

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.

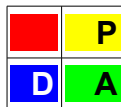
(Appeal ref. APP/T4210/C/18/3195131)

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

Retrospective

Planning Statement

Resubmission



July 2025

Prepared by Hartley Planning and Development Associates Ltd

Proposed development and recent planning history

This application is a resubmission of an application made under reference 71611 for the deletion of a condition relating to the prohibition of a building for its use to house livestock at Twine Valley Farm, refused on 15 May 2025.

The application is made retrospectively in that cows are being 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 allowed 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).

Application **71611** for the deletion of the above condition was refused by the LPA on 15 May 2025 for the following reason: -

' 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'

The above was the only reason for the refusal of the application

The current application

The application is for the deletion of condition no 2 of the planning permission granted, on 23 February 2019 (Appeal ref. APP/T4210/C/18/3195131) and which states: -

‘The agricultural building hereby approved shall not be used for the keeping of animals without any written prior approval of the local planning authority’.

An acoustic assessment of noise levels emanating from the barn and when experienced at the closest dwellings to it has now been commissioned and completed. The approved building has open sides to the long northern elevation and partially to the shorter west and east elevations. The previous application to remove the condition preventing the housing of animals included plans showing the western elevation and part northern elevation (the nearest to dwellings) being blocked in so as to remove the possibility of noise escaping from the building in that direction.

However, the acoustic report has been based on the building as existing and without any such physical mitigation. As we explain below, the assessment concludes that the building, as constructed and containing cattle has no adverse effect upon the living conditions of the occupants of the nearest dwellings to it. Therefore, it has not proved necessary to propose such changes to the building as part of the current application.

The acoustic report commissioned by Clement Acoustics has assessed noise levels from the agricultural building upon the living conditions of the occupiers of dwellings in the area. The fact that the building is occupied by cows has enabled accurate noise readings to be obtained.

The resulting assessment concludes that the building housing cows has a ‘low impact’ at the nearest dwellings and along Church Road. The report includes a noise map to illustrate this.

The report concludes that *‘noise emissions from the barn would be expected to meet the most stringent recommendations of the relevant British Standard with neighbouring windows partially open’* and also that *‘calculations show that noise emissions from the use of the barn are indicated as having a low impact on nearby noise sensitive receivers’* (NB ‘low impact’ is defined as not exceeding background noise levels).

We accept that the LPA, in its earlier Decision Notice on this matter, is not saying that the use of the building to house animals would lead to unacceptable living conditions for

neighbouring occupants of dwellings by reason of noise. Its decision is that *‘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’*.

The submitted acoustic report now provides that demonstration.

Therefore, the deletion of the condition as now requested and the use of the building for the housing of animals (cattle) would accord with policy EN7/2 of the Bury Unitary Development Plan 1997(UDP) which aims to prevent development which could lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users, and with policy JP-P1 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan (PfE) (2024) which, amongst other things, aims for development which provides a high level of amenity that minimises exposure to pollution.