



Appeal Decision

Site visit made on 16 June 2026

by **R Major BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2026

Appeal Ref: 6007380

Muscle Manor, 393 Wilmslow Road, Manchester M20 4WA

- 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 Zackeria Jooyandeh of Ziggy Sixx Ltd against the decision of Manchester City Council.
- The application Ref is 141714/FO/2024.
- The development proposed is erection of a functional training tent (Use Class E) to the rear of the main gym building.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed that the functional training tent (the tent) has been erected on site and is operational. Nevertheless, I have removed the words “*Retrospective planning application*” from the description in the above banner heading as this does not form part of the development.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance, and outlook.

Reasons

Noise and disturbance

4. The tent is situated in the rear yard area of the main two-storey gym building. It is located close to a number of properties in residential use on both Brook Road and Mitford Road, with its northeast facing side elevation sited very close to the rear boundary of the neighbouring residential properties at Nos. 2 and 4 Brook Road (Nos. 2 & 4).
5. I observed during my visit that the rear yard areas of Nos. 2 & 4 included tables and chairs, suggesting that they are used for sitting out, and it is reasonable to expect that residents should be afforded some peace and quiet when using outdoor amenity space at the rear of their properties.
6. Based on my observations on site, I find that the siting of the tent, and its main pedestrian double entrance door, so close to the shared boundaries with neighbouring properties, in particular Nos. 2 & 4, results in a change in the character of how residents would experience their rear outdoor areas and the rooms at the rear of their properties.

7. In particular, I find the general comings and goings of customers as they move within a concentrated area between the main gym building and the tent, along with any conversations taking place between customers as they move through this outside area, would be perceivable to these neighbouring occupiers, particularly when using their rear yard areas.
8. Given the use of the tent as a gym, such movements and activities could be frequent throughout the day and evening. Consequently, I find that the movement of customers in this area would have an intrusive and harmful impact upon the occupiers of these neighbouring residential properties, including how they enjoy and experience their outdoor spaces. This would be particularly harmful in the summer months when occupiers would likely have their windows open, and/or have a desire to sit out within their rear outdoor amenity areas.
9. I note the appellant has suggested that a condition could be imposed, requiring a Management Plan for the movement of people between the main building and the tent to be submitted to and approved by the Council. I have not however been provided with specific details of the measures that the appellant would be able to undertake to control individual customers movements and behaviours.
10. As such, and based on the evidence before me, I am not convinced that such a condition would overcome my concerns with regard to the increased level of noise and disturbance that would arise from the repeated movements of customers between the tent and the main gym building throughout the day and evening.
11. Furthermore, during my visit I stood in the narrow gap between the tent and the boundary fence to the rear of the properties at Nos. 2 & 4. Whilst stood in this location I could clearly hear voices and conversations coming from within the tent, and I also heard a single, but relatively loud, metal clanging sound from the use of a piece of equipment or a weight. Given my proximity to the shared boundary, I consider that the noises I heard would also have been audible from the adjacent neighbouring properties.
12. Whilst my visit was only a small snapshot in time, during this period I observed that the tent was in use by a small number of people (2 or 3 at any one time). Therefore, during busier periods noise from conversations, and use of equipment, within the tent would likely be louder and more frequent than what I heard.
13. Additionally, I note that an interested party refers to noise being heard from equipment being dropped within the tent and the appellant's Noise Impact Assessment¹ (NIA) also refers to the main sources of noise within the tent coming from patrons and the metal-on-metal sound of weights being knocked together. However, the NIA displayed the noise data associated with the use of the tent based on an average measurement taken over a 15-minute period.
14. As such, the more infrequent and louder noises, such as the individual bangs and clangs of metal, associated with the use of weights, may not be represented by this 15-minute averaging period, even allowing for the penalty for impulsivity used in the NIA. I consider that it is these more impulsive and irregular, but louder, individual noises that would be most audible from the rear rooms and outdoor areas of the neighbouring properties, to the detriment of the living conditions of the occupiers.

¹ Prepared by Braiden Acoustics Ltd, Report No. 11323revH (Dated 15 July 2025)

15. Accordingly, based on how these louder individual noises have been represented in the NIA, I cannot be certain the submitted NIA is sufficiently robust in terms of accurately representing the noise that could be generated from within the tent, and the resultant impact upon the living conditions of neighbouring occupiers.
16. In coming to this view, I am cognisant that the Council's Environmental Protection Officer is of the opinion that the impact of the development on neighbouring occupiers could be mitigated through conditions restricting the hours of use and the prevention of any amplified sound within the tent. However, and as detailed, a gym can also include other activities, such as the use of weights, which generates noise that is impulsive and irregular; as well as other noises including those associated with the movement and conversing of customers to and from the tent. Due to the nature of these noises, conditions limiting the hours of operation, and prevention of amplified sound within the tent, would not mitigate the harmful impacts.
17. I am also aware that reference has been made to the outside area at the rear of the main building being previously used as a beer garden in association with a former use at the appeal site. However, I have very limited information before me in respect of the planning history of this, or which specific parts of this outside area were used as a beer garden. Furthermore, beer gardens are largely used seasonally, during suitable weather conditions, whereas the tent would be accessed and operational for long periods, each day. I can therefore draw no direct comparisons between any purported use of this outdoor area as a beer garden, and the appeal scheme before me.
18. In view of the above, based on the evidence before me and my observations on site, I find that the development would have a harmful impact on the living conditions of neighbouring residential occupiers, with regard to noise and disturbance.

Outlook

19. I observed that the height of the tent extends significantly above the existing fencing positioned along the shared boundary with Nos. 2 and 4. Therefore, as a result of its scale, siting and height, a significant proportion of the tent is visible above this fencing from the rear windows, and rear yard areas, of these neighbouring properties.
20. Through a combination of its significant height above the fence line and the separation distance provided due to its siting so close to the shared boundary, I find the tent represents an intrusive feature, which has a significantly overbearing impact and creates a sense of enclosure, when viewed from the ground floor windows in the rear elevation of Nos. 2 and 4, as well as from within the rear yard areas. These harmful impacts are only exacerbated by the width of the tent, which spans across a significant portion of the rear boundary of No.2.
21. I therefore find the development represents an overly prominent, oppressive and dominant feature when viewed from the rear of these neighbouring residential properties, and has a harmful impact upon occupiers living conditions.
22. In coming to this view, I note that a tall evergreen tree provides some screening of the tent, more so from the rear of No.4. However, a significant section of the tent would still be visible from the rears of both these properties and there is no guarantee that this tree will be retained in perpetuity. The appellant has also commented that none of the interested parties have referred to the size of the tent. Be that as it may, a lack of

comments on the size of the tent from interested parties does not preclude a planning assessment, and judgement, on this matter.

Conclusion on living conditions

23. In view of all the above, I conclude that the development results in significant harm to the living conditions of neighbouring occupiers, by way of noise and disturbance, and loss of outlook from the rears of the properties at Nos. 2 and 4. The development therefore conflicts with Policies DM1 and SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document (2012), and saved Policy DC26 of the Unitary Development Plan for the City of Manchester (1995). These policies together seek to ensure, amongst other things, that development is of an appropriate siting and scale; makes a positive contribution to the wellbeing of residents; and has regard to effects on amenity, including the effect of new developments which are likely to be generators of noise. It is also contrary to paragraph 135(f) of the National Planning Policy Framework (the Framework) which seeks to ensure developments provide a high standard of amenity for existing users.

Planning Balance

24. In accordance with paragraph 85 of the Framework, the tent has allowed the business to expand and diversify, therefore increasing staff numbers. It is also claimed that it has provided an improved and unique community facility in a sustainable location, and I have no doubt as to the additional health and well-being benefits the tent provides for users of the gym. The appellant also states that the development utilises previously developed land. Given the scale of the development, I attach moderate weight to these benefits in favour of the appeal proposal.
25. The appellant also contends that the proposal has resulted in a visual improvement in comparison to the unsightly space that previously existed. However, there is limited substantive information before me in respect of the previous state of the land before the tent was erected. This therefore limits the weight I can attribute to this matter in favour of the appeal proposal.
26. Whilst I found there would be benefits arising from the development, these have to be balanced against the significant harm I have identified in respect of the proposal's impact upon the living conditions of neighbouring occupiers. In this case, I find the harm caused to neighbouring occupiers would outweigh the benefits arising from the development.

Conclusion

27. The proposal conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having regard to all other matters raised, the appeal is dismissed.

R Major

INSPECTOR