



Appeal Decision

Site visit made on 1 July 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2025

Appeal Ref: APP/N5090/W/25/3359989

4-6 Cricklewood Lane, Cricklewood, Barnet, London NW2 1EX

- 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 Chongie Entertainment Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/4462/FUL.
 - The development proposed is the change of use from a Betting Shop (Sui Generis) to an Adult Gaming Centre (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a Betting Shop (Sui Generis) to an Adult Gaming Centre (Sui Generis) at 4-6 Cricklewood Lane, Cricklewood, Barnet, London NW2 1EX in accordance with the terms of the application, Ref 24/4462/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Chongie Entertainment Ltd against the Council of the London Borough of Barnet and is the subject of a separate decision.

Preliminary Matters

3. Since the Council determined the planning application, it has adopted the Barnet Local Plan, adopted in March 2025 (the BLP). The policies in the new Local Plan supersede policies from the Barnet's Local Plan (Core Strategy) Development Plan Document (2012) and Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) which were included in the Council's reason for refusal of the planning application. I have determined the appeal based on the current applicable policies in the BLP.
4. The appeal submission includes additional evidence which was not before the Council at the time of its decision. This includes a copy of Chongie Entertainment Ltd's Operational Management Plan, correspondence with the Metropolitan Police's Designing Out Crime Officer (the DOCO) and supporting documentation in relation to safety and security of the premises. The Procedural Guide states that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

5. I have considered this additional information taking into consideration the principles established by the Courts in *Holborn Studios Ltd*¹. In this case, the additional information provides further evidence in relation to the Council's reasons for refusal, rather than significant amendments to the proposal. For this reason, I consider that there would be no prejudice to any party, and I have therefore determined the appeal on the basis of this additional information.

Main Issues

6. The main issues are:
- Whether the proposed development would affect the vitality and viability of Cricklewood Town Centre and if it would result in an over-concentration of gambling premises in the area;
 - whether the location of the proposed development would be suitable, with particular regard to the health and wellbeing of the local community; and
 - the effect of the proposed development on the living conditions of neighbouring residents.

Reasons

7. The appeal site 4–6 Cricklewood Lane comprises, a three-storey, mid terrace building situated on the south-eastern side of the street in close proximity to the junction with Cricklewood Broadway (A5). The appeal relates to the ground floor unit which is currently in use as a Star Sports betting shop. There is residential accommodation located on the upper floors of the appeal property.
8. The appeal site is the only gambling premises on Cricklewood Lane and is surrounded by other typical town centre uses such as grocery stores, hot food takeaways, beauty salons and a minicab office. It is located within the Primary Frontage of Cricklewood Town Centre and the surrounding area has a busy, commercial character.
9. The proposed development would involve the change of use of the existing betting shop to an Adult Gaming Centre (AGC) which would operate 24 hours a day, seven days a week.

Concentration of Similar Uses

10. Policy TOW03 of the BLP seeks to resist the proliferation and over concentration of betting shops, adult gaming centres, amusement arcades, pawn brokers, pay day loan shops and shisha bars. It states that the council will support these uses where they (a) are separated from any existing unit in this group by at least two units which are in a different use; (b) provide active frontages and must have a positive visual impact on the street scene; and (c) don't have a significant adverse impact on local community and residential amenity in terms of noise, vibrations, odours, traffic disturbance and litter.
11. However, the policy falls silent on how it should be applied or interpreted in the circumstances where a proposal would involve the change of use of an existing use listed within Policy TOW03 to another use listed in the same policy. In this

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

case, the appeal site is currently in use as Star Sports, a betting shop and seeks to change its use to an AGC. Therefore, both uses fall within the same policy list.

12. Although the appeal site is located within a row of commercial properties which include a range of other uses. At present, there is only one unit between the appeal site and 160 Cricklewood Broadway (No.160) which is the Admiral Casino, a 24-hour AG. This is currently in use as a nail salon. Beyond this, there is a vacant parcel of land, which formerly contained commercial uses between that unit and No.160. Planning permission² has been granted for the construction of two units falling with Use Class E, which would not be a type of use listed under Policy TOWO3 of the BLP. Therefore, this would ensure that the proposed use would be adequately separated by more than two units from the Admiral Casino.
13. I acknowledge that there are other AGC premises within the vicinity of the appeal site, including Admiral Casino, Macau and Buzz Casino and two betting shops on Cricklewood Broadway. However, whilst this is not disputed, the existing use of the premises is already in existence as a gambling premises, and therefore the change of use being proposed would not lead to an increase in the overall number of gambling premises within the area.
14. I accept that the proposal would increase the number of AGCs, and it is not disputed that the use of the premise as an AGC would differ from that of a betting shop. For example, a betting shop might experience more footfall, whereas customers of an AGC may spend longer periods of time at the premises. However, even if there is technically a breach of Criterion (a) of Policy TOWO3, in that there would be two gambling premises within two units of each other, this is already the case, and the existing lawful use of the appeal site would continue regardless of the outcome of this appeal. Furthermore, the limited visual and physical relationship between the appeal site and the other AGCs, would prevent a noticeable cluster of such uses.
15. For these reasons, I therefore conclude that the use of the premises would change from a betting shop to an AGC, it would not result in increased concentration or proliferation of these uses. On this basis, I find that the proposed development would comply with Criteria (a) of Policy TOWO3.
16. In respect of Criteria (b), the appeal proposal seeks consent for the change of use only, no external changes are proposed. The appellant has sought advertisement consent and planning permission for alterations to the shopfront under separate applications³, which have subsequently been granted by the Council. Nonetheless, there would be no significant change to the appearance of the premises within the street scene. Accordingly, the proposal would comply with this criterion.
17. The London Plan designates Cricklewood as a District Centre⁴, with a night-time economy classification as NT3 (Areas With More Than Local Significance). The surrounding area contains a diverse range of late-night uses, including existing AGCs.
18. Policy TOWO4 of the BLP relates to the night-time economy, defined as activity occurring between 6pm and 6am. The proposed 24-hour operation of the appeal

² Planning Application Ref: 22/2786/FUL

³ Planning Application Refs:

⁴ Table A1.1 – Town Centre Network

site falls within this scope. The appeal site is located in Cricklewood Town Centre, where such uses are supported, subject to consideration of a number of factors.

19. Under Policy TOW04(a), uses should reflect the town centre's role and enhance its vitality and viability by supporting existing or new night-time activities. The proposal aligns with the town centre's function, but the Council argues it would not enhance its vitality.
20. Policy TOW04(d) seeks to ensure that there are no negative impacts arising from the cumulative effect of development in relation to the number, capacity and location of other night-time economy uses in the surrounding area. The Council identifies several gambling premises on Cricklewood Broadway, integrated among other uses. The data provided indicates that gambling venues account for around 3.1% of units in the wider Cricklewood Town Centre and within the Barnet part, the figure is approximately 3.6%.
21. Whilst their presence is acknowledged, there is no substantive evidence that changing from one gambling use to another would negatively affect the area's overall vitality and viability. Furthermore, although the current premises closes at around 9pm, no substantial evidence has been provided to show extended hours aren't possible. Therefore, having regard to the appeal premises existing use and visual and physical relationship to the other AGCs conclude that the proposal would not conflict with this part of Policy TOW04 of the BLP.
22. The Council has not identified any conflict with Policy TOW04(c) in relation to highway safety, nor Policy TOW04(e) in relation to the historic environment. Based on the evidence before me I see no reason to disagree with this assessment.
23. For the above reasons, I therefore find that the proposed development would not lead to a harmful over concentration of gambling/betting shop premises, to the detriment of the vitality and viability of Cricklewood Town Centre. Thus, the proposed development would comply with Policies GG3 and SD6 of the London Plan (2021) and Policies CHW02, TOW03 and TOW04 of the BLP which together seek, amongst other things, seek to support the vitality and viability of town centres avoiding the over-concentration of similar uses and supporting uses that contribute to a healthy evening economy.

Health and Wellbeing

24. Policy TOW03 of the BLP expects proposals for all uses included within this policy to complete the Council's Health Impact Assessment (HIA) screening tool to identify any important health considerations at the earliest opportunity, and to determine the type of HIA that is required.
25. I have not been provided with a Health Impact Assessment (HIA) for the proposal. However, the HIA Screening Tool was not made available until 25 March 2025 which post-dates the submission of the appeal. Furthermore, I have already concluded that the development would accord with the requirements of Policy TOW03 of the BLP insofar as it would not lead to the clustering or proliferation of similar uses in the area. Therefore, the proposal would be unlikely to exacerbate health inequalities due to its location and proximity to other developments.
26. The evidence provided by the Council indicates that Cricklewood is the most deprived ward in Barnet, with approximately 13% of residents living in the top 10%

of most deprived areas in England. The Council further states that there is an above average prevalence for gambling than the rest of the UK. The Council considers that an increased number of AGC's is likely to lead to increases in problem gambling. They have also provided evidence which indicates that the rate of problem gambling (4.5%) in Barnet exceeds the national figure (2.9%).

27. However, whilst I do not disagree with this evidence, the lawful use of the appeal site is already as a gambling premises as a betting shop, and I have not been presented with any substantive evidence that the proposed change of use to an alternative form of gambling would adversely impact levels of gambling already recorded within the Borough.
28. The supporting documentation provided with the appeal includes the Operational Management Plan (the OMP) which confirms that the proposed gaming centre would be restricted to those aged 18 and over and no sale of alcohol will be permitted. It would provide prize gaming machines with a maximum stake of £2, with up to 20% of the total number of machines allowing that stake whilst the others would be lower stakes. The OMP further provides details of the measures that would be taken by the operator in respect of social responsibility, including player protection technology, a 'Think 25 policy', and staff training.
29. Therefore, given the existing use of the premises as a betting shop, the evidence is not persuasive that a HIA is necessary to assess the effects of this specific proposal on health and wellbeing. Furthermore, I understand that the Council has already granted a license for use of the premises as an AGC.
30. For these reasons, I therefore conclude that the location of the proposed development would be suitable, having particular regard to the health and wellbeing of the local community. Therefore, there would be no conflict with Policy TOW03 of the BLP in this respect.

Living Conditions – Noise and Disturbance

31. Policy TOW03 of the BLP requires uses listed under this policy to ensure that they don't have a significant adverse impact on local community and residential amenity in terms of noise, vibrations, odours, traffic disturbance and litter.
32. The appeal site is located within Cricklewood Town Centre which has the character of a busy urban environment, where noise and disturbance from the comings and goings of patrons is typical. In addition, many of the existing businesses along this section of Cricklewood Lane open late into the evening including, NW Cars and Sam's Chicken. However, I accept that with the exception of NW Cars, there are no other premises operating 24 hours per day. Nonetheless, Cricklewood Lane is also busy transport route, and the bus stop located outside of the appeal property includes night services.
33. The evidence before me suggests that limited additional customers would visit the AGC during nighttime hours. The low levels of comings and goings would not therefore result in a discernible change to levels of activity currently experienced by local residents in and around the appeal site. Furthermore, whilst there are other late night uses nearby there is not a significant concentration of such whereby a negative cumulative impact would arise.

34. The application was supported by a Noise Impact Assessment Report⁵ (the NIA) which assessed the potential impacts of the change of use on nearby residential properties. The NIA considered noise which may occur from customers leaving the premises and concluded that this would be sufficiently below the average ambient noise level, such that it would not cause harm to the living conditions of nearby occupiers. The appellant has confirmed that their noise assessment took into account the effect of windows being opened.
35. From the evidence before me and my observations on site, subject to the mitigation measures set out in the NIA, any additional noise generated by the appeal proposal is likely to be limited and not to a degree that it would result in any appreciable harm to the living conditions of residents who live nearby. Furthermore, the Council's Environmental Health Officer did not object to the proposal on the basis of this evidence, and no additional evidence has been provided which contradicts the findings of the NIA.
36. In respect of crime and public safety, I have been provided with some evidence of crime rates within the local area. However, it is not clear over what timescales this data covers, nor whether the specific incidences which have been mentioned occurred within or outside of the existing AGC premises. My attention has also been drawn to some appeal decisions⁶ which consider the potential for crime and antisocial behaviour to occur.
37. I also acknowledge that the DOCO initially objected to the application. However, prior to the appeal submission the appellant provided additional information in respect of crime prevention, safety and security of the premises. The appeal is also supported by an Operations Manual, which includes details of security procedures. On this basis, the DOCO has confirmed that subject to the imposition of suitably worded planning conditions their prior concerns have been addressed, and the proposal is acceptable from a crime prevention perspective.
38. Although the Council states that they have not had sight of a plan detailing security measures I am satisfied that this could be secured by condition, prior to the development being brought into use. Moreover, there is no conclusive evidence before me which directly attributes high levels of antisocial behaviour, to the proposed AGC use.
39. For these reasons, I therefore find that the proposed development would not result in a harmful increase in noise and disturbance to existing neighbouring residents nor to the risk to public safety. Thus, it would comply with Policies GG3 and SD6 of the London Plan (2021), and Policies CHW02, TOW03 and TOW04 of the BLP, which together seek, amongst other things, to strengthen the role of town centres as vibrant, inclusive, and sustainable hubs for Londoners, including by supporting the night-time economy, whilst ensuring development does not have a significant adverse impact on local community and residential amenity in terms of noise, vibrations, odours, traffic disturbance and litter.

Other Matters

40. I have had regard to the third-party representations which have been made, most of which have been considered under the main issues above. However, concerns

⁵ Prepared by ES Acoustics, dated 19 August 2024

⁶ Appeal Refs: APP/N5090/W23/3328090 and APP/N5090/W/21/3270129

were also raised about the proximity of the proposed use to areas, particularly the adjacent bus stop, where school children congregate. The AGC would be for over 18s only, and the appellant has provided policies relating to age verification including a 'Think 25' policy. For these reasons, I am satisfied that the proposal would have adequate measures to restrict the use and premises for adults.

41. Concerns have also been raised in relation to the proposed shopfront design, advertisements and the effect of these on the character and appearance of the area, including the historic environment. However, the proposal seeks approval for the change of use only and any external works would require additional consent. Nevertheless, I understand from the evidence before me that such applications have already been granted consent by the Council.

Conditions

42. The Council provided a list of suggested conditions, which I have considered against the tests in the Framework and the Planning Practice Guidance. Where appropriate, I have adjusted the wording of the conditions to improve precision and enforceability.
43. In addition to the standard time limit condition, I have attached a condition to define the permitted drawings to provide certainty. A condition requiring the development to be carried out in accordance with the mitigation measure included within the Noise Impact Assessment is necessary to safeguard the living conditions of nearby residents. I have also included a condition requiring information on how the development would achieve Secured by Design accreditation is required to provide security and minimise the risk of crime. These need to be a pre-commencement conditions because these measures need to be in place prior to the use commencing.
44. The Council has also suggested a condition to limit the opening hours to between 07:00 and 02:00 Monday to Saturday, and 08:00 and 02:00 hours on Sundays. However, considering the small scale the proposed AGC and the low level of comings and goings which would be generated during these hours and the surrounding character, which is a busy commercial area, I do not consider this condition to be reasonable or otherwise necessary.
45. I have also not imposed a suggested condition which sought to control external changes to the appeal building. However, given this matter is already adequately controlled under Section 55 of the Town and Country Planning Act 1990, the imposition of such a condition would not be necessary.

Conclusion

46. I conclude that the proposal would accord with the development plan and there are no material considerations that outweigh this finding. Accordingly, the appeal is allowed.

K Lancaster

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 the following approved plans: P01 - Existing & Proposed Floor Plans and Elevations.
- 3) Prior to the use of the premises as an Adult Gaming Centre, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would achieve 'Secured by Design' accreditation, including a timetable for implementation. The development shall be implemented in accordance with the details as approved under this condition and shall remain in perpetuity thereafter.
- 4) The development shall be carried out wholly in accordance with the Noise Impact Assessment Report (Ref: 20827.NIA.RPT.01 prepared by ES Acoustics, dated 19 August 2024). Noise control measures shall be implemented in full prior to the first use of the development and maintained for the lifetime of the development.

End of Schedule