

Appeal Decision

Site visit made on 18 December 2025

by **H Jones BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2026

Appeal Ref: APP/Y5420/W/25/3371687

17 High Road, London N22 6BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Chongie Entertainment Ltd against the Council of the London Borough of Haringey.
- The application Ref is HGY/2025/1364.
- The application sought planning permission for change of use from betting shop (Sui Generis) to adult gaming centre (Sui Generis) without complying with a condition attached to planning permission Ref HGY/2020/2996, dated 22 January 2021.
- The condition in dispute is No 3 which states that:
The use hereby permitted shall not be operated before 08:00 hours or after 23:00 hours Monday to Sunday and Bank Holidays.
- The reason given for the condition is:
This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished consistent with Policy DM1 of The Development Management DPD 2017.

Decision

1. The appeal is allowed and planning permission is granted for change of use from betting shop (Sui Generis) to adult gaming centre (Sui Generis) at 17 High Road London N22 6BH in accordance with the application Ref HGY/2025/1364, without compliance with condition numbers 1, 2, 3, 5 and 6 previously imposed on planning permission Ref HGY/2020/2996 dated 22 January 2021 and subject to the following conditions:
 - 1) The development hereby permitted is as shown on, and shall be retained and maintained in accordance with, the following approved plans and documents:

Site Location Plan
Site Plan
IK/LV/WG/2020-01
IK/LV/WG/2020-02
(From planning permission reference HGY/2020/2996)

Secured by Design Statement
Proposed Visual for Planning Application (ellis signs, 17/09/21)
(From discharge of condition approval reference HGY/2021/3006)
 - 2) At no time shall any amplified speech or music generated from the site be audible within the adjoining residential premises.

Background and Main Issue

2. Planning permission for an adult gaming centre (AGC) at the site was originally granted in January 2021¹ (the original planning permission), and condition 3, the subject of the dispute, sets out that the use can only operate between 8am and 11pm. The appeal seeks permission to remove condition 3, allowing for 24-hour opening.
3. Permission for 24-hour opening has previously been applied for, but this was refused by the Council, and a subsequent appeal was dismissed² (the previous appeal decision). Since the previous appeal decision, the Council has permitted the AGC at the site to open until 2am for a temporary period between October 2023 and October 2026³ (the temporary permission).
4. This appeal proceeds on the basis that the Council has failed to give notice within the prescribed period of its decision. However, the Council's evidence makes clear that it considers that 24-hour opening to be unacceptable, asserting that an unacceptable increase in noise disturbance would result for local residents.
5. Therefore, the main issue is the effect that removing condition 3, and permitting 24-hour opening, would have on the living conditions of neighbouring occupiers with particular regard to the levels of noise, disturbance and activity which would arise from it.

Reasons

6. The site is situated within the Wood Green Metropolitan Centre, where both sides of High Road contain an extensive mix of commercial premises, including shops, takeaways, betting shops, and other AGCs. Close to the site, High Road meets a signalised junction adjacent to an underground station. As a result, although there are residential properties in the area, including above the premises the subject of the appeal, the locality exudes a vibrant and bustling character.
7. My site visit served to confirm this character, as I observed High Road to be heavily trafficked by both vehicles and pedestrians. In addition, site observations before me⁴ provide evidence that, in the night-time period, this part of High Road is still subject to frequent pedestrian movements, whilst noise emanates from other sources like passing vehicles. As a result, the established ambient noise level within the local area is generally high, even in the night-time period. The submitted Noise Impact Assessment⁵ (the NIA), which recorded external noise levels at the site during the day and night-time period, evidences this further.
8. The NIA sets out that noise transfer from activities arising within the site's AGC through the party floor, and via its façade, to the rooms within the nearest residential property above it would be below the existing noise climate such that the existing sound would mask the noise break-in from the AGC. This assessment included a predicted analysis of the effects when the first-floor residential property has an opened window. I have been presented with no compelling evidence which leads me to conclude that the NIA's methodology is erroneous or that counters its findings in these regards. Furthermore, condition 4 of the original planning

¹ Planning Permission Reference HGY/2020/2996

² Appeal Decision Reference APP/Y5420/W/22/3304481

³ Planning Permission Reference HGY/2023/1953

⁴ Witness Statement of Darrell John Butterworth, dated 8 April 2025

⁵ Noise Impact Assessment Report by ES Acoustics Ltd, dated 16 April 2025, referenced 20453.NIA-RPT.01

permission, which can be re-imposed, prohibits the generation of any amplified speech or music being audible within adjacent residential premises.

9. The same site observations⁶ present an analysis of the existing customer trips to the site and the AGC at nearby 9 High Road. This assists in informing on the likely quantum and patterns of customer movements and activities which would arise from the extended opening hours proposed. I expect that the additional contribution which would be made to the established pedestrian comings and goings in the area would not be significant. Furthermore, customer vehicular trips would be likely to make-up a minority of visits, whilst groups of customers arriving, departing or smoking together would generally be small.
10. The findings of the NIA include that the effects of customer speech would not be intrusive for the nearest residents and that any increase in noise arising from the use of the parking spaces between the site and the signalised junction would not be significant. I have no reason to disagree with these conclusions.
11. I acknowledge that the actions and behaviours of customers could not always be managed by staff, especially once they had left the premises. Therefore, I cannot rule out occasional incidents of customers behaving particularly loudly or anti-socially during the night-time period. However, I have no substantive evidence before me which leads me to conclude that these incidents would occur at all frequently. Additionally, the evidence before me indicates to me that the AGC use at the site has been operating with its temporary extended opening hours until 2am for a considerable period. Whilst not a 24-hour operation, this nevertheless entails night-time opening, and I have been presented with no substantive evidence that this has resulted in harmful effects on the living conditions of local residents.
12. Overall, I conclude that the effect of removing condition 3, and permitting 24-hour opening, would not lead to levels of noise, disturbance or activity which would give rise to unacceptable effects on the living conditions of neighbouring occupiers. The proposal therefore complies with Policy DM1 of Haringey's Development Management DPD, 2017 and Policy SP10 of Haringey's Local Plan Strategic Policies document 2013-2026 which, together and amongst other matters, seek to foster a diverse night-time economy whilst ensuring a high standard of amenity for neighbouring occupiers. It also complies with Policy SD7 of the London Plan, 2021 which sets out some development principles for town centres, including that its commercial floorspace is appropriate for the centre.
13. My conclusion on this main issue differs from the conclusion reached by the Inspector in the previous appeal decision. However, appeal decisions are heavily dependent on the case-specific evidence and circumstances. I am unaware of the exact evidence which was before the Inspector in that case, and I have updated evidence such as the NIA to take into account. I have come to my own views on this appeal having regard to the evidence before me now, my own experience and the particular circumstances of the case. For the same reasons, this decision should not serve as a precedent for other similar proposals since they too should be considered on their own specific merits.

⁶ Witness Statement of Darrell John Butterworth, dated 8 April 2025

Other Matters

14. The use of the site as an AGC is already established, and no additional gambling premises would arise as a result of the proposal. I have no compelling evidence before me which indicates to me that the premises being open on a 24-hour basis would cause a rise in any social, health and economic costs or harms which would undermine the community's overall health, well-being, safety or cohesion.

Conditions

15. I have dealt with the disputed condition 3 in my main issue above. When granting planning permission under section 73, it is appropriate to review the conditions previously imposed on the earlier grant of planning permission and determine the necessity of their re-imposition in their original or varied form. I have had regard to the conditions suggested to me, and in the interests of clarity, precision and to avoid duplication, I have made some amendments.
16. As the development has already taken place, a condition relating to the standard implementation period is unnecessary. Therefore, I have omitted condition 1 of the original planning permission. However, in the interests of certainty, enforceability, safety, security and the character of the area, I have imposed a condition which sets out the approved plans and documents, including those approved via an application to discharge conditions. This results in the variance and amalgamation of conditions 2, 5 and 6 of the original planning permission.
17. I have imposed a condition concerning amplified speech and music in the interests of preserving the living conditions of neighbouring occupiers which was also imposed on the original permission.

Conclusion

18. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition and with those conditions that are necessary, still subsisting and capable of taking effect.

H Jones

INSPECTOR