

# REPORT FOR NOTING

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>16 December 2025</b>
<b>SUBJECT:</b>	<b>PLANNING APPEALS</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	<p>Planning Appeals:</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul> <p>Enforcement Appeals</p> <ul style="list-style-type: none"> <li>- Lodged</li> <li>- Determined</li> </ul>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to the note the report and appendices
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No
<b>Considered by Monitoring Officer:</b>	N/A

<b>Wards Affected:</b>	All listed
<b>Scrutiny Interest:</b>	N/A

## TRACKING/PROCESS

## DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

### 1.0 BACKGROUND

This is a monthly report to the Committee of the Planning Appeals lodged against decisions of the authority and against Enforcement Notices served and those that have been subsequently determined by the Planning Inspectorate.

Attached to the report are the Inspectors Decisions and a verbal report will be presented to the Committee on the implications of the decisions on the Appeals that were upheld.

### 2.0 CONCLUSION

That the item be noted.

### List of Background Papers:-

#### Contact Details:-

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**Planning Appeals Decided  
between 10/11/2025 and 07/12/2025**



**Application No.:** 71446/FUL

**Decision level:** DEL

**Recommended Decision:** Refuse

**Applicant:** Mr & Mrs J & C Brown

**Location:** Twine Valley Farm, Church Road, Shuttleworth, Ramsbottom, Bury, BL0 0HH

**Proposal:** Installation of a slurry pond

**Appeal Decision:** Dismissed

**Date:** 11/11/2025

**Appeal type:** Written Representations

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**Application No.:** 71451/FUL

**Decision level:** DEL

**Recommended Decision:** Refuse

**Applicant:** Mr & Mrs J & C Brown

**Location:** Sheep Hey Farm, Leaches Road, Shuttleworth, Ramsbottom, Bury, BL0 0EC

**Proposal:** Installation of a slurry lagoon

**Appeal Decision:** Dismissed

**Date:** 11/11/2025

**Appeal type:** Written Representations

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**Application No.:** 72009/FUL

**Decision level:** DEL

**Recommended Decision:** Refuse

**Applicant:** Mr & Mrs Husband

**Location:** 177 Bolton Street, Ramsbottom, Bury, BL0 9JD

**Proposal:** Replacement of timber windows with UPVc

**Appeal Decision:** Dismissed

**Date:** 04/12/2025

**Appeal type:** Written Representations

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**Application No.:** 72100/FUL

**Decision level:** DEL

**Recommended Decision:** Refuse

**Applicant:** The Hearth of the Lamb

**Location:** The White Rabbit, 13 Peel Brow, Ramsbottom, Bury, BL0 0AA

**Proposal:** Retention of timber outbuildings for use as outdoor bar/seating areas and pizza bar

**Appeal Decision:** Dismissed

**Date:** 04/12/2025

**Appeal type:** Written Representations

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## Appeal Decision

Site visit made on 24 September 2025

**by P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

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**Appeal Ref: APP/T4210/W/25/3368429**

**Twine Valley Farm, Church Road, Shuttleworth, Bury**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Messrs J & C Brown against the decision of Bury Metropolitan Borough Council.
  - The application Ref is 71446.
  - The development proposed is slurry pond.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. While the pond has mainly been constructed, it is not yet in use for slurry storage. During my site visit, I observed that the pond's location broadly aligned with the details shown on the submitted plans. However, there were some noticeable differences in its shape, with the constructed pond appearing more angular than the oval form depicted in the plans. That said, as the development does not appear to be formally completed, I have based my assessment on the submitted plans, as these are the details upon which the Council made its decision.

### Main Issues

3. The main issues are:
  - Whether the proposed development would be inappropriate development in the Green Belt, and if it would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations amounting to the very special circumstances necessary to justify the development.
  - The effect of the proposal on the character and appearance of the area, including its landscape setting.
  - Whether it has been adequately demonstrated that the proposal would not lead to unacceptable impacts on land stability and soil pollution.
  - Whether the effects of the proposed development on the living conditions of nearby occupiers would be acceptable, with specific regard to the effects of noise, smell, disturbance and general activity associated with the proposal.
  - The effect of vehicle movements associated with the proposal on highway and pedestrian safety.

## Reasons

### *Whether inappropriate development in the Green Belt*

4. The appeal site is in the Green Belt. Paragraph 154 of the National Planning Policy Framework (the Framework) establishes that development in the Green Belt is inappropriate unless it meets one of its stated exceptions. This includes, at paragraph 154.a), buildings for agriculture and forestry. Another exception at paragraph 154.h) ii. is engineering operations, but only where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, as set out at paragraph 143 of the Framework (the 'five purposes').
5. There is disagreement between the parties on the classification of the development. The appellant argues that the slurry pond should be considered a building for agriculture under paragraph 154.a) of the Framework, and therefore not inappropriate in the Green Belt. They cite case law and appeal decisions to support the view that the pond, due to its permanence, physical attachment, and scale, meets the definition of a building. The Council initially assessed the proposal under paragraph 154.a) but later clarified that the development could fall under paragraph 154.h) ii.
6. The proposed development is for agricultural purposes. However, whilst the Framework deems buildings for agriculture not to be inappropriate in the Green Belt, it does not give the same fundamental exception to engineering operations, given the requirement to preserve openness and ensure no conflict with the five purposes.
7. Whilst there is a plausible argument for the fencing associated with the pond to be considered as a building for the purposes of the Framework, I am less convinced by the arguments that the slurry pond itself should be assessed in this way. It involves significant earthworks and structural intervention into the land, and does not exhibit the characteristics typically associated with buildings such as above-ground enclosure or the creation of internal space.
8. Having considered the form, function, and method of construction, and having regard to the relevant case law, I conclude that the excavation and lining of the slurry pond is more accurately described as an engineering operation. I shall therefore determine the appeal on this basis.
9. In this specific case, assessment of the proposal is made more complex on the basis that some development has already taken place. Whilst Section 73A of the Town and Country Planning Act 1990 allows for retrospective consideration, the impact on openness is a critical factor. As such, a full assessment requires a clear understanding of the site's condition prior to development.
10. The appellant has provided samples from a 2016 topographical survey to illustrate the pre-existing conditions. However, the information provided lacks sufficient detail to support a definitive 'before-and-after' comparison. Comments from interested parties indicate that the development involved significant remodelling of the landform, resulting in changes to the natural topography. Although the appellant disputes this, in the absence of detailed evidence quantifying the scale and impact of the development, particularly in terms of volume and visual impact, I cannot conclude that the development would preserve the openness of the Green Belt in either spatial or visual terms.

11. One of the five purposes of the Green Belt, as set out in paragraph 143.c) of the Framework, is to safeguard the countryside from encroachment. Despite the surrounding agricultural context, the form, scale, and visual presence of the slurry pond result in a clear encroachment into the countryside. This is reinforced by the uncertainty surrounding its impact on openness. Accordingly, the development conflicts with one of the five purposes.
12. The appellant also introduces the argument that the appeal site constitutes “grey belt” land. If this were established, paragraph 155 of the Framework provides that certain development may not be inappropriate, subject to certain criteria. Most notably, paragraph 155.b. requires there to be a demonstrable unmet need for the proposed development. In this case, the appellant has not provided substantive evidence to show that the site qualifies as grey belt, nor that an unmet need exists. While operational benefits have been cited, these are not supported by compelling evidence sufficient to meet the Framework’s threshold. In the absence of such evidence, even if the site were considered grey belt, the development would still be regarded as inappropriate.
13. Given the failure to satisfy the policy tests for an exception, the development must be regarded as inappropriate development in the Green Belt. Consequently, it fails to accord with Policy JP-G9 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan, 2022 to 2039, Adopted 21 March 2024 (the JDP), and the relevant provisions of the Framework, which collectively seek to avoid inappropriate development in the Green Belt.
14. Substantial weight must be given to the harm caused by reason of its inappropriateness and any other resulting harm. Following my conclusion on the other main issues, I shall consider whether there are any other considerations that would amount to the very special circumstances necessary to justify the development.

#### *Character and appearance*

15. The appeal site lies within the Pennine Foothills landscape character area, as identified in Policy JP-G1 of the JDP. The Council identifies the area as a transitional upland fringe landscape, characterised by pasture fields, wooded stream valleys, and a strong rural identity. These characteristics reflect my observations at the site visit. The site is also visible from several public rights of way, including footpaths and byways. These routes offer short, medium, and long-range views of the site, reinforcing its prominence in the landscape.
16. The development is on elevated ground near to an existing agricultural building. Although the pond itself is largely sub-surface, the overall development includes a 2-metre high deer fence and a UV-stabilised plastic floating cover, both of which contribute to its visual presence. The inconsistency between the submitted plans and the development as built further complicates the assessment of its true impact on the landscape.
17. The appellant contends that the development would be seen in the context of existing farm buildings and would not appear isolated or incongruous. They refer to a previously approved silage building on the site, and argue that the slurry pond would have a lesser impact. They also suggest that the fencing is typical of rural settings and offer to condition the colour of the cover to reduce visual impact.

18. However, the comparison with the silage building is not directly applicable. That building was assessed under different circumstances and policy considerations, including those relevant to agricultural buildings in the Green Belt. In contrast, the slurry pond is open, elevated, and partially engineered into the landscape, with limited integration into the existing built form. While conditions could potentially mitigate some visual effects, the development would remain visually prominent in a sensitive landscape.
19. Policy JP-G1 requires development to reflect and respond to the special qualities and sensitivities of the landscape, including topography, views, and perceptual qualities. The Council's Development Control Policy Guidance Note 8 – 'New Buildings and Associated Development in the Green Belt' – Adopted 10th January 2007 (SPD8) similarly advises that agricultural development in the Green Belt should be sited to minimise harm to views and integrate with landscape features. In this case, the elevated siting, visibility from public vantage points, and lack of detailed plans all weigh against the proposal.
20. Accordingly, based on the available evidence and the level of detail shown on the submitted plans, I conclude that the development would fail to integrate acceptably with its surroundings and would harm the character and appearance of the area, including its sensitive landscape setting. It would therefore be contrary to Policies OL4/5, OL1/2 and EN1/2 of the Bury Unitary Development Plan, Adopted Plan 1997 (the UDP), Policies JP-G9, JP-G1 and JP-P1 of the JDP, the guidance contained in SPD8 and the relevant provisions of the Framework. Collectively, these policies and guidance seek to ensure development is appropriately sited to minimise visual impacts, that it respects the character and appearance of its surroundings, and to reflect landscape character.

*Land stability and soil pollution*

21. Paragraph 197 of the Framework places responsibility on the developer to ensure safe development where land stability is a concern. Paragraph 187.e) further requires planning decisions to prevent development from contributing to, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
22. The Council has raised concerns about apparent changes in land levels at the site. The submitted plans are limited in scope and do not include a full topographical survey or details of adjacent land. My own site visit corroborated discrepancies between the submitted plans and the development as built, and there is no substantive information regarding the source or nature of any imported materials.
23. The appellant disputes that significant earthworks have taken place and refers to previous topographical surveys to support their position. They argue that the pond has held water without signs of instability and that any spillage would occur on their own land. They also point to the lack of objection from statutory consultees, including the Environment Agency (EA) and the Council's Environmental Health Officer (EHO), as evidence that the development is acceptable in principle.
24. However, these assertions are not supported by technical evidence. The appellant has not provided a full topographical survey, soil analysis, or engineering assessment to demonstrate that the land is stable and suitable for the development. The retrospective nature of the appeal further undermines confidence in the adequacy of the information provided. While the EA did not



object in principle, their comments were based on general guidance and did not constitute a detailed assessment of the site-specific risks. Similarly, the EHO acknowledged limited expertise in this area and relied on a professional survey that did not address land stability in detail.

25. Multiple representations from interested parties refer to the build-up of land, the risk of collapse or subsidence, and the proximity of the slurry pond to springs and watercourses. These concerns are consistent with the types of risks identified in paragraph 187.e) of the Framework and highlight the need for a thorough and evidence-based assessment. In the absence of such evidence, the appellant's reliance on general assurances and the absence of formal objections is not sufficient to demonstrate compliance with national policy.
26. Although reference has been made to the General Permitted Development Order (GPDO), this is not directly relevant to the appeal, which concerns a full planning application rather than a lawful development certificate. The terms of the GPDO do not remove the requirement to demonstrate that the development is safe and does not pose risks to the environment.
27. In conclusion, insufficient evidence has been provided to demonstrate that the proposal would not lead to unacceptable impacts on land stability or soil pollution. The concerns raised by the Council and interested parties are reasonable and have not been adequately addressed. The proposal therefore conflicts with the provisions of paragraphs 197 and 187.e) of the Framework.

#### *Living conditions*

28. The slurry pond is approximately 25 metres from the closest residential properties. Interested parties have raised extensive concerns about the potential for odour, noise, and disturbance arising from the use of the pond. These include fears of harmful emissions, increased fly activity, and mental health impacts. Residents also highlight the exposed and elevated nature of the site, the absence of intervening structures, and variable wind conditions.
29. The appeal is supported by a qualitative Odour Assessment (the OA) by Royal Haskoning DHV. The OA concludes that, with the installation of a UV-stabilised plastic floating cover, the odour impact at nearby receptors would be "not significant." It cites DEFRA and EU guidance indicating that such covers can reduce ammonia emissions by up to 95%. The appellant also argues that the pond would reduce the frequency of slurry spreading, thereby lowering vehicle movements and associated noise. They also contend that the proposal would reduce odour impacts compared to current practices.
30. While the OA is professionally prepared and carries some weight, it has notable limitations. It does not assess cumulative impacts from the slurry pond and nearby cattle housing, nor does it address the potential for odour release during agitation, pumping, or maintenance. These activities would require the cover to be removed at precisely the times when odour emissions are likely to be greatest. Additionally, the report's assumptions about prevailing wind directions have been contested by local residents who maintained odour diaries over extended periods.
31. The appellant places some reliance on the absence of formal objections from the EHO and EA. However, the EHO explicitly stated that they had limited expertise in this area and deferred to the findings of the OA. The EA comments were general



in nature and did not constitute a detailed assessment of impacts on nearby occupiers. Given the proximity of sensitive receptors, and the lack of detailed operational information and mitigation measures, this is a significant omission.

32. The site lies within an established agricultural setting, and it is reasonable to expect a degree of background odour and activity associated with farming operations. The appellant argues that the proposed slurry pond would reduce the frequency of slurry spreading, thereby lowering vehicle movements and associated disturbance. They also point to the presence of other agricultural buildings on the site and the general rural context, suggesting that nearby residents should expect some level of odour and activity as part of living adjacent to a working farm.
33. However, the specific siting of the slurry pond and proximity to sensitive receptors raises legitimate concerns. The OA does not adequately address the potential for emissions during key operational phases, and its reliance on assumptions regarding wind direction and lagoon contents limits its evidential weight. On this basis, I find the supporting details insufficient to demonstrate that the development would not result in unacceptable harm.
34. In contrast, the impacts in terms of noise, disturbance and general activity are less clearly harmful. Based on the available details, and having regard to the comments of interested parties and the site's baseline position as a working farm, there is limited compelling evidence to suggest that these effects would be unacceptable.
35. Nevertheless, for the reasons given in relation to odour, I conclude that the proposal fails to demonstrate that it would not result in unacceptable harm to the living conditions of nearby occupiers. The concerns raised by residents are credible and consistent with the types of impacts that the relevant development plan policies seek to prevent. The proposal would therefore conflict with Policy EN7/2 of the UDP, and Policies JP-S5, and JP-P1 of the JDP.

#### *Highway and pedestrian safety*

36. JDP Policies JP-C5, JP-C6, JP-C8, and UDP Policies RT3/3 and RT3/4 seek to ensure that development supports safe, inclusive, and well-connected transport networks, and protects the integrity of public rights of way.
37. The Council and interested parties have expressed concerns about a potential increase in vehicle movements, particularly the use of tankers to transport slurry to and from the site. They argue that the narrow and heavily parked nature of Bye Road, combined with pedestrian use of access routes, could result in safety risks and disruption. However, no transport assessment or quantified data on vehicle movements was submitted with the application. The Council's and interested parties' concerns are therefore based primarily on the absence of information rather than demonstrable evidence of harm.
38. The appellant contends that the slurry pond would reduce vehicle movements overall, as slurry could be stored and spread less frequently, rather than being transported daily. They argue that this would improve operational efficiency and reduce disturbance. Although no detailed transport data was provided, this argument is plausible and consistent with the intended function of the pond. There is no compelling evidence to suggest that the proposal would generate a significant increase in traffic or result in congestion or conflict on the local road network.

39. Paragraph 116 of the Framework states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe. Based on the available evidence and my own observations, I consider it unlikely that the proposal would generate additional vehicle movements or activity of a scale sufficient to breach this threshold. While the concerns of the Council and interested parties are legitimate, they are not supported by substantive evidence demonstrating that the impacts would be unacceptable or severe.
40. I therefore conclude that the proposal would not conflict with the aims of the relevant development plan policies listed above or the provisions of the Framework. Although there is a notable absence of detailed transport information, the available evidence does not persuade me that the development would result in harm on highway or pedestrian safety grounds.

*Other considerations*

41. The appellant has advanced a number of considerations in support of the proposal. These include the operational benefits of slurry storage for the efficient running of the farm, the environmental advantages of reducing reliance on chemically produced fertiliser, and the potential reduction in vehicle movements associated with slurry spreading. The appellant also points to the absence of objections from statutory consultees such as the EA and the EHO, and expresses a willingness to accept planning conditions to address matters of detail.
42. These considerations are acknowledged and carry some weight. The operational need for slurry storage is a legitimate aspect of agricultural practice, and the potential environmental benefits of improved nutrient management are consistent with broader sustainability objectives. However, these benefits must be weighed against the harm identified in relation to the main issues.
43. As set out above, the proposal constitutes inappropriate development in the Green Belt. It has not been demonstrated that the development would preserve the openness of the Green Belt or avoid conflict with its purposes. This harm carries substantial weight in accordance with national policy. In addition, the proposal fails to demonstrate that it would not result in harm to the character and appearance of the area or to the living conditions of nearby occupiers, or that it would not lead to unacceptable impacts on land stability and soil pollution. These harms also attract significant weight.
44. While no harm has been identified in relation to highway and pedestrian safety, this is a neutral factor in the planning balance and does not weigh in favour of the proposal.
45. Paragraph 153 of the Framework confirms that inappropriate development in the Green Belt should not be approved except in very special circumstances. Such circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
46. In this case, the other considerations put forward by the appellant, while acknowledged, do not clearly outweigh the cumulative harm identified. The level of harm to the Green Belt, in particular, is substantial and determinative. Accordingly, the other considerations advanced do not amount to the very special circumstances necessary to justify the development.

**Conclusion**

47. For the reasons given above, I conclude that the appeal should be dismissed.

*P Storey*

INSPECTOR

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## Appeal Decision

Site visit made on 24 September 2025

**by P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

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**Appeal Ref: APP/T4210/W/25/3369572**

**Sheep Hey Farm, Whalley Road, Shuttleworth, Bury BL0 0EC**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Messrs J & C Brown against the decision of Bury Metropolitan Borough Council.
  - The application Ref is 71451.
  - The development proposed is slurry lagoon.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt, and if it would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations amounting to the very special circumstances necessary to justify the development.
  - The effect of the proposal on the character and appearance of the area, including its landscape setting.
  - Whether the effects of the proposed development on the living conditions of nearby occupiers would be acceptable, with specific regard to the effects of odour.
  - The effect of vehicle movements associated with the proposal on highway and pedestrian safety.

### Reasons

*Whether inappropriate development in the Green Belt*

3. The appeal site is in the Green Belt. Paragraph 154 of the National Planning Policy Framework (the Framework) establishes that development in the Green Belt is inappropriate unless it meets one of its stated exceptions. This includes, at paragraph 154.a), buildings for agriculture and forestry. Another exception at paragraph 154.h) ii. is engineering operations, but only where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, as set out at paragraph 143 of the Framework (the 'five purposes').

4. There is disagreement between the parties on the classification of the development. The appellant argues that the slurry lagoon should be considered a building for agriculture under paragraph 154.a) of the Framework, and therefore not inappropriate in the Green Belt. They cite case law and appeal decisions to support the view that the lagoon, due to its permanence, physical attachment, and scale, meets the definition of a building. The Council initially assessed the proposal under paragraph 154.a) but later clarified that the development could fall under paragraph 154.h) ii.
5. The proposed development is for agricultural purposes. However, whilst the Framework deems buildings for agriculture not to be inappropriate in the Green Belt, it does not give the same fundamental exception to engineering operations, given the requirement to preserve openness and ensure no conflict with the five purposes.
6. Whilst there is a plausible argument for the fencing associated with the lagoon to be considered as a building for the purposes of the Framework, I am less convinced by the arguments that the slurry lagoon itself should be assessed in this way. It involves significant earthworks and structural intervention into the land, and does not exhibit the characteristics typically associated with buildings such as above-ground enclosure or the creation of internal space.
7. Having considered the form, function, and method of construction, and having regard to the relevant case law, I conclude that the excavation and lining of the slurry lagoon is more accurately described as an engineering operation. I shall therefore determine the appeal as such.
8. On this basis, the development must preserve the openness of the Green Belt and avoid conflict with its purposes. The appellant argues that the lagoon would not harm openness, as it would largely be below ground level and visually unobtrusive. They suggest that the fencing is minor in scale and would be mitigated by planting. However, the submitted plans lack sufficient detail to fully assess the visual and spatial impact of the development. The location plan, topographical survey, and cross-sections do not adequately show the lagoon's relationship to surrounding landform, field boundaries, or nearby buildings. There is also insufficient information about the proposed cover, its appearance, and how it would interact with the landscape.
9. Given this lack of clarity, I am not persuaded that the proposal would preserve the openness of the Green Belt. The lagoon would be a sizeable feature, and the fencing and cover may introduce additional visual and spatial impacts that cannot be fully assessed based on the submitted details. In the absence of sufficient evidence, I cannot conclude that the proposal would preserve the openness of the Green Belt in either spatial or visual terms.
10. One of the five purposes of the Green Belt, as set out in paragraph 143.c) of the Framework, is to safeguard the countryside from encroachment. Despite the surrounding agricultural context, the form, scale, and visual presence of the slurry lagoon would result in a clear encroachment into the countryside. This is reinforced by the inability to conclude that it would preserve the Green Belt's openness. Accordingly, the proposal conflicts with one of the five purposes.
11. The appellant also introduces the argument that the appeal site constitutes "grey belt" land. If this were established, paragraph 155 of the Framework provides that

certain development may not be inappropriate, subject to certain criteria. Most notably, paragraph 155.b. requires there to be a demonstrable unmet need for the proposed development. In this case, the appellant has not provided substantive evidence to show that the site qualifies as grey belt, nor that an unmet need exists. While operational benefits have been cited, these are not supported by compelling evidence sufficient to meet the Framework's threshold. In the absence of such evidence, even if the site were considered grey belt, the development would still be regarded as inappropriate.

12. Given the failure to satisfy the policy tests for an exception, the development must be regarded as inappropriate development in the Green Belt. Consequently, it conflicts with Policy JP-G9 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan, 2022 to 2039, Adopted 21 March 2024 (the JDP), and the relevant provisions of the Framework, which collectively seek to avoid inappropriate development in the Green Belt.
13. Substantial weight must be given to the harm caused by reason of its inappropriateness and any other resulting harm. Following my conclusion on the other main issues, I shall consider whether there are any other considerations that would amount to the very special circumstances necessary to justify the development.

#### *Character and appearance*

14. The appeal site forms part of an open and largely undeveloped agricultural landscape. It is located on sloping ground near a mature tree, and the surrounding topography allows for views across the River Irwell valley from commercial and industrial land to the west, and from residential properties to the southwest. The site lies within a designated Landscape Character Area and the Green Belt, placing it within a sensitive landscape context.
15. The appellant argues that the proposed slurry lagoon would not have an adverse impact on the character and appearance of the area. They point out that the lagoon would be set below ground level, with 45-degree slopes and surrounded by 2-metre-high deer fencing and tree planting. It is asserted that the fencing would be visually unobtrusive and typical of rural areas, and that the planting would help screen the development. The appellant also describes the lagoon as modest in scale, and offers to accept conditions regarding the colour of the cover and the details of boundary treatment.
16. However, as previously noted, the submitted plans and supporting information lack sufficient detail to enable a robust assessment of the proposal's visual impact. The development would be of significant scale and, based on its siting and my observations, would be prominently visible in the surrounding landscape. The topographical survey and cross-sections do not clearly illustrate how the lagoon would sit within the landform or how visible it would be from nearby viewpoints. The proposed plastic cover is not adequately described or illustrated, and the plans lack contextual information, such as surrounding field boundaries, adjacent buildings, and the wider landscape setting.
17. In a sensitive landscape context, this lack of clarity is significant. Without sufficient detail, the effects of the development on the character and appearance of the area cannot be confidently assessed.



18. I therefore conclude that the submitted details fail to adequately evidence that the proposed development would have an acceptable effect on the character and appearance of the area. As such, the proposal would conflict with Policies OL4/5, OL1/2 and EN1/2 of the Bury Unitary Development Plan, Adopted Plan 1997 (the UDP), and Policies JP-G9, JP-G1 and JP-P1 of the JDP. Collectively, these policies seek to ensure development is appropriately sited to minimise visual impacts, that it respects the character and appearance of its surroundings, and to reflect landscape character.

*Living conditions*

19. The site is located approximately 250 metres from the nearest sensitive receptors, which include residential properties and a campsite. Several interested parties have raised concerns about the potential for odour nuisance, citing previous experiences of strong and persistent smells from slurry spreading in the area. These concerns include health-related complaints such as headaches and respiratory irritation, as well as impacts on local businesses and the enjoyment of outdoor spaces.
20. The appellant submitted an odour assessment (the OA) prepared by Royal Haskoning DHV. The OA concludes that, with the proposed mitigation of an impermeable UV-stabilised plastic floating cover, the potential for odour effects at all nearby receptors is “not significant.” The appellant also highlights that the Council’s Environmental Health Officer (EHO) did not object to the proposal and deferred to the findings of the report. Additionally, the Environment Agency (EA) has not raised any objection, and the proposed cover is said to comply with DEFRA and EU guidance.
21. However, the OA is qualitative in nature and has some limitations. It does not address the frequency or nature of maintenance activities, such as opening the cover, which are likely to present the greatest risk of odour release. Furthermore, the contents of the slurry are not clearly defined, raising questions about the reliability of the assessment and its applicability to the specific circumstances of the site.
22. The comments of interested parties further reinforce these concerns. While some interested parties have raised broader concerns about site management and historical practices, these are not substantiated and do not form part of the evidence before me. Nevertheless, in this case, the presence of nearby receptors, whose use and sensitivity are clearly evidenced, reinforces the need for a robust and detailed understanding of the potential impacts of odour arising from the proposed development. As such, although the OA carries some weight, its limitations and the absence of robust, site-specific evidence mean that it cannot be relied upon to demonstrate that the development would not result in unacceptable impacts on living conditions.
23. It is acknowledged that the site lies within an active agricultural setting, where some odour and activity are to be expected. This is reflected in the supporting comments from some interested parties. However, the proposed lagoon is a substantial facility for concentrated slurry storage, which introduces a materially different potential for odour impacts compared to routine agricultural spreading. Given the proximity of sensitive receptors, the effects of such a facility must be assessed with particular rigour. While it is possible that further information and



controls could make the proposal acceptable, the decision must be based on the evidence currently before me, which do not enable me to reach such a finding with confidence.

24. On this basis, I conclude that the proposal fails to demonstrate that it would safeguard the living conditions of nearby occupiers, and it would therefore conflict with Policies JP-S5 and JP-S1 of the JDP, and Policies OL4/5 and EN1/2 of the UDP, which collectively seek to ensure a high standard of amenity and protect sensitive receptors from pollution.

*Highway and pedestrian safety*

25. JDP Policies JP-C5, JP-C6 and JP-C8, and UDP Policies RT3/3 and RT3/4 seek to ensure that development supports safe, inclusive, and well-connected transport networks, and protects the integrity of public rights of way.
26. The proposed slurry lagoon would be accessed via a combination of adopted highways, private tracks, and public rights of way (PROW). The Council raises concerns that insufficient information has been provided to assess the impact of additional vehicle movements on these routes, particularly in relation to pedestrian safety and the structural integrity of a “weak bridge” on the approach. It notes that the submitted Construction Traffic Management Plan lacks detail on the frequency, timing, and routing of slurry transport, and that no formal comments were received from the Local Highway Authority or the PROW Officer.
27. Several interested parties also raise concerns about increased traffic, potential conflict with pedestrians and recreational users, and the condition of the access routes. These concerns are relevant given the mixed-use nature of the access and the presence of walkers, cyclists, and local residents.
28. However, the site’s context as a working farm is an important consideration. Although the submitted information contains limited detail on current and projected vehicle movements, the appellant’s assertion that slurry must currently be spread frequently due to the absence of on-site storage, resulting in regular tanker trips, is plausible. There is no substantive evidence to suggest that the proposal would lead to a significant increase in traffic. On the contrary, based on the nature of the development and the operational changes it would enable, there is a reasonable prospect that vehicle movements could decrease.
29. Paragraph 116 of the Framework sets a high threshold for refusal on highways grounds. It states that development should only be refused if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe, taking into account all reasonable future scenarios. In this case, I am presented with no substantive evidence to demonstrate that the proposal would result in either an unacceptable safety risk or severe cumulative impacts. The concerns raised, while relevant, do not breach the Framework’s threshold of demonstrable harm.
30. Although it would have been beneficial for the appellant to provide more comprehensive transport information, the available evidence does not indicate that the proposal would result in highway impacts that meet the threshold for refusal under paragraph 116 of the Framework. The site is already in agricultural use, and the proposed lagoon would not fundamentally alter the nature or intensity of access.

31. In conclusion, the proposal would not conflict with the aims of the relevant development plan policies listed above or the provisions of the Framework. Although there is a notable absence of detailed transport information, the available evidence does not persuade me that the development would result in harm on highway or pedestrian safety grounds.

*Other considerations*

32. The appellant has advanced a number of considerations in support of the proposal. These include the operational benefits of slurry storage for the efficient running of the farm, the environmental advantages of reducing reliance on chemically produced fertiliser, and the potential reduction in vehicle movements associated with slurry spreading. The appellant also points to the absence of objections from statutory consultees such as the EA and EHO, and expresses a willingness to accept planning conditions to address matters of detail.
33. These considerations are acknowledged and carry some weight. The operational need for slurry storage is a legitimate aspect of agricultural practice, and the potential environmental benefits of improved nutrient management are consistent with broader sustainability objectives. However, these benefits must be weighed against the harm identified in relation to the main issues.
34. As set out above, the proposal constitutes inappropriate development in the Green Belt. It has not been demonstrated that the development would preserve the openness of the Green Belt or avoid conflict with its purposes. This harm carries substantial weight in accordance with national policy. In addition, the proposal fails to demonstrate that it would not result in harm to the character and appearance of the area, or to the living conditions of nearby occupiers, particularly in relation to odour. These harms also attract significant weight.
35. While no harm has been identified in relation to highway and pedestrian safety, this is a neutral factor in the planning balance and does not weigh in favour of the proposal.
36. Paragraph 153 of the Framework confirms that inappropriate development in the Green Belt should not be approved except in very special circumstances. Such circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
37. In this case, the other considerations put forward by the appellant, while acknowledged, do not clearly outweigh the cumulative harm identified. The level of harm to the Green Belt, in particular, is substantial and determinative. Accordingly, the other considerations advanced do not amount to the very special circumstances necessary to justify the development.

**Conclusion**

38. For the reasons given above, I conclude that the appeal should be dismissed.

*P Storey*

INSPECTOR



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## Appeal Decision

Site visit made on 28 November 2025

**by K Mansell BA (Hons) MPhil TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 December 2025

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**Appeal Ref: APP/T4210/D/25/3374183**

**Hope House, 177 Bolton Street, Ramsbottom BL0 9JD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Husband against the decision of Bury Metropolitan Borough Council.
  - The application Ref is 72009.
  - The development proposed is proposed replacement windows.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character or appearance of the Ramsbottom Conservation Area (RCA).

### Reasons

3. The appeal property at Hope House is a substantial detached three-storey Victorian-era residential villa. Its principal elevation fronting Bolton Street features a front gable detailed with ornate timber barge boards and double-height bay windows, which flank a decorative entrance porch. The property is constructed in stone with a slate roof and timber windows throughout. These mainly comprise traditional sliding sash windows with the exception of 3 casement windows to the rear. The surrounding area is primarily residential in character. Whilst the architectural style of dwellings within the wider area is somewhat varied, many properties immediately surrounding Hope House are of a similar period. The appeal scheme would replace all the existing timber windows in Hope House with double glazed uPVC units. These would be heritage type 'legacy' frames.
4. Hope House lies within the RCA where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. The boundary of the RCA as a whole extends to a reasonably large area, incorporating Ramsbottom Town Centre to the west of the appeal property and surrounding streets and spaces. From the information before me and my observations on site, it is the concentration of 19th-century buildings and the traditional architectural vernacular, including the use of natural materials such as stone, slate and timber, as well as decorative elements to elevations and the form and detail of fenestration treatment, that contribute positively to the character and appearance of the RCA as a whole, and thus its special interest and significance.

5. I acknowledge that the proposed replacement uPVC sash units would reflect the sash format and glazing styles of the existing windows. The appeal scheme would similarly provide casement replacements to the three rear openings. The heritage-style profiles would also offer a reasonably slimline appearance, and the inclusion of run-through horns where present on the existing sash windows would imitate an existing detail. However, whilst the building is not listed nor within the setting of any listed buildings, the use of uPVC would not fully replicate the appearance of timber framed windows. Even with a white grained finish, compared to wood, uPVC typically has a more uniform appearance. It would also introduce contemporary materials into what is presently a largely intact historic property in terms of window form and detailing. The appeal scheme would consequently appear as a modern insertion and it would be sufficiently noticeable from the public realm to constitute harm to the character and appearance of the building and, therefore, to the RCA.
6. Furthermore, the appeal scheme would remove part of the traditional fabric of the building and consequently, it would not represent a truly like for like replacement. I also have no substantive evidence before me, in terms of large-scale plans or sections of the existing windows to confirm that the replacement windows would entirely replicate the frame depth and proportions of the current fenestration. The introduction of uPVC windows would consequently detrimentally alter the appearance of Brook House and fail to make a positive contribution to the RCA.
7. The appellant has referred to similar heritage-style uPVC sash windows being permitted within other CAs across the UK, including Bath, York, Oxford and Greater Manchester, as well as a specific planning appeal decision in Bedford<sup>1</sup> where the Inspector observed that conservation-style uPVC sash windows in that case would, from normal viewing distances, be difficult to distinguish from traditional timber sash windows. However, I have not been provided with the appeal decision in full, nor to any specific examples elsewhere, so I cannot be certain as to the detailed considerations that applied in those cases. I attach limited weight to them as a result. In any event, I am required to reach conclusions based on the individual circumstances and merits of this appeal and its impact on the immediate locality, which cannot be directly comparable.
8. The appellant has also drawn my attention to the presence of uPVC windows in a number of nearby properties, and I observed several of these during my site visit. Nonetheless, I have not been provided with any details of the planning permissions or circumstances relating to those installations. I therefore cannot be certain what they replaced or what considerations applied in those cases. I also saw that some of these modern interventions confirmed that such alterations are detrimental to the character and appearance of the CA. My assessment must also relate solely to the proposal before me.
9. For these reasons, I consider that the proposal would fail to preserve or enhance the character or appearance of the RCA. Given its modest scale, in terms of the National Planning Policy Framework (the Framework), the harm to the significance of the RCA as a whole would be less than substantial. However, having regard to Paragraph 215 of the Framework, such harm should then be weighed against the public benefits of the appeal scheme, including, where appropriate, securing its optimal viable use.

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<sup>1</sup> APP/K0235/D/23/3318897

10. I am mindful of the appellant's assertion that the existing windows pose safety concerns and uPVC windows would be more thermally efficient than timber, reduce condensation and support the building's longevity. However, I have no substantive evidence before me to demonstrate that the existing windows are unsafe, nor that uPVC fenestration would noticeably outperform well installed and maintained timber windows that would also secure the building's future. I also have nothing before me to demonstrate that timber windows would not satisfy building regulation requirements. I attribute very limited weight to these potential benefits as a result.
11. On my site visit I did observe the condition of some of the existing windows, including peeling paintwork, but again, I have no substantive evidence that they are all beyond repair. Whilst uPVC may offer a lower maintenance solution in comparison to wood, this would be a private benefit rather than a public one. I am also mindful that paragraphs 212 and 213 of the Framework advise that great weight should be given to the conservation of a designated heritage asset and any harm to its significance should require clear and convincing justification. When taken together, the very limited public benefits that I have identified would not amount to that and consequently, they would not outweigh the less than substantial harm to the significance of the RCA that I have identified.
12. I therefore conclude that the proposal would have a harmful impact on the character and appearance of the RCA, which, it follows, would not be preserved or enhanced. Accordingly, it would be contrary to policies EN2/1 and EN2/2 of the Bury Unitary Development Plan (1997). These policies require, amongst other matters, that development proposals preserve or enhance the character and significance of conservation areas, including through consideration of design and materials.

### **Conclusion**

13. The appeal proposal would conflict with the development plan as a whole, and there are no material considerations that would indicate a decision otherwise would be appropriate. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*K. Mansell*

INSPECTOR

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## Appeal Decision

Site visit made on 27 November 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 December 2025

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**Appeal Ref: APP/T4210/W/25/3374284**

**El Carnero, 13 Peel Brow, Ramsbottom, Bury BL0 0AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr M Oliver against the decision of Bury Metropolitan Borough Council.
- The application Ref is 72100.
- The development proposed is retention of timber outbuildings for use as outdoor bar/seating areas and pizza bar.

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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application form, decision notice and appeal form all utilise different property names. During my site visit, it was noted that signs had been erected at the premises which match those used on the appeal form. I have therefore utilised the address given on the appeal form.
3. The evidence before me indicates that the appeal is retrospective. This was confirmed during my site visit, and the development appears to conform with the plans before me. I have assessed the appeal on this basis.
4. The appeal site lies within the Ramsbottom Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. I have had due regard to this duty within my decision.

### Main Issues

5. The main issues are:
  - whether the proposed development would preserve or enhance the character or appearance of the Ramsbottom Conservation Area and the wider area; and,
  - the effect of the development on highway safety.

### Reasons

#### *Conservation area*

6. The site lies within the Ramsbottom Conservation Area (CA). The CA is situated on the lower slopes of the Irwell Valley where historically, the rivers and streams of the surrounding West Pennines provided water for textile processes. Its significance is derived from a dense and compacted urban form, typically



constructed from stone, which centres around the market area of the town against this natural backdrop of in an otherwise industrial context.

7. The appeal site is host to a semi-detached building which has been extended at single storey level to the side with a glazed addition which is visible from Peel Brow. Nevertheless, the predominant use of stone and overall traditional appearance of the host building within the CA provides a positive contribution to it. This is due to its overall visual similarity with the other buildings on the lower slopes of the Irwell Valley within Ramsbottom.
8. The development subject to this appeal comprises a substantial, dark, flat-roofed timber structure positioned parallel to the rear boundary of the site. A smaller, yet similar structure accommodates a pizza oven and kitchen area. Taken together, their combined scale in terms of length, height, and width, alongside the low boundary wall at the front of the site, results in a pronounced level of visibility from Peel Brow and the wider CA. The dark finish of the structures does little to mitigate their prominence within this open and exposed setting.
9. The materials used in the construction of the development stand in stark contrast to the light-coloured stone characteristic of the Irwell Valley. This discordance is further accentuated by the application of a dark finish across the full width of the structure. In addition, the flat-roofed design fails to integrate or harmonise with the host stone building on the appeal site, or with the prevailing architectural character of the CA, where pitched slate roofs are typical. Consequently, the development appears as an incongruous intervention, markedly at odds with the established materials and built forms of the CA and its wider setting. It therefore fails to preserve, or enhance, the character or appearance of both the CA and the surrounding area.
10. It is contended that a condition could be utilised to stipulate the colour and the materials used on the development. However, whilst these matters would address some areas of concern, it would not overcome my concerns with regard to its overall design.
11. The development is in conflict with Policies EN 1/2, EN 2/1, EN 2/2 and EC4/1 of the Bury Unitary Development Plan 1997 and Policies JP – P1 and JP – P2 of The Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2024. Collectively, these policies seek for development which would be of an appropriate design and appearance which preserves or enhances conservation areas within the borough. They note that regard will be had to the nature of the development in terms of its bulk, height, materials, colour and design.

#### *Highway safety*

12. The development is situated on land that previously formed part of the car park adjacent to the main host building. According to the submitted plans, the appeal site originally accommodated six marked parking bays prior to the construction of the development now under consideration. These bays remain positioned behind the boundary wall at the front of the site. In addition, although not formally delineated, the plans indicate that space was available to the rear and along the eastern boundary of the site. This area would have been used to facilitate a vehicle manoeuvring from the front bays, whilst also providing an informal parking area for additional vehicles.



13. The manoeuvring of vehicles into and out of the marked spaces located to the front of the appeal site, adjacent to the single-storey side extension, is impeded by the presence of the development and its associated paraphernalia. This difficulty would be exacerbated in circumstances where all spaces are occupied, a scenario that is likely given the limited parking provision within the site. Consequently, the development diminishes the availability of space for both vehicle manoeuvring and informal parking, thereby eroding the site's overall parking capacity.
14. Furthermore, the Council refer to the guidance contained within Development Control Policy Guidance Note 11: Parking Standards in Bury 2007 (SPD). The SPD specifies the level of parking provision required for a restaurant in this location. I acknowledge that an informal parking arrangement would remain along the eastern boundary of the appeal site, and that this area could be formally marked out through the imposition of a planning condition. This would supplement the six marked spaces already provided to the front of the site. Nevertheless, based on the evidence before me, I am not persuaded that the marking out of these additional spaces would achieve the level of provision required by the SPD.
15. Taking into account both the limited number of spaces and the constrained manoeuvrability of those located to the front of the site, it is foreseeable that drivers would seek alternative parking opportunities on-street, directly outside the appeal site. During busy periods, such on-street parking could result in an accumulation of vehicles in close proximity to the junction of Kenyon Street with Peel Brow, as well as the exit point of the car park.
16. For vehicles turning right from Kenyon Street towards Ramsbottom, visibility of traffic approaching from the direction of Bury New Road would be restricted unless drivers made a significant ingress onto Peel Brow. Similarly, for vehicles exiting the car park, the likely proliferation of on-street parking along Peel Brow during busy periods would further reduce visibility of traffic approaching from Ramsbottom, again necessitating notable ingress onto the highway.
17. Therefore, when considered collectively, the limited number of spaces resulting from the development would lead to the displacement of vehicles onto the highway during busy periods. Such displacement would have an unacceptable impact on highway safety. Moreover, the parking provision retained within the site would remain constrained, with certain spaces offering compromised manoeuvrability for vehicles entering or exiting them.
18. To conclude, the proposed development would conflict with Policies HT 2/4 of the Bury Unitary Development Plan 1997 and JP-C8 of The Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2024. The development would also conflict with the guidance found within the SPD. Collectively, these policies and guidance seek for development to make adequate parking provision that is well integrated and unobtrusive which is reflective of its demand.

### **Heritage Balance and Conclusion**

19. The harm to the CA as a result of the proposed development would be less than substantial in the terms of the National Planning Policy Framework (the Framework). Paragraph 215 of the Framework notes that where a development proposal will lead to less than substantial harm to the significance of a designated

heritage asset, this harm should be weighed against the public benefits of the proposal.

20. It is acknowledged that the development provides additional seating to support a new food offering. Furthermore, economic benefits and employment opportunities would have arisen during its construction. The structure will also provide an employment requirement. This attracts limited, yet positive weight to these public benefits.
21. The Framework makes clear that great weight should be afforded to the conservation of heritage assets. In this case, the identified public benefits, taken together, do not outweigh the harm that would result to the character or appearance of the CA. In the absence of any significant public benefit, I conclude that, on balance, the proposal would fail to preserve or enhance the character or appearance of the CA. Accordingly, the scheme conflicts with the approach to heritage assets set out in Section 16 of the Framework. As such, the Framework does not lend support to the proposal.
22. I consider that the proposal conflicts with the development plan taken as a whole. Material considerations do not outweigh the conflict with the development plan. A decision should therefore be taken in accordance with it. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*J Smith*

INSPECTOR