



Appeal Decision

Site visit made on 17 June 2025

by N Kempton BAHons, PGDip, MA, IHBC, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2025

Appeal Ref: APP/G4240/W/25/3362813

Car Park, Wellington Street, Ashton Under Lyne OL6 7NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Land and Securities Limited against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 24/01013/FUL.
 - The development proposed is the siting of a storage container.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, the development appeared to be partially retrospective, the container was in situ, but the proposed external finish of matt black timber cladding had not been applied. For the avoidance of doubt, my determination of this appeal is based on the information submitted.
3. The description of development is taken from the planning application form with the extraneous information omitted for clarity.

Main Issues

4. The main issues are the effect of the development on the:
 - significance of designated heritage assets, with particular regard to the Church of the Nazarene and Ashton Town Centre Conservation Area;
 - living conditions of neighbouring occupiers at numbers 94, 96 and 98 Wellington Street, with particular regard to outlook.

Reasons

Effect on heritage assets

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be paid to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72(1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

6. The appeal site is near to the Church of the Nazarene (the listed building), which was constructed in around 1810, originally as a private residence but more recently has been used as a church. Fronting Stamford Street, it is an imposing building by reason of its scale, occupying a substantial footprint, but also by virtue of its architectural expression and ashlar detailing. As such, the building is visually dominant in its immediate urban context. The architecture, scale and size of the building relative to its surroundings reveals social and economic information about the historic hierarchy of the building and its occupants. Given its proximity, the proposed development would be within the setting of this grade II listed building.
7. The appeal site is located within the Ashton Town Conservation Area (CA). As such, I have had regard to my duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The appeal site forms part of the Old Town quarter, the historic significance of which is evident, in part, by the grid street pattern and ordered grain of development. The surrounding buildings are predominantly two-storey. Brick is the prevalent building material, though render and stone were noted. The Coach House and Stables, adjacent to the site, operates as a funeral director and includes some temporary, timber boarded buildings within an enclosed yard.
8. The appeal site formerly operated as a carpark, open and clear of built form. The siting of the container fails to respect the grid pattern and spatial qualities of the built form in the area. The size, scale and uncharacteristic form of the container would serve to increase its prominence and dominance in the street scene thereby emphasising its disharmony with the established layout.
9. The proposed development would also fail to reflect the established material palette of red brick in the immediate vicinity. The proposed container is to be clad in matt black timber. Whilst this cladding is intended to reflect the adjacent stables within the funeral director's yard, it would not in itself sufficiently mitigate the harms identified regarding size, scale and siting. Notwithstanding the adjacent timber stables, the size, siting and scale of the proposed container would dominate the street scene and fail to assimilate with the surrounding built form.
10. Therefore, the siting of the container would fail to positively enhance the townscape quality of the appeal site. Visually unattractive and uncharacteristic in size, scale, form and massing, the container would fail to preserve and enhance the character and appearance of the conservation area.
11. Wellington Street is a narrow back street, rather than a main throughfare. Nevertheless, the proposed container would be readily visible from the public realm by reason of its size, scale and prominence. Hence, the proposal would degrade the quality of the townscape. The proximity of the proposed container to the church would be obtrusive and would intrude into the setting of the listed building, to the detriment of the special architectural and historic interest of this designated heritage asset and detracting from its significance.
12. Taking account of the scale and temporary nature of the proposal, there would be less than substantial harm, towards the lower end of the scale, in relation to two designated heritage assets.
13. Paragraph 215 of the National Planning Policy Framework (the Framework) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against

the public benefits of the proposal, including securing its optimum viable use. The container is not required to facilitate development of the appeal site. Rather, the appellant states it would serve a number of unrelated and unidentified development sites elsewhere in the town. Therefore, the container is not directly associated with the existing use of the land. It is acknowledged that the appeal site is a previously developed, now vacant, site, but the evidence does not show that the siting of a container on the land would secure the optimum viable use of a designated heritage asset.

14. The proposal would use a vacant, undeveloped site and indirectly could facilitate economic development by providing convenient storage for tools and equipment for other development. These represent public benefits, but would be limited in extent.
15. Paragraph 213 of the Framework stipulates that any harm to the significance of a designated heritage asset requires clear and convincing justification. Moreover, paragraph 212 indicates great weight should be given to the conservation of each designated heritage asset. Therefore, it has not been demonstrated that the public benefits arising from the siting of the proposed container would outweigh the harm identified to the significance of the CA and listed building.
16. The appellant has drawn comparison between the appeal proposal and the ancillary buildings associated with the adjacent Funeral Director. These buildings are sited within an enclosed yard and use of these buildings is ancillary and directly related to the operation of this established business. The appeal site is an open and undeveloped site. Use of the proposed container would not be directly related to the operation of the land. As such, the existence of the ancillary building carries limited weight and does not lead me to a different finding on the effects of the appeal proposal.
17. The appellant cites other storage containers within the CA. They contend that the Council's decision making on the proposal that is the subject of this appeal, is inconsistent with these previous decisions. There are some similarities between the existing containers and the proposed container, in terms of type, form and appearance, and the proximity to a church is noted. However, the absence of the circumstances or even existence of any permissions granted inhibits a full comparison with the appeal proposal. Based on the information that is before me, such examples relate to different containers, in different contexts- I note specifically, the presence of trees and the apparent absence of residential dwellings. It is unclear whether use of these containers relate to the land on which they are sited. Hence, these other storage containers do not lead me to find otherwise on the appeal proposal. Indeed, the proliferation of containers in the vicinity are likely to harm the significance of heritage assets, cumulatively and individually.
18. Paragraph 202 of the Framework describes heritage assets as an irreplaceable resource, that should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. It advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The siting of the container would be detrimental to the significance of Ashton Town Centre Conservation Area and the setting of the Church of the Nazarene, which is a grade II listed building. For these

reasons, the proposed development would fail to satisfy the requirements of the Act and fail to meet the expectations of the Framework.

19. As such, the proposed development would be contrary to Places for Everyone Joint Development Plan (2024) Policy JP-P2 Heritage, which sets out the commitment to protect and enhance designated and non-designated heritage assets, ensuring development respects the historic environment. It would also be contrary to the following policies of the Tameside Unitary Development Plan (2004): Policy C2 Conservation Areas, which sets out criteria to ensure that any development respects the historic and architectural character of CAs within the borough; Policy C4 Control of Development in Conservation Areas, which reinforces the importance of thoughtful planning in and around CAs. This policy sets out the need to have regard to the desirability of preserving or enhancing the character or appearance of the area, and the requirement for development proposals to make a positive contribution to the context in which they are set; Policy C6, which aims to protect the setting of listed buildings by preventing development that would harm their character or significance.

Living conditions of neighbouring residents

20. Opposite the appeal site is a terrace of 2 storey dwellings, the outlook from which would directly face the proposed container. Wellington Street is narrow, and the residential properties abut the back of the pavement. As such, the container would be sited in close proximity to the principal windows in these dwellings.
21. Given the size, scale and close proximity of the container to the residential properties, the container would be unduly prominent in views and significantly reduce the outlook of the occupiers at numbers 94, 96 and 98 Wellington Street. The siting of the container would dominate and have an enclosing effect on an otherwise open site.
22. The appellant contests that the appearance of the proposed container would be no worse than the visual impact of parked vehicles and noise and disturbance arising from vehicle movements. However, parked vehicles and vehicular movements are transient in nature in contrast to the permanent solidity of the appeal proposal. Even taking into account the proposed temporary siting, this could extend to the end of 2027, which represents a significant period of time.
23. For these reasons, the siting of the container would be detrimental to the living conditions of the neighbouring occupiers, in particular regard to outlook and is contrary to paragraph 135(f) of the Framework, which states that development should create a high standard of amenity for existing and future users.

Other Matters

24. The appellant states that the container is needed for the storage of tools, machinery and materials in anticipation of development works in the surrounding area, and to reduce the number of vehicles entering the town, thereby reducing emissions. It has not been demonstrated that use of the proposed container would be connected to the operational works associated with development for which any consent has been granted. Furthermore, the evidence before me does not substantiate any claims relating to a reduction in vehicle emissions or justify the need for the container to store tools and machinery.

25. The appellant asserts that the proposed container is sited, in part, to form a barrier that serves to restrict access over the land. Access and land ownership is a private matter outwith the scope of this planning appeal. However, it is not shown that the appeal proposal would be the only physical means by which to secure the boundary.

Planning Balance and Conclusion

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations, which include the Framework, indicate otherwise.
27. I have found that the proposed development would fail to preserve and enhance the significance of the CA. It would also be harmful to the setting of the listed building. Moreover, further harm would result to the living conditions of neighbouring residents.
28. There would be conflict with the development plan when read as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding.
29. For the reasons given above the appeal should be dismissed.

N Kempton

INSPECTOR