



Appeal Decision

Site visit made on 30 October 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal Ref: APP/R0660/W/25/3363421

Land to rear of Elms Road, Congleton, Cheshire

Grid Ref Easting: 384786, Grid Ref Northing: 363221.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Ms Caroline Ashworth of United Utilities Property Services against the decision of Cheshire East Council.
 - The application Ref is 24/4603/PIP.
 - The development proposed is erection of up to a maximum of 4 dwellings (resubmission of Permission in Principle Application Ref: 24/2536C).
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a maximum of 4 dwellings, at Land to rear of Elms Road, Congleton, Cheshire, Grid Ref Easting: 384786, Grid Ref Northing: 363221, in accordance with the terms of the application, Ref 24/4603/PIP.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. This consent route has 2 stages: the first stage (or permission in principle (PiP) stage) establishes whether a site is suitable in-principle and the second (technical details consent (TDC)) stage is when the detailed development proposals are assessed. This appeal relates to the first of those 2 stages.
3. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if PiP is granted.
4. The appeal site lies within the setting of a Grade II Listed Building described as "*Water Tower on Tower Hill to north of West Road*" (the LB). Accordingly, the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies, which requires special regard to be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
5. During my site visit, I noted that the signage for the access road referred to "Elm Road," rather than "Elms Road" as stated on the application and appeal forms. Nonetheless, for consistency with the details for which permission was sought, I have used the address given in the application form in this decision.

6. The description of development in the banner heading reflects the wording on the planning application form. As that form did not specify a minimum number of dwellings, I have determined the appeal based only on the maximum number proposed.

Main Issue

7. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, with specific regard to the desirability of preserving the setting of the LB.

Reasons

8. The appeal site lies within the settlement boundary of Congleton and comprises scrubland and self-seeded woodland with mature trees and dense vegetation. It is bound by residential development to the south, an industrial estate to the west, and two water towers to the east, comprising the LB and a later, taller water tower, which is now disused but continues to host telecommunications equipment.
9. The LB occupies elevated land and is a highly visible feature of the local area, including from the A34 and adjacent industrial estate. It is a decorative cylindrical structure dating from 1881, built of red and yellow brick with blue brick bands, semi-circular headed openings, and a distinctive parapet. Its significance derives from its utilitarian function combined with its ornate design and landmark quality within the local townscape.
10. The LB has been converted to a dwelling, with associated domestic curtilage including gardens and a detached garage block. This domestication, together with surrounding residential development, has altered its immediate setting from its original utilitarian context to a predominantly residential one.
11. The appeal site wraps around the newer water tower on three sides and sits at a similar level to that structure, slightly below the LB. The site is currently heavily vegetated and inaccessible in parts, contributing to a sense of enclosure rather than openness.
12. The Council argues that any residential development on the site would lead to further domestication, introducing access roads and domestic paraphernalia, thereby eroding the “oasis of green” around the LB and detracting from its prominence. It contends that harm to the setting of the LB would be very difficult and potentially impossible to overcome, given the site’s proximity to it.
13. However, my observations at my visit lead me to conclude that the appeal site makes a limited contribution to the LB’s significance. Its current overgrown condition and functional association with the later water tower diminish its role in framing the LB. The LB’s immediate setting has already been substantially altered by its conversion and surrounding residential development. Introducing up to four dwellings on this site would represent a continuation of this residential context, rather than a fundamental change.
14. At this stage of the PiP process, the absence of detailed design means that any potential harm arising from specific layouts, landscaping, or domestic features cannot be fully assessed. However, nothing in the site’s characteristics or the proposed amount of development suggests that a scheme incapable of preserving the LB’s setting would be inevitable. Sensitive design, siting, and landscaping,

including the retention of key trees and other landscape features, could ensure the avoidance of harm. These matters, however, fall to the TDC stage.

15. Having given special regard to the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the great weight that the National Planning Policy Framework (the Framework) directs must be given to the conservation of heritage assets, I find that granting PiP for up to four dwellings would not, in itself, cause harm to the setting of the LB, and the development would be capable of preserving the LB's significance.
16. I acknowledge the Council's concerns that heritage impacts cannot be fully assessed without detailed design. However, my conclusion relates solely to the principle of development. It does not guarantee that a detailed scheme will be acceptable. That will depend on careful design and mitigation at the TDC stage.
17. Accordingly, I conclude that the site is suitable for residential development in principle, having regard to its location, land use, and amount of development, with specific regard to the desirability of preserving the setting of the LB. Granting PiP would therefore accord with Policy SE7 of the Cheshire East Local Plan, Local Plan Strategy 2010-2030, July 2017 (the CELPS), and Policies HER1 and HER4 of the Cheshire East Local Plan Site Allocations and Development Policies Document, Adopted December 2022 (the SADPD). Collectively, these policies seek to ensure development conserves and, where possible, enhances the historic environment by giving great weight to the significance of heritage assets and their settings, requiring proportionate assessment of impacts, and preventing harm unless clearly justified and outweighed by public benefits. The proposal would also accord with the relevant provisions of the Framework, which have similar aims.

Other Matters

18. Interested parties have raised concerns about several matters, including surface water flooding, potential noise impacts from the adjacent industrial estate, the presence of underground services that might constrain development, the loss of mature trees and wildlife habitat, and highway safety risks from construction traffic using narrow local roads without footways.
19. The Council has not objected on these grounds, confirming that such issues are reserved for consideration at the TDC stage. Based on my own site observations and the evidence before me, I see no compelling reason to reach a different view, nor am I presented with any substantive evidence that these matters would present insurmountable obstacles that could not be addressed through detailed design and mitigation at the next stage.
20. Accordingly, whilst I have noted these concerns, they do not lead me to depart from my overall conclusion on the suitability of the site for residential development in principle.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed.

P Storey

INSPECTOR