
Appeal Decision

Site visit made on 29 October 2025

by **Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 December 2025

Appeal Ref: APP/N4205/W/25/3371834

29 - 31 Newport Street, Bolton BL1 1NE

- 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 Merkur Slots Ltd (UK) against the decision of Bolton Metropolitan Borough Council.
 - The application Ref is 20133/25.
 - The development proposed is described as 'change of use of ground floor from Class E (retail) to Adult Gaming Centre (Sui Generis)'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site's address above has been taken from the appeal form, rather than the application form, as the appellant confirmed that this is the correct version, particularly in relation to the postcode.

Main Issue

3. The main issue is the effect of the proposed change of use on the vitality and viability of Bolton Town Centre.

Reasons

4. The appeal site comprises the ground floor of a wide mid-terrace unit that forms part of the civic and retail core of the Bolton Town Centre. The site occupies a prominent position on a pedestrianised street in the heart of the city which provides an important link between the Bolton Bus Interchange and Victoria Square. The unit has been vacant since June 2024.
5. The Bolton's Core Strategy Development Plan Document 2011 (CS) identifies the town centre as a key driver of the borough's prosperity and a primary location for new development to achieve the Council's economic objectives. It aims to maintain a vibrant mix of uses by setting out area-specific policies for different zones within the centre, prioritizing certain uses and defining their roles. This approach supports the town centre's evolution to accommodate a broader variety of activities.
6. Policy TC1 of the CS states that the Council and its partners will continue to support 1. the civic and retail core as the principal location in the borough for retailing with an emphasis on renewal and improvement to achieve high quality floor space, and 2. the expansion of restaurants, food-orientated public houses, and financial and professional services. The supporting text under the *Bolton town*

centre section states that the policy on retail for the borough as a whole is to increase the quantity of retail floor space, concentrating mostly in Bolton town centre, where there will be an emphasis on high quality retail floor space.

7. While the appellant contends that limited weight should be attributed to this policy due to its age and the changes to the Use Classes Order, the wording of the policy does not conflict with the aims of National Planning Policy Framework (the Framework), particularly section 7 which seeks to ensure the vitality of town centres. As such, I have given full weight to this policy in my assessment below.
8. The aforementioned policy does not prescribe a quantitative balance between retail and non-retail uses. However, it places strong emphasis on providing high-quality retail floorspace and expresses support for other uses, as outlined in point 2 of CS Policy TC1. The proposal seeks to convert the unit from a general retail use to a use that is *sui generis*, specifically, an adult gaming centre. Accordingly, I consider that assessing the adequacy of the proposal under the relevant policies is a matter of planning judgment, based on the merits of the proposal and its site-specific circumstances.
9. Given its prominent location in a pedestrianised town centre area, and its good size and width, the appeal unit plays an important role in delivering the objectives of Policy TC1 as part of the CS strategy to secure a vibrant mix of uses in appropriate locations. The site lies on a section that already accommodates several adult gaming centres and betting shops. The proposed adult gaming centre would operate on the same basis as these neighbouring units, restricting access exclusively to adults and prohibiting entry to anyone under 18. Consequently, family groups, teenagers, and children would be directly excluded. While some other town centre uses, including retail, may not appeal to all demographics, retail uses generally remain accessible to the wider public and do not impose such a significant and deliberate restriction.
10. I acknowledge the appellant's argument that experiential uses can contribute to town centre vitality and offer choice and competition. However, the proposal would further consolidate an existing cluster of adult-only premises within a key part of the retail core. Both the Framework, at paragraph 90, and the Planning Practice Guidance (PPG) emphasise the importance of diversity and inclusivity in maintaining vitality and viability. A concentration of uses that exclude a substantial segment of the population can diminish the family-friendly character that supports a balanced and resilient centre. For these reasons, the proposal would have a harmful cumulative effect on the vitality and viability of this part of the town centre.
11. The appellant contends that there would still be a healthy proportion of retail uses, although no assessment of the proportion of retail/non-retail uses has been provided. Nevertheless, this does not justify the introduction of an additional adults-only unit on this section of the pedestrianised street where there is a clearly defined strategy to provide for retail and other specified uses in this location that are generally open to all.
12. The appellant contends that these units often generate higher footfall than some retail premises, supported by a submitted report on footfall, pedestrian flow, and linked trips based on same-day surveys conducted in three locations across England. In addition, I have considered the specific benefits of the proposal: introducing additional choice and competition, bringing a vacant unit back into use

with an active frontage, creating 12 jobs, and, given the proposed opening hours, potentially improving security through increased street activity that could deter crime and anti-social behaviour. I have also taken account of the Real Estate Advisors' letter summarising the marketing of the appeal unit. It states that the appellant made a formal offer two months after the unit was listed, and that marketing continued until the exchange of the agreement for lease without attracting further interest. However, the extent of marketing after the formal offer remains unclear. Therefore, I attach limited weight to this matter.

13. I note the concerns expressed by the Town & District Centre Manager. While adult gaming centres may contribute to the wider retail function of the town centre and have their specific benefits as the ones outlined above for the proposal, they exclude a significant segment of the population. Where clusters of such uses occur, I consider that their cumulative harm outweighs the individual benefits each unit might provide, and this is the case with the proposal before me.
14. The appellant argues that a mix of uses can interchangeably occupy retail units under the General Permitted Development Order. I note that CS Policy TC1 (2) seeks to accommodate a complementary level of some such Class E and other uses in the retail core. However, it has not been demonstrated that any of the appellant's suggested uses, particularly in the context of this policy, would be more harmful than the appeal proposal. As such, I have considered the proposal based on its own merits and site-specific circumstances.
15. My attention has been drawn to a planning application¹ approved for an adult gaming centre in vicinity of the appeal site, which was assessed under the same policy. Reference was made to a judgment² in this context, to which I have had regard. Based on the Council's undisputed evidence, the approved unit is smaller than the appeal site and previously operated as a betting shop. Therefore, that case is not directly comparable to the appeal scheme. In any event, it does not justify the proposal, which would not deliver high-quality retail floorspace but instead further intensify a use that excludes a significant segment of the population, to the detriment of the vitality and viability of the town centre.
16. In conclusion, the proposal would be harmful to the vitality and viability of Bolton Town Centre, and thus contrary to the aims of CS Policy TC1 as set out above. Policy JP-Strat12 of Places for Everyone joint development plan document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039 adopted 2024 (PfE), although not cited in the Council's reason for refusal, is referenced later in its appeal statement. As this policy has similar aims to CS Policy TC1, particularly in relation to the role of town centres, the proposal also conflicts with PfE Policy JP-Strat12.

Other Matters

17. The Council found the proposal acceptable in all other respects, including its effect on living conditions such as noise. Based on the evidence before me, I have no reason to reach a different conclusion. However, these considerations are neutral and do not weigh positively in favour of the development.

¹ LPA ref: 17259/23

² Bloor v SOS [2014] EWHC 754 by Lindblom J

18. The appellant was not satisfied with the Council's approach during the application process. Nevertheless, I have considered the proposal solely on its planning merits.

Conclusion

19. The proposed development is contrary to the development plan read as a whole. There are no considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should be dismissed.

Andreea Spataru

INSPECTOR