Planning Inspectorate

Appeal Decision

Site visit made on 2 June 2026

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2026

Appeal A Ref: 6006574
3-4 Connaught Buildings, Chapel Road, Worthing, West Sussex BN11 1BA

- 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 Worthing Borough Council.
- The application Ref is AWDM/1165/25.
- The development proposed is the change of use of the basement and ground floor from retail (class E) to adult gaming centre (sui generis).

Appeal B Ref: 6006563
3-4 Connaught Buildings, Chapel Road, Worthing, West Sussex BN11 1BA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against a refusal to grant express consent.
- The appeal is made by Merkur Slots Ltd (UK) against the decision of Worthing Borough Council.
- The application Ref is AWDM/1166/25.
- The advertisement proposed was originally described as 'change of use of basement and ground floor from retail (Class E) to adult gaming centre (Sui Generis)'.

Decision

1. Appeal A is allowed and planning permission is granted for the change of use of the basement and ground floor from retail (class E) to adult gaming centre (sui generis) at 3-4 Connaught Buildings, Chapel Road, Worthing, West Sussex BN11 1BA in accordance with the terms of the application, Ref AWDM/1165/25, subject to the attached Schedule of Conditions.

2. Appeal B is allowed and express consent is granted for the display of 2no. externally illuminated fascia signs and 1no. externally illuminated projecting sign at 3-4 Connaught Buildings, Chapel Road, Worthing, West Sussex BN11 1BA in accordance with the terms of the application, Ref AWDM/1166/25, and the plans submitted with it. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and condition in the attached Schedule of Conditions.

Preliminary Matters

3. There are two appeals on this site, one against the refusal of planning permission and the other against the refusal of advertisement consent. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two proposals in one decision.

4. The description of the advertisement proposed for Appeal B set out in the banner heading above is taken from the application form. However, the appeal form and

decision notice describe the proposal as '2no. externally illuminated fascia signs and 1no. externally illuminated projecting sign'. As this is a more accurate description of the proposed advertisement, I have determined the appeal on this basis and the decision in paragraph 2 above reflects this approach.

5. In respect of Appeal B, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety. Amenity can include consideration of features of historic and architectural interest, including Conservation Areas and listed buildings. When dealing with an appeal for an advertisement in a Conservation Area, the duty in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is relevant in so far as it relates to the consideration of amenity. However, the statutory duty in section 66(1) of the Act relating to the setting of listed buildings does not apply because it only relates to applications for planning permission.

6. The Council's Planning Officer's report and decision notice refer to the originally submitted proposed display manifestation plan (920-PL-106 Revision 02) which indicate changes to the colour of the shopfront. The Council's appeal statement also implies that it considered the proposal based on this plan. However, the appellant's final comments outline that an amended proposed display manifestation plan (920-PL-106 Revision 03), which omits changes to the shopfront colour, had been submitted to the Council prior to its determination of the proposal. I sought clarification on this matter and the Council confirmed that members of its Planning Committee were made aware of the revised plan submitted the day before the meeting and that its decision notice should have referred to the Revision 03 plan. Therefore, I have determined the appeal based on plan 920-PL-106 Revision 03.

Main Issues

7. The main issues in respect of Appeal A are the effect of the proposed scheme on:

- the vitality and viability of Worthing town centre;
- safety and security in Worthing town centre;
- the living conditions of the occupiers of nearby dwellings, with particular regard to noise and disturbance;
- the character and appearance of the area, with particular regard to the host property as a locally listed building and whether the proposal would preserve or enhance the character or appearance of the Chapel Road Conservation Area; and
- the setting of the nearby St Paul's Church grade II* listed building.

8. In respect of Appeal B, the main issue is the effect of the proposed advertisement on visual amenity.

Reasons

Vitality and viability – Appeal A

9. The appeal site comprises a vacant former retail unit on the ground and basement floors forming part of Connaught Buildings which also has a restaurant, takeaway

and another shop at street level. The ground floor units in Connaught Buildings mark the start of a largely continuous run of commercial premises extending south along Chapel Road into the main part of Worthing town centre. Cultural and civic buildings lie immediately north.

10. The site lies in the identified secondary shopping frontage within the town centre identified in the Council's Local Plan 2020 – 2036 (LP). In such areas, Policy DM13 of the LP supports a wider range of uses provided they are active uses with active shop fronts that will enhance the vitality and viability and complement existing uses. It states that uses with closed and inactive frontages will be resisted.

11. Adult gaming centres (AGCs) are a leisure use which fall within the definition of a main town centre use set out in the National Planning Policy Framework (the Framework), and this directs such uses to town centres. The proposed AGC would operate 24 hours a day, seven days a week. The appellant's footfall, pedestrian flow and linked trip surveys indicate that footfall levels for AGCs are comparable to traditional retail units, pedestrian flows past them remain high and many AGC customers also visit other shops and services in centres. I have no reason to dispute these findings and therefore the proposal would at least be likely to retain the same level of activity as the current use.

12. The unit has a large glazed double shopfront which would largely be retained, and internal displays do not require planning permission. Nevertheless, the appellant states that no vinyl would be applied to the glazing. Further, it is indicated that the posterboards set back 1m from the glazed frontage would contain graphics and TV screens, with gaps between them. On this basis, regardless of gambling licence conditions, I am satisfied that an active frontage would be achieved.

13. Some interested parties are concerned about the proliferation of gambling premises in Worthing town centre. There is currently a casino and family gaming centre, and planning permission for an adult bingo centre, spread across the area. The proposal would create an additional gambling venue, providing a slightly different offer to the existing and permitted ones. Given the extent of Worthing town centre and the relatively small number of gambling premises, the proposal would not result in an over-concentration of such uses in the town centre.

14. There are concerns that the proposed use would detract from the family friendly retail and cultural environment in the area and may draw spend away from other businesses. However, AGCs are common in town centres, forming part of the varied mix of uses within them, and there is no substantive evidence that they deter family orientated visitors and premises or harm the economic viability of other enterprises.

15. Consequently, I conclude that the proposed AGC would not harm the vitality and viability of Worthing town centre and, in this regard, would accord with Policy DM13 of the LP.

Safety and security – Appeal A

16. The supporting text to LP Policy DM13 states that the over-concentration of evening/night-time uses in centres can create significant problems. It recognises the importance of ensuring that such development cumulatively does not lead to significant problems of crime or disorder that would unacceptably impact on the amenity of those living and working in the area. There is little evidence to suggest

that the proposed scheme would result in an over-concentration of night-time uses in the locality.

17. There are concerns that the proposal would contribute to problem gambling and social vulnerability which often affects the most economic at-risk groups. However, the Council has issued a licence for the 24-hour use of the premises as an AGC. In so doing, it must have been satisfied that the proposed use meets several licensing objectives, including protecting children and other vulnerable people from being harmed or exploited by gambling.

18. AGCs are not inherently harmful subject to proper management. The appellant has measures in place to protect its customers, including staff training on social responsibility and safeguarding vulnerable people, as well as time and limit settings on some machines to support safer gambling. Given this, there would be sufficient measures in place to ensure that the proposed use would provide a safe environment for patrons.

19. There is no substantive evidence indicating an existing issue with crime in the area which the proposal would compound. In being granted the licence, to which there was no objection from the police, the appellant must also have demonstrated to the Council that the use of the premises as an AGC prevents gambling from being a source of or associated with crime and disorder. The internal posterboards would limit opportunities for natural surveillance from within the premises. Nevertheless, the proposed Secured by Design measures would include security doors, laminated glass, external CCTV and alarm systems which could be secured by an appropriate condition. The police are satisfied that these security measures would prevent crime, and I have no reason to disagree.

20. Therefore, I conclude that the proposed development would not harm safety and security in Worthing town centre. It would comply with Policy DM5 of the LP where it requires development to create a safe and secure environment by integrating measures for security and designing out opportunities for crime.

Living conditions – Appeal A

21. The first-floor level above the proposed development is vacant, but there are some flats above commercial premises on Chapel Road, with the closest noise sensitive receptor (NSR) being the first-floor units above The Fabric Shop on the opposite side of the road. There are also residential properties along nearby Ambrose Place and Union Place.

22. The appellant's Noise Assessment (NA), based on the results of an inspection made on 6 August 2025, sets out baseline noise measurements in the locality of the appeal site between 2am and 3am which is considered the most noise sensitive period of the night. It outlines internal noise levels from within a typical 24-hour site operated by the appellant elsewhere and includes observations of patron behaviour in the early morning hours for six other operational premises. Again, I have no reason to doubt the findings of this report, and it is undisputed by the Council.

23. The NA uses the BS8233:2014 (BS8233) criteria for recommended internal noise levels (night-time) and the worst-case approach for when the entrance door is briefly open for customers to enter and leave, assessing the impact on the nearest NSR. It finds that the predicted maximum noise levels at the closest residential

window are below the criteria stipulated by BS8233, meaning that noise impacts to nearby residents from activity within the premises are highly unlikely to occur.

24. Based on observations at other operational sites, the NA indicates that patrons are very quiet when entering and leaving the premises and are typically alone or in pairs. There had been no complaints about three AGCs whose premises have residential units directly above. Nevertheless, the NA considers the worst-case scenario of potential noise from three patrons outside smoking and all talking moderately to loudly at the same time. It finds that the predicted noise levels would be significantly below the external criteria threshold for night-time noise set out in BS8233.

25. The NA considers that random noise events are unlikely to occur but nonetheless recommends the implementation of an operational management plan to control potential noise incidents. This includes no tannoy systems, not propping open main entrance doors, asking customers wishing to smoke to do so in a responsible and quiet manner, refusing entry to those who are deemed to be under the influence of excessive alcohol, and staff asking customers loitering outside to move on. The Council's Environmental Health Officer does not object to the proposal subject to certain conditions. Based on the evidence before me and subject to the implementation of the management plan and other conditions relating to noise insulation and background music noise levels, I am satisfied that the proposed AGC would not cause harmful noise disturbance to nearby residents.

26. Consequently, I conclude that the proposal would not harm the living conditions of the occupiers of nearby dwellings, with particular regard to noise and disturbance. It would comply with Policies DM5 and DM22 of the LP which seek to protect residents from an unacceptable increase in noise, amongst other things.

Character and appearance/Visual amenity – Appeal A and Appeal B

27. There are various shopfronts and commercial signage along Chapel Road reflecting its location within Worthing town centre. The appeal site forms part of the locally listed Connaught Buildings within the Chapel Road Conservation Area (CA).

28. According to the Chapel Road Conservation Area Appraisal (CAA), the special significance of the CA derives in part from it being a late 18th and early 19th century development when Worthing gained a reputation as a fashionable, genteel, seaside resort. Chapel Road eventually superseded High Street as the main thoroughfare.

29. South of Ambrose Place, there are two to four storey properties built at the back of the pavement and in this area the CAA seeks to replace existing inappropriate shopfronts and advertisements with ones which respect the style and character of the buildings to which they are attached. The area to the north of this is characterised by large traditional public buildings.

30. Connaught Buildings is an attractive two storey traditional style building with a brick frontage and large sash windows at first floor level and a central bay window. It formerly provided the main entrance to the Connaught Theatre, which has an art deco frontage onto Union Place. The appeal site retains the traditional white/cream stucco pilasters and surrounds but the others on the building's ground level are largely obscured by modern dark coloured fascia signs and some cladding.

Overall, the building positively contributes to the architectural and historic interest of the CA.

31. In relation to Appeal A, proposed external alterations are limited to a change to the entrance door which is part of the Secured by Design measures outlined above, though there would be internal displays, including TV screens. In terms of Appeal B, it is proposed to install two externally illuminated fascia signs with white and yellow acrylic lettering and logo on a black powder coated background externally illuminated on the existing fascias and an adjacent projecting hanging sign with similar finishes. As the colours and proposed sign materials and new door would be similar to others on the ground floor premises in the building and the wider town centre, they would not appear discordant.

32. The proposed signs would be situated on the existing fascias below the original surrounds with the pilasters either side, of a similar size and position to those previously on the shopfront. Given the amount of glazing below, their scale would be proportionate to the overall size of the frontage. The hanging sign would be attached to the end pilaster, but because of its slim width, modest overall size and location adjacent to the fascia signs, it would preserve the overall architectural value of the locally listed building and the appearance of the CA.

33. The proposed signs would be externally illuminated using mini black trough lights with a maximum illumination of 250cd/sqm. There would also be some illumination from the TV screens within the premises though these would be set back from the frontage. As the troughs would match the background colour of the fascia signs and be modestly sized, they would not appear obtrusive.

34. There are illuminated signs on several commercial properties on Chapel Road, including on the adjacent takeaway frontage within the same building. Ground floor establishments in the locality have a variety of window displays, with the interiors of some remaining lit up at night. In this context, the illuminated signs and interior display, including the TV screens, would not appear excessively bright or incongruous on the locally listed building or in the CA.

35. Therefore, in terms of Appeal A, I conclude that the proposed development would not harm the character and appearance of the locally listed building and would preserve the character and appearance of the CA. It would accord with Policies DM5, DM6 and DM24 of the LP. Amongst other things, these require development to not adversely affect heritage assets, including requiring it to preserve the character and appearance and important features in CAs.

36. In respect of Appeal B and its impact on the locally listed building and CA, I conclude that the proposed advertisement would not harm visual amenity. I have had regard to Policies DM5, DM6 and DM24 of the LP so far as they are material and, in this regard, the proposal would comply with these policies.

Listed building/Visual amenity – Appeal A and Appeal B

37. The appeal site lies diagonally opposite St Paul's Church, now in use as an entertainment venue. As a grade II* listed building, it is a designated heritage asset of the highest significance. The significance of the building, in so far as it relates to this appeal, is derived from its architectural and historic value as a grand 19th century yellow stock brick and stucco church building with a distinctive 3-bay pedimented Tuscan portico.

38. The Framework indicates that the significance of heritage assets can include any contribution made by their setting. It defines the setting of a heritage asset as the surroundings in which it is experienced.

39. St Paul's Church is largely experienced as a grand standalone building which appears to have been deliberately built directly opposite Union Place, from where the imposing frontage is evident when travelling westbound. Looking northwards along Chapel Road, the side of the listed building is visible beyond the commercial area but is seen against modern ground floor shopfronts in the foreground.

40. As set out above, illuminated signs and various window displays, including those lit up at night, form part of the modern shopfronts characteristic of the commercial premises on Chapel Road. As the proposed schemes would be seen in this context in only oblique views of St Paul's Church, they would have a neutral effect on the ability to experience and understand the significance of the listed building.

41. Consequently, in terms of Appeal A, I conclude that the proposed development would preserve the setting and thus the significance of the St Paul's Church grade II* listed building. It would comply with Policy DM24 of the LP where it requires development to not adversely affect the setting of heritage assets, including the significance of listed buildings.

42. In relation to Appeal B and its impact on the listed building, I conclude that the proposed advertisement would not harm visual amenity. I have had regard to Policy DM24 of the LP so far as it is material and, in this respect, the proposal would accord with this policy.

Other Matters

43. St Paul's War Memorial is a grade II listed building. The significance of this building derives from it being a tall, sandstone structure with a square-section cross pattée built as a first world war memorial in around 1920, with later additions for the second world war. The war memorial is primarily viewed adjacent to and set back from the frontage of the adjacent listed church building with the backdrop of another building behind. Given the distance and position of the proposed schemes in relation to this designated heritage asset, with St Paul's Church between them, the proposals would preserve the significance of the listed war memorial.

44. The proposed scheme does not include parking provision and there are concerns that it could lead to highway safety issues, including parking on pavements. However, given the existing and proposed uses, the site's sustainable location and the comprehensive parking restrictions in place, the Highways Authority considers that the proposal would be unlikely to adversely affect the local highway network or be detrimental to highway safety. I have no reason to disagree.

45. Despite some parties' concerns, there is no substantive evidence that AGCs exacerbate street litter.

Conditions

46. I have had regard to the Council's and appellant's suggested conditions and considered them against the statutory tests outlined in the Framework and the advice in the Planning Practice Guidance. I have made minor amendments, where necessary, to ensure that the conditions comply with the relevant tests.

47. For Appeal A, in addition to the standard time limit condition (1), I have imposed a condition requiring that the development is carried out in accordance with the approved plans (2). This is necessary in the interest of certainty. A condition relating to the shop display (3) is necessary to maintain an active frontage.

48. Also in relation to Appeal A, I have imposed conditions requiring the implementation of noise insulation measures (4) and an operational management plan (5) and restricting the music noise level (6) as they are necessary to protect the living conditions of nearby occupiers. Further, a condition requiring the implementation of Secured By Design measures (7) is necessary to provide security and minimise the risk of crime.

49. I have not imposed the Council's suggested condition of restricting the hours of operation for Appeal A as I have found that the use can operate on a 24-hour basis without harming the living conditions of nearby occupiers, subject to the imposition of conditions 4, 5 and 6.

50. For Appeal B, a condition (1) restricting the brightness of the illumination is necessary in the interest of visual amenity.

Conclusion

51. For the reasons given above, both Appeal A and Appeal B should be allowed.

A Wright

INSPECTOR

Schedule of Conditions

Appeal A Ref: 6006574

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale site location plan; 1:500 scale site plan; 920-EX-001 Revision 02; 920-EX-002 Revision 01; 920-PL-101 Revision 02; 920-PL-103 Revision 02; and 920-PL-106 Revision 03.

3) The shop display shall be installed in accordance with approved plan 920-PL-106 Revision 03 and shall be maintained as such thereafter unless an alternative arrangement has been submitted to and approved in writing by the local planning authority.

4) The development hereby permitted shall be carried out in accordance with the noise insulation measures set out in Appendix C of the Noise Assessment Ref PR2001_220_FINAL dated 12/09/2025. These measures shall be retained and maintained thereafter.

5) The development hereby permitted shall be carried out in accordance with the Operational Management Plan set out in Appendix E of the Noise Assessment Ref PR2001_220_FINAL dated 12/09/2025. These measures shall be retained and maintained thereafter.

6) Only unobtrusive recorded background music shall be provided in the premises. For this purpose, the music noise level shall not exceed 75dB (LAeq1min) measured 1m from any speaker. Any wall mounted speakers shall be fitted onto anti-vibration mounts.

7) The development hereby permitted shall be carried out in accordance with the security measures set out within the Merkur Slots Secured By Design Measures Document. These measures shall be retained and maintained thereafter.

Appeal B Ref: 6006563

In addition to the five standard conditions in the Regulations:

1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 250cd/sqm.