



Appeal Decision

Site visit made on 14 May 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2026

Appeal Ref: APP/N4205/X/25/3361231

51 Queens Avenue, Bromley Cross, Bolton, Greater Manchester, BL7 9BL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Aaron Grundy of Grundy Home Rentals Limited against the decision of Bolton Metropolitan Borough Council.
 - The application ref 19161/24, dated 18 October 2024, was refused by notice dated 27 November 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is the proposed erection of a single storey extension at the rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded with particular regard to whether on the date of the LDC application the proposed erection of a single storey rear extension would have been permitted development given the limitations and conditions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Reasons

3. The LDC application was submitted with drawings, photographs and a supporting note. The supporting note states that *'the extension will be built of bricks of a type/colour as close to the present ones as possible. Although it should be noted that it is very likely the front and rear of the building are to be K rendered to improve the appearance'*. To reach a decision in terms of whether a proposal is permitted development or not, it is necessary that an LDC application includes necessary precision. A decision to issue an LDC must be based on a precise proposal and hence the use of the word 'likely' does introduce some ambiguity.
4. In this case, the appellant has commented in his statement of case that *'we believe the application should be approved with perhaps a condition given that the render should not be used on the materials that were to match as closely as possible the existing building'*. I read this as an acknowledgement that when the LDC application was submitted, it was on the basis that the rear extension would have included the use of render as a facing material.

5. The evidence is that when the LDC application was submitted, the rear of the host property was finished in brick. Render would not be a material of a similar appearance to brick. In this regard, the proposal would not meet condition A.3 of Class A which is that *'development is permitted by Class A subject to the following conditions— (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse'*.
6. While it is possible to impose a planning condition for a planning permission, this is not possible for an LDC. Therefore, I conclude that the proposal would not be permitted development. Planning permission is required for the proposed rear extension. The LDC appeal fails for this reason alone. Hence, it has not been necessary for me to reach a conclusion about the disputed matter between the main parties in respect of whether the rear extension would be built on land which is outside the residential curtilage of the host property.

Conclusion

7. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for the proposed erection of a single storey extension at the rear is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

D Hartley

INSPECTOR