



## Appeal Decision

Hearing held on 25 February 2025

Site visit made on 25 February 2025

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

an Inspector appointed by the Secretary of State

**Decision date: 26 March 2025**

---

### **Appeal Ref: APP/Q5300/W/24/3356297**

### **369 - 371 Green Lanes, Southgate, Enfield N13 4JH**

- 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 24/01776/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.
- 

### **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 369 - 371 Green Lanes, Southgate, Enfield N13 4JH in accordance with the terms of the application, Ref 24/01776/FUL, subject to the conditions in the attached schedule.

### **Preliminary Matters**

2. The description of the development proposed within my banner heading and decision above is based upon the description given on the planning application form. However, I have omitted a reference to the site's address as this is not an act of development.
3. On 12 December 2024, and since the Council made its decision, a revised version of the National Planning Policy Framework (the Framework) was published. In making my decision, I have had regard to the revised Framework insofar as it is relevant to the appeal.
4. A new local plan for Enfield is emerging (the Emerging Plan), and the Council has provided me with a position statement in its regard. Amongst other matters, the Council has set out that the Emerging Plan has completed its Regulation 19 Consultation, it has been submitted and is in the process of being examined. However, only a first stage of hearings has taken place, and more are to follow. Consequently, the content of the Emerging Plan could be the subject of change. In the circumstances, the Council and the appellant have each submitted to me that the Emerging Plan should only be afforded limited weight. I have no reason to disagree and, as a result, the policies of the Emerging Plan are a matter of limited weight in my decision.

## Main Issues

5. The main issues are:

- The effects of the proposal upon the health and vitality of Palmers Green District Centre including whether the proposal would result in an over-concentration of gambling uses in the area;
- The effects of the proposal upon community cohesion with particular regard to its effects upon crime and anti-social behaviour in the area;
- The effects of the proposal upon the character and appearance of the area, including its effects upon the locally listed 315-397 Green Lanes (the Sykes Buildings); and
- Whether appropriate provision would be made for cycle storage and refuse.

## Reasons

### *Palmers Green District Centre*

6. The appeal site, Nos 369 - 371 Green Lanes (Nos 369-371), is located within Palmers Green District Centre (the District Centre). The proposal relates to the ground floor of Nos 369-371 which is currently vacant, but it was last used as a bank. The District Centre is one of Enfield's main shopping and service outlet centres, and it contains a significant array of businesses and facilities.
7. Existing gambling related premises in the District Centre include, next door but one to the appeal site, Ladbrokes, and on the opposite side of the road, Paddy Power. A third existing Green Lanes bookmakers is Betfred, but it is located a quite considerable distance away. Merkur Slots, which is an adult gaming centre (AGC), is nearer to the appeal site than Betfred, but it is on the opposite side of the road to the appeal site and there are a number of intervening businesses.
8. Policy DMD33 of the Enfield Council Development Management Document 2014 (the DMD) specifically applies to betting shops. Betting shops are principally premises which customers visit to place bets upon events and competitions taking place elsewhere. They may contain some gaming and gambling machines but as a more secondary element. Betting shops typically close in the late evening. In contrast, AGCs house a more significant array of gaming and gambling machines. Customers visit them to play those machines. It is quite typical for AGCs to be open much more extensively than betting shops, either until the early hours, or 24-hours per day. I have evidence before me which identifies that different operating licences under the Gambling Act 2005 must be held in respect to betting shops and AGCs.
9. For these reasons, whilst they are both gambling uses, AGCs and betting shops are different types of premises. Since Policy DMD33 applies only to betting shops, I find that it is not applicable to the proposal and, in turn, the proposal cannot be in conflict with it.
10. In coming to this view, I have had regard to the appeal decision at Fore Street<sup>1</sup> which the Council consider supports its view that DMD Policy DMD33 applies to

---

<sup>1</sup> Appeal Decision APP/Q5300/W/24/3341158

AGCs. However, in that decision, the Inspector did not firmly determine whether or not an AGC can be considered to be a betting shop. The Inspector found that the proposal would comply with Policy DMD33 anyway and so the matter of whether it should be applied at all became unimportant.

11. During my visit, it was appreciable that the District Centre exhibits a busy and vibrant character. Together with its assortment of businesses, its relatively low vacancy rate, and the evidence I heard at the Hearing of the competition that there is over unit occupation, this all leads me to conclude that it is a healthy shopping and service centre.
12. The Town Centre Health Check<sup>2</sup> identifies that existing bookmakers and AGCs collectively account for only 2.5% of the District Centre's units. The appellant's response to the Council's Statement of Case<sup>3</sup> identifies that of all business units within 400 metres of the appeal site only 2.3% are bookmakers or AGCs. Consequently, although these submissions represent only snapshots in time, it is evident that with the addition of the proposed AGC the subject of the appeal, gambling uses would remain only a modest element of the District Centre's overall service offer.
13. Upon completion of the proposed development, I accept that a local cluster of gambling uses would be formed within the District Centre because of the site's proximity to Ladbrokes and Paddy Power in particular and, to a lesser extent, to Merkur Slots. The Betfred unit is so well separated from the appeal site that I find it would not form a part of this cluster at all.
14. I can envisage that there would come a point at which a cluster of gambling uses would undermine, and be detrimental to, the diversity of the District Centre. However, I do not find that the cluster of 4 which would result in this case to be unacceptably high. That there would be an even split of betting shops and AGCs, and thereby some diversity of the type of gambling uses, would aid in this. Moreover, I must have regard to the appeal site being vacant and making no positive contribution to the District Centre's health and vitality at present and also to the District Centre's general good health. The proposal would bring the unit back into use so that it would once again make a contribution to the economy of, and activities taking place within, the District Centre.
15. DMD Policy DMD27 is concerned with managing the loss of retail units which fell within the now obsolete A1 (shops) use class. The objective of Policy DMD27 is to ensure that a loss of shops does not occur within Enfield's district centres which would be harmful to the balance of retail and non-retail uses on offer within them.
16. As the appeal site premises was last used as a bank, when it was occupied, it was not contributing to the District Centre as a retail shop but rather as a financial and professional service which fell within the previously termed A2 use class. The proposal would not result in the loss of a premises which has been contributing to the local shopping offer. For this reason, I find that Policy DMD27 is not relevant to the appeal proposal including its requirements in relation to marketing. In turn, the proposal cannot be in conflict with it.

---

<sup>2</sup> Town Centre Health Checks (October 2024) – Palmers Green

<sup>3</sup> Letter referenced CW/AF/Q240798 dated 7 February 2025

17. In summary, I have firstly identified that the District Centre is healthy. I have identified that upon completion of the proposed development gambling uses would still form only a modest part of the District Centre's makeup and that, although a cluster of gambling uses would result, the number of units in the cluster would not be unduly high. No loss to the District Centre's shopping offer would result, and a vacant unit would be brought back into use.
18. For these reasons, the effects of the proposal upon the health and vitality of the District Centre would be acceptable with no over-concentration of gambling uses in the area taking place.
19. In coming to this view, I have had regard to the District Centre's Action Plan<sup>4</sup> and the collective efforts of the Council and the community towards improvement projects in the area such as the Devonshire Square cultural space. However, I have no firm basis on which to conclude that the addition of a single AGC to the area would undermine or hamper these efforts or actions.
20. Consequently, I find that the proposal complies with Policies GG1, GG2, SD6, SD8, HC6, D3 and E9 of the London Plan 2021 (the LP), Policy CP17 of the Enfield Plan Core Strategy 2010-2025 (the CS) and Policy DMD37 of the DMD. Altogether, and in summary and amongst other matters, these Policies seek to enhance the vitality and viability of London's centres, support Enfield's district centres as important shopping and service centres, support appropriate night-time uses whilst managing clusters of uses having regard to their positive and negative effects. They also seek to ensure that developments are appropriate to their context, respond appropriately to existing character and enable the development of brownfield land. The proposal also accords with advice within the Framework which seeks to support the role of town centres within communities by taking a positive approach to their growth, management and adaption.

#### *Community cohesion*

21. I have some divergent evidence before me in respect of crime. As a demonstration of this, on the one hand, the likes of the appellant's Town Centre Health Check<sup>2</sup> sets out that Metropolitan Police data shows that overall crime rates in the Palmers Green Neighbourhood have had a declining trend with a purported crime reduction of 11% for the 12-month period ending August 2024 in comparison to the preceding 12-month period. Conversely, at the Hearing, and for the August 2023 to August 2024 period, I heard from an interested party that crime in Palmers Green has been on the rise with a purported 77% increase in relation to the "7 MOPAC crimes".
22. Importantly, however, even if crime in Palmers Green has been and remains on the rise, the particular reasons for that are not clear to me, and I have no firm evidence of a link between local crime rates and the presence of any gambling use premises in the area.
23. Although it did not raise a formal objection to the planning application, the consultation response of the Metropolitan Police did set out a serious concern that crime and disorder could be attracted to the site's vicinity. However, the concerns expressed are very broadly outlined, and the reasons for them appear linked to the area's susceptibility toward certain types of crime. District and town centre

---

<sup>4</sup> Palmers Green Action Plan November 2021

locations with their concentration of businesses and activities can quite typically suffer from higher crime rates. A particular link between the characteristics of the proposed use and criminal activities is not outlined in the consultation response.

24. Furthermore, although separate from planning legislation, the premises would also be subject to licensing conditions. This would include that alcohol cannot be consumed on the premises, that CCTV coverage would be deployed and minimum staff presence requirements. In addition, a planning condition can be imposed to ensure compliance with the relevant Secure by Design Guide or with the relevant Crime Prevention Standard. Consequently, I have no reason to conclude that the premises would not be well-run, deploy robust management measures to assist in tackling problematic behaviours nor that it has been designed without thorough regard to crime and anti-social behaviour prevention.
25. It is proposed that the AGC would be open 24-hours per day. At the Hearing, I heard evidence that Merkur Slots is also open 24-hours per day as is a nearby gym and that there are a number of bar premises in the area which are open late into the early hours of the morning. Therefore, the District Centre is clearly not without its late-night uses already and, in this context, the proposal's operating hours would not be anomalous.
26. Submissions made by the Council and the public raise concerns regarding gambling addiction and the detrimental effects of gambling upon the health and the wellbeing of those affected. There are associations between problem gambling and social and economic costs and harms. However, the evidence before me does not demonstrate to me a causal link between the addition of this AGC at the site and a likelihood for any problematic gambling habits to grow. Nor, ultimately, that the community's cohesion and overall wellbeing would be undermined.
27. In support of its case, the Council has cited the Islington appeal decision<sup>5</sup>. In that case, the Inspector found that the introduction of an AGC at that site would result in an unacceptable concentration of gambling related uses and that they would be concentrated in an area where the population is more susceptible to gambling related harm. However, the Inspector had evidence before him which demonstrated to him that the site was within one of the most deprived areas in the country and that the local area was in urgent need of regeneration to reduce poverty and social inequality. Evidence before me in this case does not indicate to me that the appeal site has similar levels of deprivation or sensitivity to gambling related uses. The contexts of the proposals therefore differ. Appeal decisions are heavily dependent on the case-specific evidence and circumstances. 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 these reasons, the Islington decision is a matter of limited weight in my determination.
28. Particular concerns have been expressed to me in relation to the effects of the proposal upon more vulnerable groups such as children or lone women. The Public Sector Equality Duty (PSED), contained in section 149 of the Equality Act 2010, sets out the need to eliminate unlawful discrimination, harassment, victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. These protected characteristics include age and sex. In summary, my above

---

<sup>5</sup> Appeal Decision APP/V5570/W/20/3257308

findings identify no demonstrable harms arising as a result of the proposed development in relation to community cohesion. I have no firm basis on which to conclude that women or children would be affected differently or disproportionately. Consequently, the PSED does not provide a reason to dismiss the appeal.

29. Overall, for the reasons given above, I find that the effects of the proposal upon community cohesion with particular regard to its effects upon crime and anti-social behaviour in the area would be acceptable. As a result, the proposal accords with Policies HC6, GG1, GG2, GG3, SD6, D3, D8 and E9 of the LP, Policies CP9, CP11, CP17 and CP30 of the CS and Policy DMD37 of the DMD. Altogether, and in summary and amongst other matters, these Policies seek to deliver strong communities and create successful sustainable mixed-use places. They seek to ensure that development is appropriately located, promote a diverse night-time economy, create a sense of place during the day and night, with matters of community wellbeing, cohesion, safety and anti-social behaviour addressed. The proposal also complies with those policies within the Framework which aim to achieve healthy and safe places where crime and the fear of it does not undermine community cohesion.

#### *Character and appearance*

30. Running through the District Centre, Green Lanes is in part characterised by its many and varied shop and business frontages and the assortment of advertisements on display. The Sykes Buildings exhibit distinctive architectural detailing within its upper storeys and these storeys retain a strong sense of uniformity. For this reason, the Sykes Buildings, make a positive contribution to the character and appearance of Green Lanes and, because of the architectural interest exuded by them, they are of heritage value and constitute a non-designated heritage asset.
31. The proposed development would only affect the ground floor elements of the site. Presently, the appeal site's ground floor address to Green Lanes is very much unremarkable. By reason of its absence of any advertisements and some form of finish applied to its windows, possibly paint, which has an obscuring effect, the unit's vacant nature can be clearly interpreted. For this reason, the ground floor frontage of the appeal site is inactive, and it has a negative effect upon the character and appearance of this part of Green Lanes.
32. Upon completion of the proposed development, the re-occupation of the premises would bring with it an uplift to the activity and animation displayed, aided by alterations to its fenestration. The upper storeys which, reflective of the Sykes Buildings as a whole, exhibit heritage interest, would remain as they are and be preserved.
33. Through the imposition of a condition, it can be ensured that the glazed areas utilise clear glass only, with no glass that is opaque or darkened, whilst the glazed areas would be unobscured by any items fixed to them to a minimum of 50% of their total area. In so doing, the unit's frontage would become acceptably active and a marked improvement in its contribution to the street scene would result.
34. Policy DMD40 of the DMD and Enfield's Shopfronts and Associated Advertisements Supplementary Planning Guidance (the SPG) each include prescriptive content in relation to unit frontages. This includes criterion c) of Policy

DMD40 which requires no more than 10% of the glazed area of a unit frontage to be obscured. The operation of Policy DMD40 is such that ground floor frontage alterations are required to meet all of its criteria. In this case criterion c) would not be met. In turn the proposal does conflict with Policy DMD40.

35. Despite this conflict, since I have identified that the proposal would bring about a betterment to the unit's address of the street scene, the overall effects of the proposal upon the character and appearance of the area would be positive. Furthermore, the heritage interest of the Sykes Buildings as a non-designated heritage asset would be unharmed.
36. For these reasons, the proposed development complies with a host of other relevant development plan policies. These being Policies HC1, SD6 and SD8 of the LP, CP17 and CP31 of the CS and DMD44 of the DMD. These Policies set out that development should conserve the significance of heritage assets, secure active street frontages, enhance the vitality, and improve the quality of the environment, within town and district centres. Although the SPG includes guidance along similar lines to that of Policy DMD40 in respect to the obscuring of the glazed areas of shopfronts, it is less stringent. The proposal adheres to the overall objectives of the SPG of ensuring appropriately designed shopfronts and, therefore, the proposal complies with it. Furthermore, as no harm would result to the Sykes Buildings, the proposal complies with the advice of the Framework in respect of non-designated heritage assets.
37. The Council's fourth reason for refusal refers to Policy DMD41 of the DMD which specifically relates to advertisements. As the proposal involves no application for advertisement consent as such, I find Policy DMD41 to be irrelevant with no conflict with it arising as a result.

#### *Cycle storage and refuse*

38. Short stay cycle parking is already available on Green Lanes through its existing cycle stand provision. The Council has set out that it requires the proposal to provide two cycle parking spaces within the site to meet the needs of staff.
39. The plans show the provision of these two cycle parking spaces within the space which provides part of the route between the unit's rear access door, and its bin storage area, and the exit route to the street. Siting the cycles here would be likely to interfere with passage along this route. However, the cycle parking could be appropriately located elsewhere in the yard area. During the site visit, the Council and appellant agreed that positioning the cycle parking to the immediate rear of the proposed disabled WC would be appropriate. A condition can be imposed to ensure that the cycle parking is provided in this agreed location.
40. Given the proposed use, and the activities which would take place within it, refuse generated from the proposed development would be likely to be modest. The plans identify a suitable, specific location where bins would be stored. The agreed revised cycle parking location would ensure that the egress route to put out the refuse for its subsequent collection would be less hindered than the submitted plans currently show. A small set of steps and a rear boundary gate would still need to be negotiated but, given the amount of refuse likely generated, these features would pose no significant impediment to the refuse being properly deposited for its collection. Furthermore, I have no substantive reasons to

conclude that appropriate arrangements would not be made for the collection and disposal of the refuse off-site.

41. Consequently, I conclude that appropriate provision would be made for cycle storage and refuse. As a result, the proposal would comply with Policies T5 and T7 of the LP, Policies CP24 and CP25 of the CS, and Policies DMD45, DMD47 and DMD48 of the DMD. These Policies seek to encourage sustainable travel choices, require developments to secure the provision of appropriate and fit for purpose cycling parking, and facilitate efficient servicing including in respect of refuse collection. The proposal also complies with advice within the Framework which seeks to ensure that sustainable transport modes are prioritised.

### **Other Matters**

42. The appeal is accompanied by a Noise Assessment<sup>6</sup>. Amongst other matters, this sets out that any break-out noise through the building's envelope, and any noise generated from the comings and goings associated with the proposed development, would be likely to be low. The plans show that the unit would be served by a secure lobby which would provide some separation between the gaming area and the entrance from the street. This would assist with mitigating noise from the arrival and departure of customers. Coupled with the site management the premises would benefit from, I have no reason to disagree with the findings of the Noise Assessment or come to the view that problematic noise would be generated by the proposal.
43. Although some concerns have been expressed in relation to the adequacy of the Council's publicity of the planning application, I have no compelling evidence that adequate publicity did not take place including having regard to the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
44. It has been submitted to me that spending within AGCs does not generally make its way into the local economy and that, in turn, little economic benefit would derive from the proposal. I have no compelling evidence that this is the case but, even if it were, it provides me with no reason to dismiss the appeal. It is also suggested to me that staff working within AGCs receive uncompetitive wages. Again, I have no firm grounds to agree with this and, moreover, it has very limited bearing upon the merits of the case.

### **Conditions**

45. I have been provided with a schedule of suggested conditions. To ensure compliance with the advice on conditions contained within the Framework and the Planning Practice Guidance (PPG) and, informed by the discussions held at the hearing, I have amended the schedule.
46. Condition 1 sets out the standard time limitation. Condition 2 is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.
47. Condition 3 is necessary in the interests of the character and appearance of the area and condition 4 so that the proposed development is implemented with security and the principles of designing out crime embedded.

---

<sup>6</sup> Hepworth Acoustics Initial Noise Assessment P23-255-R01



48. I have imposed condition 5 in order to ensure that there is control exerted over the noise emitted by mechanical plant in the interests of neighbouring occupiers. Condition 6 will ensure that the necessary cycle parking to serve the development is installed and within a suitable location.
49. The Council's suite of suggested conditions included a condition to ensure the implementation of adequate sound attenuation between the unit the subject of the appeal and the residential flats above. This suggested condition was discussed at some length at the Hearing. One of my concerns with the condition suggested by the Council is that the appellant does not own all of the land above the proposed AGC where the attenuation would need to be installed.
50. However, the planning permission<sup>7</sup> granted for the additional flats above the proposed AGC unit is already subject to a condition requiring sound attenuation. Although I heard evidence that the condition on the existing planning permission has not been discharged, the appellant submitted to me their understanding that the attenuation had taken place and an application to discharge the condition was being prepared.
51. The existing condition prohibits the occupation of the flats until the noise attenuation has been satisfactorily implemented. Should this not be the case, it is open to the Council to pursue enforcement action, which the Council acknowledged at the Hearing. Consequently, with a condition already imposed requiring attenuation which would adequately protect residential occupiers from noise emanating from the proposed AGC, and the enforcement options available to the Council, I am satisfied that effective controls in these regards are already in place. Therefore, the suggested condition does not meet all the tests for condition imposition and the proposed development is acceptable without it. It does not, therefore, feature in my schedule.

## **Conclusion**

52. Within one of my main issues, I have identified conflict with DMD Policy DMD40. However, I have identified that the proposal accords with a host of other relevant development plan policies and, that it is acceptable in regard to all four of my main issues. Therefore, overall, I find that the proposal accords with the development plan taken as a whole. There are no material considerations which indicate a decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

*H Jones*

INSPECTOR

---

<sup>7</sup> Planning permission 23/01098/FUL

### **Schedule of 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 drawings:  
  
Site Location Plan 31 May 2024  
Block/Site plan TQRQM23254091048129  
Existing Ground Floor Plan 24002/001C  
Proposed Ground Floor Plan 24002/002/C  
Existing Front Elevation 24002/003/C  
Proposed Front Elevation 24002/004/C
- 3) The glazed areas within the shop front of the development hereby approved, as depicted on Proposed Front Elevation 24002/004/C, shall:
  - I. utilise clear glass only, with no glass that is opaque or darkened utilised; and
  - II. be unobscured by any items fixed directly to the glazing to a minimum of 50% of the total area of the glazing.
- 4) The development hereby approved shall not be occupied until a certificate of compliance with the relevant Secure by Design Guide(s), or with the relevant Crime Prevention Standard(s), has been submitted to and approved in writing by the local planning authority.
- 5) No mechanical plant to serve the development hereby approved shall be operational until a noise assessment report has been submitted to and agreed in writing by the Local Planning Authority. The noise assessment report shall rate noise levels arising from such plant in accordance with BS4142:2014 at the nearest noise sensitive receivers and in comparison to background noise levels. The noise report shall, as necessary, recommend any mitigation measures to be deployed. The mechanical plant shall, thereafter, be operated and maintained in accordance with the approved noise assessment.
- 6) The development hereby permitted shall not be occupied until a cycle parking rack or racks, sufficient to provide storage for two cycles, have been provided within the space between the "Disabled WC" and the "Garden" as shown on Proposed Ground Floor Plan 24002/002/C. The cycle parking shall thereafter be retained.

### **End of Schedule**

## **Appearances**

For the appellant:

Jordan Godden	East Kent Leasing Limited (Appellant)
James Pereira KC	Counsel FTB Chambers
Angie Fenton	Quod
Andrew Woods	Woods Whur Solicitors

For the local planning authority:

Allison Russell	Principal Planning Officer
Karolina Grebowiec-Hall	Planning Decisions Manager
Clare Moloney	Place Shaping Manager

Interested Persons:

Dana Roberts  
Cara McDonagh  
Councillor Doug Taylor  
Karl Brown  
Kiri Constantinou

## **Documents submitted at the hearing**

1. Strengthening Neighbourhood Policing document submitted by Karl Brown
2. Metropolitan Police Intended New Ward Clustering document submitted by Karl Brown