
Appeal Decision

Site visit made on 3 June 2025

by Beverley Wilders BA (Hons) PgDURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/Q5300/W/24/3357726

69 Chase Side, Southgate, Enfield N14 5BQ

- 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 East Kent Leasing Limited against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/02328/FUL.
 - The development proposed is Change of use of the ground floor commercial premises from Financial Services (Class E(c)(i)) to Adult Gaming Centre (Sui Generis) with 24/7 hours operation and minor alterations to the shopfront.
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Decision

1. The appeal is allowed, and planning permission is granted for Change of use of the ground floor commercial premises from Financial Services (Class E(c)(i)) to Adult Gaming Centre (Sui Generis) with 24/7 hours operation and minor alterations to the shopfront at 69 Chase Side, Southgate, Enfield N14 5BQ in accordance with the terms of the application, Ref 24/02328/FUL, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by East Kent Leasing Limited against the London Borough of Enfield. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development used in the heading above is taken from the planning application form. However, I have removed reference to the site address as this is not a description of development.
4. I have been made aware that there is an emerging Local Plan (ELP) for the area and that this was submitted for examination on 6 August 2024. The parties have referred to various ELP policies that they consider to be relevant to the determination of the appeal. The Council has advised that the ELP is at submission stage and that representations have been made on all but one of the ELP policies it has referred to. It therefore considers that depending on the number of representations received, the ELP policies should either be given limited or reasonable weight. The appellant states that full weight can only be given to ELP policies once adopted, but in any event, the proposal is compliant with relevant emerging policies.
5. Having regard to paragraph 49 of the National Planning Policy Framework (the Framework) and to the evidence before me regarding the current stage of the local

plan examination, I attach no more than limited weight to relevant policies in the ELP.

Main Issues

6. The main issues are the effect of the proposal on:

- the vitality, viability and character of Southgate District Centre, and
- the health and well-being of residents and community cohesion, having particular regard to crime, anti-social behaviour and social disadvantage.

Reasons

Vitality, Viability and Character

7. The appeal site comprises a vacant ground floor property located within Southgate District Centre, on a wide, busy road close to Southgate station. Surrounding commercial uses comprise a mixture of retail, food, drink and services. The property was last in use as a bank/building society and has been vacant since 2022. The appellant states that it has been actively marketed since the previous use ceased and this has not been disputed by the Council. At my visit I noted the presence of a number of other vacant premises along the road.
8. The proposal is to use the property as an adult gaming centre (AGC) 24 hours a day, 7 days a week. A premises licence was granted for the use in October 2023.
9. Policy CP17 of The Enfield Plan Core Strategy 2010-2025 adopted November 2010 (CS) relates to town centres including Southgate District Centre and states, amongst other things, that district centres should provide for a variety of uses including town centre related services and facilities. Proposals that foster a diverse evening and night time economy will be supported subject to measures being put in place to address the issues listed.
10. Policy DMD33 of the Development Management Document (DMD) adopted November 2014 (DMD) deals with proposals for betting shops and amongst other things, requires a gap of five non-betting shops or 25m between betting shops and also requires an active frontage.
11. The Council considers that the proposed AGC should be considered as a betting shop. It notes the presence of other betting shops within the district centre including at 79 Chase Side, separated from the appeal property by 4 non-betting shops and within 25m. The Council considers this would be in breach of the requirements of DMD Policy DMD33.
12. I have been provided with a range of evidence from the parties regarding the similarities and differences between betting shops and AGCs, including a legal opinion. Additionally I have been provided with numerous appeal decisions relating to AGCs. I have had regard to this evidence in reaching my decision.
13. It seems to me that an AGC cannot be considered to be a “betting shop” for the purposes of DMD Policy DMD33. Whilst AGCs are premises where gambling takes place, they provide a different offer and a different type of gambling to a betting shop. If the intention had been for DMD Policy DMD33 to apply to all gambling premises, then it should have said so. In any event, the purpose of the

policy is to control the negative aspects associated with such uses, to prevent clustering and to ensure no harm to the vitality and viability of centres.

14. The Council has drawn my attention to an appeal decision within Enfield dealing with a AGC (Ref APP/Q5300/W/24/3341158). I have been provided with a copy of the decision letter. In that decision the Inspector noted that there was no breach of DMD Policy DMD33 and as such they then went on to say that there was therefore no need to consider whether AGCs fall within the scope of DMD Policy DMD33. The Inspector did not make a definitive finding on the applicability or otherwise of DMD Policy DMD33 and proposals for AGCs.
15. A subsequent appeal decision (Ref APP/Q5300/W/24/3356297) (Green Lanes) found that DMD Policy DMD33 does not apply to AGCs. My findings are consistent with that decision in this regard and in any event, is based on the particular evidence before me. I am not aware of the full details of the evidence before other Inspectors.
16. In this case, despite active marketing the appeal property has been vacant for some time, thereby making no positive contribution to the district centre. Its operation as an AGC, whilst resulting in the loss of Class E floorspace, would bring the premises back into an active commercial use. There are no other AGCs in the district centre and even if I were to consider it to fall within the scope of DMD Policy DMD33, I do not consider that it would lead to a clustering of similar uses, notwithstanding a technical breach of part b of the policy. Similarly, I do not consider it to be in breach of DMD Policy DMD27, insofar as that relates to matters covered by this main issue, including the effect on the shopping role and function of the area. The policy does not specify how a local need should be demonstrated and the fact that there is not another AGC in the vicinity and that there is a willing operator, suggests that there is a local need for the use proposed.
17. Though not originally part of the appellant's case, I note that the Green Lanes Inspector did not consider that DMD Policy DMD27 applied to that proposal as, like the appeal proposal, the previous use was a bank and not retail. This issue has been referred to in the appellant's costs application. However, as I do not find any conflict with DMD Policy DMD27, there is no need for me to reach a finding on whether the policy applies to the proposal as it would not alter the outcome of the appeal.
18. Southgate District Centre is relatively large, and the use of the appeal property for a gambling use would result in an increase from 4 gambling premises to 5, with 3 of the existing premises being at the opposite end of the road, some distance from the appeal site. The active use of the premises would provide additional footfall to the centre, would add to the variety of uses on offer and to the evening and night time economy.
19. The presence an AGC would not be out of character with the mixed, largely commercial character of the wider district centre. The submitted plans indicate some changes to the existing shopfront and no objections were raised to these by the Council. The Council is however concerned about the premises having a blank rather than an active frontage. Whilst these concerns are noted, there is nothing substantive before me to suggest that would be the case. The proposed front elevation would include a large amount of glazing, and the appellant has stated a willingness to accept the imposition of a condition regarding the amount of glazing

if deemed necessary. Subject to the imposition of a suitably worded condition regarding the treatment of the glazed parts of the shopfront, I am satisfied that the proposed use would present a suitably active frontage.

20. The Council has also raised concerns regarding the fact that the AGC would be open 24 hours a day, stating that there are no other overnight uses in the district centre. At my visit I noted the presence of a number of takeaways, pubs and restaurants along the road, some of which were advertised as being open up until midnight and 01:00. The Council also refers to the presence of a 24 hour supermarket nearby. In this context, whilst the proposal may be the sole premises to operate overnight, this does not mean that it would be unacceptable in principle, notwithstanding that other harm may arise resulting from this. I will consider this below under the second main issue.
21. Taking the above matters into consideration, I conclude that the proposal would not have an adverse effect on the vitality, viability and character of Southgate District Centre. It therefore accords with policies GG2, SD6, D3 and D8 of The London Plan March 2021 (LP), policies CP17 and CP30 of the CS, policies DMD27 and DMD37 of the DMD and to relevant paragraphs of the National Planning Policy Framework (the Framework) insofar as they are relevant to this issue. These policies and this guidance, amongst other things, seek to protect, promote and enhance the vitality and viability of town and district centres and to ensure that development is appropriate to its context. As stated, given the nature of the proposed use, I do not consider that it falls within the scope of DMD Policy DMD33.

Health, Well-being and Community Cohesion

22. Concerns have been expressed by the Council and the Metropolitan Police that another gambling use in the area could result in an increase in existing issues of crime, anti-social behaviour and social disadvantage. Some concerns have also been raised by interested parties.
23. The police have referred to existing criminal and anti-social behaviour in the area. Whilst this is noted, I have not seen any substantive evidence which shows a link between this and existing gambling premises in the district centre. Evidence produced by the appellant demonstrates an overall decline in anti-social behaviour in Southgate since June 2023. Additionally, there is no evidence before me to suggest that the operation of an AGC in the district centre would lead to an increase in crime, anti-social behaviour or social disadvantage.
24. A premises licence has been issued for the proposed use and that regime considers matters of crime and anti-social behaviour. The appellant has submitted details regarding the operation of the premises focusing on security, crime and social responsibility and aims to achieve at a minimum Secured By Design Silver Commercial Award. The police are satisfied that the proposal can achieve Secured By Design accreditation. The evidence before me indicates that the appellant is an experienced and responsible operator, though I note that if permission is granted the premises could in the future be used as an AGC by another operator.
25. Reference has been made by the Council and the police to a proposal to create a hostel nearby. It seems that planning permission was refused for the hostel (Ref 24/00732/FUL) but that it is currently operating without planning permission. Be that as it may, and noting that occupiers of the hostel may be more vulnerable,

given the fact that it does not have planning permission and that there is therefore uncertainty surrounding its continuance, the presence of the hostel is not a reason to withhold planning permission for the proposal.

26. Whilst I note the aspirations of the Council, the Placemaking Team and local residents to make improvement to the district centre, I do not consider that these would be threatened by the opening of an AGC as proposed.
27. Taking the above matters into consideration, I conclude that the proposal would not have an adverse effect on the health and well-being of residents and community cohesion, having particular regard to crime, anti-social behaviour and social disadvantage. It therefore accords with policies GG1, GG3 and HC6 of the LP and policies CP9 and CP17 of the CS. These policies seek, amongst other things, to ensure that decisions address anti-social behaviour and the health and wellbeing of residents and that proposals for evening and night time economy uses put measures in place to address issues such as community safety and policing. Though CS Policy CP11 was referred to in the Council's third reason for refusal, this does not seem to directly relate to this main issue.

Other Matters

28. A number of other concerns have been raised by interested parties and I have had regard to these in reaching my decision.
29. It is said that the appeal site is close to a number of schools and there are concerns about the effect of the proposed use on local children including exposure to inappropriate content. However, the proposed use is for adults only and the appearance of the shop frontage will be controlled by condition. I therefore have no concerns in this regard.
30. There is no evidence to suggest that the proposal would lead to an increase in vehicular or pedestrian traffic to an extent that would create problems in terms of vehicular or pedestrian safety and I note that no objections were raised to the proposal by the highway authority.
31. A condition is proposed to control the effect of any noise and disturbance on nearby residents and I have concluded that the proposal would not be likely to result in an increase in anti-social behaviour.
32. There is no evidence to suggest that the proposal would adversely affect users of a mental health clinic nearby or that it would deter other businesses from operating in the area.

Conditions

33. The Council has provided a list of conditions for me to consider. I have had regard to this and to the comments on conditions made by the appellant.
34. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition controlling the glazing to/appearance of the shopfront to ensure that the premises maintain an active frontage in the interests of the vitality and viability of the district centre. I have slightly amended the wording of the condition suggested by the Council in the interests of clarity.

35. Compliance with Secured By Design/Crime Prevention Standards as requested by the Metropolitan Police is also necessary to ensure that the proposed use is effectively managed so that there is no increase in instances of crime or safety issues in the area.
36. Finally, I have imposed a condition requiring an acoustic report to be submitted and agreed to ensure that the living conditions of any nearby residents are not harmed by noise and disturbance generated by the proposal. This was recommended by the Council's environmental health department. I have amended the wording of the condition suggested by the Council to make it less specific as I have seen no evidence to justify the figures quoted, though still requiring details to be approved by the Council.
37. Conditions 3 (secure by design) and 4 (acoustic report) require details to be provided prior to the approved use commencing. This is in order that safety and crime prevention measures and any required noise mitigation measures are in place prior to the use commencing in order to protect local and nearby residents.
38. Where amendments have been made to the wording of the suggested conditions, these have not changed the substance of them.
39. I have not imposed the suggested condition regarding cycle parking and refuse storage as it has not been demonstrated as being necessary and in any event, such facilities are shown on the approved proposed ground floor plan (24005/002/C).

Conclusion

40. For the reasons given above, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 24005/001/A, 24005/002/C, 25005/003/C, 24005/004/A and 24005/005/A.
- 3) Prior to the use of the premises as an Adult Gaming Centre, the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) or alternatively achieve Crime Prevention Standards submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.
- 4) Prior to the use of the premises as an Adult Gaming Centre, an acoustic report shall be submitted to and approved in writing by the Local Planning Authority demonstrating no unacceptable noise impact on occupiers of nearby residential property. Any measures required to achieve this shall be carried out prior to the use of the premises as an Adult Gaming Centre and shall be permanently so maintained.
- 5) No more than 50% of the glazed areas of the shopfront as shown on drawing number 25005/003/C shall be obscured, and any displays or advertisements shall not prevent intervisibility between the inside of the premises and the adjacent pavement.

End.