

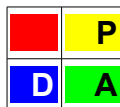
Application under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with a condition subject to which a previous planning permission was granted, dated 23 February 2019.

(Appeal ref. APP/T4210/C/18/3195131)

**Use of an existing agricultural building at Twine Valley Farm, Church Road,
Shuttleworth, Ramsbottom, Bury BL0 0EH for housing cattle.**

Retrospective

Planning Statement



February 2025

Prepared by Hartley Planning and Development Associates Ltd

Proposed development and recent planning history

The application is made retrospectively in that cows have recently been housed in the building, out of necessity because of limitations on such accommodation elsewhere on the farm and for animal welfare reasons.

The building already exists for which application is made for the deletion of a condition relating to the housing of livestock. It 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 application had been made for its use for storage purposes only and not for the housing of cattle or other farm animals.

The building was constructed not entirely in accordance with the submitted plans, being smaller in some regards but slightly higher to the ridge.

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'*.

So far as the use of the building for housing livestock was concerned, the inspector considered that a main issue was *'the effects of the building's use on the living conditions of the occupants of Millhouse Street in terms of noise and disturbance'*.

While the Inspector noted that *'other existing open sided large agricultural buildings are closer to the edge of the highway and residential properties than the appeal proposal'*, he nevertheless considered that *'the scale of the appeal building and the amount of cattle it could accommodate would be likely to exacerbate the noise environment to a significant degree'*.

His conclusion to this effect was coloured by the fact that *'as the corner of the building adjacent to Millhouse Street is open, I do not consider that the orientation of the long open elevation towards the open field would soften these significantly harmful effects'*.

Despite the conclusions of the Inspector regarding the differences between the plans for the deemed approval and what had actually been built, the local planning authority (LPA) then served an Enforcement Notice upon the owner requiring him to remove the building from the site.

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.

The approval effectively granted a new and separate approval for the building and the Inspector applied conditions to it, including that *'the agricultural building hereby approved shall not be used for the keeping of animals without any written prior approval of the local planning authority'*.(Condition No.2).

It is the above condition for which application is made for its non-compliance, thus allowing the building to be used for the housing of farm animals, in this case cattle.

The inspector considered that the suggestion at that time that, even though there was a need to house cattle, the building should not be used for housing livestock. It was felt better at that time to offer such a condition, rather than facing the prospect of having to demolish the building.

Nevertheless, the need for the housing of cattle persists.

On 7 July 2017 approval was granted on appeal for a silage building adjoining the application building and located between the latter and Millhouse Street. (Appeal ref: APP/T4210/W/17/3172551 and LPA ref: 60962).

Noise mitigation proposed

When dismissing the first of the two above appeals, the Inspector gave considerable weight regarding the issue of noise for the occupiers of Millhouse Street to the *'lack of intervening structures or significant belts of planting between it and Millhouse Street.'*

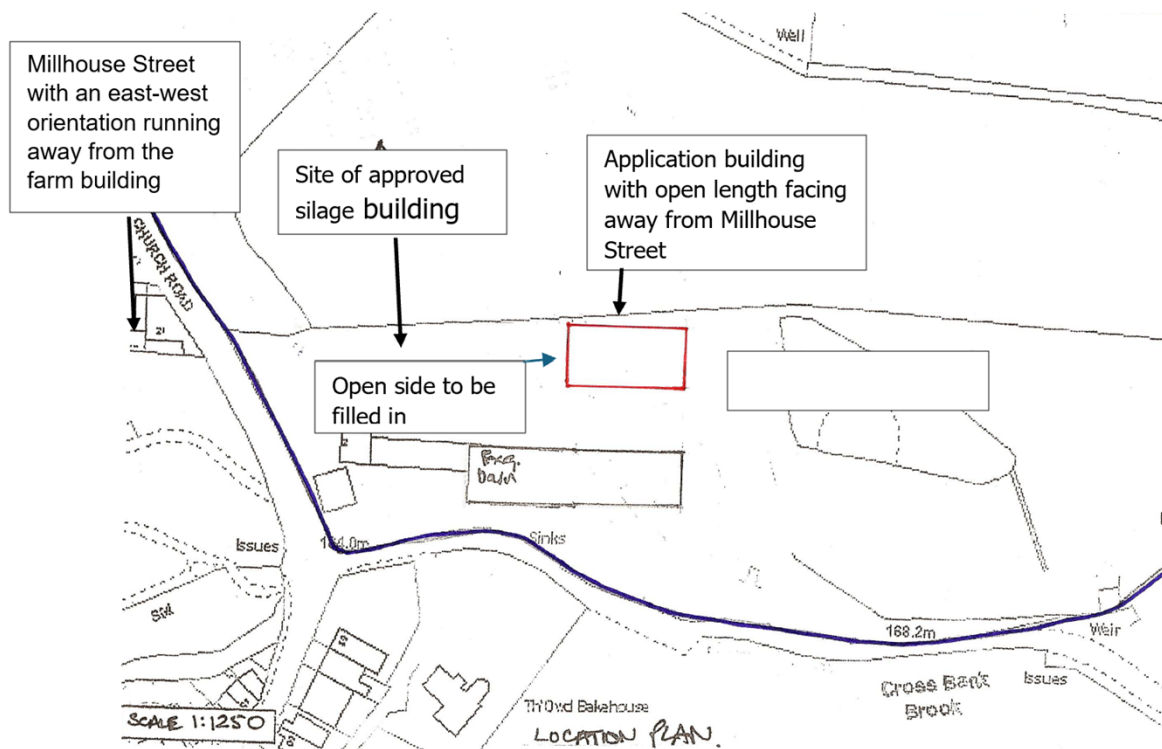
He also noted that *'as the corner of the building adjacent to Millhouse Street is open, I do*

not consider that the orientation of the long open elevation towards the open field would soften these significantly harmful effects’.

Therefore, to address the concerns expressed above, it is proposed to fill in the open end of the building with close boarded Yorkshire boarding (ie that open end nearest to Millhouse Street).

We consider that this measure, as shown upon the proposed plans submitted with the application, would address the concerns of the Inspectors sufficiently for the condition to be removed.

The Inspectors have recognised that Twine Valley Farm is an established cattle farm and that noise from farm animals is a consequence of farming activities in rural areas. In fact, the Inspector, when determining the first of the two appeals to which reference is made above, noted that *‘I am also cognisant of the comparatively few objections that mention the noise of cattle’*. No 1 Millhouse Lane is approximately 166 metres away from the nearest part of the application building and so is hardly adjacent to it. Moreover, for much of the year the cows will be in the fields rather than in the building, and as such will be nearer to Millhouse Street than when in the building.



For the above reasons, we request that approval is granted for the non-compliance with condition No 2 to appeal decision APP/T4210/C/18/3195131