



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

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