rear of 6-14 Sussex Avenue only. The applicant made enquiries with the Council as to why her property was not included on the permission but did not receive any information as to why her property had been removed from the application.

Despite issues with ownership and planning applications, the applicant has maintained the site and kept it tidy throughout her ownership of 2 Sussex Avenue (in excess of 40 years). Around 2004 she planted shrubs around the borders of the site to prevent fly tipping, which was a particular issue in the area at the time. Enclosing the land also had the benefit of providing a safe space for children to play, away from the busy roads surrounding the site. The boundaries to the north and west of the site were replaced with timber fencing by the applicant's daughter in late 2022 as the shrub border had not successfully grown in places. This made maintenance easier, as the applicant's health was deteriorating, and prevented the borders from becoming overgrown.

A number of documents and photographs are included with this application to evidence the background of the site:-

	Details	Date
1	Letter from D Smalley (previous owner) who believed the site was included in the ownership of 2 Sussex Avenue	27.02.1990
2	Land Registry Title Plan showing position of original garage	
3	Letter from Malcolm Adamson & Co to confirm the garage was rented out.	29.03.1982
4	Letter from Lytham District Land Registry	24.05.1989
5	Letter from Leslie Fink Ltd	24.07.1992
6	Letter from Mrs P Marsden	30.07.1992
7	Letter and plan from Rochdale Council with map	17.05.2006
8	Planning Permission 06/D47178	21.06.2006
9	Letter from Rochdale Council	29.06.2006
10	Google images of the site	2017-2025
11	Photo of current state of garden. The tree was planted by the applicant many years ago	29.05.2025

The documents clearly evidence that the land was considered to be within the applicant's ownership, and the photographs show a vegetated garden area with no other apparent use.

Use

The land will be used as domestic garden.

Scale

The site measures 5.6m x 13.1m. A low-level fence bounds the north and west boundaries.

Access

The site is accessed via the alleyway to the north of 2 Sussex Avenue.

Relevant Planning History

90/D25414 | Private Detached Double Garage | Rear Of 2 Sussex Avenue
Heapbridge Heywood

95/D32301 | Private Garage | Rear Of 2 Sussex Avenue Heap Bridge Heywood

Planning Policy

Policy P3 of the adopted Rochdale Core Strategy requires all new developments, regardless of location in the borough, to adhere to high standards of design.

Policy DM1 of the Core Strategy requires development to be of a high-quality design taking the opportunity to enhance the quality of the area.

Policy DM1 of the Core Strategy requires that proposals do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.

Policy Assessment

Principle of Development

The application site is located within a residential area in Rochdale, within the defined urban area. The change of use relates to a parcel of vacant land located to the rear of 2 Sussex Avenue. The land has been used as a domestic garden for many years and was not under any allocated use prior to this. It does not contribute to the visual amenity and openness of the area, and it is therefore considered that the proposal is acceptable in principle.

Design

It is considered that the vacant land does not currently add any value to the existing street scene, being ringfenced by the surrounding properties. As such it is considered that the change of use is acceptable. The low timber fence which encloses the site is appropriate to the use and would not affect the visual amenity of the area.

Amenity

The proposal is for the extension of a domestic garden and does not provide for any built development. Therefore, the proposal would not unduly impact the amenity of neighbouring occupiers and would provide an increased standard of occupier amenity.

Highways and Parking

The proposed development would not impact the current provision of parking available at 2 Sussex Avenue.