



Appeal Decision

Site visit made on 22 June 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2021

Appeal Ref: APP/R0660/W/21/3267030

Brickbank Farm, Boothbed Lane, Goostrey, Crewe CW4 8NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Boffey against the decision of Cheshire East Council.
 - The application Ref 20/2250C, dated 3 June 2020, was refused by notice dated 11 August 2020.
 - The development proposed is conversion of traditional agricultural building into one dwelling, creating a small glazed extension and proposed double storey garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the development on the efficiency of the Jodrell Bank Radio Telescope (JBRT)

Reasons

3. The appeal site is allocated as being within the Open Countryside. The building in question is a brick building, two-storeys in height, that was formerly used as a barn.
4. The appellant states that it was not necessary, under the terms of the 1973 Direction, to consult Jodrell Bank Observatory (JBO) because the site is in the outer JBRT consultation zone and the proposed development is a change of use to a single dwelling. I do not agree with this, and having viewed the consultation zone map, I am satisfied that the appeal site is located just inside the inner zone. As it is located within the inner zone, and the proposed development is not one of the exceptions to consultation listed in the First Schedule of the Town and Country Planning (Jodrell Bank Radio Telescope) Direction 1973 (the Direction), under the terms of the Direction, the Council was correct to consult the University of Manchester (UoM) on this proposal.
5. The UoM response briefly describes the work of the JBRT, and the harm that can be caused to its efficient operation by equipment commonly found in residential dwellings. Reference is made to nationally and internationally agreed definitions of the level of harmful interference to radio astronomy.
6. The UoM states that it opposes development across a significant part of the consultation zone in order to protect the efficiency of the JBRT's ability to receive radio emissions from space with a minimum of interference from electrical equipment.

7. The consultation zone covers a significant section of the Council area lying generally from the southeast to west of JBO. Within this area lie a number of settlements, including Holmes Chapel, Goostrey and parts of Congleton.
8. Of course, it is not just the appeal site which lies in this zone relative to JBO. The whole of Goostrey does so too. Equipment commonly, although not exclusively, found within residential properties causes radio frequency interference and that interference can disrupt, distort, corrupt and ultimately render unusable pulsar data.
9. Goostrey lies to the south west of Jodrell Bank Observatory (JBO). Saved policy PS10 of the Congleton Borough Local Plan (the CBLP) states that proposals within the consultation zone will not be permitted where they can be shown to impair the efficiency of the Jodrell Bank Radio Telescope. Cheshire East Local Plan Local Plan Strategy (the CELPS) policy SE14 repeats this approach, going on to state that conditions may be used to mitigate identified impacts and that proposals are expected to consider their impact upon the elements that contribute to the significance and value of the JBO. Goostrey Neighbourhood Plan (GNP) policy SC2 adopts a similar approach to development that would impair the efficiency of the JBO operations.
10. In the past, measures to reduce electrical emissions from new developments were suggested by UoM, and I note that reference is made to this approach in Policy SE14 of the CELPS. However, the UoM also note that screening a house does nothing to reduce the radio interference caused by the outdoor activities of its occupants.
11. The Council refers to other appeal decisions in the area in order to support their position and I note the appellant's comments in relation to these appeals. I am not familiar with these decisions or their locations and development context, and I note that the scale of development proposed in a number of these cases is different to the appeal before me, and in one case, very significantly larger. Whilst each proposal must be considered on their own merits, collectively, these decisions establish the considerable importance that has been given to the effect of development on the telescopes.
12. Although JBO's objections to the proposals were set out in general terms in respect of the application, more detailed calculations setting out the methodology for how they were arrived at were submitted with the appeal submissions. The basis of these calculations and the methodology used has previously been considered at other appeals and accepted and the basis for the calculations has not been disputed in this instance.
13. The International Telecommunications Union (ITU) defines a level of interference which is considered as detrimental to radio astronomy and is expressed in the form of ITU recommendation ITU-RA-769.2. This is, I understand, the only internationally recognised standard for interference thresholds across the spectral bands used for radioastronomy.
14. The JBO submissions conclude that the proposals would be expected to produce levels of interference in excess of the ITU threshold for interference harmful to radio astronomy by a factor of 2.5. Together with the collective impact of existing development, the proposals would add to, albeit to a limited degree, existing high levels of radio interference.

15. Unlike the other policies cited in the refusal reason, the CELPS policy SE14 does consider the use of conditions in order to mitigate identified impacts. Those mitigation measures can only attempt effective mitigation and cannot be expected to mitigate all interference through escape from door and window openings and the use of outside space. As the levels of interference cumulatively already exceed the ITU thresholds by a significant factor, the additional impacts of the proposals along with the contribution that they would make to other sources of interference, are such that I cannot be satisfied that conditions would appropriately mitigate the impacts such that the proposals would avoid impairment to the efficient operation of the JBO.
16. Moreover, I have to take into account the University of Manchester's objection to the appeal scheme, which identifies that interference would be likely to emanate from the appeal proposal despite any proposed mitigation. I must consider that, due to the international importance of Jodrell Bank's work, that this is nonetheless a matter which attracts considerable weight.
17. I must conclude that the proposal would, for the reasons set out and on the basis of the calculations submitted, be likely to impair the efficiency of the operation of the JBO. From all that I have read, in the evidence provided regarding the significance and importance of the research undertaken at JBO, I give the impact of the proposed development on the efficient operation of JBRT significant weight.
18. From the evidence before me, the proposed development would be likely to adversely affect the efficiency of the JBRT. Any impact caused by the appeal development would be in addition to impacts caused by existing developments in the area, which would therefore increase its significance. Consequently, for the reasons given above, the proposed development would conflict with Policy SE14 of the CELPS, Policy PS10 (Jodrell Bank Radio Telescope Consultation Zone) contained in the Congleton Borough Local Plan 2005 (CBLP) and with the Framework, in this regard.

Other Matters

19. I have noted the appellants comments in relation to the fallback position of a C1 use, but agree with the Council that the size of the use is somewhat restrictive in terms of the proposed use, and also the use would not create the same issues as the appeal proposals, therefore I give the fallback position limited weight in my assessment.

Conclusion

20. For the above reasons, the appeal is dismissed.

Paul Cooper

INSPECTOR