



Appeal Decision

Site visit made on 16 December 2025

by Guy Rigby LLB ACGI CEng FICE FCIHT

an Inspector appointed by the Secretary of State

Decision date: 21st January 2026

Appeal Ref: APP/V4250/W/25/3374656

65, Gerard Street, Ashton-in-Makerfield, Greater Manchester, WN4 9AH

- 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 Lee Mossop against the decision of Wigan Metropolitan Borough Council.
 - The application Ref is A/25/098976/FULL.
 - The development proposed is Change of use from bank (Use Class E(c)) to a café/bar (Use Class E(b)) at ground level and an 11 person, 6 bedroom House in Multiple Occupation (Use Class C4) at first and second floor together with associated external alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. External alterations to the ground floor frontage of the building, including separate level access to the proposed ground floor use, were proposed as part of a separate planning application A/25/098974/FULL for which permission has been granted by the LPA. I have therefore not considered these in my determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, bearing in mind that it would be within the Ashton Town Centre Conservation Area;
 - the living conditions of both the future occupiers of the proposed development and the occupiers of the properties on Heath Road backing on to 65 Gerard Street with regard to privacy; and
 - highway safety.

Reasons

Character and appearance

4. Gerard Street forms the core shopping area of Ashton-in-Makerfield and is characterised by informal building lines with gaps between blocks of buildings, such as that between Nos. 59 to 63 Gerard Street and the appeal site. No. 65 Gerard Street is currently vacant, having last been occupied as a bank. The building is located within both the designated Ashton Town Centre and the Ashton Town Centre Conservation Area (CA).

Significance of the CA

5. The CA is primarily commercial in character with a number of historic shopfronts. Some of these, including No. 65 Gerard Street, have been adapted for commercial uses at ground floor level with residential use above. Insofar as is relevant to this case, the significance of the CA is derived from the mix of architectural styles, including mock Tudor cladding, and the breadth and unusual curved form of Gerard Street. In particular, the view southwards forms a significant feature of the streetscape as Gerard Street rises and sweeps to the right past No. 65, and the wide pavement on the south side constitutes an important space.

Effect on significance

6. The proposed changes to the north and east elevations of the building, insofar as they relate to this case, would contribute positively to a minor extent to the streetscape. There is a small open outdoor hardstanding area to the east of No. 65, which I note appears to have been gated with brick pillars in the past but is now open and used for car parking. This informal area forms an important visual break in the building line between the appeal site and Nos. 59 to 63 Gerard Street, which contributes positively to the character and rhythm of the street scene. Nos. 61 and 63 Gerard Street are traditional shop fronts at ground level with black and white mock Tudor cladding above. A bin store to serve the proposed café bar would be provided in the hardstanding area, in line with and immediately adjoining the mock Tudor frontage of No. 63 Gerard Street. There would also be a brick wall and railings running between the bin store and the frontage of No. 65 Gerard Street, forming a continuous frontage between No. 65 and No. 63.
7. The treatment to the bin store would be black rather than the black and white of the adjacent mock Tudor frontages. This treatment, together with its size and the immediately adjacent brick wall and railings, would make the proposal unsightly and highly visible on the street scene. It would also enclose the area between Nos. 63 and 65 Gerard Street and in so doing take away an important visual break in the streetscape, especially when viewed along Gerard Street from the north towards the sweeping right hand bend. It would in my view cause harm and in so doing fail to preserve or enhance the character and appearance of the area.
8. There is a footway running along the frontage of the appeal site, which continues broadly parallel with the building line in both directions along Gerard Street. An outdoor eating and drinking area is proposed on the footway to the front of the appeal site. Although of some benefit to the public using it, this area would extend the full length of the building and part way across the existing gap between the appeal site and No. 65, and would occupy most of the currently available footway width.
9. Reference is made by the appellant to historic precedent and I note that the historical photograph shows a modestly proportioned outdoor area which is in keeping with its surroundings and does not extend so far from the building into the footway nor into the gap between the appeal site and No. 63. However, the proposed outdoor eating and drinking area before me is significantly more extensive and modern in style. It would in my view be out of keeping with its surroundings and would interrupt the rhythm of the street scene. This would in my view cause harm and fail to preserve the character and appearance of the area.
10. On this main issue, I conclude that the proposal would fail to comply with Policies CP7, CP10 and CP11 of the Wigan Council Local Plan Core Strategy, adopted

September 2014 (CS), saved UDP Policy EV4A, and Places for Everyone (PfE) Policies JP-P2 and JP-P6. Together these documents seek to ensure that development proposals help to conserve and enhance heritage assets and settings including conservation areas, create attractive places, and respect the character and identity of the area.

11. Due to the significance of the CA, harm would also be caused to the designated heritage asset as a whole. The harm to the CA would be less than substantial and towards the lower end of any range. Even so, the Framework requires such harm to be balanced against the public benefit. I return to this as part of my overall balance and conclusion.

Living conditions

12. Above the ground floor café bar there would be an 11-person House in Multiple Occupation (HMO) on two floors. I note that the first floor would consist of four ensuite double bedrooms and a communal kitchen, and that the second (upper) floor would have a further two ensuite bedrooms, one single and one double, and a communal lounge/dining area. The HMO would be accessed separately via the existing western door set back from Gerard Street and immediately adjacent to the neighbouring property.
13. I also note that the building was last used as a bank, with the upper floors in domestic use by the bank manager and family. I further note that the proposed internal layout is deemed satisfactory in respect of HMO licensing requirements and meets HMO space standards.
14. In respect of HMO size, Precedent 04 in the appeal documents makes reference to two applications for single use enlarged HMOs of a similar size which were granted permission by the local planning authority. The first of these (A/22/94557/CU) makes very brief reference to shared fabric elements between bedroom and common rooms, size of HMO, town centre main road location with commercial use on the ground floor, outdoor amenity space and density, but it is not clear from the information before me what the commercial use is, how the accommodation is arranged, whether the town centre is designated, or whether the site lies within a conservation area or core shopping area. It follows the second (A/22/93613/CU), which is accompanied by plans and refers to a basement conversion enlarging an existing HMO. It is not clear to me from the information provided how these applications are relevant to the appeal site, and I therefore accord little weight to the arguments raised by the appellant.
15. Precedent 01 also makes reference to shared fabric elements, HMO size and density; and Precedent 03 refers to shared fabric elements, internal and external amenity provision and density of occupation, but these applications were approved prior to the HMO SPD being in force. Precedent 02 makes reference to density and intensification from a 2-bedroom family house to a 6-person 5-bedroom HMO, but cites only the existence of a Lawful Development Certificate. I therefore consider that these documents are neutral in the planning balance.
16. No management plan was submitted with the application, but the appellant refers to Precedent 05 in the appeal documents which cites a similarly sized site and building where a change of use of ground floor from a dental surgery to a 5-bed 5-person HMO was allowed by the Inspector (PINS reference APP/Q3060/W/15/3004565) although no management plan was submitted. Although I

am not aware of the precise circumstances of that case, and the appeal decision is not before me, it appears to me from the information before me that a distinction can be made between that site and the proposal currently before me. Whereas in the precedent cited by the appellant there is now a single use, I note that in the case before me there would be separate uses. I therefore attach little weight to the appellant's arguments in respect of provision of a management plan. I also note that the appellant contends that the change of use as a social and housing offer will add positive life and character to the streetscape but, in the absence of a management plan, and from the information before me, it is not clear how the proposed HMO would operate in combination with the proposed café bar. Nor is it clear how the proposal would be integrated into the surrounding area so as to benefit both the occupiers and the public and avoid harm, particularly in respect of anti-social behaviour, parking, tenancy management, waste management and amenity impacts.

17. I note that the appellant believes that there is identified HMO demand and that the intensification of use is through an intentionally retrofitted proposal in a sustainable location reusing a vacant building. However, from the information before me, I consider that the increase in intensity of use of the upper floors of the building, from use by a single family to an 11-person HMO, and the layout of the accommodation, particularly the relationship of several of the bedrooms relative to the communal living areas, would result in a cramped layout with inadequate internal space, which would not provide an acceptable standard of accommodation. The relationship between the second floor communal lounge/dining area and the first floor bedrooms immediately below would have a negative impact on the amenity of the occupiers of the first floor bedrooms, and the sharing of a party wall between the first floor kitchen area and the adjacent first floor bedroom would further intensify the impacts in terms of privacy and noise. The outdoor amenity space would be very limited and insufficient for the number of occupants. This would result in unacceptable impacts on living conditions which would cause harm to the future occupiers of the proposed development in respect of privacy and noise.
18. I also note that the building line and height to the rear of the appeal site would be unchanged, with back to back distances of up to 18m. Precedent 02 makes reference to a building to opposite building distance of approximately 18.5m but cites only the existence of a Lawful Development Certificate; and Precedent 06 cites a change of use from hotel to HMO with a window to window distance of approximately 18m, but this was approved in 2012 before the current HMO SPD was in force. I therefore consider that these documents are neutral in the planning balance.
19. There would be no additional south facing windows to the upper floors. However, I find that the greatly increased occupancy would result in much more frequent overlooking of the adjoining properties on Heath Road backing on to the appeal site. This would cause a harmful loss of privacy both to the occupiers of the development and to the occupiers of the adjoining properties on Heath Road.
20. On this main issue, I conclude that the proposal would fail to comply with Policy CP10 of the CS and section 3.23 of the Council's HMO Supplementary Planning Document (SPD) dated March 2022. It would also be contrary to Principle 6 of the Council's Residential Design Guide SPD. Together these documents seek to ensure that satisfactory levels of amenity would be provided for both future occupiers of developments and occupiers of neighbouring properties.

Highway safety

21. In support of its position that the proposal would not constitute an unacceptable impact on highway safety, the appellant's statement refers to two sites with outdoor seating encroaching on the footway, the first at Mesnes Street and the second at Queen Street, both in Wigan town centre. Although I am not aware of the planning history of either of these sites, it appears to me following my site visit and from the information before me that a distinction can be made between these sites and the appeal site.
22. Although both the sites are adjacent to busy highways, I note that each is in a large urban town centre environment in an open and relatively spacious one-way gyratory streetscape, rather than on a modestly sized two-way shopping street in a conservation area.
23. Also, I observed moderate pedestrian flows at the appeal site, broadly consistent with its role as a core town centre shopping area, but in contrast I did not observe any pedestrians at the Queen Street site and very few at the Mesnes Street site.
24. I therefore consider that the sites at Mesnes Street and Queen Street are not comparable with the proposed development, and I attach little weight to the arguments raised by the appellant.
25. The footway at the appeal site is at an essentially uniform level except for the portion immediately in front of Nos. 59 to 63 Gerard Street, which is raised. I also observed that in the immediate vicinity of the appeal site the footway contains a variety of street furniture at varying intervals and set-backs from Nos. 59 to 65.
26. The extent of the proposed outdoor seating area would mean that the width of footway remaining would be less than half the existing footway width. This would result in an abrupt reduction in the available width of footway in front of No. 65.
27. Bearing in mind the nearby existing partially raised footway and the locations of existing items of street furniture, the abrupt reduction in width of available footway would cause an obstruction to pedestrian movement, making it difficult for pedestrians to pass safely and conveniently along the footway.
28. Taking all these matters into consideration, I find that the proposed outdoor seating area would adversely affect pedestrian safety. Although not necessarily resulting in significant harm, some degree of harm would nevertheless arise, contrary to PfE Policy JP-C6.

Conclusion

29. I conclude that the development would result in significant harm to the character and appearance of the area. It would not preserve or enhance the CA and would fail to accord with Policies CP7, CP10 and CP11 of the CS, saved UDP Policy EV4A, and PfE Policies JP-P2 and JP-C6. Together, these policies seek to ensure that development proposals help to conserve and enhance heritage assets and settings, including conservation areas, create attractive places, and respect the character and identity of the area.
30. In reaching my conclusions on the effect of the proposal on the CA, I have given considerable importance and weight to the harm found. Although less than substantial, paragraph 215 of the Framework requires that this harm must be

weighed against the public benefits of the proposal, including securing its best viable use. Although there are public benefits in the principle of ensuring that the building is occupied, harm would be caused to the heritage asset in this case, and the public benefits do not outweigh the harm. Harm would also be caused to future occupants of the building, to current residents of Heath Road and to pedestrians passing along Gerard Street.

31. The proposal would not accord with the development plan when considered as a whole, and I find no material consideration which would justify a decision other than in accordance with it.
32. For the reasons given above the appeal should be dismissed.

Guy Rigby

INSPECTOR