



Appeal Decisions

Site visit made on 9 September 2025

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03rd October 2025

Appeal A Ref: APP/V4250/C/24/3357402

Caledonian Hotel, 154 Bolton Road, Ashton-in-Makerfield, Wigan, WN4 8AE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Chapo's at The Caledonian against an enforcement notice issued by Wigan Metropolitan Borough Council.
- The notice was issued on 3 December 2024.
- The breach of planning control as alleged in the notice is 'Without planning permission, the unauthorised development of the Land by way of the erection of a screen on the first floor of the northeast elevation (facing Hazlehurst Grove) of the building within the Land.
- The requirements of the notice are to: (i) Remove the screen and any associated fixtures and/or fittings. (ii) Restore the northeast elevation of the building to its previous condition, replacing necessary brick work and mortar pointing with matching materials.
- The periods for compliance with the requirements are: Step (i) – 28 days; Step (ii) – 56 days.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

Appeal B Ref: APP/V4250/C/24/3357466

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Chapo's at The Caledonian against an enforcement notice issued by Wigan Metropolitan Borough Council.
- The notice was issued on 3 December 2024.
- The breach of planning control as alleged in the notice is 'Without planning permission, the unauthorised development of the Land by way of the siting of a metal container identified on the attached plan in blue'.
- The requirements of the notice are to: Remove the metal container and all associated fixtures, fittings and paraphernalia associated with the container from the Land.
- The period for compliance with the requirement is: 28 days.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

Appeal C Ref: APP/V4250/C/24/3357464

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Chapo's at The Caledonian against an enforcement notice issued by Wigan Metropolitan Borough Council.
- The notice was issued on 3 December 2024.
- The breach of planning control as alleged in the notice is 'Without planning permission, the unauthorised development of the Land by way of the erection of a canopy which is identified on the attached plan in blue'.
- The requirements of the notice are to: (i) Remove the canopy from the Land, including all associated fixtures and fittings. (ii) Restore the principal elevation of the building to its previous condition prior to the installation of the canopy and associated seating, replacing necessary brick work and mortar pointing with matching materials.
- The period for compliance with the requirements is: 56 days.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal is dismissed and the enforcement notice is upheld.

Appeal D Ref: APP/V4250/W/24/3356844

- 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 Chapo's at The Caledonian against the decision of Wigan Metropolitan Borough Council.
- The application Ref is A/24/97716/RET.
- The development proposed is 'Regularisation of unauthorised development comprising erection of screen on first floor north east elevation of building'.

Summary Decision: The appeal is dismissed.

Appeal E Ref: APP/V4250/W/24/3356846

- 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 Chapo's at The Caledonian against the decision of Wigan Metropolitan Borough Council.
- The application Ref is A/24/97703/RET.
- The development proposed is 'Regularisation of unauthorised development comprising erection of undercover seating area and storage container'.

Summary Decision: The appeal is dismissed

Decisions

APPEAL A

1. It is directed that the enforcement notice is varied by the deletion of Step (i) and (ii) in Section 6 of the Notice and replacement with '56 days' as the time for compliance. Subject to variation, the appeal is dismissed and the enforcement notice is upheld.

APPEAL B

2. It is directed that the enforcement notice is varied by the deletion of '28 days' and replacement with '56 days' as the time for compliance in Section 6 of the Notice. Subject to variation, the appeal is dismissed and the enforcement notice is upheld.

APPEAL C

3. The appeal is dismissed and the enforcement notice is upheld.

APPEAL D

4. The appeal is dismissed.

APPEAL E

5. The appeal is dismissed.

Preliminary Matters

6. As set out above there are 5 appeals relating to development that has taken place on the site. Appeals A, B and C relate to enforcement notices issued after planning permission had been refused for the development the subject of those notices. The relevant refusals of planning permission are the subjects of appeals D and E.
7. The description of the development proposed in Appeal D is set out in the banner heading above. The Council's Decision Notice uses an alternative description. However, I have relied on the operative part of the original description of development, which is reflected in the enforcement notice subject of Appeal A.

8. The description of the development in Appeal E is also set out in the banner heading. The Council's Decision Notice refers to the alternative description of 'Erection of polycarbonate canopy above existing seating area to front and siting of a storage container to side'. This clarifies that the appellant was seeking retrospective planning permission for the canopy rather than the seating area. I have used the revised description as a more accurate description of the development that has taken place. As the appellant has also used it in his statement, I am satisfied that no prejudice would arise in doing so.
9. Distinct from the earlier determination of the application the subject of Appeal D, in Appeal E, the Council identified the Caledonian Hotel as a non-designated heritage asset (NDHA). Although there is little to suggest that it was identified as such during the development plan-making process or appears on a local list of NDHAs, the Planning Practice Guidance clarifies that local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications¹. The significance of the building arises as a good example of typical late Victorian public house architecture and as a building of some local historical interest. The appellant does not contest the NDHA status; I have therefore proceeded on the basis that the building falls within that classification.
10. To avoid repetition, I have dealt with the s78 appeals concurrently unless otherwise stated. These are dealt with first as the enforcement notices are challenged on ground (g) only.

Appeals D and E - the s78 Appeals Relating to the Screen, Canopy and Container

Main Issues

11. The main issues are the effect of the development on:
 - the character and appearance of the building and the surrounding locality, and
 - the living conditions of nearby residents.

Reasons

Character and appearance

The Screen

12. The building is a 2 and 3 storey Victorian red brick public house located amongst housing and some small ground-floor commercial premises. A service station with a general store lies immediately to the south-west. The building, with a decorative datestone of 1896, features impressive chimney stacks, brickwork detailing and banding, and stone headers and sills. Ornate stone finials, pediments and corbels embellish the roof and canted bays. The main entrance features a decorative carved stone header. Most of the window frames reflect original style timber sliding sashes.
13. The modern digital screen is set at first floor level with a wide, branded, black surround on three sides. It is mounted on a framework which projects from the north-eastern elevation by a similar distance as the roof verge overhang. Although

¹ Paragraph: 040 Reference ID: 18a-040-20190723

it is positioned to sit between the lateral lines of the headers and sills of the first-floor window openings, it obscures an original window and overlaps the aperture of a second window such that it undermines the rhythm of the openings and consequently appears to integrate poorly with the building.

14. The height of the installation of the screen gives it a high degree of prominence. It is readily visible on the approach from the north-west and from nearby residential properties on account of the gap formed by the combined spaces of the pub's side car park/seating area and Hazelhurst Road. As a conspicuous and incongruous feature, it detracts from the architectural integrity of the building and therefore its character and appearance.
15. In support of the development the appellant highlights that the screen is viewed in tandem with signage including an illuminated totem and flag advertisements at the adjacent service station. Although smaller than the combined filling station and shop totem sign, in its intended use, the screen would feature bright moving images that draw the eye. Alongside extensive branding, banners and signage facing the hotel car park, the elevated screen adds to a spread of visual clutter that undermines the appearance of the building and the wider locality.
16. For the above reasons, I find the screen conflicts with Policy CP10 of the Wigan Local Plan Core Strategy (the CS) and Policy JP-P1 of the Places for Everyone Joint Development Plan (PfE) as they seek to improve the built environment through good design that integrates with and reflects the character and identity of its surroundings to create attractive places.

The Container

17. The shipping container is located to the rear of the car park. It sits close to a boundary wall of slightly lower height which separates the site from residential properties fronting the return of Hazelhurst Grove. At the time of my site visit, the container was shrouded in a large 'Las Vegas' vinyl (or similar) banner across much of the elevation fronting onto the side seating and car park area.
18. As a utilitarian structure, the shipping container neither relates to the appearance of the public house, the surrounding houses or their ancillary outbuildings. Although the contrasting appearance of the profiled metal construction was largely obscured by the banner at the time of my site visit, it is unclear whether that requires or has the benefit of any planning permission or advertisement consent. Notwithstanding, it merely served to highlight the presence of the container. It intimates that the untreated elevations of the container are not conducive to a high-quality appearance close to a seating area utilised by patrons, or the wider residential area. At over 12m in length and nearly 2.6m high (according to the submitted plans), the large-scale feature appears prominent, despite its set back position from the Bolton Road frontage.
19. The appellant contends that the container could be painted or clad to assimilate it. Alternatively, it is suggested that a 2m high enclosing fence could be erected within the site under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Such measures could be secured by planning condition to improve the outward appearance of the container. However, to my mind, painting would not alter the character of the structure. Cladding may provide a degree of masking but would retain the

uncharacteristic form. The greater height of the container would remain apparent above a 2m fence such that the contrast to development characteristic of the area would remain visible. Those measures would not therefore address the harm to the character and appearance of the wider locality.

20. The appellant suggest that he would consider a 2.5m high containment barrier with seating booths and external planting if this would assist and provide a better customer experience. However, no such detail of that alternative is provided to enable assessment of such a proposal's suitability or otherwise.
21. For the above reasons, the storage container also conflicts with the aforementioned development plan policies and the design objectives detailed in the National Planning Policy Framework (the Framework).

The Canopy

22. The open-sided canopy appears as three elements consisting of black metal framing supporting translucent polycarbonate panels. The lower sections of the roof slope to the edge of the site alongside the pavement to Bolton Road. They provide cover for an outdoor seating area consisting mainly of tables with integrated benches. The third element has a shallower pitched roof slightly oversailing the lower canopies and it links to the main building across much of its width.
23. As a modern functional addition, the canopy contrasts with the original building's construction and detailing. Notwithstanding the relatively lightweight appearance, the higher linking canopy is supported by rails cutting across the window apertures and the ornate stone feature above the main entrance. Its attachment to the main building obscures some of the original finer detailing of the building's principal elevation facing Bolton Road. The upper section particularly detracts from the character of the building and has a direct impact on the architectural significance of the NDHA.
24. Distinct from the screen or container, external shelters and canopies have become more prevalent at drinking establishments following the Government's smoking ban and past implementation of the Covid-19 pandemic social distancing rules. As structures of often more lightweight and/or of temporary construction they are commonly seen within pub grounds.
25. However, as a structure forward of the main road-fronting elevation about the front entrance, the overall scale causes it to have a significant degree of prominence. Rather than appearing as a separate and distinct structure, the attachment and overall expanse of the canopy appears as a poor addition. As a whole, it detracts significantly from the quality of the building's frontage. Accordingly, the canopy conflicts with policies CP10 and CP11 of the CS and policies JP-P1 and JP-P2 of the PfE and the Framework as they seek to raise standards of design in development and ensure that development reflects the character of its location and conserves or enhances the integrity of heritage assets.

Living Conditions

26. The elevated screen is orientated for outside viewers seated or standing in the open area alongside the building. It faces onto a two-storey end of terrace dwelling with side facing windows and a walled rear garden on the opposite side of

Hazelhurst Grove. Other residential properties lie to the east on Hazelhurst Grove or face the site from the opposite side of Bolton Road.

27. The appellant's statement clarifies that the screen is used for 'sporting events etc'. In addition to international football competitions, reference is made to weekend and weekday screenings of Premier League football matches. Other sporting events would be shown, including rugby, for example.
28. There is little detail of the proposed actual hours of use or programme of events which may be included for screening. The appellant contends that the number of football events during a week is generally limited and usually finished by 10pm. However, the evening and weekend games described would generally coincide with times when nearby residents are most likely to be at home and therefore with greater potential to cause noise and disturbance to them. Although the appellant highlights the football season is for a limited part of the year, the combination of sporting events that could be shown is capable of extending across much of it.
29. Moreover, no noise level detail has been provided in relation to screenings. Without such details, the effects on sleeping patterns of young children, shift workers, early risers, and so on, are unclear.
30. Although events which might attract the highest attendances are likely to be limited overall, as a centre for focus and creating a communal atmosphere amongst those congregated in the outside area alongside Hazelhurst Grove, they would provide a propensity for residents to experience significant periods of raised voices, coordinated loud cheering or jeering, and the like. On days when match start times are staggered, such as in larger competitions or the Premier League, those effects could be considerable and over a prolonged period. Such impacts would potentially be exacerbated where spirits are high.
31. There are some commercial premises in the locality, however, unlike town centre locations where greater levels of activity and noise might be expected well into the evening, the area is primarily residential. Despite the proximity to the busy Bolton Road, residents would expect a reasonable degree of quiet during the evening, into the early hours of nighttime and on Sundays, alongside a reduction in local traffic noise. As concentrated outdoor events allow for a much greater level of attendance, they have a significant potential for disturbance to nearby residential properties; I find them in stark contrast to indoor activity where only occasional out-spill is likely to arise.
32. The prominent display of moving images on the screen, particularly during later evening hours when ambient light is low, has some potential to give rise to light intrusion at a number of the nearest residential properties with a direct line of sight to it. Again, there is little detail provided by the appellant as to the brightness of the display or any likely consequential effects on surrounding properties.
33. However, there appears to be little third-party objection to the use of the screen in terms of light intrusion during sporting events. Notwithstanding, a number of residents have raised concerns that the screen is used for long hours for the purpose of advertising. Unlike the screening of live events, as advertising displays are not time dependent, standard conditions could address those concerns.

34. In support of the development, the appellant has proposed a number of other restrictions that could be imposed by planning condition. The appellant indicates that times of use and volume could be controlled. However, in the absence of the proposed programme of events or detail of noise levels required for its effective use, such conditions may nullify the benefit of any planning permission they were attached to. They would not therefore pass the test of reasonableness as set out in Paragraph 57 of the Framework.
35. The appellant indicates that an internal enclosure could be provided. However, little detail of the location or appearance of potential fence screening has been submitted to demonstrate any beneficial effect to noise or activity levels within the site, nor the effect it may have on the character and appearance of the area. A condition requiring it may not therefore meet the test of necessity or reasonableness.
36. A potential restriction on the sale of alcohol would not be reasonable. A limit to the number of outside seats would likely be ineffective in restricting numbers able to convene in or about the site to watch games. A requirement for community liaison would not necessarily address any concerns expressed by residents and therefore its enforceability and necessity would be at question.
37. The appellant refers me to the use of Temporary Events Notices in conjunction with an outside bar and the use of the screen, and that the premises has been granted a licence for later opening since it was erected. However, there is little detail of the terms of those licences provided in evidence. Moreover, as a different regulatory regime where other considerations or controls may be in play, any inconsistency with the findings of the Council's Licensing Sub-Committee is not necessarily a strong argument in favour of the permanent form of development.
38. The appellant highlights that no antisocial behaviour has arisen from the use of the site for the purposes of consideration of a premises licence. Nevertheless, this is distinct from consideration of the effects on nearby residents' living conditions.
39. Taking all of those aspects of the development together, notwithstanding my finding that the potential effects of light intrusion on living conditions would not be significant, I find the development conflicts with the requirements of Policy CP17 of the CS as it requires development to avoid unacceptable adverse impacts on amenity and quality of life.

Other matters

40. The appellant states that the screen, canopy and container are part of a package of measures to improve the offer at the site in the interests of the business' ongoing viability and that there is a 'strong economic need for the scheme' to provide stable profitability. The appellant asserts that, in the context of the well-documented extent and increasing rate of pub closures, the business must remain attractive by providing this more modern offer and appeal to secure a long-term future.
41. However, there is little evidence to demonstrate the viability is dependent on the subject developments. While reference is made to trading figures, these have not been provided.
42. The appellant directs me to the aim of Policy CP3 of the CS which supports the extension and enhancement of community facilities including those providing for

social activities, events and performances. I have little doubt that the screen and canopy do improve the offer to customers and provide some benefits in terms of capacity, experience and, in the case of the latter, some outside opportunities during inclement weather. The detail of the storage requirement for the container and any associated benefits to the business is limited, however.

43. I note the appellant's suggestion that an inability to provide upgrades to the business offer is likely to result in its failure and could result in the long-term vacancy of the premises. Notwithstanding, there is little to demonstrate the validity of that claim or that alternative, less impactful changes, could not be provided to deliver the associated benefits in line with the adopted development plan.
44. I acknowledge third party concerns that the use of the container for food sales could result in other issues such as excessive odour or health and safety concerns, for example. Despite those claims, on the appellant's assertion that it would only be used for storage, that is a matter which could be controlled through the use of planning conditions.
45. The appellant seeks permission to use part of the land to the side as a moveable seating area. However, by lack of reference in the descriptions of development, this is a matter beyond the scope of the s78 appeals. For that reason, and that there is little before me to suggest that the land to the side of the pub is subject to any planning or other requirements to provide on-site parking, residents' concerns about the effects of increased local parking pressure and inconsiderate parking alleged to arise in association with the more intensive use of the site are beyond the scope of this appeal. It would not be legitimate to seek a minimum parking requirement on an existing unencumbered site.
46. I also note the frustrations of the appellant in relation to the level of communication provided by the Council and the speed of service of the Enforcement Notices following the respective refusals of planning permission. However, these are not material matters in the appeals.

Planning balance and Conclusion on Appeals D and E

47. I have found in favour of the appellant with regard to the likely effects of light intrusion resulting from the screen. However, the development harms the character and appearance of the locality. The screen and canopy cause harm to the character and appearance of the building, a NDHA. The harm to the significance of the NDHA arises from the masking of and poor integration with the building's detailing and adverse effect on the architectural integrity of the building's prominent elevations. Significant harm could also arise to nearby residents' living conditions through the use of the outdoor screen for sporting events causing excessive noise and disturbance, including at unsociable times.
48. The use of the screen, container and canopy will, no doubt, provide benefits to the existing business. They could enhance community engagement and the local cultural offer, and attract additional custom in an accessible area.
49. However, while significant weight should be placed on the need to support economic growth, taking into account local business needs and wider opportunities for development, this is not without due regard to other development plan requirements and the effects on the NDHA. I find the appellant has failed to achieve

the balance of the business needs against the requirements to protect the non-designated heritage asset, the quality of the local built environment through high quality design, and the living conditions of sections of the community the facility purports to serve.

50. While the appellant highlights that a temporary permission could be granted for the screen to allow monitoring of its effects, a temporary permission would not address the harm to the character and appearance of the building and its locality.
51. For those reasons, I find the considerations presented by the appellant do not outweigh the individual or cumulative harm arising from the screen, container and canopy. The developments conflict with the development plan when read as a whole and both appeals D and E should therefore fail.

Appeal A – Ground (g)

52. An appeal on ground (g) is that the period for compliance specified in the notice falls short of what should reasonably be allowed. My task in the ground (g) appeals is to balance the public interest in securing expeditious compliance with the enforcement notices against the private interest bound up in the development subject of them. In so doing, I must assume that the harm alleged in the reasons for issuing the notice occurs.
53. The appellant contends that the timescale for compliance with the Notice requirements to remove the screen would clash with the festive period - a busy time in the business' commercial calendar and to source the necessary trades to carry out the works. While the timing of the appeals overcomes the concerns in relation to the festive period, I find that the coordinating trades to remove the screen within the initial period of 28 days might be a steep ask. However, a period of 56 days would, to my mind, be a reasonable and sufficient time to arrange and complete the removal of the screen and complete any necessary remedial works.

Conclusion on Appeal A

54. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

Appeal B – Ground (g)

55. The appellant highlights the practicalities of the removal process requiring an HGV with lifting gear to remove the container and finding availability for its storage elsewhere as a basis that the 28-day compliance period is unreasonably short. An alternative period of at least 3 months is sought.
56. While the arrangement for the removal of the container is unlikely to be time consuming or problematic, I accept that more time might be required to source an alternative destination for the container. Accordingly, I find an extended period of up to 56 days a more reasonable balance in the circumstances.

Conclusion on Appeal B

57. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

Appeal C – Ground (g)

58. The appellant seeks an alternative timescale of three months to complete the removal of the canopy. It is asserted that this would be a more reasonable timeframe to engage the necessary electricians, builders and arrange for removal of the arisings avoiding the festive period.
59. As above, the timing of the decision would not clash with the festive period. Furthermore, given my conclusion on Appeal A, the works could be coordinated with the requirements of that Notice. I find the specified 8-week timeframe is reasonable in the circumstances.

Conclusion on Appeal C

60. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

R Hitchcock

INSPECTOR