



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/25/3368429

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