
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: 4 November 2025

Appeal Ref: APP/G4240/W/25/3369203

Land at Roaches, Eastern side of Manchester Road, Mossley

- 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 Ms & Ms A & M Jones & Bradbury against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 21/00196/OUT.
 - The development proposed is a residential development of 17 No. dwellings. Access and layout to be considered. Appearance, landscaping and scale reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is submitted in outline form with all matters reserved except for access and layout. However, the proposed site layout plan submitted is stated as being 'not to scale' and does not contain any written dimensions relative to site boundaries. This means that it cannot be established with complete certainty as to the separation distances between the proposed development and the site boundaries, to the adjacent building and to the trees located on adjacent land. Where necessary for my determination of this appeal, I have estimated these distances having reference to the likely sizes of features such as the detached garage on proposed plot 6.

Main Issues

3. The main issues are:
 - (i) The loss of employment land and compliance with the relevant policies of the development plan;
 - (ii) The effect of the proposed development on the operation of nearby industrial premises;
 - (iii) Whether the proposed development would provide acceptable living conditions for future occupiers;
 - (iv) The effect of the proposed development on trees located adjacent to the site; and
 - (v) Whether the proposed access would be acceptable in design terms.

Reasons

Loss of employment land

4. The submissions made by the appellant in the form of an Employment Use Viability Assessment and an Employment Use Viability Appraisal outline a number of limitations of the appeal site in terms of future employment redevelopment. However, they do not go far enough in terms of meeting the requirements of Policy E3 of the Tameside Unitary Development Plan 2004 (UDP) and the Employment Land Supplementary Planning Document 2009 (SPD). Those include a requirement to evidence that there is no demand for the premises or use in its current form and for marketing for alternative employment uses to be undertaken. Furthermore, the evidence provided identifies only one available alternative premises in Mossley, and it is not clear what this might indicate in terms of the level of demand or availability of alternative employment land/premises in the area. There is also no test of viability for an alternative open storage use, or substantive evidence that this would not be possible for environmental or highway safety reasons.
5. Whilst the appellant states that the current use only employs one person on a part-time basis, they do not dispute that in planning policy terms the existing open storage use is an employment use. I acknowledge that both Policy E3 of the UDP and the SPD are documents of some considerable age. Nonetheless, their aims align with a key tenet of sustainable development set out in the National Planning Policy Framework (the Framework), that being to deliver an economic objective by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth. That the appeal site is neither allocated for employment nor a strategic employment site does not absolve from the need to address the relevant employment protection policies. The submission therefore fails to demonstrate that the aims of Policy E3 of the UDP, Policy JP-J2 of the Places for Everyone Plan 2024 (PfE) and the SPD would be met, where collectively they seek to safeguard employment land.

Nearby industrial premises

6. The Acorn Works industrial unit is located immediately adjacent to the appeal site, and in particular it would be very close to a number of the proposed dwellings. There are several other industrial premises located nearby, although further from where the proposed dwellings would be positioned. No noise impact assessment has been provided and, whilst the Council's Environmental Services have recommended a planning condition requiring that assessment be undertaken before development commences, the layout of the seventeen proposed dwellings is not reserved. If planning permission was to be granted, mitigation possibilities could be limited as a result of the fixed layout, to the point that it might not be possible to successfully mitigate at all. This in turn has the potential to affect the operation of the nearby business, which would be a clear disbenefit.
7. Whilst the appellant states that they have discussed the proposal with the occupiers of Acorn Works and they point out that the building in question does not have openings facing towards the area where the proposed dwellings would be, it remains that there is no substantive evidence available to show what impact the proposal may have on the operation of the business which occupies it, or indeed on any business operating from units in the immediate vicinity. Consequently, the submission fails to demonstrate that it would accord with Policy H10 of the UDP,

where it requires there to be no unacceptable impact on the amenity of neighbouring properties and for new development to meet the needs of potential occupiers. The Framework also requires that suitable mitigation be provided in instances where the operation of an existing business could have a significant adverse impact on new development, under the 'agent of change' principle. Without evidence of the impact that the adjacent businesses might have, compliance with this requirement has not been demonstrated either.

Living conditions

8. Directly related to the matter considered in respect of the second main issue is whether acceptable living conditions for future occupiers of the proposed dwellings could be provided in light of the proximity to the industrial units. Whilst the Council refers to unpleasant and alien living conditions, for the most part the appeal site is not next to industrial buildings and the views towards the vast majority of the boundaries do not include those buildings. Nonetheless, for the reasons set out above, in the absence of a noise assessment it cannot be concluded that acceptable living conditions would be provided for the future occupiers of all of the proposed dwellings.
9. The gardens of the proposed dwellings on plots 1, 4 and 5 would be located close to the rear elevation of the Acorn Works industrial unit. That is a building of a substantial height and width, and its resultant massing would be oppressive when stood in the garden areas of those dwellings. As a result, it would be a dominating feature and one which would mean that there would be an unacceptable outlook from within those garden areas. Although the industrial building is sited to the north of the proposed dwellings, meaning that sunlight would be received in the gardens unaffected by its presence, this does not overcome the harm arising from the massing of the existing building.
10. Due to the poor outlook that would be provided to the proposed dwellings on plots 1, 4 and 5, and the wider matter of the proximity to the industrial units and the absence of an assessment of the impact of this, I conclude that the proposal would fail to provide acceptable living conditions for the future occupiers of the proposed dwellings. Consequently, it would not accord with Policy H10 of the UDP, where it seeks to deliver a design which meets the needs of the potential occupiers. There would also be a conflict with the aims of the Framework, where it requires a high standard of amenity for future users.

Trees

11. The proposed dwellings on plots 6 to 12 appear to be very close to the south-eastern site boundary, immediately adjacent to which a band of tall mature trees runs alongside the public trail known as Roaches Way. The proximity to those trees would also have an oppressive impact and they would dominate both the dwellings in question and their garden areas. Whilst non-dig solutions might be appropriate to ensure that the trees were not damaged during construction, their extreme close proximity to the dwellings would mean that it would be highly likely that there would be future pressure for the removal of this tree band, at least to some extent. That would result in harm to the character and appearance of the surrounding area. If this was resisted and/or not possible because the trees are on land under third party ownership, then unacceptable living conditions would be provided at those

properties because of the proximity of the trees and their impact, even considering that they would only impede sunlight in the earlier part of the day.

12. The proposal would therefore fail to accord with Policies C1, H10 and N3 of the UDP and Policy JP-G7 of PfE where, taken together, they seek to retain existing trees and hedges and to deliver a design which meets the needs of the potential occupiers. There would also be a conflict with the aims of the Framework, where it requires a high standard of amenity for future users.

Access design

13. It would be preferable that the access to the appeal site was not shared with the adjacent industrial premises. However, it is far from certain that there would be any alternative to what is proposed, given that Manchester Road drops considerably in land level as it passes the appeal site and because of the apparent constraints on providing access from the three other sides of the appeal site. There was no objection from the Highway Authority on highway safety grounds.
14. Future residents of the proposed dwellings would immediately turn onto the appeal site, sharing only the access point itself. In the context of the surrounding uses, signage directing visitors towards the industrial units and the residential development would not be visually out of place. Reference is also made by the Council to the lack of a frontage onto Manchester Road. However, the land is at a substantially higher level than that road, retained by a wall of some considerable height. Fronting houses onto the road would be of no benefit as they would not engage with the street scene because of the level differences. Even if physically feasible it would not be reasonable or necessary in visual terms to require that the ground level be reduced to that of the road.
15. For these reasons what is proposed would not result in a contrived and piecemeal form of development, with poor legibility and access, as the Council suggest. Nor would it result in any visual harm to the surrounding area, insofar as this can be assessed on the basis of the matters that are before me. I find therefore that there would be no conflict with Policies C1 and H10 of the UDP, where collectively they seek to promote good design.

Other Considerations

16. The proposal would provide seventeen new dwellings in a sustainable location, close to services and facilities and to public transport. A mix of house sizes is proposed, said by the appellant to reflect local need. There could also be biodiversity enhancements secured. Given the quantum of the proposed development and that the Council can demonstrate a five-year housing land supply, these are considerations which collectively carry moderate weight in favour of the proposal.

Planning Balance & Conclusion

17. I have found the design of the proposed access to be acceptable. However, it has not been demonstrated that the loss of the employment land is justified in the context of local planning policy, that the proposed development could be undertaken in a way that would not adversely affect the operation of nearby businesses, that it would provide acceptable living conditions for future occupiers of the proposed dwellings and that it would safeguard the adjacent tree belt.

18. Consequently, the proposed development would fail to accord with the development plan, taken as a whole. The benefits associated with the provision of the new dwellings 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 Wright

INSPECTOR