



Appeal Decision

Site visit made on 2 June 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th June 2025

Appeal Ref: APP/W4705/W/24/3358277

15-17 Broadway, Bradford, BD1 1JD

- 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 Betting Shop Operations Limited against the decision of City of Bradford Metropolitan District Council.
- The application Ref is 24/02994/FUL.
- The development proposed is change of use of 15-17 Broadway from use sui generis (wine bar / bistro) to sui generis (betting shop).

Decision

1. The appeal is allowed, and planning permission is granted for change of use from sui generis (wine bar / bistro) to sui generis (betting shop), at 15-17 Broadway, Bradford, BD1 1JD, in accordance with the terms of the application, Ref 24/02994/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos. 230018-P-003 and 24003-P-005.

Main Issues

2. The main issues are the effect of the development on i) the vitality of the primary retail area; and ii) the health and wellbeing of the local community.

Reasons

Vitality of the primary retail area

3. The appeal property comprises a vacant ground floor unit, which I am advised was last used as a wine bar and bistro that closed around September 2023. There are two betting shops to one side of the site and there is a betting shop and an adult gaming centre to the other side of it, separated by the entrance to Landmark House, which I am advised comprises residential units on the upper floors. Beyond the adult gaming store there is a small office and a fast-food restaurant. The buildings on the opposite side of the street are occupied by offices.
4. The property fronts onto a recently pedestrianised street with attractive outdoor seating areas and is within a designated primary retail area. However, Figure 16, on page 95 of the Bradford City Centre Area Action Plan 2017 (BCCAAP) and the BCCAAP Policies Map, both confirm that Broadway is not defined as an area with primary or secondary shopping frontage, hence the lack of retail stores in this area. The wider area comprises a mix of retail and other main town centre uses,

with this short section of Broadway, which runs between Bridge Street and Bank Street creating a link between The Broadway large indoor shopping centre to the northeast and the open space, leisure uses and interchange to the south and southwest. At the time of my mid-morning visit there was a steady flow of pedestrians through the area and people using the public seating areas.

5. Annex 2 of the National Planning Policy Framework (the Framework) defines Main Town Centre Uses. Whilst it does not specifically mention betting shops, it refers to leisure, entertainment and recreation uses including amongst other things casinos and bingo halls. Such establishments are not generally found outside of town and district centres or other shopping areas.
6. The proposal would change the use of the property from a vacant sui generis drinking establishment to a sui generis betting shop. As such, there would be no general retail unit or Class E loss, and the ability to change the use of the property in the future would be no more or less flexible than it is at present, with any change of use being likely to require planning permission. That does not mean that the use of the appeal site or other adjacent betting and gaming stores could not easily change to other town centre uses in the future. The shopfront would remain generally as it is at present with only the signage being replaced. Advertisement consent has already been granted for the new signage.
7. Whilst I acknowledge the proposal would result in a high concentration of similar establishments in a small area, given the overall size of the centre, the wide mix of uses within it, and the fact that this part of Broadway is not designated as a primary or secondary shopping frontage, it would not be harmful to its vitality. Furthermore, I note that the bar and bistro that previously operated from the site was primarily an evening/weekend use, which was only open from 11:00 – 02:00 Thursday to Saturday. The betting shop would be open all day from 08:00 – 22:00 every day of the week, which would increase footfall and activity over and above that of the vacant unit or its previous use. Bringing the vacant unit back into use would also create 5 full time jobs and 1 part time job.
8. I also acknowledge concerns relating to inactive frontages, and although views into betting shops must be obscured for legal reasons, and black vinyl would therefore be applied to the glazing, there would still be people coming and going from the premises. I noted that office windows nearby are also partially obscured and that many other town centre retail shops and units providing financial services, generally have their windows and views into them obscured by large posters and advertisements or displays located between windows and the back of walls lined with shelving or clothing racks. An alternative town centre use is not therefore guaranteed to have a more active frontage than the proposal. Although a window display could be required by a planning condition, this would generally consist of advertisements aimed at drawing customers in and encouraging them to gamble. Given that the site is not within a designated primary or secondary shopping frontage area I afford the bland shop front very limited weight.
9. The uncontested evidence before me in the Goad category report for Bradford, surveyed 28 February 2024, indicates that 1.12% of units in the city centre are gambling establishments. This is only marginally above the UK average of 0.99%. The vacancy rate of units in the city centre is 26.14%, which is almost double the UK average vacancy rate of 14.08%. The proposal would utilise one of the many vacant units, which would support other town centre uses through linked trips to

other shops and services in the centre, including during the evening given the proximity of the site to several food and drink outlets.

10. I have not been made aware of any development plan policy threshold relating to the number of gambling or other non-retail premises that can be situated in a row or within any particular areas or distance from each other. Nor have I been made aware of any policy requirement to undertake marketing, to demonstrate that there is no interest in premises for retail uses, prior to permitting other town centre uses to operate from them. There is also no policy requirement to demonstrate a need for main town centre uses that do not fall within Class E.
11. Furthermore, those seeking general Class E retail premises are more likely to be attracted to the primary and secondary shopping frontage areas and indoor shopping centres, where they would be amongst other similar outlets, than to this unit which is amongst betting and gaming establishments and offices.
12. Whilst 4 or 5 gambling establishments may be overconcentration in a smaller town or district centre or a local parade of shops, within the context of this city centre location and its wide range of surrounding retail and leisure uses, the proposal would result in a relatively small cluster of similar leisure uses, which would have a very limited affect on the overall mix of uses in the primary retail area and would not undermine it.
13. I therefore conclude that the proposal relates to a town centre use and although it would add another gambling establishment to an existing small cluster of such uses, gambling uses would still only make up a small percentage of units in the city centre. The proposal would not result in any shopping loss or the loss of any units within a primary or secondary shopping frontage and would not harm the vitality of this part of the much wider primary shopping area or undermine its retail function.
14. As such, the proposal would accord with Policies EC2 and EC5 of the Core Strategy Development Plan Document 2017 (the CS), which support business and job creation and seek to ensure town centre uses are located within sequentially preferable locations. It also accords with Policy SL1 of the BCCAAP, which states that within Bradford City Centre the development of other non- retail main town centre uses of an appropriate scale and function will be supported, and with section 7 of the Framework, which seeks to ensure the vitality of town centres, by taking a positive approach to their growth, management and adaptation.
15. Whilst Policy SL2 of the BCCAAP seeks to avoid non-retail uses from harmfully dominating or fragmenting frontages, this policy relates to defined primary and secondary shopping frontages only. As the site is not within a defined primary or secondary shopping frontage location, this policy is not relevant. Policy SL3 is also not relevant as it relates to improving signage and facilitating movements of pedestrians through the city centre. The proposed change of use would not affect this.

Healthy communities

16. I acknowledge that the site is close to the council offices and services used by people seeking support for children, families, addiction, and financial problems, amongst other things. However, given the existing availability of gambling establishments in this area, the introduction of one more is unlikely to have any

significant effect on those people or the choices they make. Furthermore, unlike the adjacent establishments that have window displays and advertisements drawing people in, the proposed betting shop would have blacked out windows.

17. I understand that people living in deprived areas are more likely to gamble and that whilst gambling is a leisure pursuit that is safe for most responsible adults, there are estimated to be more than 13,000 problem gamblers within the district. I also note that the site is located within one of the most deprived wards in the country and I take very seriously the damaging effects that gambling addiction, like any other addiction, can have on individuals and those around them. However, there is no evidence before me to suggest that the addition of another betting shop in the area would increase the number of people using such establishments or would be any more harmful than spreading such establishments around a larger area of the city centre. Moreover, gambling premises are controlled by other legislation, and I note that the Council has granted a licence for the proposed use. Whilst I have not been provided with a copy of the licence, these are generally subject to strict conditions that have been agreed by the Council and the Police, to protect vulnerable people.
18. Whilst the premises could be reused as a drinking or fast-food establishment, there is also an abundance of these nearby, which also have public health implications, can give rise to crime and anti-social behaviour, mental health concerns, can influence young people and result in economic and social impacts.
19. I therefore conclude that there is no substantive evidence before me to suggest that the proposed use of the premises would be detrimental to the health and wellbeing of the local community. Consequently, it would accord with section 8 of the Framework, which seeks to achieve healthy, inclusive and safe places.

Other Matters

20. Whilst not a reason for refusal, the site is located within the Bradford City Centre Conservation Area (CA). I have therefore paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. The proposal does not include any physical changes to the external appearance of the appeal property, other than to its signage, which has already been approved. Whilst the vibrancy of the area may be a positive characteristic of the CA, there is no evidence before me to suggest that this is part of its heritage significance. Moreover, vacant buildings and uses that only open limited days or hours, do not add to vitality. However, I have already concluded that the proposed change of use would not reduce the vibrancy of the area, which given its pedestrianised nature and attractive seating areas appears to be well used by staff and residents of the adjacent office, leisure and residential units and passers-by. Thus, there would be no harm to the character or appearance of the CA.
21. My attention has been drawn to an appeal decision¹ relating to a change of use of a Class E charity shop to a sui generis betting shop in Wickford, Essex. As this related to the loss of a Class E retail unit in a small shopping centre, it is not comparable to the case before me which relates to a change from a sui generis drinking establishment, which opened limited days and hours, and is in a vibrant city centre. No shopping loss would occur in this case.

¹ APP/V1505/W/24/3347296

22. Concerns have been made regarding the effect of the opening hours, the possible installation of air conditioning units and satellite dishes, and potential noise from televisions. There are no proposals before me for external air conditioning units or satellite dishes. The longer opening hours than general retail shops would support the nighttime economy in the city centre but the nature of the use and its closing time of 22:00 would be less likely to cause disturbance to occupiers of upper floor residential units than the former use of the premises as a bar playing music until 02:00.
23. I acknowledge the harm caused by gambling to England's economy between 2019 and 2020. However, harm on a national scale is not a reason to justify refusing an accepted town centre use in a town centre location. Locating the betting shop elsewhere in the city centre, away from other similar premises, would not resolve this problem.

Conditions

24. In addition to the statutory time limit condition, a condition specifying the plans that are approved, and that the development shall be undertaken in accordance with, is required in the interests of certainty.

Conclusion

25. For the reasons given above, I conclude that the proposal accords with the development plan as a whole and the appeal should therefore be allowed.

R Bartlett

INSPECTOR