



Appeal Decision

Site visit made on 8 August 2025

by **Joanna Gilbert MA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st September 2025

Appeal Ref: APP/R0660/W/25/3364517

Bayley House, Manor Lane, Holmes Chapel, Cheshire East CW4 8AB.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Michael McCann against the decision of Cheshire East Council.
- The application Ref is 24/2730C.
- The development proposed is demolition of horticultural buildings and the construction of two dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is in outline with all matters except access and scale reserved for later determination. I have had regard to the indicative layout of the proposed development on the Site Block Plan 2026 PL 101 A, where necessary.
3. The National Planning Policy Framework (NPPF) was published on 12 December 2024 after the planning application was determined. Both main parties have had the opportunity to refer to the revised NPPF in their appeal submissions.

Main Issues

4. The main issues in this appeal are:
 - a) whether the proposed development would be in an appropriate location, having regard to national and local planning policies and access to services, facilities, and public transport; and
 - b) the effect of the proposed development on the efficiency of the radio telescopes and the Outstanding Universal Value (OUV) of the Jodrell Bank Observatory World Heritage Site (WHS).

Reasons

Location

5. Located close to the edge of the settlement and Local Service Centre of Holmes Chapel, the site is occupied by polytunnels and glass houses associated with a horticultural nursery. The site is bounded by hedgerows and trees and adjoins fields to the north and east, and a house and barn at Bayley House and a house at Knockgraston to the south and south-east. Bayley House and Knockgraston are served by the same vehicular access as the site, which joins the A54 outside Holmes Chapel. To the west and south-west, there is a housing estate at Thatch Close within the settlement boundary and a Grade II listed building at Marsh Hall.

6. The proposed development would comprise the demolition of the existing polytunnels and glass houses and the construction of two dwellings which would take the form of large bungalows. Vehicular access to the site would be from the south-east via an existing access off the A54.
7. Policy PG 6 of the Cheshire East Local Plan Strategy (July 2017) (CELPS) confirms that the open countryside is defined as the area outside any settlement with a defined settlement boundary. The site lies within the open countryside.
8. Within the open countryside, CELPS Policy PG 6 seeks to permit only development essential for agriculture, forestry, outdoor recreation, public infrastructure, or other uses appropriate to a rural area. One of the policy's exceptions relates to the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace. Given that the proposed development would not be materially larger than the existing buildings and this is agreed between the Council and the appellant, the proposed development would comply with criterion 3 iii of Policy PG 6. However, Policy PG 6 requires development to be subject to compliance with all other relevant policies.
9. Policy RUR 13 of the Site Allocations and Development Policies Document (December 2022) (SADPD) also supports the replacement of existing buildings in the open countryside when they are not materially larger than the existing building and they do not harm character and appearance. Policy HO1 of the Holmes Chapel Neighbourhood Plan (March 2017) (HCNP) seeks to provide for further small scale housing development beyond existing approvals to meet the HCNP's needs and priorities, and to meet any Local Plan target for homes for Holmes Chapel.
10. NPPF Paragraph 110 confirms that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Additionally, NPPF chapter 11 focusses on making effective use of land, with NPPF paragraph 124 looking to promote effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
11. CELPS Policy SD 1 and SD 2 deal with sustainable development by prioritising accessible and sustainable locations and ensuring that development is accessible by public transport, walking and cycling. Table 9.1 to CELPS Policy SD 2 sets out distance criteria for access to services and facilities, public transport and open space. The distances in Table 9.1 were considered by the CELPS Inspector to be recommended rather than mandatory.
12. SADPD Policy INF 3 states that development proposals, should, amongst other things, provide safe access to and from the site for all highway users and incorporate measures to assist access to, from and within the site by pedestrians, cyclists and public transport users and meet the needs of people with disabilities. Similarly, HCNP Policy TT1 requires development to demonstrate how it would link to public transport and to provide safe walking and cycling routes from the site, with consideration of access to services and facilities.
13. The appellant asserts that the footpath on the A54 starts approximately 220m from the site entrance and that the nearest bus stop is a similar distance away. Holmes Chapel's railway station is some 600m from the site and a supermarket is nearby on Manor Lane. Holmes Chapel's centre is approximately 1km away. A neighbour has disputed these distances as being as the crow flies rather than actual

measured routes. However, even if I use the appellant's distances and have regard to the advice in Manual for Streets about walkable neighbourhoods, I have concerns about the quality of pedestrian and cycle access to the site and to nearby public transport, services and facilities.

14. During my site visit, I saw that the pavement along the busy A54 terminates just beyond the junction of the A54 with Severn Way adjacent to a bus stop. Street lighting also terminates next to the bus stop. Beyond the bus stop to the south-east, the A54 is adjoined by fencing, trees and vegetation with relatively narrow and uneven road verges which are not continuous. The A54 changes from 30mph to 60mph between the end of the nearest pavement and the site access.
15. Automatic Traffic Count data from 2021 provided by a neighbouring occupier indicates that despite the 30mph zone in Holmes Chapel, traffic speeds along the A54 within the 30mph limit close to the edge of the settlement (70m from the speed limit change) are frequently higher than the speed limit. The data indicates that 85th percentile speeds in both directions exceeded the 30mph limit by some 12mph, while there were regular speed recordings of significantly higher speeds. Additionally, the data showed that the number of heavy goods vehicles using the A54 is higher than the national average for all roads. This is not surprising, given the key east-west role that the A54 plays. While this data is now approximately four years old, no information has been provided by the main parties to confirm that this part of the A54 has been subject to any changes in the intervening period which might have improved road conditions and reduced speeding.
16. As the boundary treatments along the A54 change to lower hedgerows on the northern side of the road, the verge widens closer to the site access. There is, however, no street lighting between the site access and the end of the pavement in Holmes Chapel and the verges are generally limited and non-existent in places. This is a treacherous environment and is not conducive to either walking or cycling. Walking or cycling to the local bus stop, train station or other services and facilities would not be safe, given the absence of street lighting and pavements on what is a busy road with vehicles moving at high speeds. As such, future occupiers of the proposed development would be reliant on the private car rather than sustainable transport to reach even the closest services and facilities.
17. The appellant has referred to future occupiers potentially being able to use an access to Manor Lane. However, this access is not within the red line boundary, has not been secured in any way, and the neighbouring occupier has confirmed that the site has no right of pedestrian or vehicular access to this access. As such, this does not satisfactorily address my concerns and has no weight in my decision.
18. The appellant has referred to, but not provided, an appeal decision dated June 2016. I understand that it pre-dates the current development plan. While that Inspector found that the transport movements from one dwelling further away from a settlement would be limited in number and likely duration, they also found that cycling could be a viable transport option on a 30mph road. That is not the case here, where only the most confident cyclist would venture out onto the unlit A54 at a 60mph speed limit, crossing the path of oncoming traffic to travel towards Holmes Chapel. The two locations are not comparable.
19. In conclusion, the proposed development would not be in an appropriate location, having regard to national and local planning policies and access to services,

facilities, and public transport. Accordingly, it would fail to comply with CELPS Policies PG 6, SD 1 and SD 2, SADPD Policy INF 3, and HCNP Policy TT1 as set out above. It would also conflict with NPPF paragraph 115 in respect of safe and suitable access being achieved for all users.

Jodrell Bank

20. Supporting national and international research, the radio telescopes at Jodrell Bank Observatory WHS (inscribed July 2019) are equipped with state-of-the art cryogenic low-noise receivers designed to pick up extremely weak signals from space and carry out a wide range of astronomical observations. Forming part of the University of Manchester, Jodrell Bank was chosen as an appropriate site for the radio telescopes by Sir Bernard Lovell in 1945 as a radio-quiet rural area away from interference. It is one of the world's leading radio astronomy observatories.
21. WHS are designated heritage assets and are recognised for their OUV. The OUV of the Jodrell Bank Observatory WHS stems from its international, historic, and scientific significance. The Statement of OUV for Jodrell Bank recognises its importance in the pioneering phase and later evolution of radio astronomy. It reflects scientific and technical achievements and interchanges related to the development of new fields of scientific research, which led to a revolutionary understanding of the universe's nature and scale. It has had substantial scientific impact in the study of meteors, the moon, quasars, quantum optics and tracking of spacecraft. As an outstanding technological ensemble, the site has evidence of every stage of radio astronomy's history. Vitrally, Jodrell Bank retains its ongoing scientific use and all the attributes that document its development as a site of pioneering astronomical research. Jodrell Bank's location and its largely agricultural setting is essentially unchanged apart from the Square Kilometre Array building's construction, the headquarters of an international effort to build the world's largest radio telescope. Most of the WHS's attributes have also been listed under the Planning (Listed Buildings and Conservation Areas) Act 1990, with the two major telescopes Grade I listed.
22. The radio telescopes are also subject to a consultation zone, which was established by the Town and Country Planning (Jodrell Bank Radio Telescope) Direction 1973. This requires the Council to notify the University of Manchester when planning applications are submitted for certain types of development within the consultation zone. The WHS has a buffer zone based on the consultation zone. The aim of the consultation and buffer zones is to protect the observatory's scientific capabilities and functional integrity from radio emissions in its vicinity.
23. I understand that equipment commonly used at residential dwellings causes radio frequency interference that can impair the efficient operation of the radio telescopes. This evaluation is based on the definition of the level of harmful interference to radio astronomy specified in the International Telecommunications Union's (ITU) 'Protection criteria used for radio astronomical measurements' (ITU-R.769), which has been internationally adopted.
24. Using data from the Council and Ordnance Survey, the University of Manchester has analysed the distribution of development and the effect of the intervening terrain between any location and the radio telescopes. This analysis uses the officially recognised propagation model from the ITU 'Prediction procedure for the evaluation of interference between stations on the surface of the Earth at

frequencies above about 0.1 GHz' (ITU-P.452). The University of Manchester is concerned about the effect of development across a large part of the consultation zone, both individually and cumulatively, and has objected to the proposed development on the basis that it would impair the efficiency of the radio telescopes.

25. Pre-dating the inscription of the WHS, CELPS Policy SE 14 outlines that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it impairs the telescopes' efficiency or has an adverse impact on the historic environment and visual landscape setting of the telescopes. However, Policy SE 14 allows for conditions to mitigate identified impacts, especially via specialised construction techniques. CELPS Policy SE 7 also deals with the protection of the historic environment.
26. SADPD Policy HER 9 deals with development proposals within the WHS, its buffer zone or its setting. It supports development where it preserves those elements of significance that contribute to the WHS's OUV, including its authenticity and integrity. It confirms that proposals leading to less than substantial harm should be weighed against the proposal's public benefits. Relevant proposals must be accompanied by a heritage statement, which should address the effect of any development proposal within the buffer zone on the operational efficiency of the telescopes through radio interference; and on all other historic attributes of the WHS, including its setting. HCNP Policy CE6 looks to protect the historic environment. It is therefore the responsibility of the appellant to address the effect of development on the radio telescopes' operational efficiency.
27. Given the approximately 5km distance of the site from the WHS and the nature of the proposed development, neither of the main parties have concerns about the effect of the proposed development on the visual landscape setting of the WHS. Instead, the focus is on the ability of the radio telescopes to function effectively.
28. The existing buildings on site contain lighting and heaters and do not benefit from any mitigation measures to protect the efficient operation of the radio telescopes. The proposed development would be constructed with foil-backed plasterboard only in the walls facing the WHS to prevent electromagnetic emissions being reflected back towards the WHS. Furthermore, the appellant has confirmed that any windows facing the WHS would be non-opening and made of low-emissivity glass. The insulation and fenestration would be secured by means of condition.
29. Although no data is before me outlining what effect the proposed development would have in isolation on the telescopes, the University of Manchester is clearly concerned about the cumulative effect of development on the operation of the radio telescopes. No technical evidence has been provided by the appellant to demonstrate that this would not be the case or that the existing use of the site causes greater interference than the proposed development would be likely to.
30. The appellant has suggested the use of planning conditions to minimise any interference from inside buildings. There is no evidence before me that this condition has been effective in other instances. Furthermore, though I note the content of draft condition 13 put forward by the Council, I am unconvinced that a condition requiring a particular form of insulation to be approved, installed and retained would be enforceable over time.
31. While low-emissivity glass could be installed and windows could be non-opening at the point of completion of the proposed development, no such condition is before

me. Having non-opening windows would be particularly unconvincing if considering the indicative layout shown on the Site Block Plan where the long elevations of the two proposed dwellings would face the WHS. Limiting the number of doors and windows to the dwellings would also be likely to have other knock-on effects on the appearance of the dwellings and on the living conditions for future occupiers. Although some of these matters would be dealt with at reserved matters, it has not been demonstrated satisfactorily that the use of reserved matters or conditions would adequately mitigate the impact of the proposed development such that the efficient operation of the radio telescopes would not be impaired.

32. Both main parties have referred to local appeal decisions¹ and planning permissions². I have had regard to these in reaching my decision. The appellant has highlighted the dismissed London Road appeal for 25 homes, where the Inspector found that electromagnetic screening measures could be secured by condition. However, I have not been supplied with the evidence or draft conditions for that appeal so it is difficult to ascertain whether the circumstances would be directly comparable.
33. Reference has been made to the allowed appeal at Land at Dunkirk Farm for a full planning permission for four dwellings. Unlike the appeal site, this site lies within the settlement of Holmes Chapel. It appears that the Council did not provide an appeal statement and the Inspector worked on the basis of the information before them. Again, it does not appear that the sites are directly comparable.
34. The Manor Lane permission pre-dates the University of Manchester's current approach to development. For 108 London Road, I understand that two earlier planning permissions represented material considerations. For Bank House Farm, the permission pre-dates the inscription of the WHS. With regard to Hawthorn Villas, there were similar issues relating to the inscription of the WHS and the planning history of the site. None of the permissions are directly comparable.
35. While Holmes Chapel is a Local Service Centre and CELPS PG 2 expects that some further development would come forward in Holmes Chapel, I have a responsibility to deal with this appeal on its own merits.
36. The site's heritage value is informed by its ongoing ability to operate efficiently. As the proposed development would contribute cumulatively to harm to efficiency of the radio telescopes, the proposed development would also cause harm to the OUV and the significance of the designated heritage asset of the WHS. This harm would be less than substantial and would be minor in nature on that continuum. This would be contrary to CELPS Policy SE 14 as set out above. However, CELPS Policy SE 7, SADPD Policy HER 9 and HCNP Policy CE6 all require less than substantial harm to be weighed against the public benefits of the proposal. This is consistent with NPPF paragraph 215 as it relates to less than substantial harm. This heritage balance, and any further conclusion on policy compliance, is carried out below.

¹ APP/R0660/W/16/3166025, decision issued 18 January 2018; APP/R0660/W/18/3197429, decision issued 3 July 2018; APP/R0660/W/19/3224057, decision issued 12 September 2019; APP/R0660/W/18/3218817 and APP/R0660/W/18/3219327, decisions issued 3 March 2020; APP/R0660/W/21/3267030, decision issued 1 July 2021; APP/R0660/W/21/3284119, decision issued 24 March 2022; APP/R0660/W/21/3284028, decision issued 15 June 2022; APP/R0660/W/23/3316324, decision issued 21 August 2023; APP/R0660/W/23/3323276, decision issued 6 February 2024.

² 14/1430/C for 24 dwellings at land adjacent to Manor Lane; 20/5202/C for 2 dwellings at 108 London Road; 18/0925/C for 6 dwellings at Bank House Farm, Middlewich; and 19/26/46/C for one dwelling at Hawthorn Villas.

Other Matters

37. Marsh Hall is a Grade II listed former farmhouse. Although originally dating from the mid 17th century, it was re-constructed during the 20th century. It is a timber-framed single-storey building with an attic, plastered panels and a thatched roof. Its significance stems from its architectural features dating back to the 17th century. Bayley House, its stables, and Marsh Hall historically formed Marshlane Farm, although Marsh Hall is now under separate ownership.
38. Bayley House's brick stables with a hayloft above are of a simple and little altered vernacular style in keeping with the building's original purpose and dating from the 19th century, while Bayley House itself has seen considerable extension and alteration over time. It is unclear if any historic fabric has been retained at Bayley House. I concur with the appellant's Heritage Statement (October 2024) that Bayley House is not a non-designated heritage asset due to its lack of quality and historic associations and extent of alteration. However, the stables building is a non-designated heritage asset due to its quality, lack of alteration, retention of original features, and group value with neighbouring Marsh Hall.
39. The setting of Marsh Hall and the wider farmstead has changed over the years. Marsh Hall is separated from the A54 by fencing, hedges and trees. Adjacent to Marsh Hall, but separated by further vegetation is the housing estate at Thatch Close. Yet more vegetation separates Marsh Hall from the stables and Bayley House and the horticultural nurseries beyond. The proposed dwellings would replace the existing horticultural buildings and would have a lower level of site coverage than the existing structures. They would be more in keeping with the residential form of development on adjacent sites. As such, the proposed development would have a neutral effect on the setting of the designated heritage asset at Marsh Hall and the non-designated heritage asset of the stables. I have therefore not identified any harm to the significance of these assets.
40. The appellant considers that the proposed development would be acceptable in terms of character and appearance, car parking, trees, ecology, flood risk, and living conditions, and that no objection was raised to the loss of employment land. This does not alter my overall findings.

Balance

41. The Council cannot currently demonstrate a five year supply of housing land. The Council's most recent Housing Monitoring Update published in April 2025 indicates that the Council has a 3.8 year supply of housing land. The proposed development would deliver two housing units adjacent to a settlement which is a Local Service Centre. I recognise that small and medium sized sites can make an important contribution towards housing supply and I afford the provision of two dwellings in the form of bungalows exceeding minimum space standards moderate weight. I also afford moderate benefit to the enhancement of the character and appearance of the area resulting from the removal of the horticultural buildings and the likely enhancement to landscaping and biodiversity. The proposed development would also support construction jobs and provide additional household spending within the wider economy. This has moderate benefit. I afford little benefit to New Homes Bonus and Council Tax receipts as these would be the same for any housing.
42. Although I have not found any harm to the significance of Grade II listed Marsh Hall and the stables, a non-designated heritage asset, I afford considerable weight to

the harm to the significance of the WHS. The proposed development would not be in an appropriate location, having regard to national and local planning policies and access to services, facilities, and public transport. I afford this harm significant weight.

43. Consistent with NPPF paragraph 215, it is necessary to weigh the minor level of less than substantial harm to the significance of the WHS against the public benefits. All the above benefits can be regarded as public benefits. However, the benefits in their totality are not sufficient to outweigh the harm to the significance of the WHS. NPPF paragraph 212 indicates that great weight should be afforded to the asset's conservation, and the more important the asset, the greater the weight should be. In this instance, there is not clear and convincing justification for the harm to the designated heritage asset as required by NPPF paragraph 213.
44. As a result, the proposed development would not have an acceptable effect on the significance of the WHS and so would fail to accord with CELPS Policies SE 7 and SE 14, SADPD Policy HER 9, HCNP Policy CE6 and NPPF paragraphs 212, 213, and 215. The heritage balance has not been passed.
45. Turning to the overall planning balance, the lack of housing land supply indicates that NPPF paragraph 11 d) applies and the policies which are most important for determining the application are out-of-date with regard to NPPF footnote 8. With regard to NPPF paragraph 11 d) i) and the application of policies in the NPPF that protect areas or assets of particular importance, the heritage balance has not been passed. This therefore provides a strong reason for refusing the development proposed. Therefore, the presumption of sustainable development does not apply.
46. I have found that there would be considerable weight to the harm to the WHS and significant weight to the harm stemming from the site's location and accessibility to services and facilities. The proposed development would give rise to negative effects and would conflict with several development plan policies as a result. While moderate weight can be given to the proposed development's benefits outlined above, these benefits do not outweigh the harm I have found. The proposed development would therefore be contrary to the development plan taken as a whole, and there are no material considerations to indicate that planning permission should otherwise be granted.

Conclusion

47. Therefore, the appeal is dismissed.

Joanna Gilbert

INSPECTOR