



Appeal Decision

Site visit made on 23 April 2025

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st May 2025

Appeal Ref: APP/R0660/C/24/3346576

Land at 88-90 Chestergate, Macclesfield, SK11 6DU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr M Lowe of Suburban Green against an enforcement notice issued by Cheshire East Council.
 - The notice was issued on 15 May 2024.
 - The breach of planning control as alleged in the notice is: without planning permission, the erection of ducting and fixings to the rear of the building.
 - The requirements of the notice are to:
 - a) Remove from the rear of the building the external ducting and its fixings shown for identification purposes on the photograph below.
 - b) Remove from the land all resultant material and debris following compliance with a) above.
 - The period for compliance with the requirements of a) and b) is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (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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Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

Procedural Matters

2. The appellant has not formally appealed on ground (g). However, their request that if the appeal fails on ground (a) the enforcement notice be amended to require the time limit for compliance to be 6 months after the notice takes effect, amounts to a “hidden” ground (g) appeal. As the Council have had the opportunity to respond to this matter, injustice would not arise from considering this ground of appeal.
3. The revised National Planning Policy Framework (the Framework) was published in December 2024. This does not raise any matters that require me to seek representations from the main parties in this case. I have, however, determined the appeal having regard to the revised Framework.

The ground (a) appeal

4. An appeal on ground (a) is that planning permission ought to be granted in respect of the breach of planning control constituted by the matters stated in the notice, that is “the erection of ducting and fixings to the rear of the building”. The variation of conditions 2 and 6 on approval 21/1500M is not before me for consideration.
5. The main issue in this case is whether the development preserves or enhances the character or appearance of the Macclesfield Town Centre Conservation Area.
6. The appeal site relates to a two storey terraced property on the south side of Chestergate, which comprises a variety of commercial uses including shops,

restaurants and cafes. The appeal property is used as a hotel, restaurant and café, planning permission having been granted for this use under application 21/1500M.

7. The site is within the Macclesfield Town Centre Conservation Area (CA), the significance of which derives from its historic and architectural interest and connection to the silk industry, and from its hillside position which gives it a dramatic topography and striking views over the River Bollin to the Pennine hills beyond. Its character is defined by the largely eighteenth and nineteenth century urban townscape laid over a medieval settlement, with several key historic buildings, including St Michael's Church and the Town Hall, arranged around the Market Place. Chestergate is one of the three principal streets which retain the medieval street pattern and extend from the Market Place.
8. The Macclesfield Town Centre Conservation Area Appraisal (2022) (the Appraisal) identifies the host building as making a positive townscape contribution. It is a red brick, Victorian building with decorative window surrounds and traditional shop fronts which reflect the character of this part of the CA. The rear elevation makes a smaller contribution to the townscape and the CA than the front, but it does contribute to its overall character and can be appreciated from Bridge Street and Old Meadow.
9. The notice relates to a kitchen extraction system comprising external ducting and fixings attached to the rear outrigger. It is a bulky addition which rises above the roof of the outrigger. Its height above ground and shiny metal finish result in a stark and unsightly feature which is at odds with the traditional brickwork and slate of the host building and those surrounding it. The development is visually harmful when seen from Bridge Street and Old Meadow, albeit this harm is localised. I have borne in mind, however, that the Appraisal identifies small scale, incremental change as the greatest threat to the significance of the CA.
10. Although application 21/1500M authorised an extraction unit comprising a louvre on the rear wall, the unit that has been erected is far more obtrusive than that approved due to its greater size and height above ground. The appellant would be willing to accept a planning condition to powder coat the equipment in any colour and matt finish or, alternatively, clad it in brick slips, in accordance with a detailed specification to be agreed with the Council. This would not overcome my concerns regarding its siting and size. It would still appear as an alien feature in this area where I did not observe any similar installations during my visit. The development cannot, therefore, be made acceptable through the imposition of conditions.
11. The Framework says that great weight should be given to the conservation of heritage assets, and any harm to their significance should require clear and convincing justification. It adds that if less than substantial harm is identified, as is the case here, that harm should be weighed against the proposal's public benefits.
12. The appellant contends that the higher specification extraction system, compared to the one previously approved, minimises noise and odour nuisance to the neighbours, and enables the business to provide a more extensive menu to meet customer demand, with wider economic benefits such as an increased number of employees and increased orders with local suppliers. It is also required for health and safety reasons. However, it is unclear whether there might be alternative systems which would be less visually harmful to the building and the CA. The appeal proposal may not, therefore, be the only solution to achieving these benefits.

There is no substantive evidence before me to show that the removal of the equipment and its replacement with an alternative system would compromise the neighbours' living conditions or the financial viability of the business and the contribution that it makes to the local economy and the town's regeneration. The extent to which the removal and replacement of the equipment would hinder the business operations has also not been substantiated. The appellant says that the removal of the equipment would result in an unnecessary use of resources and materials, though this would be on a small scale. Overall, the harm to the designated heritage asset, to which I attach great weight, outweighs the benefits of the proposal.

13. For the above reasons I conclude that the development does not preserve or enhance the character or appearance of the CA. It therefore conflicts with Policies SE 1, SE 7 and SD 2 of the Cheshire East Local Plan Strategy 2010-2030 (CELPS), Policies GEN 1, HER 3, RET 5, RET 9 and RET 11 of the Site Allocations and Development Policies Document, and the Framework. Amongst other things, these seek to ensure that development is of high-quality design which makes a positive contribution to its surroundings and pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The ground (g) appeal

14. An appeal on ground (g) is that the compliance period specified in the notice falls short of what should reasonably be allowed. The appellant has not explained why the period of 4 months for the removal of the works, as specified in the notice, is unreasonable. In the absence of evidence to the contrary, I consider it to be reasonable and proportionate to the breach of planning control. The hidden ground (g) appeal does not therefore succeed.

Other Matters

15. I have taken into account the representations of third parties in support of the unauthorised works, which include matters of health and safety and improved noise and odour control, but these do not alter my findings for the reasons given above.

Conclusion

16. For the reasons given I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

M Ollerenshaw

INSPECTOR