



Appeal Decision

Site visit made on 27 May 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 JUNE 2025

Appeal Ref: APP/G4240/W/25/3360269

Land off Hanover Street, Mossley, Ashton-under-Lyme OL5 0EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Andrew Rhodes of Premier Land and Homes Limited against Tameside Metropolitan Borough Council.
 - The application Ref is 23/00497/FUL.
 - The development proposed is 6No. detached dwellings.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Application for costs

2. An application for costs was made by Mr Andrew Rhodes of Premier Land and Homes Limited against Tameside Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters and Main Issue

3. The address in the banner heading above has been taken from the appeal form and differs from that on the application form. It provides a more accurate site address, which is consistent with that used by Tameside Metropolitan Borough Council (the Council) in correspondence and on their appeal questionnaire.
4. This appeal relates to a planning application that was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission should it have decided on the proposal on the basis that the proposed development would be at risk of contributing to, or being put at unacceptable risk from, land instability issues.
5. It therefore follows that the main issue is the effect of the proposed development on slope stability.

Reasons

6. The appeal site comprises a plot of disused land fronting onto Hanover Street within a predominantly residential area of Mossley. The topography of the site falls away from Hanover Street, with a steep slope and sandstone cliff face sitting beyond the site boundary. Residential properties fronting onto Stamford Road sit at the base of the cliff face.

7. Six no. detached dwellings are proposed fronting onto Hanover Street with 1.5 storeys at street level, increasing to 2.5 storeys at the rear to account for the topography of the site.
8. The National Planning Policy Framework (the Framework) at paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by, amongst other matters, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of land instability.
9. Paragraph 196 of the Framework supports this stance by confirming that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability.
10. Given the proximity of the appeal site to the cliff face and the presence of residential properties at the base of the cliff, the effect of the proposed development on slope stability needs to be very carefully considered. The potential consequences of allowing the proposed development without a thorough understanding of the slope stability and risks are great and the issue of slope stability is therefore at the crux of whether the proposed development is acceptable or not in this location.
11. The evidence before me provides an incomplete assessment of the existing baseline slope stability and therefore any risks associated with constructing residential development at the top of the cliff cannot be thoroughly considered. This baseline understanding of stability should be the starting point for consideration of anticipated effect arising from the proposed development.
12. The 2023 Site Investigation and Further Stability Risk Assessment, prepared by Plough Geotechnical Limited, states at paragraph 50 that specialist assessment of the surface ravelling of the rock face is required. This was also acknowledged by the 2023 inspection report by Ground and Projects Consultants Limit that states that they were unable to undertake a full inspection of the slope due to vegetation cover and access restrictions. The Council's engineer identified these shortcomings and subsequently requested that vegetation clearance of the slope be undertaken to allow a thorough slope stability assessment to be carried out prior to determination of the planning application.
13. This appears to have been an ongoing situation with regards to previous planning proposals for similar development at the same site. The further slope stability analysis undertaken by Ian Farmer Associates in 2007 confirmed that estimates between available survey data had been provided for certain areas of the slope given that access restrictions were in place and a full inspection could not be undertaken.
14. Furthermore, the Council's officer report in relation to the 2015 planning permission¹ (the 2015 permission) also acknowledges this limitation at paragraph 13.4 by requiring further assessments of the slope to be undertaken to ensure that the development is properly and fully engineered and designed. The Council afforded the appellant leave in this instance, by requesting the information by way of condition, due to the costs involved in undertaking the further assessments.

¹ Council Ref 15/00878/FUL for development of 6 No. detached houses.

15. However, as previously discussed, the issue of land stability is particularly important in this case in considering whether the proposed development is acceptable in principle and therefore the relevant information should have been provided early in the planning process.
16. The evidence before me also includes a scope of work and financial quote for the supply and installation of rockfall protection measures from Vertical Access Limited and details of slope engineering rock fall proposals and foundation design from H&H Building Solutions Limited. Based on the evidence before me, I am not convinced that these solutions have been formulated from a thorough understanding and assessment of the existing slope and cliff conditions given that further assessments and surveys are acknowledged to be required by all parties.
17. In addition, photographic evidence has been provided by interested parties that shows rockfall into the rear gardens of the residential properties at the base of the cliff face. The Council's evidence also references issues surrounding the stability of the rock face at Mossley Park that have been identified since the 2015 permission was issued. The park is only a short distance from the appeal site and, based on my site visit observations, the cliff appears to be part of the same geological feature as that adjacent to the appeal site.
18. These accounts, despite the lack of detailed evidence, add to my existing concerns. They highlight the importance of dealing with potential slope stability issues, such as in this case, at an early stage, given that the site context poses a potential risk to damage to property and even risks life for both existing and future residents and the public.
19. In the absence of any substantive evidence to demonstrate that a thorough assessment of existing slope stability and any subsequent risk posed by the proposed development has been undertaken, I am not convinced that the scheme would be safe and would not lead to unacceptable levels of instability, contrary to paragraphs 187 and 196 of the Framework.

Conclusion

20. In the apparent absence of any relevant development plan policies, the development conflicts with the Framework taken as a whole, and other material considerations do not indicate that the appeal should be decided other than in accordance with it. Thus, I conclude that the appeal should be dismissed.

L Fern

INSPECTOR