



Appeal Decision

Site visit made on 6 January 2026

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

Appeal Ref: APP/T4210/W/25/3360490

Stand Cricket And Tennis Club Hamilton Road, Manchester M45 7WF

- 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 Prestige Padel against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 71201.
 - The development proposed is the erection of 4 no. Padel Courts.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The appellants suggest the proposal could be amended to overcome the concerns of the Council. However, no revised plans have been provided to illustrate any alternative scheme. The Procedural Guide: Planning Appeals – England is in any case clear that if an applicant thinks that amending the scheme will overcome the reasons for refusal, they should normally make a new planning application. The appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector at appeal is essentially the same scheme considered by the Council and by interested parties at the application stage. Consequently, I have determined the appeal on the basis of the plans considered by the Council.

Main Issues

4. The main issues are:
 - i) The effect of the proposal on the provision of sports and recreation facilities;
 - ii) The effect of the proposal on the character and appearance of the area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade I listed building, “Church of All Saints” (ref: 1356818), and the extent to which it would preserve or enhance the character or appearance of the All Saints Conservation Area;
 - iii) Whether the proposal would make adequate parking provision, with reference to residential amenity and the safe operation of the highway;
 - iv) The effect of noise and light pollution on residential amenity and biodiversity; and
 - v) The effect of the proposal on trees.

Reasons

Sports and recreation facilities

5. Stand Cricket and Tennis Club comprises a cricket pitch with clubhouse and tennis courts. The appeal site is adjacent to the tennis courts at the far end of the cricket pitch. Now laid to grass, it was itself formerly tennis courts. Although not currently used for sports and recreation, it is identified in the Council's Unitary Development Plan (1997) (the UDP) as Protected Recreation Provision in the Urban Area.
6. UDP saved policy RT/1 seeks to protect recreation facilities including playing fields and sports grounds, except where alternate provision of equivalent community benefit is made available or it can be demonstrated that there is an excess of provision in the area. Paragraph 104 of the National Planning Policy Framework (the Framework) advises that existing sports and recreational buildings and land should not be built on except in circumstances including where the land is demonstrably surplus to requirements; the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
7. The evidence with the appeal outlines that padel is an inclusive hybrid racket sport that is growing in popularity in the UK. While there has been an increase in the number of padel courts over the last few years, demand apparently continues to outstrip supply. The Council and Sport England both acknowledge that Bury's Playing Pitch and Outdoor Sports Strategy identifies padel as an emerging sport in terms of needs assessment and it supports new facilities in the right places.
8. Sport England's objection to the proposal appears to be in part on the basis that there would be a loss of 3 x 3G 5 a side football pitches, for which there is a borough wide need, and a lack of evidence for the need for padel courts sufficient to outweigh the harm to football provision. However, the evidence indicates the proposal would result in the loss of former tennis courts and not football pitches. There is little evidence that the existing tennis courts, which would be retained, are not sufficient to meet the demand for tennis courts locally.
9. Sport England consulted with the England and Wales Cricket Board, who advised that the proposal would not impact the cricket pitch but, given the location of the proposal in relation to the cricket ground, there is a need to understand the ball strike risk. However, the aerial photographs illustrate that the appeal site is a similar distance from the cricket pitch as the spectator area to the front of the club house and the adjacent tennis courts. Moreover, the appeal site was formerly tennis courts. There is little substantive evidence that the padel courts would be at risk or would prejudice the use of the cricket grounds.
10. Taking into account its disused nature and the adjacent tennis courts, I am satisfied that the appeal site is surplus to requirements in terms of sports provision. The proposal would replace an unused part of the playing fields with a modern, high quality padel facility. This alternative sports and recreation provision would be a greater benefit than the current or former use. Taking into account the surrounding context and former use, the appeal site is a suitable location for sports provision.
11. Therefore, I conclude that the proposal would not have an unacceptable impact on sports and recreation provision. It would not conflict with the aims of UDP saved

policy RT/1. It would accord with the relevant aims of the Framework. Although not cited in the reason for refusal, I also find that it would not conflict with the aims of policy JP-P7 of the Places for Everyone Joint Development Plan Document 2022 to 2039 (Adopted March 2024) (the PfE).

Character and appearance

12. The appeal site is at the heart of All Saints Conservation Area (the CA), which comprises All Saints Church and grounds, Stand Cricket Ground, Hamilton Road Park, Uplands Health Centre and Whitefield House and associated grounds, and adjacent late 19th and early 20th century residential development. For the purposes of the appeal, the significance of the CA relates to the well preserved historic townscape, including traditional materials and design, and its verdant open spaces.
13. The Church of All Saints (the LB) is a Commissioners' church dating from the 1820s and it is significant for being Charles Barry's first building. It is in fanciful mixed gothic style with a lofty open porch in its ashlar west tower, battlements, tall pinnacles and canted apsidal east end. Its special interest, insofar as it relates to the appeal, is due to its prominent elevated position and open verdant surroundings, comprising its setting, which contribute to its historic legibility and interest as a landmark ecclesiastical building around which the town developed.
14. The layout drawing illustrates 4 padel courts each 20m by 10m, arranged in 2 rows each 2m apart. Each would be individually enclosed to a height of 3m, rising to 4m at the ends, in a combination of frosted glass and mesh fencing. Each would have a Dutch barn style PVC canvass cover over a metal frame, nearly 7m at 'eaves' height and over 9m at its ridge. There would be a single storey building, roughly 3m by 8.45m, with changing rooms, toilets and store and a covered patio space for tables and chairs between the padel courts and the tennis courts. The entire facility, around 32m by 46m, would be enclosed by perimeter fencing.
15. No elevation plans are provided to illustrate the appearance of the amenity building or canopy over the socialising space. No details of the perimeter fence appear to have been provided, although I understand it would be around 2.4m high. The Design and Access statement refers to a reception and onsite shop, but these are not illustrated. Elevation plans for one canopied padel court have been provided but there are no elevation or street scene plans that illustrate 4 together. As such, the plans do not appear to illustrate the entirety of the proposal.
16. Viewed from the surrounding area, the closely spaced padel court canopies would visually merge. By virtue of design and combined scale, the large expanse of canopies, with internal floodlighting, would be conspicuous and visually obtrusive. The proposal would be overtly contemporary and it would not respect or be sympathetic to the verdant and traditional surrounding townscape. It would be a discordant and incongruous feature that would not make a positive contribution to local distinctiveness or historic sense of place.
17. Where proposals affect a CA, case law has established that they must be judged according to their effect on the CA as a whole and must therefore have at least a moderate degree of prominence. In this case, the appeal site is below the level of surrounding roads and it is screened in some views by planting. Nevertheless, by virtue of its height, scale and illumination, the proposal would be readily visible from locations in the surrounding townscape including Hamilton Road, Higher Lane and the cricket club, Parklands, the neighbouring park and playground, and All Saints

Church. As the proposal would be prominent and it would harm the character and appearance of the townscape, it would be capable of harming the CA as a whole. It would not therefore preserve the significance of the CA.

18. All Saints Church is elevated above Hamilton Road and the lower lying cricket ground and appeal site, and there are intervening trees. Nevertheless, there is intervisibility between the appeal site and the LB and I observed the tennis courts, cricket nets and appeal site from the churchyard at the time of my visit. It follows that the padel court facility would be visible from LB and vice versa. By virtue of its scale, design and siting, it would detract from views and the historic prominence of the LB. The proposal would be in use from 7am til 10pm nearly every day of the year. The adverse effect on the setting of the LB would be exacerbated by this intensity, duration and frequency of use. Consequently, the proposal would erode the setting and thereby it would fail to preserve the special interest of the LB.
19. The appellants are aware of the historic significance of the area and would be willing to amend the scheme to minimise its adverse visual impact. While they would welcome an open dialogue to reach creative solutions for more substantial changes, that is not a matter for the appeal. Moreover, as I cannot be certain what, if any, amendments might mitigate the adverse visual impact of the proposal, this is not a matter that could be dealt with by the imposition of planning conditions.
20. Paragraph 212 of the Framework advises that when considering impacts on the significance of a designated heritage asset, great weight would be given the asset's conservation. Paragraph 213 advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and thus such harm should have a clear and convincing justification. Taking into account the scale and nature of the proposal, I find there would be a moderate degree of less than substantial harm to designated heritage assets, which would be of considerable importance and weight.
21. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
22. As there are currently no padel courts in this area, the facility would be a benefit to padel players. However, there is little substantive evidence of a significant unmet demand in this area or that the private padel courts would be a wider community benefit. The proposal would be a financial benefit to the appellants and to Stand Cricket and Tennis Club, but it has not been demonstrated that the Cricket Club would not be economically viable in its absence. There would be temporary economic benefits during construction. Collectively, the modest public benefits would not be of sufficient magnitude to outweigh the harm that I have found.
23. Given the above, I conclude that on balance the proposal would fail to preserve the setting and special historic interest of the Grade I listed building and the character and appearance of the Conservation Area would be neither conserved nor enhanced. This would fail to satisfy the requirements of the Act, paragraph 212 of the Framework and conflict with UDP saved policies EN1/2, EN2/1, EN2/2 and EN2/3. These require, among other things, that proposals avoid unacceptable adverse effects on townscape character, preserve and enhance the character or appearance of conservation areas and safeguard the setting of listed buildings. As a result, the proposal would not be in accordance with the development plan.

Parking provision

24. The appeal site is an accessible urban location and close to bus stops and Whitefield Metrolink station. Consequently, the proposal would be accessible by sustainable forms of transport including walking, cycling and public transport. Padel court players would be carrying sports equipment and clothing, but at least some that live within walking distance or have reasonable access to public transport would be likely to travel by these modes. Nevertheless, some players and spectators would travel by private vehicle.
25. The Design and Access statement refers to a pathway from the existing car park which would lead patrons to the site. However, the Cricket Club does not appear to have a car park. While Parklands might not be the first choice for parking due to the absence of a pedestrian link to the appeal site, nevertheless people travelling by car would be likely to exacerbate the on street parking problems that currently arise from the operation of the Cricket Club.
26. The padel courts would most likely be accessed via Hamilton Road Park from Hamilton Road and Bury New Road. Parking is restricted along these roads, but I am not aware that padel court visitors would be unable to park for at least the duration of a playing session. In addition to parking, vehicles would likely stop to drop off and pick up players. Therefore, the proposal would contribute to on street parking pressure and vehicle movements locally.
27. I understand padel is commonly a doubles game, such that there could be as many as 16 people playing at any one time. Numbers would increase at the changeover of playing sessions. Taking into account spectators and social events, there could be significantly large numbers of people in and around the facility including during evenings and weekends. Depending on factors such as the time of year, the weather, the numbers involved and distances travelled, the proposal could therefore result in considerable on street parking demand.
28. I note that the appellants consider that there is ample parking on surrounding streets and the proposal would be minimally disruptive. However, this is not the view of the Highway consultee who states that on street parking is at a premium at all times on the surrounding residential streets and the additional on street vehicle and manoeuvring would significantly impact existing resident parking and be detrimental to the free flow of traffic and road safety. In the absence of substantive evidence, such as a robust estimate of vehicle trips or a parking survey, the proposal fails to demonstrate either that parking demand would be negligible or that there would be sufficient street parking capacity to absorb the additional demand.
29. On the basis of the evidence, the proposal would result in significant additional demand for parking in a residential area where on street parking is already under pressure. Irrespective that waiting times are limited along the adjacent residential road, there would be a marked increase in vehicular activity arising from padel court visitors parking, looking for or waiting for parking spaces, or dropping off and pick up others. This would disrupt traffic flows, increase the potential for conflict between road users including children visiting the adjacent park, and it would be detrimental to local residential amenity.
30. The appellant would be happy with planning conditions to encourage travel by public transport and requesting that players not park on Parklands. However, neither party has suggested the wording of any such condition nor demonstrated

that a condition would be an appropriate or effective mechanism to prevent people from travelling by private car and parking on public roads.

31. Therefore, I conclude that, in absence of adequate parking provision, the proposal would harm residential amenity and the safe operation of the highway. It would conflict with saved UDP policies EN1/2, HT2/4 and HT2/4 and PfE policies JP-C5, JP-C6 and JP-C8. These require, among other things, that proposals minimise the negative effects of vehicle traffic, ensure the efficient movement of people and make adequate parking provision. It would also conflict with the aims of the Council's Policy Guidance Note 11 parking standards in Bury (May 2007).

Lighting and noise impacts

32. The proposal would operate 7 days a week from early in the morning til late at night, with limited exceptions. The social spaces would be used for spectating, mingling and relaxing as well as club social events, mini-tournaments and club nights. At times, there could be large numbers of people congregating in the open air in and around the padel courts. There would be noise from the courts, including ball strike and players voices, and from the recreational activity of large numbers of people including during the evenings and weekends. Therefore, the proposal would potentially disturb nearby residential occupiers on a frequent and regular basis, including at traditionally quieter times of the day and week.
33. No noise impact assessment was submitted with the planning application nor requested by the Council during the processing of the application. I note the excerpts from a noise impact assessment carried out in relation to padel courts at East Dorset Lawn Tennis and Croquet Club. However, there is little evidence that scheme or its background noise levels, with nearby railway line and neighbouring middle school, are directly comparable to the appeal scheme. Noise assessments relating to padel courts elsewhere do not provide a justification for the appeal.
34. The appellant would be amenable to the imposition of a planning condition requiring a noise impact assessment but do not explain how noise might be mitigated in the event that the type or level of sound was found to be incompatible with nearby residential uses. The likely impact on nearby sensitive noise receptors and any mitigation measures need to be understood before planning permission is granted. This is not a matter that could be satisfactorily addressed by condition.
35. Each padel court would be lit by LED floodlights angled to illuminate the playing area. However, the false colour rendering plan does not appear to correspond precisely to the proposal and the lighting assessment fails to take into account the cumulative impact of the proposed 4 courts. Based on the design of the canopies, it seems unlikely they would adequately mitigate light spill. There is also little information in relation to external lighting to the amenity building or the social spaces and spectator areas. Therefore, it has not been demonstrated that the proposal would avoid adverse lighting impacts on the surrounding area.
36. Drawing all this together, the proposal would result in vehicle parking, idling and manoeuvring on surrounding residential roads. There would be considerable noise and disturbance as a result of the comings and goings and activity of large numbers of people, including using the padel courts and congregating in the social spaces. The padel courts would be floodlit, and the open social spaces likely illuminated, until 10pm nearly every day of the year. These effects would be cumulatively detrimental to the residential amenity of the area.

37. I accept that there is a cricket pitch, tennis courts and a playground in this area. However, these do not appear to be directly comparable to the proposal in terms of their nature or their frequency, intensity or duration of use. The nearby sports and recreation facilities do not provide a justification for the proposed padel courts.
38. The preliminary ecological appraisal identifies that the trees fringing the appeal site provide functional links between patches of deciduous woodland priority habitat locally. Artificial illumination of surrounding habitats may adversely affect commuting bats. GMEU advises that a low impact lighting strategy with retained dark corridors can be secured by condition, but it has little confidence that such a strategy could be implemented effectively in the absence of a lighting plan that indicates predicated lux levels on sensitive ecological features. Taking into account the very close relationship between the padel courts and the neighbouring tree canopies, it seems unlikely that adverse lighting impacts on bat foraging and commuting habitat would be avoided.
39. Therefore, I conclude that the proposal would harm residential amenity and it would be detrimental to protected species. It would conflict with UDP saved policies EN1/2, EN6/3 and EN7/2 and PfE policies JP-P1 and JP-G8. These require, among other things, that proposals contribute to sustainable places, having regard to the relationship with the surrounding area, avoiding adverse impacts of lighting and noise, and protecting and enhancing biodiversity. It would also conflict with the aims of the Framework including in relation to the creation of places with a high standard of amenity.

Trees

40. The appeal site comprises a grassed surface that is open to the cricket pitch but with trees close to its north east and south east boundaries. The aerial photographs illustrate that the canopies of the neighbouring trees overhang the boundaries.
41. The padel courts require a flat smooth playing surface that is well drained and stable. This would be achieved by laying a hardcore subbase, a layer of porous tarmac, and an artificial playing surface. There would be a concrete ring beam around each of the courts to support the tempered glass. Drainage channels would be laid if necessary. Materials would be delivered by truck and excavated soil would be removed from site. However, no arboricultural survey has been provided nor are there any detailed plans to demonstrate that tree canopies and root protection zones would be adequately protected during these works.
42. The glass around the courts would be 3m tall. Above this, at the court ends, there would additionally be a 1m mesh barrier. The court canopies would then be over 9m tall at their highest points, dropping to just short of 7m tall along court sides. Even if the roughly 3m overhang at the court ends was omitted, the proposal would result in significantly tall structures in close proximity to the adjacent tree canopies.
43. The proposal fails to demonstrate that neighbouring tree canopies would not need to be pruned or removed to facilitate erection of the court canopies. There is also little evidence that the trees have reached their maximum size such that there would be no future conflict due to canopy or root spread. Moreover, given the proximity of trees and likely branch spread and leaf fall, with associated maintenance and safety concerns, it seems likely that there would be future pressure to cut back or remove adjacent tree canopies.

44. Therefore, I conclude that the proposal would result in adverse impacts on the adjacent trees. This would conflict with the tree protection and enhancement aims of UDP saved policy EN8/2 and PfE policy JP-G7.

Other Matters

45. The appellants are local residents and they are committed to providing a thriving sports facility for the local community with the support of the Cricket Club. They are also willing to work with the Council to develop an acceptable scheme. While the Framework encourages local planning authorities to work proactively with applicants to secure developments that will improve economic, social and environmental conditions, this does not weigh in favour of the proposal.
46. As set out above, there would be some social and economic benefits, and the proposal would not result in an unacceptable loss of sports and recreation provision. However, the modest benefits and compliance with some policies in the development plan do not outweigh the harm that I have identified.

Conclusion

47. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
48. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR