

DELEGATED REPORT

Report by Helen Pressley	Date of report: 12/05/2025	Ref: 71611/FUL
Registration: 24/03/2025	LDFC: 25/04/2025	Expiry Date: 19/05/2025
Site Visit: 06/03/2025	Site Notice: N/A	Press Date: N/A
Objections: 12	Con Area:	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

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

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

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.

The 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 the building for housing livestock (APP/T4210/W 16/3151468. Council ref: 59947). The submitted plans were for the building as built. The Inspector concluded that any conflict between the building subject to the deemed approval and what was then proposed 'would be outweighed by the lack of significant harm over and above that of the proposal which received deemed consent.'

The ensuing Enforcement appeal was upheld on 23 February 2019 and the Enforcement Notice was quashed, (APP/T4210/C/18/3195131) and planning permission was granted for the building as built.

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

Condition 2 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.

Relevant Planning History

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

60962 - Agricultural building for silage - 07/07/2017

62677 - Prior notification of proposed agricultural building for the storage of silage - 07/03/2019

02128/E - Conversion of former church to residential use - Enquiry completed 09/05/2018

57807 - Prior notification of agricultural building - Prior Approval Required and Granted

03/09/2014

59947 - Retrospective application for agricultural building for housing livestock - Refused
26/05/2016

60962 - Agricultural building for silage - Refused 01/03/2017

62677 - Prior notification of proposed agricultural building for the storage of silage -Prior
Approval Required and Refused 08/05/2018

Publicity

Neighbour letters sent 26th March 2025.

12 objections received in relation to:

- Existing noise prolonged in the evening and overnight.
- Air/odour pollution generated from the cattle.
- Denied right to enjoy amenity of homes and gardens. Forced to dry washing inside.
- Applicant continues to house cows in building despite condition.
- Since December 2024, the applicant has been keeping 60-80 cows intensively in the cow shed for 24 hours a day.
- Concern regarding welfare of the cows.
- No assessments re odour and noise have been submitted.
- This has already been refused.
- Will this also cause an increase in rats with food being used for the cows.
- Fly nuisance.
- Increase in farm vehicles and noise associated with these.

Statutory/Non-Statutory Consultations

Traffic Section - No response

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 - The supporting information submitted to seek removal of this condition has stated that they will fill the open end of the existing building with close boarded Yorkshire boarding as mitigation. Nothing has been submitted to suggest that this mitigation would be sufficient in terms of noise. Proposing to refuse this application for failure to demonstrate that the noise mitigation proposed would be sufficient to overcome the potential noise impacts identified

Borough Engineer - Drainage Section - No response

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.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

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 impact 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.

On 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 to 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 and noted that the Inspector referenced intervening structures or planting. As such the applicant seeks to address the concerns in relation to noise by proposing to infill the open end of the building, nearest to Millhouse Street, with close boarded Yorkshire boarding. The applicant however has failed to demonstrate that this proposed mitigation would be sufficient to warrant the removal of the condition placed by the Planning Inspector through the submission of a noise report.

The applicant has also referenced that the cows would be sited within the fields for much of the year rather than in the building. It is acknowledged that the site is a cattle farm, and indeed there will be noise and odours associated with this existing use however this would not address the potential noise impact of housing a number of cattle within this building when it is required, and in breach of the conditions previously imposed by the Planning Inspector.

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The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The applicant has failed to demonstrate that the proposed development would not have a detrimental impact on the amenity of the neighbouring residential properties by reason of noise pollution contrary to Development Plan Policies:
EN7/2 - Noise Pollution
JP-P1 - Sustainable Places

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	12/05/2025		