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# Appeal Decision

Site visit made on 26 June 2025

by **S. Ashworth BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23<sup>rd</sup> July 2025

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**Appeal Ref: APP/P4225/W/25/3359059**

**Hopwood Hall, Hopwood College, Middleton Campus, Rochdale Road, Middleton M24 6XH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Hopwood DePree against the decision of Rochdale Metropolitan Borough Council.
  - The application is Ref 24/01018/VRCON
  - The application sought planning permission for proposed change of use of buildings and grounds to sui generis, to include: events; hospitality; tours; education; café; and shop, with ancillary facilities without complying with conditions attached to planning permission Ref 22/00907/FUL.
  - The conditions in dispute are:
  - No 2 which states that:  
This permission relates to the following plans:
    - a) Location Plan (ref: HOH-SEV-XX-XX-DR-A-01002)
    - b) Proposed Ground Floor Plan (ref: HOH-SEV-XX-XX-DR-A-02100)
    - c) Proposed Site Access and Parking (ref: HOH-SEV-XX-XX-DR-A-01002)
  - The reason given for the condition is: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.
  - No 3 which states that:
  - The change of use hereby approved relates to spaces within buildings shown on Proposed Ground Floor Plan (ref: HOH-SEV-XX-XX-DR-A-02100) with ancillary activities primarily relating to access and parking relating to the wider site (plan ref: HOH-SEV-XX-XX-DR-A-01002)
  - The reason given for the condition is: In the interests of protecting neighbour amenity and the function of the surrounding highway network, in accordance with Policies C6 and T2 of the Rochdale Core Strategy and the National Planning Policy Framework.
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## Decision

1. The appeal is dismissed.

## Background and Main Issue

2. Planning permission was granted on 24 October 2022 for the change of use of Hopwood Hall, a Grade II\* listed building to various uses as set out in the banner heading above, subject to various conditions (the original permission). Subsequently an application was made under section 73 of the Town and Country Planning Act 1990 to vary condition No 2, the plans condition, by

substituting the ground floor plan for a new plan showing changes and additional detail relating to the use of some of the rooms<sup>1</sup>, and introducing a new first floor plan<sup>2</sup>. In addition, it was proposed to remove condition 3 which limited the change of use to spaces within buildings shown on the proposed ground floor plan with ancillary activities, primarily relating to access and parking, on the wider site. That application was refused for two reasons and now forms the subject of this appeal.

3. The Council no longer wishes to object to the proposal on that ground that the proposal would result in an operational change to the original permission and therefore falls beyond the scope of applications made under section 73 of the Town and Country Planning Act 1990. I have no reason to disagree with their conclusions in that regard.
4. Therefore, considering only the second reason for refusal, the main issue in this case is the effect of varying condition 2 and removing condition 3, on the special interest and significance of Hopwood Hall as a heritage asset; on parking and highway safety and on protected species.

### **Reasons**

5. Hopwood Hall dates from the C17 and C18 and incorporates parts of an early C16 open-hall timber-framed structure and various C19 and C20 additions and alterations. The Hall has been in a dilapidated state of repair for some time and appears on the Historic England 'Heritage Buildings at Risk' register but nevertheless for the past few years has been undergoing repair.
6. As an important designated heritage asset, the building has considerable historic interest and significance. The National Planning Policy Framework (the Framework) stipulates that when considering the impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The appellant's heritage statement sets out that the significance of the building is derived from a combination of factors including its evidential value in terms of construction methods and fashions of previous centuries; its historic value derived in part from its status as a seat of a wealthy and prominent local family and its associations with notable historic figures; its aesthetic value derived from its grandeur and the notable interior and exterior features, and its communal value to the local and wider community. In that regard I note that repair works have partly been undertaken by the appellant and local volunteers and it is clear that the building is highly valued.
8. The Council and Historic England support the re-use and occupation of the building which would help prevent the building falling into further disrepair. The proposed use of the building includes events; hospitality; tours; education; café; and shop, with ancillary facilities. The original application was accompanied by the submission of ground floor plans only. There is no dispute between the parties that the conditions imposed on the original permission were reasonable and necessary and thereby meet the tests for conditions set out in the Framework, even though the whole of the building, outbuildings and grounds were included in the application site.

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<sup>1</sup> Ground Floor as proposed: 243438-PUR-ZZ-XX-DR-A-0001

<sup>2</sup> First Floor as proposed: 243438-PUR-XX-DR-A-0002

9. The proposal before me does not seek to amend the proposed use of the building but it would nevertheless significantly increase the floorspace available for those uses. Whilst no physical alterations to the building are proposed, the significance or special interest of the building is not solely derived from the fabric of the building, as set out above. The proposed first floor plan shows the existing room layout only and does not give any indication of how the space would be used. It seems to me that the use of the floor as, for example, 'events' or 'hospitality', could have a very different impact on the significance of the heritage asset than 'education' given the potential intensity of the use, noise and numbers of people involved.
10. I understand that the application has been made specifically to allow tours and restoration work at first floor level in the short term. Whether this requires planning permission is a matter for the Council. However, planning permission runs with the land and it is not clear to me what all the uses set out in the description would entail, which sections or proportion of the building would be occupied by which uses, how the uses would co-exist or moreover, what physical work may be reasonably required to facilitate them. Whilst listed building consent would be required for such works, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building, the decision maker should pay special regard to the desirability of preserving the building or any features of special interest which it possesses. The very limited information before me inhibits the proper consideration of the likely effects of the proposal on the significance of the designated heritage asset and as such I cannot be certain that the proposal would meet that weighty statutory requirement or the requirements of the Framework.
11. In addition, without specific detail about the proposed use, the amount of traffic generated by the development, which is likely to be increased as a result of the increase in floorspace available, is indeterminate. At present the vehicular access to the site from the public highway runs through Hopwood Hall College and for security purposes visitor access is carefully controlled. At the time of my visit in term time, the car parks were well used and there was little available space. There is currently only a limited amount of space for parking near the Hall itself. Whilst condition 4 of the original permission requires that the development should not be brought into use until a management strategy for access and parking is submitted to and approved by the Local Planning Authority, it seems to me that a greater level of certainty over the proposed use is required before an assessment of the impact of the development on access, parking and local traffic management can be established. Accordingly, I cannot be certain that the proposed use would have a satisfactory effect on the amenity of neighbouring occupiers or on the highway network. Moreover, without satisfactory details I cannot be sure that the proposed car parking and access arrangements would not in themselves harm the setting, or significance, of the listed building.
12. The original application was accompanied by a Dusk and Dawn Bat Survey report by qualified ecologists. That survey found a significant number of roosts within the roof of the building and recommended a suite of mitigation measures. However, given that repairs to the building, including works to the roof and gutters as well as internal repair works have been on-going for some time, I do not doubt that the roosts are being actively managed in line with the

recommendations of the report. No physical alterations are proposed to the building and the agreement of details of external lighting by the Local Planning Authority forms part of a condition of the original permission. Whilst the degree of noise potentially generated by the use is not known, I have no reason to consider that there would be any greater effect on the bat roosts, or the mitigation required, as a result of the proposal.

13. Nevertheless, for the reasons set out above, on the basis of the details before me, I cannot be certain that the proposal would preserve the significance of the listed building or that satisfactory parking and access would be provided. It follows that the information provided would be contrary to the expectations of the Framework and Policies P2, T2 and DM1 of the Rochdale Core Strategy 2016 and Policy JP-P2 of the Places for Everyone Joint Development Plan which seek amongst other things to protect the Borough's heritage by conserving and enhancing key heritage assets, to ensure that development is compatible with surrounding land uses and provides satisfactory vehicular access and adequate parking. On that basis the proposal would be contrary to the development plan considered as a whole.

### **Conclusion**

14. For the reasons given above, on the basis of the evidence before me, I conclude that the appeal should be dismissed and the conditions retained in their current form.

*S. Ashworth*

INSPECTOR