



Appeal Decision

Site visit made on 24 February 2026

by **R Lawrence BSc (Hons), PGDip (TP), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 March 2026

Appeal Ref: 6002227

Barclays Bank PLC, 62 Station Road, Hayes, Hillingdon UB3 4DF

- 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 Merkur Slots Ltd (UK) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 1128/APP/2025/1736.
 - The development proposed is Subdivision of the ground floor and part change of use from Class E (former bank) to Sui Generis (Adult Gaming Centre) including alterations to front elevation of building.
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Decision

1. The appeal is allowed and planning permission is granted for Subdivision of the ground floor and part change of use from Class E (former bank) to Sui Generis (Adult Gaming Centre) including alterations to front elevation of building at Barclays Bank PLC, 62 Station Road, Hayes, Hillingdon UB3 4DF in accordance with the terms of the application, Ref 1128/APP/2025/1736, subject to the conditions in the attached schedule.

Preliminary Matters

2. Both the address and description of development in the above banner heading, reflect those agreed in writing with the Council, post submission of the planning application.

Main Issue

3. The main issue is the effect of the proposal on the vitality and viability of the secondary shopping area.

Reasons

4. The appeal site lies within the secondary shopping area of Hayes town centre, next to a terrace of ground floor commercial units with flats above overlooking the Grand Union Canal. It is in a key area leading from Hayes & Harlington Station into Hayes Town Centre. This part of the secondary shopping area includes a well-functioning diverse mix of town centre uses. This includes retail units, food and drink outlets, leisure uses and offices.
5. The appeal proposal relates to the front portion of the ground floor of the appeal building, which was previously used as a bank, but has been vacant since summer 2023. The appeal building has a wide glazed shop frontage facing Station Road. Proposed alterations would introduce new doors, lift and elevation changes. The proposed Adult Gaming Centre (AGC) would operate 24 hours a day.

6. Policies DMTC2 and 4 of the Local Plan Part 2 2020 (LPP2) seek to maintain the vitality and viability of town centres by ensuring an appropriate balance of uses. For secondary shopping areas, DMTC2 sets a maximum of 15 per cent of the frontage for uses listed in DMTC4. The existing proportion already exceeds this threshold at 21.5 per cent, and the proposal would increase it to 22.4 per cent. This results in a technical conflict with part b) ii) of DMTC2.
7. Despite this, the proposal would not undermine the wider retail function of the secondary shopping area. Retail frontages remain well above the 50 per cent requirement and this would remain the case with or without the appeal scheme. The Council also groups AGCs with betting and gambling venues, yet gaming centres are recognised leisure uses and are defined within the Framework as main town centre uses. Town centres are the preferred location for such uses, particularly where they can operate safely for extended hours and contribute to evening activity.
8. My attention has been drawn to a footfall, pedestrian flow and linked-trip survey data for three Merkur Slots AGCs in Hull, Wood Green and Lowestoft. The surveys recorded high customer footfall, often matching or exceeding adjoining traditional retail units. The linked-trip surveys show that a significant proportion of customers also visit other shops and services as part of their trip. Importantly, the pedestrian flow data confirms that AGCs do not create dead frontages and do not result in any drop off in activity along the street. Although not specific to Hayes, there is no counter evidence before me and the findings are consistent across all three surveyed locations. I therefore consider that the proposed use is likely to have a positive effect on vitality and would maintain pedestrian activity along this part of Station Road.
9. The appeal site has remained vacant since the bank closed in July 2023. During that period the property was subject to a lengthy, multi-channel and well-structured marketing campaign. The submitted material shows high market exposure, including listings on major commercial platforms and circulation to London and regional agents. It also provides a clear chronological account of the interested parties; their intended uses and the reasons their interest did not progress. These reasons related to footfall, the cost of fitting out, parking constraints and the commercial viability of the operators who made enquiries.
10. The Council has criticised the level of supporting detail, referring to the absence of emails, call logs or rent testing records. In my judgement, this overlooks the amount and breadth of evidence provided. The marketing material includes agent letters, particulars, platform listings and comparative rental evidence, all of which together demonstrate a prolonged and genuine effort to secure a Class E operator, which was ultimately unsuccessful. This strongly suggests that, without the proposed development, the unit is unlikely to be occupied by a viable and policy compliant use in the foreseeable future.
11. The Council has expressed concerns about an over concentration of DMTC4 uses within Hayes town centre, drawing on the wider town centre context rather than the secondary frontage alone. However, the appellant's evidence confirms that there are no AGCs within the relevant secondary shopping frontage, and no gambling premises of any kind in that frontage. The Council does not dispute this.

12. My own observations align with this evidence. The nearest gambling premises is separated from the appeal site by a crossroads and several intervening commercial units. Moving north along Station Road, the cluster of gambling related premises sits within the primary shopping area rather than the secondary frontage. The shift in character between these frontages is clear on approach, and there is no visual or functional relationship between the appeal site and the nearest gambling premises.
13. As a result, the appeal site does not form part of any continuous run, cluster or grouping of similar uses. It sits within a mixed stretch of commercial units containing food outlets, hairdressers and convenience retail, with no AGC, betting shop or similar use immediately adjacent.
14. The secondary shopping area appears to be performing well. With almost the entire frontage occupied, save for the appeal site, and the majority of units in active commercial use, the area maintains a lively and attractive streetscape. The healthy mix and low vacancy reinforce that the secondary frontage is performing well and that no existing harm is evident despite the existing breach of the DMTC2 threshold.
15. I recognise the Council's regeneration team's broader concerns about the density of gambling uses within Hayes. However, these concerns do not reflect the situation within the secondary shopping frontage, which contains no AGCs and very low vacancy rates. The proximity analysis shows clear separation between the appeal site and the nearest gambling premises, and the appellant's survey data indicates that AGCs maintain active frontages and support pedestrian movement. Securing an occupier for a long vacant unit in this location would provide investment, employment and improved appearance, all of which align with the objectives of strengthening the high street.
16. The Council has not identified any harm to amenities. Its Noise Officer confirms that adverse noise impacts are unlikely and any matters relating to operational hours or customer management lie within the separate licensing regime. The proposal would return a prominent vacant unit to active use and reintroduce an animated ground floor frontage. There is nothing before me to indicate any detrimental effect on the character or functioning of the area. The proposal therefore complies with the amenity focused requirements of DMTC4.
17. I accept Policy DMTC2 is an up to date and adopted part of the development plan, and the earlier Station Road appeal (REF 3340769 August 2024) confirms the policy distinction between primary and secondary frontages. However, because that appeal related to the primary shopping area, it does not directly inform how the threshold should operate within the secondary frontage. It therefore cannot determine how strictly the 15 per cent threshold should be applied in a different frontage with different circumstances, particularly where there are no similar uses within the secondary frontage and no evidence of cumulative harm.
18. While the proposal conflicts with the 15 per cent threshold in DMTC2, I have found no further conflict with the other elements of DMTC2 or with DMTC4. Given the length of vacancy, the clear evidence of unsuccessful market testing and the wider policy aim of securing active, well managed uses within town centres, I consider a flexible approach to the threshold is justified. Taking into account the need to support the high street, the benefits of bringing a vacant unit back into use and the

positive effect on activity and vitality, I attach limited weight to the narrow policy conflict and greater weight to the overarching objectives of Policies DMTC2 and DMTC4 of LPP2 and the Framework.

19. Accordingly, I find that the proposal would support the vitality and viability of the secondary shopping area and would comply with the development plan when read as a whole.

Other matters

20. I have had careful regard to the objections raised by interested parties. Concerns about conflict with town centre regeneration goals, the number of existing AGCs, and potential economic effects have been considered and are addressed above. In relation to anti-social behaviour, pressure on local services, gambling-related harm and general amenity impacts, there is no evidence to indicate that these matters could not be adequately managed through an Operational Management and Security Plan secured by condition.
21. As for concerns regarding proximity to schools and the effect on children, the site is not adjacent to a school, the premises would be restricted to adults only, and a separate licensing regime exists to regulate such activities. While some representations refer to wider negative impacts, no substantive evidence has been provided to demonstrate harm beyond the matters already considered.

Conditions

22. The Council has suggested a number of conditions in the event of my allowing the appeal, I have considered these in accordance with the Planning Practice Guidance and the Framework. I have edited some of the suggested conditions for clarity and enforceability.
23. A time limit condition and a condition listing the approved plans are required in the interest of certainty. A condition requiring the submission, approval and adherence to an Operational Management and Security Plan is necessary to manage the effects of a 24-hour operation on local and residential amenities, and to support community and pedestrian safety. A condition is also required to control the external materials, to protect the character and appearance of the area, as well as a condition to regulate platform lift use in the interest of pedestrian safety.
24. The Council has proposed a condition to secure compliance with the submitted noise management plan. This document is an assessment of the predicted noise impacts and concludes that no adverse impacts are expected. An operational management plan is referenced; however, this is already addressed separately by condition 3. As the submitted document contains no recommendations that require compliance, and as no harmful noise effects are anticipated, the proposed condition is neither necessary nor enforceable.
25. The Council has also suggested a condition to manage the use of the platform lift. However, the wording of this condition is neither precise nor enforceable. However, it is open to the Council to secure appropriate details for its management, as part of the Operational Management and Security Plan.

Conclusion

26. For the reasons given above the appeal is allowed and planning permission is granted subject to conditions.

R Lawrence

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 drawing nos Site Location Plan, Site Plan, 914-PL-101 Rev 6 (proposed ground floor) 914-PL-104 Rev 01 (proposed shopfront), 914-PL-108 Rev 03 (proposed display manifestation), 914-PL-109 Rev 00 (proposed cycle shelter).
- 3) Before the use hereby permitted commences, an Operational Management and Security Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out measures for managing the operation of the premises in a manner that protects local amenity and maintains safety within the immediate vicinity to include:
 - i) Procedures for managing customer behaviour within the premises and immediately outside the frontage;
 - ii) Measures to prevent anti-social behaviour and to deal with incidents should they arise;
 - iii) Arrangements for CCTV coverage and monitoring;
 - iv) Procedures for liaison with the Police and Council's Community Safety team(s); and
 - v) Procedures for recording any complaints or incidents and making such records available to the Local Planning Authority on request.

The use hereby permitted shall only be operated in complete accordance with the measures in the plan as approved.
- 4) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans listed in condition no 2.

** End of schedule **