



Appeal Decision

Site visit made on 4 March 2025

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/B4215/W/24/3352551

Safestore, 202-208 Cheetham Hill Road, Manchester M8 8LW

- 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 Mr Jack Kempster (Safestore Properties Limited) against the decision of Manchester City Council.
- The application Ref is 139182/FO/2024.
- The development proposed is 'Extension of existing self-storage warehouse (Use Class B8) and provision of external access storage units.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the determination of the planning application now subject to this appeal, a joint development plan¹ (JDP) was adopted by various local authorities across Greater Manchester. This now forms part of the development plan. I note that the main parties have considered this in their respective written submissions for this appeal and as such I did not invite comment on this matter.
3. On 12 December 2024, the Government released an updated version of the National Planning Policy Framework (the Framework). As the changes do not affect the consideration of the main issue of this appeal, I have not sought comments on the revisions.
4. As part of their appeal submission, the appellant has presented an alternative proposal for my consideration should the refused planning application found not to be acceptable at this stage. The Procedural Guide: Planning appeals – England² sets out that the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage.
5. In deciding whether to exceptionally accept proposed amendments, as per the judgement in Holborn³, which refined the 'Wheatcroft principles'⁴, consideration must be given to the following two tests which must be assessed separately: 1) a substantive test; and 2) a procedural test.

¹ Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan – adopted 21 March 2024.

² Dated 11 January 2024. Section 16, Paragraph 16.1.

³ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin).

⁴ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37].

6. The substantive test is whether the proposed amendment(s) involves a 'substantial difference' or a 'fundamental change' to the application that would ultimately result in a 'different application.' A 'substantial difference' or a 'fundamental change' could also be as a result of a series of small, incremental changes to a scheme. If it is concluded that the amendment(s) would result in a 'different application', then it is unlikely that it or they could be considered as part of the appeal. The procedural test is whether, if accepted, the proposed amendment(s) would cause unlawful procedural unfairness to anyone involved in the appeal and, if so, whether such unfairness could be cured, for example by re-consultation.
7. The amendments are outlined in section 7 of the 'Heritage, Townscape and Visual Impact Assessment in Support of the Appellant'⁵ (HTVIA) document and shown in a suite of drawings. The changes include the removal and addition of cladding, windows, doors and glazing panels across the facing elevations of the existing building.
8. While the revised plans do not involve a fundamental change to the proposed development, taken together they do include a number of small changes to the proposal that was originally submitted. Given the sensitive location in the setting of a Grade II* listed building, I consider that this results in a different proposal to those which the Council and relevant consultees considered and determined. Consequently, they do not pass either the substantive test or procedural tests.
9. Consequently, I do not accept the proposed amendments as shown on the revised plans, and I have determined the appeal based on the plans and drawings which were submitted to the Council, which were assessed, consulted upon and determined.
10. The appeal proposal relates in part to the setting of a Grade II* listed building. In this scenario, Historic England (HE) guidance states that it should have been consulted by the Council during the application process. This was not carried out, and I requested that this be undertaken before the appeal was determined, although HE did not return comment.

Main Issues

11. The main issues are the effects of the proposal on the character and appearance of the area and on the setting of a Grade II* listed building.

Reasons

Character and Appearance

12. The appeal site includes warehouse and office buildings joined to form a self-storage facility. The larger, warehouse style building is formed of metal walls and a pitched roof while the narrower, brick building has a flat roof. The site has vehicular access points from both Cheetham Hill Road (CHR) (A665) to the west and Stocks Street to the east which both lead to a parking area. There is also a gated yard area which extends towards Broughton Street to the south which at the time of my visit was empty, but I understand has been used historically to store vehicles.

⁵ Montagu Evans LLP – dated September 2024.

13. The proposal seeks to erect an extension to the eastern elevation of the warehouse structure and also includes installing single-storey metal storage units in the gated car park area to the south. Accesses from both roads will be maintained, with the entrance from Stocks Street widened and the existing parking area reconfigured. The building would be clad in both blue and silver composite wall panels while elements of facing brick would also be used. The area lining CHR also includes provision for landscaping.
14. CHR runs from the north towards the city centre of Manchester and is considered a gateway route. The area around the appeal site is generally characterised by two and three storey commercial buildings. These consist of older, converted buildings of facing red brick and intricate detailing including window surrounds such as those seen in the neighbouring Jewish Museum. Newer developments, such as the commercial units across CHR from the appeal site have a clear and restrained approach and include a more muted colour and material palette, including grey facing brick and dark window and door frames and roller shutters. There is a generally consistent building line along both sides of CHR in the vicinity of the appeal site although built form becomes somewhat more irregular to the north. Stocks Street to the east is a smaller access road and built form is generally consistent with CHR with brick facing, two-storey buildings and a muted colour scheme. However, metal railings, compactly parked vehicles, litter and the narrow width of the road give it a distinctly more industrial character and a tighter knit form.
15. The host building at present includes elements of blue signage and detailing relating to the host business' branding but is otherwise generally respectful of the immediate area, presenting as a predominantly brick building to the west when viewed from CHR. When viewed from Stocks Street, the metal facing elevations, shutters and containers of the warehouse section of the building viewed through the metal railings and amidst parked vehicles from this viewpoint do not feel out of place, albeit they are utilitarian and telling of the building's function.
16. There is conflicting information before me regarding the height of the extension. The updated HTVIA⁶ submitted by the appellant in their final comments advises that an updated survey was carried out in September 2024 in which the height of the building was found to be 290 millimetres (mm) higher than previously thought, taking the extension to 2.35 metres (m) higher than the existing building. However, the submitted elevations drawing⁷ shows a difference of 2.635m and has seemingly not been updated. Moreover, later in the rebuttal it is advised that 'the extension does not extend above the ridgeline of the warehouse or the museum', although the submitted proposed contextual sections drawing⁸ demonstrates that it would in both cases.
17. From the evidence before me, the proposed extension to the east elevation would present as a three-storey structure and infill much of the section of land between the warehouse and Stocks Street. While Manchester city centre may include a number of tall buildings, in the immediate context the large structure presenting above the existing roof, particularly from the west, would appear as a domineering feature in terms of its height set against the prevailing two-storey height of most buildings in the immediate area. This would be compounded by the large sections

⁶ Heritage, Townscape and Visual Impact Rebuttal on Behalf of the Appellant – Montagu Evans, dated December 2024.

⁷ Drg No. 4664-SK06(PL) Rev: A

⁸ Drg No. 4664-SK09 Rev: A

of silver and blue cladding introduced to the east, south and north elevations of the building. While it is claimed these respond to the local area, it appears to be more dictated by the branding of the host business than the red or darker brick of adjacent buildings. In my view, these large areas of cladding would appear incongruous in the street scene from CHR in particular.

18. I have had regard to the submitted photomontages and modelling in the appeal submissions. These show the extent of the visibility of the extension, particularly from the north. The visualisations demonstrate the visibility and domineering scale of the proposed structure while the materials would appear stark in these viewpoints, dominating the mid-range views towards the city centre with a sheer wall of silver and blue cladding. Set against the skyscrapers of Manchester City Centre they may not appear excessive, but in the more immediate and local context I disagree that they would be of suitable scale.
19. I am informed that the yard area to the south has historically been used for car storage, although at the time of my visit it was vacant behind a locked gate. The proposal includes two lines of external units in opposing lines running north to south, totalling 22 units. These would be clad in silver boarding with blue metal roller shutters, along with a low line of red brick above ground level. The photomontages and modelling submitted within the relevant HTVIA documents shows that these would predominantly be viewed from Broughton Street and Stocks Street. In these views, the containers would be of a subordinate scale to the surrounding area, although their materials would appear stark set against the red brick of the buildings to either side, particularly the rear of the Jewish Museum. Moreover, I observed on the site visit that there would likely be views, albeit fleeting, through the gap between the appeal site and Jewish Museum through which the stark appearance of the silver cladding of the containers would appear incongruous against the red brick and metal extension of the museum.
20. Moreover, in combination with the footprint of the extension to the warehouse, there would be little relief from the increased mass of the proposals overall, with built form covering a significant area of the site as a whole. Although the parked cars of the previous use may have been arranged in a somewhat ad-hoc manner, there would have been permeability through the metal fencing from the two roads lining this part of the site. The structures would be of solid construction and connected on both sides with little visual relief remaining overall, contributing to the sense of an overdeveloped site.
21. The proposal includes a landscaping strip between the footpath of CHR and the office building. While this is a welcome addition, and I take on board that it would soften the increased mass of the proposal to a limited degree, this would not completely mitigate against said harm, particularly given the scale of the extension and proliferation of cladding.
22. Taken together, the proposal would harm the character and appearance of the area. This would conflict with policies DM1 and SP1 of the CS⁹ and JP-P1 of the JDP. These seek, among other things, to ensure opportunities for good design to enhance the overall image of the city should be fully realised, particularly on major radial and orbital road and rail routes. The proposal would also conflict with the aims of the Framework, including at paragraph 135 which advises development

⁹ Manchester's Local Development Framework Core Strategy Development Plan Document – adopted 11 July 2012.

should be sympathetic to local character and history, including the surrounding built environment.

23. I understand that part of the wording of policy SP1 of the CS has been replaced by policy JP-S1 of the JDP. However, the part of policy SP1 relevant to this main issue remains and as such the proposal would be conflict with it.

Setting of Listed Building

24. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a statutory duty on the local planning authority or, as the case may be, the Secretary of State, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Special Interest and Significance

25. The appeal site is located next door to the Grade II* listed Manchester Jewish Museum¹⁰, which was built in the 19th century as a synagogue for the Spanish and Portuguese communities of the local area. Designed by renowned local architect Edward Solomons, the building is of two-storey height and formed of red brick with sandstone detailing, with the front elevation including a range of features and Moorish motifs. The flank and rear walls are plainer but include some intricate detailing including the windows at first floor level and to the rear a large stained-glass window with a menorah motif. An extension to the north elevation was granted permission in 2017 and is formed of a striking mono-pitched roof and detailing to the front elevation.
26. From all that I have seen and read, the special interest and significance of the listed building is mostly derived from its historic and architectural interests. Historic interest is drawn from its age; association with the architect; historic and ongoing religious use; cultural connections with the Jewish population of the area; and ties to the historic development of the area, whereby increased prosperity drew large numbers of Jewish immigrants to settle nearby during the industrial revolution.
27. Architectural interest is drawn in part from the traditional materials used in the building's construction contrasted with intricate detailing externally, including Moorish motifs and decoration inspired by the Spanish and Portuguese congregation of the time. Evidently, it is one of the only synagogues designed in this style, and the majority of its features are concentrated on the front elevation with plainer flank and rear elevations, although the rear does include a large stained-glass window with menorah motif inlaid which belies its otherwise utilitarian form.
28. The museum is most readily experienced when travelling along CHR. This area forms the majority of its setting, although the south and east elevations are also visible from Broughton Street, Melloy Place and Stocks Street. I have had due regard to the appellant's Heritage Statement¹¹ (HS), which advises that the rear elevation was historically surrounded by terraced housing built during the industrial expansion of the area. These were removed to make way for further industrialisation and changing land use requirements in the mid-20th century.

¹⁰ List Entry Number: 1208472

¹¹ Montagu Evans LLP – dated December 2023.

29. As the Framework advises, the setting of a heritage asset is not fixed and may change as the asset and its surroundings evolve. Clearly, the setting of the museum has undergone a significant change since its construction. The area has evolved as the economic aspirations of its inhabitants changed. Today, while there are detracting elements, such as signage and some materials of adjacent buildings, some elements have remained and continue to contribute positively to the area. This includes the materials and general form of the adjacent red brick buildings and the sense of scale locally. This has allowed the museum to retain a sense of primacy in the street scene along CHR, including the provision of more modern buildings such as those on the opposing side of the road.
30. Taken together, despite some negative modern elements, the setting when experienced along CHR continues to make a positive contribution to the significance of the listed building. Stocks Street, Melloy Place and Broughton Street include positive and negative elements although to my mind as a whole they are generally neutral contributors to the setting and therefore significance of the museum.

Effects of Proposal

31. At present, the host building when viewed from CHR presents as a predominantly two-storey structure with a predominantly brick facing west elevation. While the blue warehouse structure is not in keeping with the red brick of the host and adjacent buildings, its pitched roof reduces some of its mass and prominence in the street scene.
32. I have had due regard to the photomontages and visualisations submitted with the appeal. Viewpoint 1 is taken from the junction of CHR and Broughton Street and shows the museum in the foreground obscuring the extension and additional cladding. However, I observed that the southern elevation would be clearly visible from CHR when viewed from outside the museum through the gap between the two buildings across the car park of the appeal site. The south elevation would include a parapet wall clad in silver boarding. Although the warehouse would remain behind, this would present as a sheer wall with little to relieve its stark appearance. This would appear incongruous set against the muted materials and design of the museum, harmfully imposing on the listed building in views from CHR due to its height and effect of increasing its mass
33. The 3D modelling produced includes several viewpoints from the front of the museum. It is explained that the extension would not be visible from these locations due to the setback from the south elevation and would therefore be obscured by the host building itself. I see no reason to dispute this finding.
34. I have had due regard to the Williams¹² judgement, which concludes, among other things, that visibility between a listed building and a proposed development at the same time would not necessarily affect the setting of the listed building. Be that as it may, the case subject to the legal judgment would have had its own site-specific circumstances and to my mind a lack of intervisibility does not mean there is an absence of harm. Listed buildings are safeguarded for their inherent architectural and historic interest. In this case, while the extension may not be visible from the front of the Jewish Museum due to its position, it stands to reason that harm within the setting of a heritage asset would harm its significance when that setting makes

¹² R (on the application of Graham Williams) v Powys County Council; Colin Bagley [2017] EWCA 427 (Civ)

a positive contribution in this regard. Given my identification of materials and scale as positive elements in the setting of the listed building, among other things, the extension would adversely undermine the building's value as a heritage asset and would not conserve it in a manner appropriate to its significance.

35. Turning to the external units, these would be viewed in context of the rear of the building along Stocks Street. This has a decidedly different character. However, while the railings are somewhat oppressive, they include a sense of permeability with the museum visible to the west. The removal of the terraced housing has opened up the rear elevation of the museum and while this is a plainer façade than the front or sides, it retains some positive elements such as the large stained-glass window. The erection of solid metal and clad structures would increase the mass of the site close to the road and when viewed against the rear elevation of the museum the materials would harmfully impact upon the setting of the listed building.
36. Taken together, the proposals would harm the setting of the Jewish Museum and therefore not preserve the Grade II* listed building or any features of special architectural or historic interest which it possesses. This would fail to satisfy the requirements of section 66(1) of the Act.
37. The proposal would also be contrary to policies EN3 of the CS, DC19.1 of the Unitary Development Plan for the City of Manchester (adopted 21 July 1995) (UDP) and JP-P2 of the JDP. These seek, among other things, to ensure new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including listed buildings. The proposal would also conflict the provisions of the Framework with respects to the historic environment. I shall return to this matter later in this decision letter.

Other Matters

38. I understand that the appellant is aggrieved with the Council's handling of the planning application, including pre-application advice given and confusing statements in its assessment of the proposal. While a finding of a neutral effect on heritage assets while refusing the application partly on that basis is somewhat confusing, the complaint in this respect does not affect the planning merits of the proposal, and it is not my role to mediate disputes of this type. As such this has not had any bearing on my determination of the appeal.

Planning and Heritage Balance

39. As per paragraph 212 of the Framework, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is particularly important in the context of the museum given its Grade II* listed status.
40. As per the approach espoused in paragraph 215 of the Framework, in my judgement, given the nature and extent of the proposal it would amount to 'less than substantial' harm to the significance of this designated heritage asset. This harm is of considerable importance and weight and should be weighed against the

public benefits of proposals including, where appropriate, securing its optimum viable use.

41. I understand that the use of storage facilities may be a useful option to local business owners and the public. I am informed that in total, users of the storage facility employ some 12,000 people. I have no reason to dispute this, although it is unclear how the expansion of the storage facility is of public benefit. There would be no increase in employment at the site given the characteristics of its use. The benefits of expansion would invariably be private to the business owner.
42. The updated Framework includes at paragraph 125(c) the provision to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. However, there is nothing before me to indicate an identified need. The reuse of an expansion of brownfield land is generally encouraged, albeit this is worthy of limited weight.
43. The landscaping and planting scheme proposed to the western side of the building would evidently provide a 121% increase in biodiversity net gain. Moreover, it would improve the appearance of that side of the building when viewed from the public realm. This is worthy of some limited weight in favour of the scheme.

Conclusion

44. I have found harm to the character and appearance of the area and to the setting of a Grade II* listed building. The proposal is therefore in conflict with the requirements of the Act, Framework and the development plan as a whole. This harm would not be outweighed by the benefits of the proposal, public or otherwise. Accordingly, for the reasons given, I conclude that the appeal is dismissed.

C McDonagh

INSPECTOR