
Appeal Decisions

Inquiry held on 18-20 November 2025

Site Visit made on 18 November 2025

by **J Whitfield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th February 2026

Appeal A Ref: APP/A0665/C/25/3368737

Dairy House Farm Holmes Chapel Road, Sproston CW4 7LP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mr Charles John Sherwin against an enforcement notice issued by Cheshire West and Chester Council (the LPA).
 - The notice was issued on 4 June 2025.
 - The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the Land from agriculture to a mixed use of agriculture and the deposit, storage and processing of waste materials ("the unauthorised development").
 - The requirements of the notice are:
 - 1) Cease the importation of waste material.
 - 2) Cease the use of the Land for the deposit, storage and processing of waste material.
 - 3) Remove all imported waste material from the Land.
 - 4) Restore the Land to its condition before the breach of planning control.
 - The periods for compliance with the requirements are:
 - 1) 3 days.
 - 2) 6 months.
 - 3) 6 months.
 - 4) 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/A0665/C/25/3368740

Dairy House Farm, Holmes Chapel Road, Sproston CW4 7LP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Charles John Sherwin against an enforcement notice issued by Cheshire West and Chester Council.
 - The notice was issued on 4 June 2025.
 - The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the Land from agriculture to a mixed use of agriculture and the deposit and storage of waste materials ("the unauthorised development").
 - The requirements of the notice are:
 - 1) Cease the use of the Land for the deposit and storage of waste material.
 - 2) Remove all imported waste material from the Land.
 - 3) Restore the Land to its condition before the breach of planning control.
 - The periods for compliance with the requirements are:
 - 1) 6 months.
 - 2) 6 months.
 - 3) 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal C Ref: APP/A0665/W/25/3369818

Dairy House Farm, Holmes Chapel Road, Sproston, Northwich, Cheshire West and Chester CW4 7LP

- 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 I & C J Sherwin against the decision of Cheshire West and Chester Council.
 - The application Ref is 22/04071/FUL.
 - The development proposed is the formation of slurry lagoon for agricultural purposes (Part Retrospective).
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FORMAL DECISIONS

Appeal C

1. The appeal is allowed, and planning permission is granted for the formation of slurry lagoon for agricultural purposes (Part Retrospective) at Dairy House Farm, Holmes Chapel Road, Sproston, Northwich, Cheshire West and Chester CW4 7LP in accordance with the terms of the application, Ref 22/04071/FUL, subject to the conditions in the attached schedule.

Appeal A

2. It is directed that the enforcement notice is varied by:
 - In section 5 of the notice, deleting the words:
 - 1) Cease the importation of waste material.
 - 2) Cease the use of the Land for the deposit, storage and processing of waste material.
 - 3) Remove all imported waste material from the Land.
 - 4) Restore the Land to its condition before the breach of planning control.
 - In section 5 of the notice, inserting the words:

Option 1

- 1) Cease the importation of waste material.
- 2) Cease the use of the Land for the deposit, storage and processing of waste material.
- 3) Complete the construction of the slurry lagoon in accordance with planning permission reference 22/04071/FUL.
- 4) Remove any waste material not used in the construction of the aforementioned slurry lagoon.

OR

Option 2

- 5) Cease the importation of waste material.
- 6) Cease the use of the Land for the deposit, storage and processing of waste material.

- 7) Remove all imported waste material from the Land.
- 8) Restore the Land to its condition before the breach of planning control took place.

- In section 6 of the notice, deleting the words:
 - 1) Within 3 days after this notice takes effect.
 - 2) Within 6 calendar months after this notice takes effect.
 - 3) Within 6 calendar months after this notice takes effect.
 - 4) Within 6 calendar months after this notice takes effect.
- In section 6 of the notice, inserting the words:

Compliance with Option 1 Requirements

- 1) 3 days after this notice takes effect.
- 2) 12 months after this notice takes effect.
- 3) 10 months after this notice takes effect.
- 4) 12 months after this notice takes effect.

OR

Compliance with Option 2 Requirements

- 5) 3 days after this notice takes effect.
- 6) 16 months after this notice takes effect.
- 7) 16 months after this notice takes effect.
- 8) 19 months after this notice takes effect.

3. Subject to the variations, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under Section 177(5) of the 1990 Act as amended.

Appeal B

4. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of the Land from agriculture to a mixed use of agriculture and the deposit and storage of waste materials ("the unauthorised development") at Dairy House Farm, Holmes Chapel Road, Sproston CW4 7LP as shown on the plan attached to the notice and subject to the conditions in the attached schedule.

PROCEDURAL MATTERS

5. A Case Management Conference was held on 29 September 2025 to discuss only procedural matters relating to the appeals.

6. On day three, the main parties informed the Inquiry that they had reached an agreed position in respect of all three appeals. Whilst the Inquiry heard from all of the appellant's witnesses, and from the LPA's witness in respect of agricultural need, following the agreed position, the LPA did not call their remaining witnesses in respect of groundwater, planning or enforcement matters. A Supplementary Statement of Common Ground signed by the parties was submitted thereafter.
7. Following the close of the Inquiry, the parties were given until 28 November 2025 to submit an agreed schedule of suggested conditions. A schedule of suggested conditions was submitted on 28 November 2025.

APPEAL C

Preliminary Matters

8. The Supplementary Statement of Common Ground signed by the parties and submitted on 20 November 2025 indicates that the LPA no longer contests any of the reasons for refusal, subject to conditions, and that it was in agreement with the appellant that the appeal should succeed and planning permission be granted on the basis that the development is in accordance with the development plan.
9. In addition, the parties confirmed at the Inquiry their agreement on the scope of the application subject of Appeal C. In essence, Appeal C seeks planning permission for the construction of a slurry lagoon utilising the waste materials that have been brought onto the site and which have given rise to the alleged material change of use of the Land subject of the enforcement notice in Appeal A. I have therefore proceeded on that basis.

Main Issues

10. As set out above, the parties have now reached agreement such that there are no main issues in dispute. The main issues which were in dispute were:
 - whether there is an agricultural need for the formation of slurry lagoon in this location, including effects on the character and appearance of the area;
 - the effect of the formation of a slurry lagoon on ecology and biodiversity; and,
 - the effect of the formation of a slurry lagoon on groundwater.

Reasons

Need

11. In essence, Dairy House Farm has a long history of dairy farming. That was substantially scaled back and dairy production ceased in August 2023. The appellant says this was due to a number of factors, including personal matters, but most notably the Environment Agency's (EA) service of a notice under Section 161A of the Water Resources Act 1991 in January 2021 which required the installation and commission of a new slurry storage system at the farm.
12. Nonetheless, the appellant maintains an objective of reintroducing a dairy herd to the farm. It is clear, however, that to do so, provision for a new slurry storage system would need to be provided.
13. The main parties are in agreement that the proposed lagoon would be capable of holding up to 8,177m³ of slurry. The parties now agree that would be a suitable

capacity for the proposed size of the dairy herd intended to be reintroduced to Dairy House Farm, providing between 6 and 12 months storage capacity, in accordance with EA guidance¹.

14. Policy STRAT9 of the Cheshire West and Chester Council Local Plan Part One: Strategic Policies (LPP1) sets out that, within the countryside, development that has an operational need for a countryside location, such as agricultural operations, will be permitted. Such development must be of an appropriate scale and design to not harm the character of the countryside.
15. In light of the agreement that the lagoon is of an appropriate scale for the dairy operations proposed at Dairy House Farm, and subject to appropriate conditions which I will turn to in due course, there is no longer any dispute that the development complies with Policy STRAT9.
16. To that end, it is also agreed that, with conditions securing appropriate landscaping, that there would be no harmful impacts on the character and appearance of the area as a result of the development of a slurry lagoon in an area of agricultural character. In principle, the provision of slurry lagoons on farms are a typical feature of the wider landscape and I am satisfied that, subject to conditions securing appropriate landscaping, no harm to the character and appearance of the area would arise.
17. I conclude, therefore, that there is an agricultural need for the formation of slurry lagoon at Dairy House Farm. Consequently, the development would comply with LPP1 Policy STRAT9. Further, there would be no conflict with Policy ENV2 or ENV6 of LPP1 which seek to protect landscape character and promote high quality design. Moreover, there would be no conflict with Policy GBC2 of the Cheshire West and Chester Council Local Plan Part Two: Land Allocations and Detailed Policies (LPP2) which states that the borough's countryside will be protected in accordance with LPP1 Policy STRAT9 and must satisfy LPP1 Policy ENV2. Likewise, it would accord with Policy DM6 of the LPP2 which states that proposals for agricultural buildings will be supported where they meet the requirements of LPP1 Policy STRAT9.

Ecology and Biodiversity

18. The LPA originally refused planning permission on the basis that insufficient information concerning biodiversity had been submitted and thus it was unable to conclude there would be no conflict with LPP1 Policy ENV4 and LPP2 Policies DM44 and DM45.
19. However, the parties are now in agreement that, on the basis of the appellant's submitted Biodiversity Net Gain metric, there would be no net loss of biodiversity at the site, as required by LPP2 Policy DM44 and that a biodiversity gain can be achieved, securable by condition. Moreover, the LPA states that, whilst Natural England (NE) guidance requires applications to the District Level Licensing (DLL) schemes for projects that may affect Great Crested Newts to be submitted at the time of the application, it is satisfied that, given the site is an 'amber' zone of the Cheshire DLL and the production of correspondence with NE that the use of DLL would be appropriate, it no longer has concerns with the impact on ecology and

¹ CD15.05 page 134 EA Fact Sheet 5: Earth bank slurry stores

biodiversity, subject to conditions. I see no reason to come to an alternative conclusion.

20. I conclude, therefore, that the development would not have a harmful effect on ecology and biodiversity. As a result, it would comply with LPP1 Policy ENV4 which states that development should not result in any net loss of natural assets and should seek to provide net gains. The development would also comply with LPP2 Policy DM44, as well as LPP2 Policy DM45 which sets out to conserve, manage and enhance existing trees, woodlands and hedgerows.

Groundwater

21. The LPA originally refused planning permission on the basis that it had not been sufficiently demonstrated that the risks to groundwater posed by the development could be suitably managed and thus it was unable to conclude there would be no conflict with LPP1 Policy ENV1 and the National Planning Policy Framework (the Framework).
22. The LPA's position was largely informed by the EA's initial view that insufficient information had been provided. Nonetheless, the EA accepted, in its Proof of Evidence put to the Inquiry, that it does not dispute the submitted plans show a design of the clay liner on the lagoon which could be considered acceptable. Moreover, the LPA now takes the view that the reason for refusal is overcome on the basis that the lagoon is constructed with materials already on the land and subject to conditions requiring: assessment of that material; requiring the lagoon to be constructed in accordance with appropriate standards; and, preventing construction of the lagoon if groundwater risks cannot be appropriately addressed. There is no dispute from the LPA to the principle of the development in respect of its groundwater impacts.
23. The appellant indicates that the testing to date of the material indicates that it is capable of meeting the necessary standards. Nevertheless, the appellant accepts that the only way to find out if the appropriate standard has been met is through post-construction testing. Furthermore, the lagoon would be subject to the requirements of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 which set out requirements in respect of the permeability of lagoons. As set out in the Framework, planning decisions should assume that pollution control regimes will operate effectively.
24. In light of the above, I conclude that the development would not have a harmful effect on groundwater. Policy ENV1 of the LPP1 states that the Local Plan will seek to protect and enhance water quality through a number of mechanisms. There is no evidence before me that any of those mechanisms would be breached as a result of the development.

Other Matters

25. Interested Parties have raised a number of matters. Those points raised in respect of the need for the lagoon and its scale, impacts on ecology and biodiversity and groundwater have been addressed above.
26. In respect of concerns raised regarding noise, odour, dust, fires, traffic increases and mud on the road, these largely related to the importation and processing of waste material on the site. In essence, the agreed position of the parties would

result in the cessation of the importation and processing of the material. This permission would allow for the construction of a slurry lagoon utilising the material on the site. Conditions are agreed between the parties in respect of working hours, the submission of a Construction Management Plan which includes details on wheel wash facilities, noise and vibration, dust and air pollutants and the submission of an odour management plan. These conditions should secure appropriate measures to mitigate harm arising in those respects to nearby residents during the construction of the lagoon.

27. I heard at the Inquiry from Sproston Parish Council who, notwithstanding their concerns regarding the operation, support dairy farming activities at the appeal site. In light of my conclusions in respect of the main issues, I am satisfied that the grant of planning permission for the construction of the slurry lagoon on the land would assist in achieving that.

Conditions

28. Since the parties agree that the development is partially retrospective through the importation of the material to be used in the construction of the lagoon, it is not necessary to impose the standard time limit for commencement condition.
29. It is necessary to impose a plan requiring compliance with the submitted plans to ensure the development is carried out in accordance with the approved details.
30. As a matter of principle, the parties are in agreement that a slurry storage lagoon is necessary for agricultural practices carried out and intended to be carried out at Dairy House Farm. The LPA suggest a condition which requires the lagoon to be solely for the purposes of the storage of slurry generated on the agricultural holding of Dairy House Farm. The appellant agrees with that aspect of the condition.
31. Nonetheless, the LPA considers it necessary to impose a requirement for a minimum of 131 cattle to be kept at Dairy House Farm on the basis that is the minimum number for justifying the size of the lagoon and that, should the use of the site for the keeping of cattle cease, the lagoon is removed. However, it seems to me that the imposition of such a condition would be unnecessary. Whilst the scale of the lagoon is justified on the basis of the proposed scale of the intended dairy herd, I am nevertheless satisfied that, subject to appropriate landscaping, the development would not unduly harm the character of the countryside, in accordance with STRAT9.
32. A condition thus tying its use only to agriculture would be sufficient to ensure compliance with Policy STRAT9 insofar as it allows for development in the countryside that has an operational need for a countryside location. For the same reasons, a condition requiring the submission of an annual monitoring statement of cattle numbers is not necessary.
33. It is necessary, to ensure impacts on character and appearance are appropriately dealt with, to impose a condition requiring landscaping works to be carried out in full in accordance with the approved details prior to the lagoon being brought into use and the replacement of any destroyed or dead trees in the first five years. For the same reason, a condition requiring a tree protection method statement to be submitted to the LPA and agreed is necessary.

34. A condition requiring an invasive non-native species method statement to be submitted and approved in writing is necessary to safeguard protected species and their habitats. For the same reasons, conditions in respect of adherence to a precautionary method statement of works for the protection of badgers, the submission of an application for the GCN DLL scheme and the submission of a 30-year Habitat Management and Maintenance Plan are necessary.
35. To ensure the living conditions of nearby residents are suitably protected, it is necessary to impose conditions in respect of hours of operation and requiring the submission of an Odour Management Plan. A condition requiring the implementation of the approved drainage details is necessary to ensure appropriate measures are included for the drainage of water arising from the development.
36. The parties are in agreement that it is necessary to condition the submission of a Construction Environmental Management Plan (CEMP) to protect the living conditions of nearby residents and to mitigate impacts on ecology and biodiversity. I agree such a condition is necessary. The parties are largely in agreement on the wording of the condition; however, the LPA suggests that the condition needs to explicitly refer to the provision of at least two wheel wash facilities. It seems to me, nevertheless, that such prescriptive description is unnecessary and the parties can agree on the appropriate level of wheel washing facility through the submission and approval of the CEMP.
37. The LPA considers a condition to require strict accordance with the General Arrangement Plan and Long Section Detail (ECL.9284.D01.003) with specific reference to the measures contained therein is necessary to ensure adequate groundwater and pollution control. However, a condition is already imposed which requires the development to be carried out in accordance with the approved plans, one of which is that plan. Thus, it is a requirement of that condition that the measures in respect of the raised bunds and lagoon base contained in that plan are adhered to. Any deviation from those measures would be a breach of that condition. As such, the suggested condition is not necessary.
38. The parties also agree on the principle of a condition in respect of the submission and approval of a verification report for the testing of the soils and materials to be used in the construction of the lagoon. I agree such a condition is necessary to ensure appropriate control in relation to groundwater impacts. The parties agree that the condition should require permeability test results, composition testing and validation of the depth of the clay lining.
39. The appellant nevertheless considers it necessary for the condition to limit the number of testing sample points to five. However, I consider it is not necessary to explicitly limited the number of sample locations to five either as a minimum or maximum. Rather, the appropriate course would be to allow agreement between the parties on the appropriate locations and number of the samples. I consider it is not necessary to include the phrase that the works shall be carried out in accordance with the approved scheme, since the condition does not require the submission and approval of a scheme. However, it is necessary for the development to be maintained in accordance with the details in the approved report.

Finally, the parties agree that conditions in respect of the submission of a remediation strategy for potential contamination, and in respect of a construction method statement are necessary to prevent risks arising from contamination to neighbouring land and controlled waters.

Conclusions

40. Overall, I find the development complies with the development plan and there are no other considerations which suggests a decision should be made other than in accordance with the development plan. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be allowed.

APPEAL A

Preliminary Matters

41. As set out above, the main parties reached an agreed position on the appeal during the Inquiry. In respect of Appeal A, the parties agree that it should succeed on ground (f) and (g) in so far as the requirements of the notice should be varied and the time period for compliance extended. Thus, whilst the appellant has not withdrawn their appeal on grounds (a) or (b), given the agreed position between the parties that the notice be upheld with variations, it not necessary for me to reach a conclusion on either the ground (a) or ground (b) appeal. No party would be prejudiced accordingly.

Appeal on ground (f)

42. An appeal on ground (f) is brought on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control constituted by the matters stated in the notice.
43. Section 173(4) of the Act sets out that the purpose of an enforcement notice is either to (a) remedy the breach of planning control; or (b) remedy any injury to amenity caused by the breach. The notice does not explicitly state which of the two purposes it seeks to achieve. Nonetheless the notice requires the recipient to cease the importation of waste material, cease the use of the Land for the deposit, storage and processing of waste material, remove all imported waste and restore the Land to its condition prior to the breach. Therefore, I am satisfied the purpose of the notice is to remedy the breach of planning control.
44. To that end, those requirements would not exceed what is necessary to remedy the breach of planning control by restoring the Land to its condition before the breach took place. Nonetheless, planning permission has been granted in respect of Appeal C for the construction of a slurry lagoon utilising the waste material which is on the Land as a result of the breach. The parties agree that ceasing the importation of further waste material and then using the material which is on the Land to implement the permission in respect of Appeal C would also remedy the breach of planning control in accordance with Section 173(4) of the Act by making the development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the Land. I agree.
45. To that end, it is necessary to vary the notice to allow the appellant the ability to have two options to remedy the breach of planning control – either by removing

the waste or by using it to implement the permission in respect of Appeal C, with any surplus waste also removed. In both options, it is necessary to require the appellant to cease the importation of any further waste material and cease the use of the Land for the deposit, storage and processing of waste material to ensure that the breach is appropriately remedied. I am satisfied that this approach would suitably remedy the breach of planning control, whilst ensuring there is an alternative to the unnecessary removal of the waste in the event the permission granted in respect of Appeal C is implemented.

46. The appeal on ground (f) therefore succeeds to a limited extent.

Appeal on ground (g)

47. An appeal on ground (g) is brought on the basis that the period specified in the notice for compliance with the requirements falls short of what should reasonably be allowed.
48. The notice presently affords three days for ceasing the importation of waste material, and six months for ceasing the use, removing the waste and restoring the Land to its previous condition.
49. In light of the above variations to the requirements, it is necessary to vary the times for compliance accordingly. In respect of Option 1, which is to cease the use and implement the permission for the slurry lagoon, the parties agree that the three days compliance period for ceasing the importation of waste material is maintained. The parties do nevertheless agree that the period for compliance with the requirement to cease the use is extended to 12 months to facilitate the implementation of the permission. The agreed variations to the compliance periods provided for 10 months for the slurry lagoon to be completed in accordance with the terms and limitations of the permission. Any surplus waste material currently on the Land which is not used in the construction of the slurry lagoon, shall be removed in 12 months, in line with the requirement to cease the use of the Land in that time period.
50. In respect of Option 2, which is to cease the use and remove the waste, the parties agree it is necessary to maintain the three days for ceasing the importation of waste material. Nonetheless, the parties agree that the period for compliance for ceasing the use of the Land and removing the waste from the Land should be extended to 16 months.
51. I agree with the main parties that the relevant timescales are appropriate and realistic to ensure that the appellant has sufficient time either to implement the permission by constructing the slurry lagoon or to clear the land in accordance with the requirements. The time periods, whilst extended, strike an appropriate balance between suitably remedying the breach of planning control and dealing with the planning harm with the necessary expediency.
52. The appeal on ground (g) therefore succeeds.

Conclusions

53. For the reasons given above, I conclude that the appeal on ground (f) should succeed to a limited extent and that the appeal on ground (g) should succeed. I shall vary the enforcement notice prior to upholding it.

APPEAL B

Preliminary Matters

54. As set out above, the main parties reached an agreed position on the appeal during the Inquiry. In respect of Appeal B, the parties agree that it should succeed on ground (a) and planning permission should be granted on the application deemed to have been made for the material change of use of the Land from agriculture to a mixed use of agriculture and the deposit and storage of waste materials, subject to conditions.
55. Therefore, whilst the appellant has not withdrawn their appeal on ground (b), given the agreed position between the parties, it is not necessary for me to reach a conclusion on the ground (b) appeal.

Appeal on ground (a)

56. An appeal on ground (a) is brought on the basis that planning permission ought to be granted for the matters stated in the notice as constituting a breach of planning control. Where an appeal on ground (a) is duly brought, an application for planning permission is deemed to have been made.

Preliminary Matters

57. As set out above, the main parties are now in agreement that the appeal on ground (a) should succeed and as such, there are now no main issue in dispute between the parties.
58. The appellant seeks the retention of the material which has been brought onto the Land as a result of the breach of planning control to remediate the Land for agricultural purposes. The LPA agrees that is an appropriate course of action and the parties have agreed to a condition ensuring that is the case. Moreover, the parties are in agreement that no further material shall be brought onto the Land and a condition is also suggested to ensure that is the case.
59. I am satisfied that the basis on which the appellant seeks planning permission under the ground (a) forms part of the matters and it is therefore open to me to grant planning permission for it under the deemed application.

Main Issues

60. The main issues were:
- the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions of nearby residents with regard to noise and disturbance;
 - the effect of the development on groundwater; and
 - the effect of the development on biodiversity.

Character and Appearance

61. The Land lies in open countryside. As set out above, Policy STRAT9 of the LPP1 sets out that within the countryside, development that has an operational need for a countryside location, such as agricultural operations, will be permitted. Such development must be of an appropriate scale and design to not harm the character

of the countryside. LPP1 Policy ENV2 also seeks to protect, and where possible, enhance landscape character and local distinctiveness.

62. The Land lies within the Wimboldsley and Sproston Plain - one of four landscape character areas identified in the LPA's Landscape Character Appraisal 2016 (the LCA) LCT10: Cheshire Plain East. As required by Policy ENV6 of LPP1 and Policies DM3 and GBC2 of LPP2, development in such areas should be sympathetic to landscape assets.
63. The LCA states that the surrounding landscape is characterised by flat plain-like topography with some gentle undulations created by the likes of the River Croco, which is located to the south of the application site. The land level drops in this direction, however the surrounding field pattern is predominantly flat.
64. The use of the Land for the deposit and storage of waste material has resulted in an increase in the Land level with a topography and bunding that is visible from a number of vantage points in the wider area.
65. However, the evidence before me is that the material has been deposited on the Land to use for agricultural improvement works, including the spreading of material for seeding to facilitate silage production and the creation and repair of agricultural tracks in connection with the farming operations at Dairy House Farm. The LPA do not dispute that.
66. Moreover, it seems to me that, whilst the materials and the change in the profile of the Land are apparent from vantage points in the area, they do not appear so dominant or obtrusive that, subject to further works to soften and naturalise the profile of the land, they are unduly harmful to the character and appearance of the area.
67. An agreed condition is proposed which would ensure that the remediation works of the material are agreed with the LPA. Furthermore, an agreed condition is proposed which would ensure no further material is brought onto the Land. Subject to those conditions, I am satisfied that the landscape impacts are acceptable.
68. I conclude, therefore, that the development will not have an undue effect on the character and appearance of the area. Consequently, the development would comply with LPP1 Policies STRAT9, ENV2 or ENV6 of LPP1. Moreover, there would be no conflict with Policy GBC2 of LPP2.

Living Conditions

69. LPP1 Policy SOC5 states that development that gives rise to significant adverse impacts on health and quality of life, including residential amenity, will not be allowed.
70. The LPA's initial concerns were that the use of heavy and noisy machinery to process the waste on the Land, together with the number and frequency of deliveries was causing harm to the living conditions of nearby residents². However, no processing of waste forms part of the breach of planning control and thus the development for my consideration.
71. It seems to me that the noise arising from the movement of materials across the Land would be unlikely to be any greater than those deriving from usual agricultural practices. Moreover, in light of the proposed condition to cease the

² CD12.23 - 6.18-6.20

importation and storage of material, no further harm from those sources would arise in any event.

72. I conclude, therefore, that the development will not have significant adverse impacts on the living conditions of nearby residents with regard to noise and disturbance. As such, the development complies with LPP1 Policy SOC5 as well as LPP2 Policy DM2 which states that new development will be expected to safeguard the quality of life for residents living nearby.

Groundwater

73. One of the LPA's reasons for issuing the notice was that it had not been sufficiently demonstrated that the risks to groundwater posed by the development could be suitably managed and thus it was unable to conclude there would be no conflict with LPP2 Policy DM43.
74. However, as set out above, the LPA no longer contests the matter and did not introduce evidence at the Inquiry regarding it. On the evidence before me, I am satisfied that the deposit of soils onto an agricultural field, for use in agricultural practices is unlikely to give rise to groundwater impacts.
75. I conclude, therefore, that the development will not have a harmful effect on groundwater, in accordance with LPP2 Policy DM43.

Biodiversity

76. Another of the LPA's reasons for issuing the enforcement notice was that insufficient information concerning biodiversity had been submitted and thus it was unable to conclude there would be no conflict with LPP1 Policy ENV4 and LPP2 Policy DM44.
77. However, the LPA no longer contests the matter. As the appellant set out in evidence, the likely impact on ecology and biodiversity from upholding the notice and restoring the Land would be greater than the impacts from allowing the use of the Land for the storage and deposit of the materials, with no further deposits and a requirement to remediate the existing material. I see no reason to conclude otherwise.
78. I conclude, therefore, that the development will not unduly harm ecology and biodiversity, in accordance with LPP1 Policy ENV4 and LPP2 Policy DM44.

Other Matters

79. Interested Parties have raised a number of matters. Many of those points raised relate to matters which I have addressed above. Particularly in respect of landscape impact, need, ecology and biodiversity, groundwater and the effect on living conditions.
80. Many of the concerns raised regarding noise, odour, dust, fires, traffic increases and mud on the road amongst other things, have been raised in the context of Appeal C and I have addressed them above where relevant. Likewise, any concerns relating to the processing of waste material are not relevant to Appeal B since the notice does not allege such activities.
81. The agreed position of the parties would result in no further waste material being imported and stored on the Land. The conditions would also require it to be

remediated to facilitate agricultural use. I heard at the Inquiry from Sproston Parish Council who, notwithstanding their concern, support dairy farming activities at the Land. In light of the above, I am satisfied that the grant of planning permission for the use of the Land for the storage of the materials, subject to a condition requiring the materials to be remediated to facilitate agricultural use on the Land, would assist in achieving that.

Conditions

82. Two agreed conditions are suggested by the parties. The first seeks to ensure that all the imported waste material is removed from the Land and the Land restored to its former condition unless the appellant submits a scheme to the LPA for the remediation of the Land including the levelling works to be done to the material, the de-stoning of the material, the areas where additional top soil (not waste material) is to be deposited, the timescale for such works and confirmation from an appropriately qualified expert that the remediation scheme ensure the suitability of the Land for agricultural use. The second condition expressly prohibits the importation of further waste onto the site.
83. I consider both conditions are necessary to ensure there are no harmful impacts on the character and appearance of the area, the living conditions of nearby residents with regard to noise and disturbance and groundwater and biodiversity.

Conclusions

84. Overall, I find the development complies with the development plan and there are no other considerations which suggests a decision should be made other than in accordance with the development plan.
85. Consequently, for the reasons given above, I conclude that the appeal should succeed on ground (a). I shall grant planning permission for the use as described in the notice. The enforcement notice will be quashed.
86. In these circumstances the appeals on grounds (f) and (g) do not fall to be considered.

J Whitfield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Freddie Humphreys, of Counsel

He called:

Andrew Baker BSc (Hons) FCIEEM	Director, Baker Consultants Ltd
Michael Brighthouse BSc (Hons) MRICS FAAV	Rural Practice Chartered Surveyor and Agricultural Valuer, Brown Rural Chartered Surveyors
Rawdon Gascoigne BA (Hons) MTCP MRTPI	Director, Emery Planning Partnership Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Shemuel Sheikh, of Counsel

He called:

Chris Harvey BSc Hons FBIAC FRASE	Director, Harvey Hughes Ltd
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INTERESTED PARTIES:

James Townley	Sproston Parish Council
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DOCUMENTS

- ID1 Appellant's Opening Submissions
- ID2 LPA's Opening Submissions
- ID3 Letter from Rostons Land & Property Specialists dated 7 Nov 2025
- ID4 Unredacted representations for Appeal C (submitted electronically to PINS)
- ID5 Suggested Conditions – Appeal B
- ID6 Suggested corrections and variations to Enforcement Notice
- ID7 Suggested Conditions – Appeal C
- ID8 Supplementary Statement of Common Ground signed & dated 20 Nov 2025
- ID9 Appellant's Closing Submissions

Schedule of Conditions – Appeal C

- 1) The development hereby permitted shall be carried out in accordance with the approved plans:
 - Location Plan
 - Proposed Section Plan (SJDHF02)
 - General Arrangement Plan (Landscape) (SJDHF01)
 - Construction Details (ECL.9284.D01.001)
 - General Arrangement Plan and Long Section Detail (ECL.9284.D01.003)
 - Surface Water Plan (14656/40 Rev P1)
- 2) The development hereby permitted shall be used solely for the purposes of the storage of slurry generated on the agricultural holding of Dairy House Farm.
- 3) The works shall be carried out in full accordance with the approved landscape general management and arrangement plan (including planting schedule). The approved details shall be carried out in full prior to the lagoon first being brought into use. The approved landscaping shall be retained thereafter.

If within a period of five years from the date of planting any trees are removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
- 4) Prior to any further development, a tree protection method statement, including remedial measures, shall be submitted to and agreed in writing by the Local Planning Authority. The approved statement shall be implemented in full throughout the construction period.
- 5) Prior to any further development, an Invasive Non Native Species method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to at all times thereafter.
- 6) Details set out Section 7.18 of the Preliminary Ecological Appraisal (February 2024) by Tryer Ecological Consultants Ltd relating to precautionary method statement of works for the protection of badgers during works shall be adhered to in full during any further works.
- 7) Prior to any further development a 'Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate,' document shall be submitted to the Local Planning Authority. This shall be signed by a representative of Natural England.
- 8) Prior to any further development, a written 30 year Habitat Management and Maintenance Plan (HMMP), based on the "Dairy House Farm statutory biodiversity metric 29/09" shall be submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following;

- a) Aims, objectives and targets for management, including habitat target conditions;
 - b) Description of the management operations necessary to achieving aims and objectives;
 - c) Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement;
 - d) Details of the monitoring needed to measure the effectiveness of management;
 - e) Details of the persons responsible for the implementation and monitoring;
 - f) Mechanisms of adaptive management and remedial measures to account for necessary changes in work schedule to achieve the required targets;
 - g) Expected unit progress shown at years 1, 2, 5, 10, 20 and 30 for each habitat;
 - h) Reporting on year 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage. Within 2 months of this permission an updated Ground Conditions Survey and Controlled Waters Risk Assessment shall be submitted to the Local Planning Authority. Further works shall not be undertaken until these details have been approved in writing by the Local Planning Authority. Works shall be carried out in complete accordance with the approved details.
- 9) No construction works shall take place outside 0800 hours to 1800 hours Mondays to Fridays. No operations shall take place on Saturdays, Sundays or Bank Holidays.
 - 10) Before the slurry lagoon hereby approved is first brought into use an Odour Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to at all times thereafter.
 - 11) The drainage details as shown on plan reference 14656/30 Rev P1 shall be carried out in full prior to first use of the slurry lagoon.
 - 12) No further development shall be undertaken until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impacts arising in relation to construction traffic (including deliveries), noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It shall also set out arrangements by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.
 - 13) Prior to the lagoon first being brought into use a verification report demonstrating the completion of works including the testing of soils/materials used to construct the lagoon shall be submitted to and approved in writing by the Local Planning Authority.
 - 14) Prior to the lagoon first being brought into use, a verification report demonstrating the completion of works (including the testing of soils/materials used to construct the lagoon) shall be submitted to and

approved in writing by the Local Planning Authority. Thereafter the development shall be maintained in strict accordance with the details in the approved report and any subsequent amendments shall be agreed in writing with the local planning authority.

The scheme shall include details of the following:

- permeability test results provided for the material used in the construction, including plans showing where samples have been taken and the material to achieve a minimum permeability of 1×10^{-9} metres per second. Samples must be taken from the lagoon perimeter and the lagoon centre;
- composition testing of the material to ensure it contains sufficient clay content of between 20% and 30% clay through sufficient particle size distribution analyses, in line with the relevant guidance. Samples must be taken from the lagoon perimeter and the lagoon centre; and,
- validation of the depth of the clay lining across the lagoon centre, to show that there is sufficient protection of the aquifer in line with all relevant regulations and guidance.

Prior to the lagoon first being brought into use, a remediation strategy to deal with the risks associated with potential contamination of the site in respect of the development hereby permitted, shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be implemented thereafter as approved.

This strategy will include the following components:

1. Up to date Preliminary Risk Assessment (PRA) and conceptual model following the results of an exploratory investigation.
2. A detailed site investigation scheme, based on the results from (1) to provide information for a detailed risk assessment to all receptors that may be affected, including those off-site.
3. A tiered risk assessment using the results of the site investigation referred to in (2).
4. An options appraisal including sustainability and treatability studies of the remediation measures required and how they are to be undertaken.
5. A remediation strategy and verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, mitigation, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority.

- 15) Prior to any further development a construction method statement detailing how the imported material will be laid down and compacted to achieve the required permeability shall be submitted to, and approved in writing by, the Local Planning Authority. The statement shall be fully implemented and subsequently maintained.

Schedule of Conditions – Appeal B

- 1) The use hereby permitted shall cease, all imported waste material and bunds shall be removed from the Land and the Land shall be restored to its condition prior to the breach of planning control taking place within six months of the failure to comply with any of the requirements set out below:
 - a) Within 2 months of the date of this decision, a scheme for the remediation of the Land shall be submitted in writing to the Local Planning Authority for approval. The remediation scheme shall include:
 - i. Identification by reference to a site plan to the areas where further levelling works on the site will take place;
 - ii. Methodology for de-stoning the site;
 - iii. Identification by reference to the site plan to the areas where further top soil will be laid;
 - iv. The timescales and operating hours for carrying out the necessary remediation works; and
 - v. Confirmation from an appropriately qualified expert that the remediation scheme ensures the suitability of the Land for agricultural use; and
 - vi. Details for the submission of a verification report to demonstrate compliance with the remediation scheme.
 - b) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - c) If an appeal is made in pursuance of b) above, that appeal shall have been finally determined and the submitted remediation scheme shall have been approved by the Secretary of State.
 - d) The development shall be carried out in accordance with the approved remediation scheme.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 2) There shall be no further waste imported onto the Land.