

**Ward:** Ramsbottom

**Item** 01

**Applicant:** SR & JR Brown Ltd

**Location:** Twine Valley Farm. off Church Road, Shuttleworth, Ramsbottom, Bury, BL0 0EH

**Proposal:** Application for the removal of a condition no. 2 (keeping of animals) on allowed appeal ref: APP/T4210/C/18/3195131

**Application Ref:** 72134/Full

**Target Date:** 22/09/2025

**Recommendation:** Approve with Conditions

### **Description**

The application relates to an existing agricultural building, that makes up part of the Agricultural holding associated with Twine Valley Farm. The site comprises of a group of farm buildings and a yard and that are accessed from Bamford Road/Bye Road/Church Road entrance. A further agricultural building, to which this application relates is located to the rear of these buildings at a higher level and accessed from Turn Road.

This agricultural building was constructed as a deemed approval under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The existing building use is for storage purposes only and not for the housing of cattle or other farm animals.

On 2 September 2016 an appeal was dismissed for the use of this agricultural building for housing livestock (APP/T4210/W 16/3151468. Council ref: 59947). The appeal inspector concluded that the use of the building for livestock would be more harmful to the amenity of neighbouring occupiers due to noise, compared to the use of the building for storage.

Following this appeal, an Enforcement appeal was upheld on 23 February 2019 in relation to the retention of the building which was not built in accordance with the approved plans and the Enforcement Notice was quashed, (APP/T4210/C/18/3195131). To mitigate any potential harm to living conditions of neighbouring properties relating to noise from animals a condition was added to the appeal decision by the Inspector. Condition 2 of this appeal stated:

*The agricultural building hereby approved shall not be used for the keeping of animals without any written prior approval of the local planning authority.*

This application seeks permission for the removal a condition no. 2 (keeping of animals) on allowed enforcement appeal ref: APP/T4210/C/18/3195131

The application is a resubmission following refusal due to the applicant failing to demonstrate that the proposed development would not have a detrimental impact on the amenity of neighbouring residential properties by reason of noise pollution. This resubmitted application is supported by a Noise Assessment.

### **Relevant Planning History**

57807 - Prior notification of agricultural building - Prior Approval Required and Granted  
03/09/2014

59947 - Retrospective application for agricultural building for housing livestock -  
02/09/2016 Appeal dismissed

60962 - Agricultural building for silage - Refused 01/03/2017 Appeal allowed 07/07/2017

62677 - Prior notification of proposed agricultural building for the storage of silage - Prior approval required and refused 08/05/2018 Appeal Allowed 07/03/2019

71611 - Application for the removal of a condition no. 2 (keeping of animals) on allowed appeal ref: APP/T4210/C/18/3195131 - Refused 15/05/2025

71446 - Installation of a slurry pond - Refused 27/06/2025. Appeal pending.

71611 - Application for the removal of a condition no. 2 (keeping of animals) on allowed appeal ref: APP/T4210/C/18/3195131 -Refused 15/05/2025

### **Publicity**

Neighbour letters sent 30/07/2025

Site notice posted 06/08/2025

6 objections received in relation to:

- Was built without planning permission and only approved on second appeal with the condition that it should only be used for storage purposes.
- Condition has been ignored and already used for cattle since November 2024.
- The cows have been confined 24 hours a day, 7 days a week for the last 9 months.
- Creates noise, smell and flies
- Applicant has also constructed a slurry pit without planning permission and also subject to an appeal.
- No respect for planning system or for the health and welfare of the neighbours.
- Applicants spent all of the bank holiday afternoon and evening cleaning out animal waste and moving it to a different part of the farm land.
- How can this intensive cattle farming activity have been allowed to occur and be continued in a building designated under planning law as a hay barn?
- It is not clear how the applicant is currently dealing with the slurry generated from this intensive cattle farming activity or how this is being disposed of.
- There has been no odour assessment for this intensive livestock activity which is so close to a residential area.
- In addition to the existing odour from this activity there is also now a huge silage storage facility immediately adjacent to the cattle housing.
- Constructed in a piecemeal fashion with no overall review of the total impact of this intensive agricultural factory farm on local residential amenity.
- This application, and all of the previous planning history, contain no assessment of odour on residential amenity for this specific development or from the cumulative impacts across the factory farm site.
- Whilst recognising that the noise assessment has been professionally executed, there is a strong bias in the report provided by the applicant.
- Measurements reported were obtained on days chosen to have the wind direction from the South and West, i.e. blowing directly away from the nearest residential properties. This also means that traffic noise from the nearby A56 and M66 to the south and west would contribute excessively to the background noise levels measured.
- Residents are fearful that without proper atmospheric pollution impact assessments, and an overall assessment of the impact of an intensive cattle farming operation, allowing this development would breach our rights to peaceful enjoyment of our lives and properties under the Human Rights Act 1998 and the Environmental Protection Act

1990.

- The issue of cattle being kept in the hay barn has been reported to the appropriate animal care authorities as there is concern for the welfare of the cattle and the conditions in which they are kept.
- The cows in the lower shed also never get out to pasture as he takes other peoples' rubble which is now so great all pathways to the field from the lower shed are totally obstructed by piles of concrete blocks.
- A small stream runs within 75m of the haybarn. Has the applicant supplied sufficient proof to show if this stream is contaminated?
- In its current form the building is unlikely to conform to the minimum standards for running a healthy herd of cattle.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - No objections raised.

**Environmental Health - Contaminated Land** - The Environment Section has assessed the application and has no comments to make regarding contaminated land and air quality.

**Environmental Health - Pollution Control** - We have looked at the noise report. We believe that there should be another penalty added, distinctiveness +3dB as we believe cows mooing is distinctive. However, with this penalty still added it would be a low impact as already stated, bringing the rating noise level above background noise level from -5dB to -2db.

**Drainage Section** - No response

**Animal Welfare Officer** - Appears to be room for the cows to move about and lie down.

**Pre-start Conditions** - Not relevant

### **Development Plan and Policies**

EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
EN7/4	Groundwater Protection
EN9/1	Special Landscape Areas
OL1/2	New Buildings in the Green Belt
OL4	Agriculture
OL4/5	Agricultural Development
HT2/4	Car Parking and New Development
EN7/5	Waste Water Management
JP-P1	Sustainable Places
JP-S5	Clean Air
JP-G9	The Green Belt
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
NPPF	National Planning Policy Framework

### **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.

### **Application History**

Appeal reference APP/T4210/W/16/3151468 relates to the use of an agricultural building in this position for housing livestock. The appeal was dismissed and the appeal inspector considered that *"the proposed use of the building would be a source of considerable noise that would result in material harm to the living conditions of the occupiers of the adjacent dwellings on Millhouse Street "*

Appeal reference APP/T4210/C/18/3195131 also considered the living conditions of neighbouring properties in terms of noise and the housing of cattle in a building in this location and agreed that a suitable approach would be to restrict the use of the building to storage. The following condition was therefore included by the planning inspectorate:

*The agricultural building hereby approved shall not be used for the keeping of animals without any written prior approval of the local planning authority.*

### **Amenity**

PfE Policy JP-P1 aims to create a liveable city region, and requires developments to provide comfortable and inviting indoor and outdoor environments offering a high level of amenity that minimises exposure to pollution. This is further supported by PfE Policy JP-S5 that seeks to implement a comprehensive range of measures to support improvements in air quality, focusing particularly on locations where people live, where children learn and play, where there are impacts on the green infrastructure network and where air quality targets are not being met. UDP Policy EN7/2 - Noise Pollution that restricts development that would lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

The existing building is located approximately 105 metres from the gable of the nearest property on Edith Street, approximately 130 metres from the garden of the dwelling at No. 1 Millhouse Street and approximately 73 metres from the garden of the nearest property on Bye Road.

### **Noise**

In consideration of the enforcement appeal APP/T4210/C/18/3195131 the Planning Inspector stated:

*The building is a limited distance from residential properties; notably those along Church Street and Millhouse Street. The enforcement notice has been issued partly on basis that the building is being used for housing livestock, but at my site visit I noted that it is currently being used to store hay and machinery. In addition, the appellant has suggested that a suitably worded condition could be used to preclude the use of the building to keeping animals. I agree that this is a suitable approach and would mitigate the potential harm to living conditions relating to noise from animals. Should the building be used for keeping animals in the future the Council would be entitled to take appropriate action.*

The potential noise impacts of housing cattle in a building at this location was also raised by the Planning Inspector under appeal APP/T4210/W/16/3151468. The Inspector stated in this instance:

*Due to the building's elevated siting, and lack of intervening structures or significant belts of planting between it and Millhouse Street, I consider that the additional noise created by*

*cattle in the appeal building would be of significant harm to the living conditions of the occupiers of these dwellings*

When the Case Officer visited the site, cows were being kept within the shed in breach of this condition. This has also been raised by enforcement prior to submission of the application and through objections received from the consultation period.

The applicant has acknowledged the above appeals within their supporting Planning Statement. A Noise Impact Assessment has been submitted in support of the application, and is based on the building as existing without the need for any physical mitigation. The noise impact assessment undertaken measured source noise levels to predict the noise levels, due to the housing of cattle in the barn, at the nearby noise sensitive receivers. The assessment concludes that the building housing cows has a 'low impact' at the nearest sensitive noise receptors (dwellings). The report includes a 3D noise mapping model to illustrate this.

The Environmental Health team have reviewed the assessment and have stated that there should be another penalty added, distinctiveness +3dB as they consider that cow mooing is distinctive. However, with this penalty still added it would be a low impact as already stated, bringing the rating noise level above background noise level from -5dB to -2db.

#### Odour

When considering the impact of housing livestock within this building at appeal (APP/T4210/W/16/3151468) the Inspectorate considered the impact of noise but did not consider odour.

Odour at the site, in connection with silage and cattle farming has however been previously addressed by the Planning Inspectorate under appeal APP/T4210/W/18/3202305 the Inspector stated:

*I noted at my site visit that a large number of animals are housed in nearby agricultural buildings at certain times of the year. As such there are likely to be agricultural odours in this rural setting. There is insufficient evidence before me to establish that the odours likely to emanate from the use of the building for storing silage would lead to unacceptable levels of odour above and beyond those that are likely to be reasonably experienced in rural areas.*

The application site is a cattle farm, and there are fields that are in closer proximity to the dwellings on Millhouse Street/Edith Street that can be reasonably used by the cattle. Whilst acknowledged that the cattle residing in the building would be in a higher concentration than cattle in the fields, there are already cattle being housed lawfully in the buildings off Bye Road and set out previously by the inspectorate there are likely to be odours experienced in rural areas.

The LPA also needs to be mindful of the reason for attaching the restrictive condition being placed on building in the first place, which related to noise not odour which has been assessed above.

#### **Conclusion**

Given the above, it is concluded that whilst Planning Inspectors did consider that amenity and living condition impacts are likely, fundamentally, they did not have any evidence in front of them to substantiate the impact and subsequently a condition was imposed on the agricultural building based on an assessment of potential noise impacts. The application and assessment above has not only looked and assessed noise, but odour also. On the basis of advice provided by the consultees, the noise assessment provided by the applicant, and the previous planning appeals at the site it is considered that the removal of condition 2

should be allowed.

### **Response to representations**

It is considered that the issues raised in relation to noise and odour have been addressed within the main body of the report.

The Animal Welfare Officer has been consulted on the application and is reviewing the condition of the housing of animals at the site separately.

It is acknowledged that the application presented is retrospective however an application has been submitted and the LPA is therefore required to consider the proposal. An appeal is currently pending for the partial construction of a slurry pond at the site and is not relevant to the consideration of this application. Planning Enforcement are also reviewing other reported breaches at the site.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

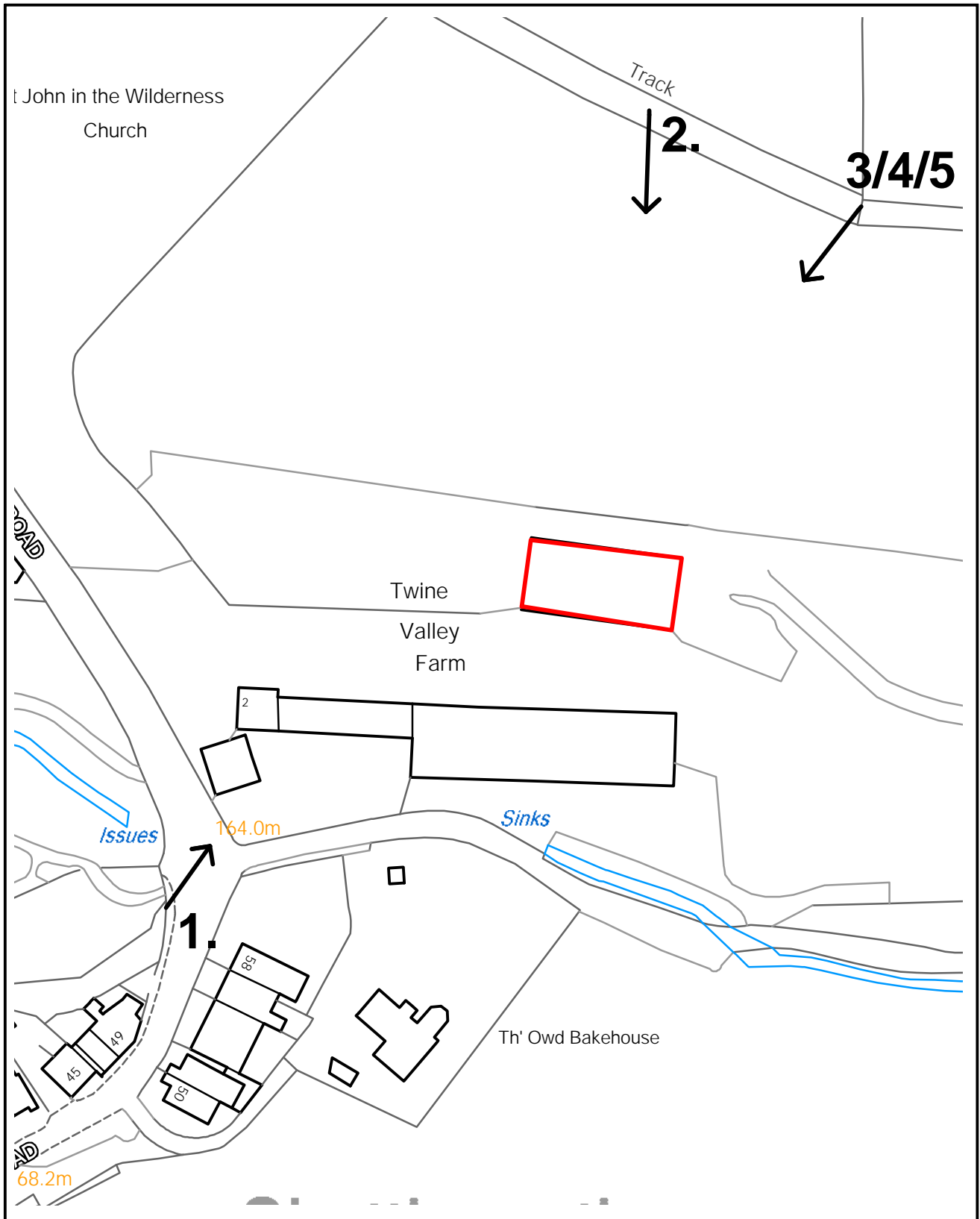
**Recommendation:** Approve with Conditions

### **Conditions/ Reasons**

1. This decision relates to drawings numbered Location Plan received 18th July 2025 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.

For further information on the application please contact **Helen Pressley** on **0161 253 5277**

# Viewpoints - 72134



ADDRESS: Twine Valley Farm. off Church Road, Shuttleworth, Ramsbottom, Bury, BL0 0EH



Planning, Environmental and Regulatory Services

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Photo 1



Photo 2



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Photo 3



Photo 4



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Photo 5



