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## Appeal Decision

Site visit made on 30 September 2025

**by Graham Wraight BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 October 2025

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**Appeal Ref: APP/G4240/W/25/3368393**

**Land at Buckley Street, Stalybridge, SK15 1TN**

- 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 Neil Harrison against Tameside Metropolitan Borough Council.
  - The application Ref is 24/00338/FUL.
  - The development proposed is the construction of a bungalow
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### Decision

1. The appeal is dismissed and planning permission for the construction of a bungalow is refused.

### Procedural Matter

2. The Council did not determine the planning application because they consider that the appellant had not served the correct notice on the landowner. Whilst I am not aware that it is usual procedure to check the validity of ownership certificates, in this instance the Council considers that it itself is the landowner and they have provided a copy of the title of the land to that effect. However, the appellant disputes this and they maintain that they are the landowner and that the correct notice was served.
3. The Council state that they formally disposed of the application, but in a letter dated 29 October 2024 they advised the appellant of three options open to them. The second of these was to refuse to amend the [ownership] certificate and consider an appeal to the Planning Inspectorate on the basis of non-determination. The Council does not suggest that, aside from the disputed land ownership issue, the planning application failed to meet any other validation requirements.
4. In light of the above, I have proceeded to determine the appeal on the basis that it is against the non-determination of the planning application by the Council.

### Main Issues

5. The main issues are the effect of the proposed development on (i) the character and appearance of the surrounding area and (ii) the living conditions of the occupiers of 144 and 146 High Street, with particular reference to outlook, light and the provision of outdoor amenity space.

## Reasons

### *Character and appearance*

6. Buckley Street consists exclusively of two storey dwellings. Although the appellant has identified a bungalow in the vicinity, this is not viewed in the same street scene that the appeal proposal would be. A bungalow on the appeal site would appear out of character and incongruous in relation to the existing dwelling types along Buckley Street. This impact would be intensified because of its extreme close proximity to the two storey dwellings that front onto High Street and because it would be visible across the area of open space immediately adjacent to it. It is not clear where bin storage for the existing dwellings would be accommodated, and the absence of such space could further add to the harm that would result.
7. For these reasons, the proposed development would cause significant harm to the character and appearance of the surrounding area. Consequently, it would fail to accord with Policies H9, H10 and C1 of the Tameside Unitary Development Plan 2004 (UDP) and Policy JP-P1 of the Places for Everyone Joint Development Plan Document 2024, where collectively they seek to protect character and appearance.

### *Living conditions*

8. The proposed dwelling would be located very close to the rear elevations of Nos 144 and 146, with both of those dwellings having ground and first floor windows on that elevation. The impact on the outlook and light levels to those windows from the proposal, in particular those on the ground floor, would result in a significant level of harm to the living conditions of the occupiers of those properties. This harm would be compounded by the loss of the rear garden/yard areas which currently serve those dwellings.
9. In conclusion, the proposal would fail to accord with Policies H9 and H10 of the UDP where, taken together, they seek to safeguard living conditions.

## Other Considerations

10. The proposal would result in a new dwelling in an established urban area and one which would be close to services and facilities. It would align with the aim of the National Planning Policy Framework to significantly boost the supply of homes. Given that it would provide for one new dwelling, this is a matter which carries moderate weight in its favour.
11. The appellant states that a dwelling was previously located on the appeal site, but no details of what form this took or when it was removed have been provided. However, the relationship with the adjacent dwellings might have changed since that time, given that No 144 has recently been constructed and has windows facing towards the site. But in any event, what may have existed in the past does not weigh in favour of permitting the clear harm I have found to both character and appearance and to living conditions from the appeal proposal.
12. The appellant makes reference to tipping that has taken place on the appeal site, and I was able to observe at my site visit that in this respect the site does not make a positive visual contribution to the area. However, I am not persuaded that the building of a dwelling is the only way in which this could be addressed. This is

not therefore a matter which weighs in support of the proposed development either.

### **Planning Balance and Conclusion**

13. The proposed development would cause significant harm to both the character and appearance of the surrounding area and to the living conditions of the occupiers of Nos 144 and 146. It would therefore fail to accord with the development plan taken as a whole. The benefits associated with the provision of a new dwelling offer moderate weight in favour of the proposal, but they do not outweigh the conflict with the development plan. Therefore, the appeal should be dismissed.

*Graham Wraight*

INSPECTOR