

Your Ref: **20250580**
Our Ref: HPD/CD/25/091
Date: 07 July 2025

Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



Hybrid Planning & Development Limited
The Old Vyner Street Gallery
23 Vyner Street
London
E2 9DG

www.hpduk.com

+44 (0)20 3633 1678
+44 (0)7488 319147
cday@hpduk.com

Via email: ethan.bonthron@gravesham.gov.uk

Dear Mr Bonthron,

RE: OBJECTION TO LPA REF: 20250580 AT 22-23 NEW ROAD GRAVESEND KENT DA11 0AA – PROPOSED USE OF PREMISES AS ADULT GAMING CENTRE (AGC) WITH 8 SPORTS BETTING TERMINALS (SUI GENERIS USE).

We have been instructed by a nearby occupier who has been notified of the planning application submitted on behalf of Luxury Leisure (trading as Admiral), for the proposed use of 22-23 New Road in Gravesend as an Adult Gaming Centre (AGC) with 8 no. Sports Betting Terminals (Sui Generis use).

We would advise that we have now had the opportunity to consider the proposal and wish to **strongly object** to this application on behalf of our client.

In the first instance, it is apparent that the applicant is incorrectly relying on the existing use of the premises being an extant AGC (Sui Generis) use under LPA ref: 20220456. As evidenced by the applicant's own submissions (see Dwg no. 3577[B]01 under LPA ref: 20220456 and the existing shopfront image in the covering letter for LPA ref: 2025/0583), this permission has not been implemented, and in fact; is now time expired. As such, the pertinent unit comprises a Class E unit, which is situated in the defined Primary Shopping Frontage of the Gravesend Town Centre.

Furthermore, the subject application is again misplaced, failing as the applicant has to recognise that planning permission would in fact be required to sub-divide an adult gaming centre into two distinct and separate Sui Generis planning units, and thereby effectively creating an additional licensed betting office in what is a Primary Town Centre Frontage (and which itself, should be appropriately assessed as such).

Accordingly, and as the Council will be fully aware, the development of land requires planning permission (Town & Country Planning Act 1990 [the Act], s.57), whilst the Statutory definition of 'Development', includes the 'making of any material change in the use of any buildings or other land' (the Act s.55).

As such, the correct starting point for the Council in assessing this application (as the decision-maker), is to establish if the proposal constitutes 'Development', meaning that planning permission is required.

It follows that 'Amusement Arcades/Centres' are Sui Generis, and fall outside of the use classes contained in the Town & Country Planning (Use Classes) Order 1987 (as amended). Likewise, 'Betting Offices' were re-classified as being Sui Generis (i.e., in a class of their own), on 15 April 2015. However, and unlike other use classes under the Use Classes Order (1987, as amended), Sui Generis uses cannot be changed to any other use (including any other Sui Generis use), without express planning permission. Therefore, planning permission would be required for a change of use between an adult gaming centre and a betting office, given

that both are Sui Generis.

The applicant is seeking consent to enable them to create an entirely separate, defined, and distinct area within their proposed adult gaming centre (to meet betting office licensing requirements and), to allow them to install 8 no. sports betting terminals (thereby effectively creating a new and separate planning unit for a betting office akin to a high street bookmaker), whereby customers would have the opportunity to 'place bets' on live sporting fixtures, including but not limited to for instance, horse racing events.

Therefore, the Council as decision-maker will need to determine if the proposed change is '*material*' i.e., where the change of use is more than incidental or ancillary to the primary use. There is no Statutory definition of '*material*', and determining whether there would be a material change of use is in fact a question of fact and degree (i.e., a '*planning judgement*'), for the decision taker in each case.

Seemingly, the applicant's supporting correspondence seeks to argue that the proposed new use would be ancillary to the primary use of the premises as an AGC, such that there would be no material change in the primary use of the premises as a whole. We vehemently disagree with the applicant's assertion, and would contend that it is for the Council to appropriately judge whether the introduction of the self-contained sports terminals betting area represents a material change of use such that planning permission would be required, for which; we firmly believe it does.

To the above end, and to further assist the Council, the applicant is clearly seeking to create a new and separate planning unit for a licensed betting office (LBO), and under the established principles of what has been the leading case on planning units for in excess of 50 years (*Burdle v Secretary of State for the Environment* [1972] 3 All E.R. 240); if there are physically separate and distinct areas occupied for substantially different purposes, then these areas are separate planning units requiring consent. Accordingly, full planning permission should appropriately be required for the part change of use of the existing planning unit into what would be both a functionally and physically separate LBO.

Furthermore, the installation of licensed betting office machines, which would allow gambling on live sporting fixtures; simply does not fall within the uses associated with adult gaming centres, nor do they "*share similar characteristics*", as the applicant appears to purport. Indeed, such operators have gone to great lengths when 'rolling-out' (and as part of their marketing and promotional literature), to present their use as a 'low-stakes' gaming offer with no live sports interaction (not least for licensing purposes), and in order to disassociate their operations from that of a betting office use.

As such, and in seeking consent to install 8 no. sports betting terminals within their proposed AGC, the applicant is clearly seeking to circumvent the proper operation of the planning system, and to create a betting office by way of stealth – installing these sports betting machines by virtue of what is clearly a 'back-door' approach, would totally change the nature of what would be a low-stakes gaming centre (where it is maintained that people visit to simply spend their small change and enjoy an amusement game), to a further gambling-related use in Gravesend Town Centre.

Notwithstanding the applicant's flagrant disregard for the planning regime (whereby they have again surmised in their supporting correspondence that not only would the sub-division of their unit to create a separate betting office within their proposed adult gaming centre not require planning permission, but; even if the Council were to consider that a material change of use is required [which it clearly is], there is no conflict with adopted development plan policy such that there is no reason to refuse planning consent.

Contrary to the applicant's assertion, and their direction to the Delegated Officer Report under LPA ref: 20220456, it follows that the implementation of these two distinct and separate Sui Generis planning units would fundamentally increase the number of gambling uses in the Primary Shopping Frontage, which would result in an over-concentration of such uses, thus undermining the provision of shopping services in Gravesend's town centre, and detrimentally impacting the vitality and viability of the centre as a whole (contrary to Policies CS05 and CS08 (LPCS), 'saved' Policies S3 and S4 (LPFR), as well as the NPPF 2025).

That this is the case, and as the applicant has also failed to recognise, the proposal is clearly contrary to the Officer Report in the context of the lapsed AGC application (under LPA ref: 20220456), and wherein; it has already been confirmed that over and above this proposal, the Council "*...would not support any future*

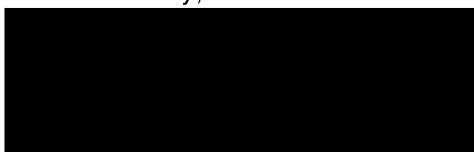
applications for such a change of use within this proximity”.

Notwithstanding, it is also our client's firm contention that any approval of the subject planning application would set a very harmful precedent, as it would give the 'go-ahead' to the applicant (as well as other adult gaming centre operators) to similarly sub-divide a large number of their existing premises, which in turn; would facilitate an irrevocably vast number of new betting shops (all offering betting terminals) across the UK, and without the need for a detailed planning application and the appropriate scrutiny afforded thereto.

Therefore, and in light of the matters raised herein, the applicant has not presented any evidence in respect of the application proposals, which would be sufficient to not warrant the withholding of planning permission.

As such, we respectfully request that the Council refuses this planning application accordingly.

Yours faithfully,



Claire Day BSc (HONS) FRICS FRTPI
EXECUTIVE DIRECTOR