



Appeal Decision

Site visit made on 8 July 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Appeal Ref: APP/G5750/W/25/3364473

176-177 Forest Lane, Forest Gate, Newham, London E7 9BB

- 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 Mr Peter Jowett of Betting Shop Operations Limited against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/02658/FUL.
 - The development proposed is change of use from Class E (Estate Agent) to Sui Generis (Betting Shop).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The name of the appellant was not provided on the original planning application form or on the Council's decision notice, and I have therefore taken the appellant's name from the planning appeal form.
3. I have afforded very limited weight to Policy HS6 of the Draft Submission Newham Local Plan (Regulation 19) June 2024 since it is not fully consistent with currently adopted policies and there are unresolved objections to it pending the outcome of the plan's examination by an independent Inspector.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
 - the health and wellbeing of local residents; and
 - the vitality and viability of Forest Gate district centre.

Reasons

Health and wellbeing

5. The appeal site is a vacant former estate agents located at the junction of Forest Lane with Woodgrange Road. It forms part of a parade of shops located within the designated Forest Gate district centre, although not within a primary shopping frontage.
6. To help engender healthy, successful places, Policy SP9 of the Newham Local Plan 2018 "A 15 year plan looking ahead to 2033" (NLP) seeks to avoid creating or adding to problematic cumulative impacts associated with individual uses. Within

town centres, it requires at least two thirds of town centre leisure uses to be 'quality leisure' uses (public houses, restaurants/cafes and leisure uses including cinemas, gyms and indoor sports) whilst limiting takeaways, amusement arcades and betting shops to no more than one third (criterion 3a(ii)). In all areas of the Borough, the policy seeks to avoid the over-concentration of betting shops, amongst other uses, by placing limits on the linear and area concentrations of such uses (criterion 3b).

7. The Newham Local Plan Evidence Base: Town Centres Update – 2021 data (TCU), dated February 2023, identified only 46.3% of leisure uses in Forest Gate district centre as 'quality' leisure uses, below the benchmark of two thirds set by Policy SP9. The appellant collected data in March 2025 which showed that quality leisure uses accounted for 61.8% of leisure uses in Forest Gate district centre. The apparent discrepancy between the two datasets may result from the fact that the two dominant leisure uses are restaurants/cafes and takeaways (the former considered to be a quality use, and the latter not). As some businesses offer both services to their customers, the boundaries between the two uses can become blurred. Difference approaches to categorising such uses may lie behind the apparent trend away from takeaways and towards restaurants/cafes between 2021 and 2025.
8. Notwithstanding this, the appellant's survey showed that quality leisure uses accounted for less than two thirds of leisure uses in Forest Gate district centre. The introduction of an additional betting shop would further reduce the proportion of quality leisure uses. The appellant characterises the reduction as small, but paragraph 2.116 of the NLP emphasises that every small change counts, in order to prevent existing problems getting worse and begin reversing them. Whilst only a small percentage of units in the district centre would be betting shops, the policy relates to the overall proportion of leisure uses in the district centre which are quality leisure uses, not the proportion of betting shops. By further diluting the proportion of quality leisure uses, the proposal would undermine the aims of Policy SP9, with resultant harm to the district centre.
9. Criterion 3b of Policy SP9 set limits on linear and area concentrations of betting shops, and other uses, throughout the Borough. There is no dispute between the parties that the proposal complies with the linear element of the policy, but the proposal would breach the area limitation of no more than three betting shops within 400 metres of each other, as well as having a 400 metre catchment area which would overlap with more than two other betting shop catchment areas.
10. The appellant has pointed out that the proposal would restore the number of betting shops in the Forest Gate district centre to six, the same number that were recorded in the NLP in November 2018, and has suggested that at one time there were seven betting shops in the district centre. However, these considerations do not alter the fact that the proposal would breach the limit on area concentrations set by Policy SP9.
11. The appellant has argued that since the linear and area limits imposed by criterion 3b are linked in the wording of the policy by 'or' instead of 'and', the proposal only needs to satisfy one limb of the criterion in order to comply with the policy. The appellant furthermore considers that Forest Gate district centre has a linear pattern and should therefore only be required to satisfy the linear limit. However, neither Policy SP9 nor its supporting text at paragraph 2.122 specify that only one limb of

criterion 3b requires to be met. Moreover, the policy does not indicate that the character of the district centre (i.e. whether it is 'linear' or not) influences the application of the policy; indeed, Figure 3.7 of the NLP specifically applies the area limits contained in Policy SP9 to the Forest Gate district centre. It follows that both limbs of criterion 3b apply to the proposal, and that either a linear or an area overconcentration of betting shops constitutes a potential breach of the policy.

12. The appellant has explained that an operating strategy would be put in place to safeguard the health and wellbeing of residents, which would include measures to prevent potential gambling problems and addictions, along with appropriate staff training. Furthermore, a gambling licence would be required for the premises, which would require the appellant to demonstrate that they will prevent gambling from being a source of crime or disorder, ensure that gambling is conducted in a fair and open way, and protect children and other vulnerable persons from being harmed or exploited.
13. Paragraph 2.117 of the NLP explains that Policy SP9 is aimed at controlling the cumulative impacts on safety and behaviour and the character and liveability of an area, which can affect people's health and wellbeing and their satisfaction with an area and willingness to visit and stay in that area. Whilst the appellant's commitment to operating a betting shop which safeguards the health and wellbeing of residents is not in question, such a strategy cannot counteract the overconcentration of such uses which Policy SP9 aims to guard against.
14. Consequently, the proposal would exacerbate the clustering of betting shops in Forest Gate district centre, with resultant adverse impacts on the health and wellbeing of the population. The proposal would be contrary to policies GG3 and E9 of the LP and policies SP1, SP2, SP6 and SP9 of the NLP, which together promote healthy neighbourhoods and successful centres which avoid over-concentrations of specific uses including betting shops.

Vitality and viability

15. Policy SP6 of the NLP sets out strategic principles for town centres, including that they are vibrant, vital and valued, and that they act, amongst other things, as employment hubs and destinations. It seeks to maintain robust retail cores with a variety of unit sizes but without excessive clustering or disproportionate levels of non-retail uses. Paragraph 2.117 of the NLP explains that cumulative impacts have the potential to adversely impact on people's willingness to invest and spend in an area, with resultant effects on regeneration and investment prospects which could impede the delivery of sustainable development.
16. During my site visit I saw that Forest Gate is a busy and vibrant district centre with a range of retail and associated functions. My observations in this regard are confirmed by the 2021 TCU, which concluded that Forest Gate benefits from a robust retail core, a finding which the appellant has echoed. In the appellant's survey dated March 2025, 17 vacant units were noted, equating to slightly under 10% of the total number of units in the district centre, which could indicate that the district centre is not quite as robust as it was in 2021.
17. The appellant has highlighted that the proposal would bring back into use a unit which has been vacant since July 2022, thereby reducing vacancy rates, creating jobs and attracting customers into the district centre, which would enhance its vitality and viability. I also note that the proposal represents an opportunity for the

appellant to reopen their business in Forest Gate, having previously closed an outlet in the district centre. Against the economic benefits of reopening a vacant retail unit, I must consider whether the proposal would result in an overconcentration of non-retail uses which would harm the district centre's economic attractiveness.

18. As I have noted, Policy SP9 seeks to avoid creating or adding to problematic cumulative impacts associated with individual uses, by requiring at least two thirds of town centre leisure uses to be 'quality leisure' uses, and by setting limits on linear and area concentrations of betting shops in the Borough. My analysis has shown that the proposal would worsen the underprovision of quality leisure uses and result in an overconcentration of betting shops in the Forest Gate district centre. Such outcomes would run counter to the aims of Policy SP9, as amplified in paragraph 2.117 of the NLP, with resultant adverse impacts on the attractiveness of the district centre to shoppers and potential investors.
19. Consequently, the cumulative impact of the overconcentration of betting shops in the Forest Gate district centre would undermine the attractiveness of the district centre, and hence its vibrancy and vitality. The appellant has argued that Policy SP9 should not seek to prevent or stifle competition, but its aims are wider than merely competition between operators, with its focus on social and economic objectives. The proposal would be contrary to policies SD6, SD7 and E9 of the LP and policies SP1, SP6 and SP9 of the NLP, which together promote the vitality and viability of town centres, whilst avoiding over-concentrations of specific uses including betting shops.

Other Matters

20. The appeal site lies within the 6.2km zone of influence of the Epping Forest Special Area of Conservation (SAC), a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). As such it is incumbent upon me as competent authority to consider whether the development is likely to have a significant effect on the integrity of the site.
21. Policy INF7 of the NLP requires developments within the zone of influence of the SAC with the potential to give rise to significant recreational disturbance impacts to undertake an assessment of their impact on the SAC. The Council has identified two main pathways of impact that are currently adversely affecting the health of Epping Forest: recreational pressure, particularly from people living within 6.2km of the Forest; and atmospheric pollution, caused primarily by vehicles emitting pollutants on roads close to the Forest. Natural England has advised that development within 6.2km of the boundary of the SAC requires suitable mitigation to avoid adverse impacts on the integrity of the SAC.
22. As the proposal would not introduce new residents into the zone of influence, it would not add to existing recreational pressures; and as the proposal is for the reuse of an existing commercial premises, there is no evidence that it would result in an increase in vehicle movements.
23. I therefore consider that the relevant policy of the development plan, as noted above, has been complied with, and that there will be no likely significant effect on the Epping Forest SAC. The development therefore accords with the Habitats Regulations.

24. An interested party has queried whether the premises were offered on the market at reasonable terms whilst they were vacant. As I am dismissing the appeal, the marketing of the premises does not have a bearing on the outcome.
25. An interested party has argued that there is no public benefit in having another betting shop in Forest Gate, being next to several public houses and a secondary school. However, the development plan does not require the appellant to demonstrate a public benefit. I am moreover satisfied that locating a betting shop between two public houses would not give rise to gatherings outside the property which could result in public safety issues.

Conclusion

26. The proposal would provide economic benefits by bringing a vacant retail unit back into use, thereby providing jobs and attracting customers to the Forest Gate district centre. I attach moderate weight to these economic benefits, noting that they relate to only one unit in an otherwise robust retail core. The appellant has highlighted their track record in managing betting shops via an operating strategy, which would assist in addressing some of the concerns raised by the Council in regard to the health and wellbeing of residents.
27. The appeal site is situated within Forest Gate Town Centre Conservation Area, and the reopening of the unit would improve the appearance of the area, which is currently marred by graffiti on the building and poor maintenance. S72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. However, the current appearance of the building is a temporary rather than a permanent state of affairs, and as such the visual benefits of the proposal to the conservation area would be limited in scope.
28. The appellant has supplied three appeal decisions, one in Newham itself and the others in Islington and Lewisham respectively, where Inspectors found in favour of changes of use of town centre premises to betting shops, concluding that there would be no harm to the vitality and viability of the town centre or to the health and wellbeing of the local community. However, the appeal in Newham dates from 2012, and was judged against different local plan provisions relating to betting shops, and I therefore cannot be certain that the same policy tests applied then. The other two appeals were judged against different local plan policies and hence different considerations applied in relation to the potential concentration of betting shops. Therefore, I accord these appeal decisions limited weight in the planning balance.
29. Notwithstanding the benefits I have identified, Policies SP6 and SP9 of the NLP together identify a clear strategy of preventing non-retail uses from clustering excessively or reaching disproportionate levels within centres, by setting a benchmark for the proportion of quality leisure uses within centres and placing limitations on the clustering of betting shops. The NLP does so in order to protect the health and wellbeing of the population, as well as spending and investment in the centres. By breaching both of these limitations, the proposal would be harmful to the health and wellbeing of residents and the vitality and viability of the district centre.

30. The harm and policy conflict I have identified would not be outweighed by the moderate weight attached to the benefits of the proposal. I consider that the proposal would conflict with policies GG3, SD6, SD7 and E9 of the LP and policies SP1, SP2, SP6 and SP9 of the NLP, the aims of which I have outlined above. The proposal would also conflict with the aims of the National Planning Policy Framework of ensuring the vitality of town centres and promoting healthy and safe communities.
31. For the above reasons, the proposal conflicts with the development plan, when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

J Heppell

INSPECTOR