



Appeal Decision

Site visit made on 7 May 2025

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08th May 2025

Appeal Ref: APP/Q4245/C/24/3353010

Land at Trafford Hall Hotel, 21 Talbot Road, Stretford, Manchester, M16 0PE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Kent Hotels Limited against an enforcement notice issued by Trafford Metropolitan Borough Council.
 - The notice was issued on 29 August 2024.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a timber side extension and a single storey storage shed.
 - The requirements of the notice are to 1) remove the timber side extension, including timber decking, shown in photograph ENF/01, 2) remove the single storey storage structure shown in photograph ENF/02, and 3) remove from the land all building materials, rubble and waste arising from the carrying out of the above steps.
 - The period for compliance with the requirements is three months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (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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Decision

1. 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.

Preliminary Matter

2. The National Planning Policy Framework was revised in December 2024 and subsequently amended in February 2025 (the 2025 Framework). This replaces the previous version of the National Planning Policy Framework published in December 2023. The 2025 Framework has not materially changed in terms of considering the ground (a) appeal main issues below.

Ground (a) appeal and the deemed planning application

Main Issue

3. An appeal is made on ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. I have considered the reasons for issuing the notice and the main issue is the effect of the development on the character and appearance of the area and Trafford Hall Hotel which is a non-designated heritage asset.

Reasons

4. Trafford Hall Hotel is a historic Victorian building on a busy main road and the evidence indicates that it was previously used as the former Stretford Urban

Development Corporation offices. It is being used as a hotel and is constructed from brick with a stone dressing and slate roof.

5. There is no dispute between the main parties that the building is a non-designated heritage asset. Its significance relates to its architectural splendour as well as its former civic use, and comprises three principal volumes, with the centre five bays projected and being the most architecturally articulated, with stylistically eclectic forms including a projecting central balcony, round-arched windows and a balustrade parapet. The hotel building is a prominent and coherent building set within spacious grounds when experienced from Talbot Road. From this road, both its front and side elevations can be appreciated. Its significance is also drawn from its grand and noticeably symmetrical appearance.
6. Owing to the design, position and materials of the wooden side extension, which is understood to be used for events (including matchday events given the proximity to Manchester United football stadium), I find that it fails to assimilate well with the traditional brick built non-designated heritage asset. While it is single storey in height, it is nonetheless positioned up to the front wall of the host building and so fails to be experienced as an ancillary or sympathetic addition to the building. It has an unacceptably temporary and jarring appearance and owing to its position and size, I find that it detracts significantly from the otherwise symmetrical appearance of the non-designated heritage asset. Moreover, it departs from the otherwise sense of open space or separation that exists between the host building and the neighbouring development.
7. The above harm is compounded given that the unauthorised development also includes a 'storage shed (which on my site visit included two cold/refrigeration rooms), featuring dark red corrugated metal walls, a black metal roof and a white front door. While some of this development can be seen from Talbot Road, it is nonetheless positioned much further into the site and so much of it is not very conspicuous from public views. However, most of this development is visible from the rear car park of the hotel and so is seen by visitors. This part of the unauthorised development does not suitably reflect the design, symmetry, colour and use of materials on the host property, and, like the single storey side extension, I find that it appears as an incongruous and poorly designed addition which causes harm to the significance of the non-designated heritage asset. In turn, the unauthorised buildings have caused significant harm to the character and appearance of the area.
8. To the passer-by, the extensions are tantamount to the erection of temporary and unsightly additions which fail to harmonise with the hotel building. They do not make a positive contribution to the character and appearance of the area when experienced by passers-by or users of the hotel. The buildings can be seen between the railings and the paladin fencing associated with the neighbouring tyre and breaks business, as well as from Talbot Road given the essentially open forecourt to the front of the hotel complex.
9. I acknowledge the existence of the tyre and breaks building adjacent to the appeal site. This building has a more industrial appearance and does not make a very positive contribution to the character and appearance of the area. Moreover, the evidence is that this building, as well as others in the area, have been identified in the Council's adopted Civic Quarter Area Plan 2023 (CQAP) as having a negative impact on the locality. In time, the focus of the CQAP is to improve the setting to

the Trafford Hall Hotel building. I do not find that the unauthorised extensions make a positive contribution to the setting of the non-designated heritage asset. The existence of poor-quality surrounding development, in the context of regeneration efforts to make improvements, does not justify allowing harmful unauthorised development associated with Trafford Hall Hotel. I consider that the breach of planning control has failed to improve the character and quality of the area and the way it functions.

10. For the above reasons, I conclude that the unauthorised development has caused material harm to the significance of the non-designated heritage asset. I deal with other considerations below, but, on balance, the benefits associated with the unauthorised development do not outweigh the scale of the harm that has been caused to the significance of the non-designated heritage asset. Moreover, I find that significant harm has been caused to the character and appearance of the area. Consequently, the development does not accord with the design, character, appearance, conservation and cultural/tourism enhancement requirements of policies R1 and R6 of the adopted Trafford Core Strategy 2012, Policies JP-P1 and JP-P2 of the adopted 2024 Places for Everyone Joint Development Plan Document 2022-2039, paragraphs 131 and 216 of the 2025 Framework, and policies CQ5 and CQ6 of the CQAP.

Other Considerations

11. The appellant asserts that there is a fallback position which would allow similar extensions to be constructed using permitted development rights under Class A of Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
12. I do not find that such permitted development rights are pertinent to the lawful use of the building. This is because A.3 of Class A of Part 7 of Schedule 2 of the GPDO states that *'for the purposes of Class A, a commercial, business or service premises means a building, or part of a building, used for any purpose within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order'* (UCO). Class E of the UCO does not include hotels. Hotels fall within a separate use class, i.e., use class C1 of the UCO. Therefore, there is no permitted development fallback position as claimed by the appellant.
13. Even if such permitted development rights had existed, I emphasise that they would not have permitted the erection of the same large buildings, or those which would be so close to the boundary of the site. The buildings would have to be set two metres away from the side boundary. The appellant refers to such non-relevant permitted development rights as not requiring any control over the use of materials. For the reasons already outlined, the materials associated with the unauthorised development harm the non-designated heritage asset and the character and appearance of the area. I do not find that it would have been appropriate to justify the retention of the unauthorised development which is harmful (including its use of materials) based on the possible erection of other extensions which may also result in the use of harmful materials.
14. I acknowledge the appellant's evidence that the hotel is a major employer in the area and that a considerable investment has recently been made by the owners. I do not doubt that the storage building ensures that other space can be used efficiently, and that the development has meant additional revenue for the

business. That said, I have not been provided with any objective evidence to substantiate a claim that the hotel would be unviable if the outside events area and/or storage building were not to exist. Moreover, I do not have any information before me to demonstrate why it would not be possible to remodel the hotel internally to make such space available, while also ensuring that the business continues to remain viable.

15. I do not doubt that use of the single storey side extension has resulted in additional employment opportunities. Moreover, I do not doubt that the events facility is attractive for customers and tourists alike, including those wishing to make use of it before or after matchdays.
16. I afford the identified social and economic benefits positive weight in the overall planning balance. However, such benefits must be weighed against the harm caused to the significance of the non-designated heritage asset and the character and appearance of the area.

Planning Balance and Conclusion

17. Significant harm has been caused by the unauthorised development to the character and appearance of the area and to the significance of the building as a non-designated heritage asset. These are matters of overriding concern and are not sufficiently outweighed by the other considerations outlined above. Therefore, I conclude that the ground (a) appeal fails.

Ground (f) appeal

18. An appeal made under ground (f) is 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 or to remedy any injury to amenity which has been caused by any such a breach.
19. The purpose of the notice is to remedy the breach of planning control by removing the unauthorised development. In this regard, the steps required by notice to be taken are not excessive.
20. The appellant makes the claim that there is a permitted development fallback position which would permit similar development. I have considered this matter as part of the ground (a) appeal and have concluded that there is no such permitted development fallback position.
21. The appellant also claims that a lesser step would be to grant planning permission for the unauthorised development subject to the imposition of a condition requiring the approval of alternative materials. I do not know what alternative materials are proposed by the appellant and, in any event, it is a combination of the development's harmful position, design, and use of materials which has led me to conclude that it has harmed the significance of the non-designated heritage asset and the character and appearance of the area.
22. I conclude that the steps required by the notice are necessary and proportionate to remedy the breach of planning control. They are not excessive. I therefore conclude that the ground (f) appeal fails

Ground (g) appeal

23. An appeal made on ground (g) is that the period specified in the notice in accordance with section 173(9) of the 1990 Act (as amended) falls short of what should reasonably be allowed.
24. The appellant asserts that the compliance period of three months is unreasonable in so far that following the Covid-19 Pandemic and the economic downturn, it is difficult to source and appoint tradesman. The appellant has provided no objective evidence to support this claim. I have, for example, no evidence to demonstrate that they have attempted to contact any tradesman in advance of the outcome of this appeal.
25. I acknowledge the appellant's point that it would be necessary to ensure that the required works were undertaken properly and so that harm was not caused to the historic fabric of the building or to highway safety. However, the evidence does not support the claim made that twelve months, as distinct from three months, would be needed to source tradesman, to ensure continuity of the business, and to ensure completion of the required works.
26. On the evidence that is before me, I conclude that the compliance period of three months strikes a reasonable and proportionate balance between ensuring that an appropriate amount of time is provided to undertake the required works, while also ensuring that this harmful development is removed in the public interest. I therefore conclude that the ground (g) appeal fails.

Conclusion

27. For the reasons given above, 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).

D Hartley

INSPECTOR