

4th June, 2026

Head of Development & Planning Enforcement
London Borough of Haringey

BY EMAIL

RE: OBJECTION TO PLANNING APPLICATION Ref: HGY/2026/0671

The applicant, Smash Padel/Padeltastic Ltd., seeks permission to develop four covered, floodlit padel courts, together with a pavilion building and storage, within the curtilage of the Hornsey Cricket Club, which is designated as Metropolitan Open Land.

Our objection is made on grounds that the application fails to i) meet the threshold for development on MOL, ii) demonstrate how it will *not* cause harm to primary receptors, and iii) presents procedural and validation errors including conflict with a recent permission on this very site.

1. Proposed Development Fails to Meet the Threshold for Very Special Circumstances (VSC)

The application site is Metropolitan Open Land (MOL), where the policy position is well established:

- London Plan Policy G3 and NPPF paragraph 154 require the same strong presumption against inappropriate development as applies to Green Belt.
- Appropriate development is limited to small-scale structures supporting outdoor open space uses that preserve openness. The proposed canopy and pavilion structures are enclosed, substantial and permanent. They are inappropriate development.
- Hornsey Cricket Club already has a clubhouse. The proposed pavilion has no ancillary relationship to any open space use and no VSC case has been made for it separately. It does not meet the threshold for development on MOL.
- A VSC case for the canopy and floodlighting must demonstrate that the benefits clearly outweigh the harms of development.

Smash Padel's central VSC argument for the canopy is that wet padel courts are unusable due to safety concerns, and that covering the courts is '*fundamental to the viability and community value of the facility*'. If that is accepted, it follows that padel is fundamentally not viable on open land. One might reasonably ask why the applicant has chosen a site where openness is protected under statute, rather than a brownfield or commercial site better suited to enclosure – and whether the issues of *viability* and *value* relate more to the business of padel, rather than the sport of padel.

For the LPA, the question is whether the marginal benefit accrued from enclosure meets the threshold to *clearly* - and not merely - outweigh the likely harms of the development. That is a narrow VSC case that has already been assessed and failed - in March 2014 on this very MOL and more recently in April 2026 for a substantially identical application by the same applicant, on MOL in the London Borough of Bromley.

2014 Dismissal, Planning Inspectorate: An appeal for a seasonal inflatable dome over three tennis courts at Holly Park Tennis Club, Crouch End Playing Fields (APP/Y5420/A/13/2198650) was dismissed on the grounds that a structure whose purpose is covered play is not an outdoor open space use, that even a seasonal temporary structure reduces openness and that a translucent structure over floodlit courts constitutes an *alien intrusion* detrimental to character when illuminated at night. The Inspector gave no weight at all to the charitable and school programming the appellant promised, finding it insufficiently supported by the proposed structure; and the benefit of year-round participation (central to the VSC case in this application) attracted only moderate weight such that it did not outweigh the harm.

Smash Padel's proposed structures at Hornsey are permanent and larger than the failed dome and, unlike the 2014 case, where the appellant offered subsidised and school use, coaching for disabled children, Duke of Edinburgh Award participation and charitable tennis programmes, this applicant offers no community programming for VSC consideration.

2026 Refusal, Bromley Council: A virtually verbatim and visually identical VSC case for covered padel courts at Ethlam College, submitted by the same operator, was refused on the primary ground that: *'The proposal would comprise inappropriate development in the Metropolitan Open Land....There are no Very Special Circumstances sufficient to clearly outweigh the harm identified. The proposal is therefore contrary to NPPF Policy G2 of the London Plan 2021 and Policy 49 of the Bromley Local Plan 2019.'* - Decision Notice

'While the canopies may be desirable for the use of the padel courts and would enable some weatherproofing along with some lighting enabling use in poor weather and in dark conditions, the canopies do not appear to be necessary or required to enable the outdoor sport and recreation to take place. Indeed, the canopies would appear to unnecessarily turn a sport/recreation capable of being played outdoors into an indoor sport.' - Officer's Report

'The Applicant's case for Very Special Circumstances relies on generalised assertions regarding health benefits, community engagement and the growing popularity of padel. However, no evidence has been provided to demonstrate a specific, evidenced unmet local need for the facility in this location, nor has a sequential or alternatives assessment been undertaken to justify why the facility is required on designated MOL rather than on a non-designated or previously developed site. Furthermore, whilst reference is made to the benefits of covered and lit courts, no clear case is made that the canopies are essential to delivering the sport, nor that their absence would prevent meaningful use of the courts. In combination, the lack of robust need evidence, the availability of nearby operational and consented padel facilities, and the substantial degree of harm to the openness and character of the MOL mean that the benefits advanced do not amount to Very Special Circumstances capable of clearly outweighing the identified harm.' - Officer's Report

The Bromley OR gives no credence to the VSC case for *Economic and Operational Sustainability: Supporting the long-term viability of the site through strategic investment in a rapidly growing sport*, which is re-stated in this application. Nor does the case for *Unmet Local Demand* bear any weight: with the closest padel courts being cited at 3.0 miles; versus the Hornsey application, which identifies Georgians as the closest facility, at 0.6 miles. The benefits of Smash Padel's proposal at Hornsey are materially weaker than either the Holly Park or Bromley precedents – while the harms, which have been largely left unassessed, appear to be far greater.

Unlike the Holly Park site - whose most proximate receptors were the neighbouring playing fields and sports clubs of the Shepherds Cot - the site at Hornsey is bounded by primary receptors on three sides. Access is via a residential cul-de-sac, in a Conservation Area. With this context in mind, the submission that the operator intends for the courts to be in continuous use - 14 hours a day x 365 days a year - does not support the benefit side of the VSC calculus, but rather compounds the harms. It describes the commercial requirement of the operator - a maximized intensity of use designed to yield maximum profits, without any apparent regard for the impacts of continuous noise nuisance, nightly light pollution, daily traffic congestion and permanent loss of character and amenity, among other harms to primary receptors.

2. The Application Demonstrates No Engagement with its Context and Excludes Known Receptors

The application repeatedly cites the operator's Bicester venue as a precedent for successful delivery of covered padel courts and evidence of the operator's experience and competence. The Bicester site is located within the grounds of Bicester Hotel Golf and Spa, a rural hotel, golf and spa complex set in open Oxfordshire countryside, well outside the built-up area of Bicester. It is not on MOL. It is not adjacent to a community outdoor swimming facility. It is not bordered by residential properties. It is not adjacent to a Conservation Area. It has extensive existing car parking provision as part of a sports and wellness hotel and leisure campus. It shares no material characteristic with the Hornsey site. Planning permission for that site was sought retrospectively - the padel courts were already up and running. To cite it as a relevant comparator is to demonstrate an absence of site-specific engagement that runs through this application.

The most explicit example of this lack of context is found in the Planning Statement, which refers to '*strengthening the existing sports offer at Eltham College*'. This is not Eltham College - and the matter cannot simply be dismissed as a presentational error. The VSC case submitted to this authority was not written for this site or even this borough. What is more, primary receptors - the Park Road Lido and Crouch End Conservation area - have been either trivialised or eliminated from consideration.

The Park Road Lido

The Lido sits immediately to the north of the application site, separated by nothing more than a tall hedge. The Park Road Lido User Group (PRLUG), state in their objection that they '*only recently became aware of this planning application, which gives little if any consideration of the thousands of local residents who swim at Park Road Lido*' - a failure to properly consult the closest receptor.

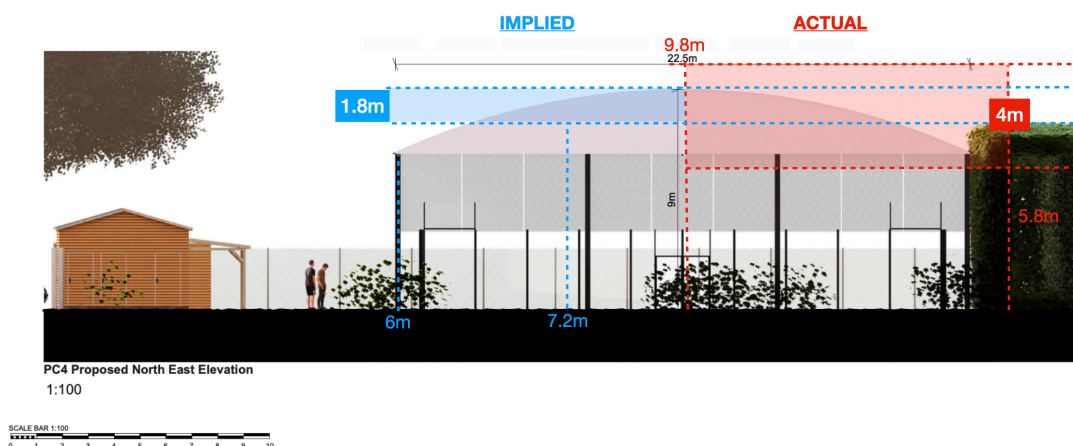
The Lido is not simply an adjacent land use, it is a local institution. Opened on 1 June 1929, it is nearly a century old and the only remaining outdoor public pool in the London Borough of Haringey - after Tottenham Lido was demolished in the 1980s and Durnsford Road Lido was filled in. It narrowly survived permanent closure in 1989, saved only by a sustained local campaign, and has been in continuous, year-round use since 2014. Its character and amenity as an open-air facility - sunlight on water, lawn and paved surround, the capacity to swim outdoors in all weathers and all seasons - is the very thing that gives it its community value and distinguishes it from the indoor pool in the adjacent leisure centre building.

Numerous objections have been received from Lido users, centring on overshadowing and loss of sunlight to the pool. That open, sunlit character is a public amenity that planning policy actively protects. London Plan Policy G1 requires development to protect and enhance the network of green

and open spaces and the quality of the environment they provide. NPPF paragraph 135 requires that decisions ensure a high standard of amenity for existing and future users of land and buildings. The amenity of the users of the Lido, specifically their access to an open-air pool in sunlight, is a material consideration that the application has entirely failed to assess.

In fact, the application does not acknowledge the Lido at all. The application form question asking whether there are ‘trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character’ is marked ‘NO’ – when the mature hedge is one of the most prominent landscape features of the area. The Lido is not identified on the proposed block plan (PL-003), which labels the indoor leisure centre building (set back from the boundary and not the primary receptor) as *Swimming Centre* while the outdoor Lido pool itself - the primary receptor - carries no label at all.

Nor does the Lido appear in any of the submitted 3D visualisations. In two aerial views, as PRLUG observe, ‘the pool doesn’t exist - it appears as a large tarmac parking area.’. All four views show the hedge as being higher than the canopy eaves and there are no North or North-West views shown. Scaled elevations that show both the canopy and a hedge, do not properly represent their heights or relationship. The canopy apex is drawn at 9m, when the all other submitted statements describe it as being 9.8m high. The Lido hedge is drawn at approximately 7.2m when it is actually 5.8m. Both errors work in the same direction: the canopy is deflated and the hedge is inflated. These drawings conceal rather than reveal the critical relationship between the canopy and the Lido. The figure below shows the applicant’s *PL-005 Padel Court Elevations*, with these discrepancies highlighted in blue and red. The canopy apex would actually overtop the hedge by 4m, rather than the 1.8m implied.



The High Court in *Choiceplace Properties Ltd v Secretary of State [2021] EWHC 1070 (Admin)* confirmed that the LPA is entitled to rely on accurately scaled drawings, and that where drawings purport to show the relationship between a proposed development and its neighbours, that relationship must be accurately depicted. The applicant should be required to re-submit accurate plans together with a Daylight and Sunlight Assessment that provides shadow analysis for all seasons and times of day during operating hours before any determination can be made.

Crouch End Conservation Area

The application has also failed to identify and account for the adjoining Crouch End Conservation Area. The Conservation Officer objected to the 2024 application for open-air courts - a structure of significantly smaller scale, no solid cladding, no roof, and no pavilion - on the grounds that it failed

to preserve or enhance the Conservation Area, citing visual prominence and absence of adequate information on lighting and screening. This application is completely silent on the matter.

Where the applicant does refer neighbouring residents, the characterisation is false. The application claims there to be '*substantial separation distance from residential amenity*' such that any noise or lighting impacts would be '*minimal and not materially harmful*'. The residences at View Crescent are only 25m away. A proposed 1.5m hedge to buffer impacts to this direction would be meaningless in the face of a structure over six times its height. The homes and rear gardens of Tivoli and Glasslyn Roads are adjacent to the site entrance and parking lot. In more developed padel markets across Europe, the requirement is for courts to be at least 100m away from homes.

The harms to residential amenity from the two temporary padel courts that previously operated on this site are on record in objections to both the 2024 and current applications. In the UK, noise generated by padel courts can constitute a statutory nuisance under **section 79(1)(g) of the Environmental Protection Act 1990**, which covers noise emitted from premises so as to be prejudicial to health or a nuisance. As one objector notes, there have been '*multiple refusals of applications for padel courts up and down the country under the Environmental Protection Act 1990 - for example in Harrogate, York, Cambridge and Bath - on the basis of the unacceptable continuous impact noise for local residents, far more loud and intrusive than tennis.*'

The noise assessment submitted with this application does not appear to recognise this legal framework. It proceeds on the implicit assumption that because sports activity has previously taken place on this site, neighbours must accept whatever noise the proposed development generates. That assumption is wrong in law.

In **Coventry v Lawrence (Fen Tigers) [2014] UKSC 13**, the Supreme Court significantly curtailed the coming into nuisance defence, holding that prior use does not grant an operator a prescriptive right to cause nuisance to neighbours and does not licence a material change in the character of that use. The character of this Crouch End neighbourhood remains predominantly residential. The amenity expectations of residents are assessed against that residential character, not against the sporting use of a site some metres away.

In **Fearn v Board of Trustees of the Tate Gallery [2023] UKSC 4**, the Supreme Court held that even the clearest public benefit – at one of the nation's most visited cultural institutions - did not immunise an operator from nuisance liability where the use imposed unreasonable interference on neighbours. The neighbours in that case had purchased properties with glass walls in full knowledge of the Tate's presence. That did not deprive them of the law's protection and the Tate was forced to permanently close that part of its viewing terrace that enabled loss of privacy/overlook nuisance.

Smash Padel cannot rely on the 2024 permission for open courts as establishing an acoustic baseline that this application inherits. Padel is acoustically different from tennis in ways the noise assessment does not address and the proposed canopy enclosure would further alter the acoustic profile: concentrating sound, altering its directionality, and reflecting it toward specific receptors. The 2024 assessment was prepared for the original open-court layout and does not model the effect of enclosure.

Local residents claim the land is subject to restrictive covenants, including one that expressly prohibits anything done on the premises that may constitute a nuisance or annoyance to neighbouring occupiers. Whilst covenants are not material planning considerations in themselves,

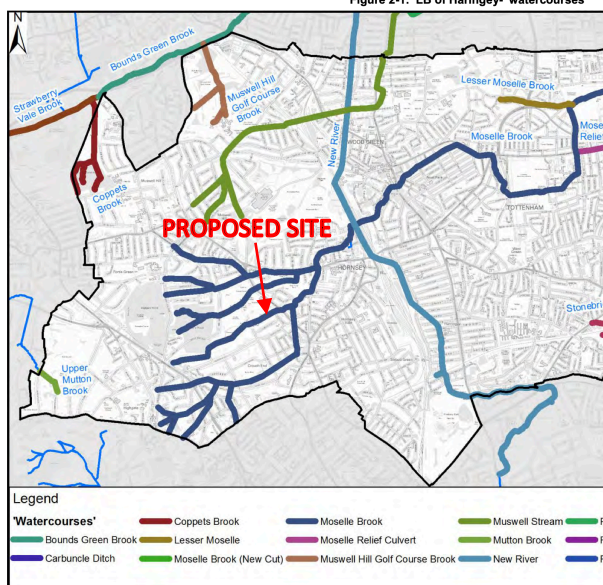
this specific covenant reflects and reinforces what is in any event a planning matter: the reasonable amenity expectations of those who live and work immediately adjacent to this site.

Planning permission cannot override a covenant, nor can it immunise the operator from liability under the **Environmental Protection Act 1990**. The LPA is itself the relevant local authority for the purposes of that Act. Under section 80, where a local authority is satisfied that a statutory nuisance exists, is likely to occur or recur, it is under a statutory duty to serve an abatement notice. The evidence already available from the two temporary courts suggests that the risk of statutory nuisance from four permanently covered, floodlit courts operating until 10pm is not theoretical. The LPA would be granting permission for a development that it may then be legally obliged to act against. That is a material consideration in the determination of this application.

The Moselle Brook

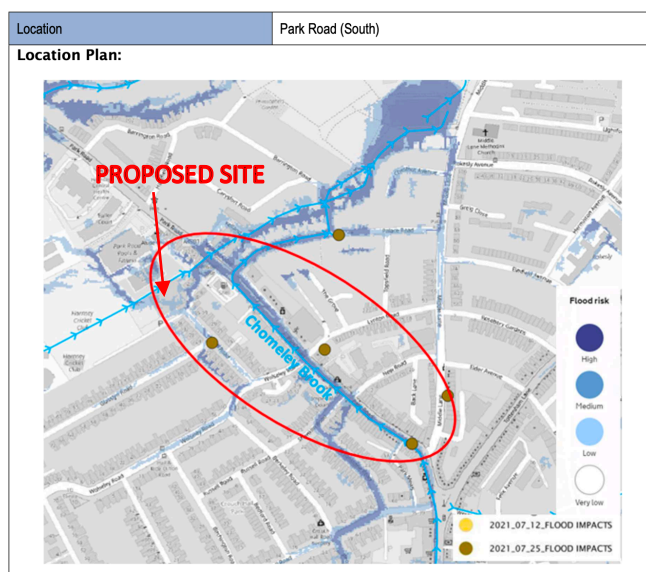
The application form declares that the site is not within 20 metres of a watercourse. This is contradicted by Haringey's **Section 19 Flood Investigation Report, Hornsey and Crouch End, January 2022** which shows the site sitting directly above the culverted Moselle Brook - identified as a Main River, under Environmental Agency jurisdiction - and records the last incidence of flooding at Tivoli Road/View Crescent as occurring on 25/07/2021. The paper's *Figure 5-7* shows the proposed location at the end of Tivoli road in greater detail and classes surrounding flood risk as HIGH. Accompanying photographs show flooding of homes and businesses on Tivoli, Glasslyn and Montenotte roads.

Figure 2-1: LB of Haringey- 'watercourses'



Contains Ordnance Survey data © Crown copyright and database right 2012

Figure 5-7 Site Location



There is also an unresolved question of jurisdiction. **Haringey Strategic Flood Risk Assessment 2015** classifies this section of the Lower Moselle as an Ordinary Watercourse, which would place responsibility for it with Haringey. This conflict has not been addressed, and the false declaration that the site lies outside 20 metres of a watercourse appears to have precluded any assessment of flood risk, drainage, culvert safeguarding or structural impacts arising from the actual site conditions.

No Hydrogeological Impact Assessment appears to have been submitted, despite there being a borehole on site – which a local objector observes as being, *‘full of clear stream water - not rainwater - at approximately 70 centimetres below the level of the current tennis court surface, which has not reduced during this recent period of dry weather, indicating its constant replenishment by the Brook’*.

Given the site's proximity to a watercourse, the scale of the proposed excavation and structural works, and the evidence of groundwater on site, the responsible authority must be identified and all relevant technical assessments submitted before this application can properly be considered.

Determination in the Absence of Adequate Information

Section 70(2) of the Town and Country Planning Act 1990 states that authorities must have regard to all material considerations. Overshadowing, noise, traffic and flood/surface water impacts are all material considerations. The LPA is unable to make an informed, rational decision based on information and assessments it knows to be missing or inadequate.

The 2026 Bromley Decision framed this duty as follows: that in the absence of a suitable Noise Impact Assessment, the application failed to assess noise levels, existing background conditions or required mitigation measures, and had therefore *‘not demonstrated that the proposed development would not cause significant and intensive noise impacts on the amenity of neighbouring residential properties’*, contrary to **Policy D14** of the **London Plan 2021** and **Policy 119** of the **Bromley Local Plan 2019**.

By contrast, the 2024 Haringey Officer's Report acknowledged that there was insufficient information to assess the impact of lighting on neighbouring residents - and yet permission was granted regardless. It further acknowledged that there would be noise nuisance, but the officer accepted the applicant's assertion that this was the prevailing character of homes near tennis courts, effectively allowing a coming-to-nuisance argument to displace the duty to protect existing residents from new harm. The LPA must not repeat those errors here.

3. Procedural Questions & Conflicts with 2024 Approval

The applicant's Planning Statement cites the 2024 permission (HGY/2024/3278) as establishing a principle for padel at this site. That permission was granted in circumstances that are themselves procedurally questionable and which the LPA must address before treating it as a material precedent.

Condition 4. of the 2024 Decision Notice states: *‘The development hereby permitted shall not at any time be floodlit or benefit from any other illumination. Reason: In the interest of neighbouring amenity’*, while the OR states: *‘As this development is solely related to the provision of outdoor sport it is considered to comply with the tests as described within paragraphs 154 (b) and 103 of the National Planning Policy Framework; and: ‘The Padel courts are not considered to be unduly detrimental to the character and appearance of the area. The site had been previously used for tennis courts, and Padel uses a near identical style of court. As no associated buildings are proposed as part of this application the Padel courts are not considered to be materially different to the previous use of the site and is therefore considered acceptable in this regard.’*

By the LPA's own planning judgement, development on this MOL site was deemed acceptable on the basis it *be solely related to outdoor sport – with no floodlighting or associated buildings*. Any reversal of this position on illumination, enclosure and ancillary buildings on this very site - barring a

sufficiently weighty VSC case, which has not been established in this instance - would be a contravention of both policy and site-specific precedent.

The LPA should also address what appears to be a failure to consult Sport England, whose statutory objection to the 2024 application was withdrawn, expressly and only, on the condition that two planning conditions were imposed: reinstatement of tennis courts on cessation of padel use, and a relocation plan for Crouch End Tennis Academy (CETA). Sport England's revised letter of 31 March 2025 stated: *'If the Local Planning Authority is minded to approve the application without imposing the above conditions, then Sport England objects to the application.'* The permission was granted without them and therefore Sport England's statutory objection remained in force.

Sport England's original objection letter noted *'Since it appears that the Tennis Courts have been used by schools, should the local planning authority be minded to approve this application contrary to Sport England's statutory objection, then the Town and Country Planning (Consultation) (England) Direction 2024 requires the application to be referred to the Secretary of State, via the National Planning Casework Unit.'*

There is no indication in the public record that this referral was made. The consequence is that the 2024 permission may be procedurally defective. The LPA should not allow it to serve as the foundation for a significantly more substantial development unless these issues are investigated and resolved.

4. Nature of the Applicant and Broader Implications for MOL

Smash Padel is a well-resourced commercial operator. The Design and Access Statement for their Bicester application describes the leadership team including the CEO who brings twenty years of experience in equity and debt capital markets; and the Chairman, with thirty years of raising equity and debt finance and formerly the founder and CEO of a FTSE 250 listed investment trust. These are not the backgrounds of community sports administrators but of sophisticated financial operators who have identified a commercial opportunity and are deploying capital markets expertise to pursue it systematically and at scale across the country.

Hornsey Cricket Club on Haringey MOL, Eltham College on Bromley MOL, a rugby club in Oxford; long-established, community-priced sporting institutions whose generations of goodwill, MOL designation - and the below-market cost of occupancy that designation confers - are exactly the assets a commercial operator cannot create, only acquire. Real estate and planning consultancy RED described the mandate in their Padeltastic Site Acquisition Presentation as an *'ambitious roll-out programme'* with a *'pipeline including Swindon, Whitstable, Cardiff, Guildford and Walthamstow'*. Hornsey is not an isolated case. Multiplying the £2 million development cost noted in the application form across the operator's pipeline of sites gives some indication of its financial and strategic wherewithal.

By contrast, the residents of Tivoli Road, View Crescent are private individuals; the Lido users group is a volunteer organisation supporting a community facility. The proposed development is likely to cause loss of amenity and nuisance – but the cost and complexity of civil litigation places effective legal redress beyond most people's means. This asymmetry is precisely why the planning system exists - to assess and prevent harmful impacts before they are imposed on communities, not to leave those affected to pursue costly remedies afterwards. The LPA cannot discharge that function on the

basis of technical assessments that exclude the nearest receptors, model the wrong hours, and ignore the acoustic evidence already available from the temporary courts.

Any claim of financial benefit to Hornsey Cricket Club is not a material consideration. If the claim is made in the name of community benefit - and therefore as VSC - the Club's actual financial need, contracted terms, rental income and any profit-share arrangements should be evidenced. These cannot be dismissed as private contractual matters if they are being advanced as Very Special Circumstances on Metropolitan Open Land. The VSC test exists precisely to protect the character and openness of MOL from commercial encroachment. Without it, MOL would simply be available to the highest bidder.

In this case, the commercial potential is considerable. At full occupancy for four covered courts, assuming a conservative court fee of £50 per hour, Smash Padel stands to generate revenues in excess of £1 million annually from court fees alone - before potential food, beverage or ancillary income from the proposed pavilion. Even discounting for rainfall during all fourteen operating hours of 159 days of the year, court revenues could still exceed £500,000. How much of that the operator proposes to pass on to the Club, and whether any portion would be ring-fenced for the development of tennis prejudiced by the installation of padel courts at this site, are questions Sport England raised in the 2024 case and which remain unanswered.

The site in its current form is clearly underutilised and in poor repair. What is less clear is how much of that decline has been allowed to develop in anticipation of this kind of intervention. The Design and Access Statement notes: *'There are no proposals at this stage to change the established use of the land or to alter the planning use classes associated with the cricket and community activities on the site.'* The phrase *at this stage* is not reassuring. The LPA should satisfy itself as to the long-term intentions of the operator in respect of this land before granting any permission that would deepen a commercial operator's foothold on Metropolitan Open Land.

The LPA may further wish to consider whether financial dependency of a community-priced club on a commercially-priced operator is in fact a mechanism by which open sports land, held in trust for a community for generations, is incrementally captured by private commercial interests; and that the VSC framework was not designed to facilitate, but in fact to protect MOL from precisely this form of erosion.

All sport delivers some form of health and wellbeing benefits - and padel, as matter of both principle and precedent, can deliver those benefits played outdoors. This is not an objection to padel, nor to the commercial enterprise that any sustainable organisation requires. It is an objection to the commercial exploitation of Metropolitan Open Land. It is also a statement of support for the genuinely accessible and inclusive community facilities in this area - the Clubs, the Park Road Lido, and the open spaces of the Shepherds Cot and our very own Crouch End Open Space – providing bonafide community benefit and character and amenity that the planning system exists to protect.

5. Conclusion

This application has failed to demonstrate Very Special Circumstances for inappropriate development on Metropolitan Open Land. It should be refused.

Validation of any resubmission should be contingent upon receipt of:

- To-Scale Drawings & Elevations that accurately depict the physical relationship between the site and its surroundings
- a complete Noise Assessment covering all proximate receptors - including the Lido and neighbouring residents' homes and rear gardens - modelling the correct operating hours and the acoustic effect of canopy enclosure, assessed specifically for padel rather than generic racquet sports
- a Daylight and Sunlight Assessment for the Lido to BRE standards
- a reconciled Lighting Assessment addressing canopy translucency and light spill
- a full Hydrogeological Assessment and, if required, Environment Agency consultation regarding the Moselle Brook and the area's critical drainage and flood risk designations
- a VSC case written for this site that engages with the 2014 Inspector's findings on this MOL and the 2026 precedent set by the refusal of the same application by the same operator on Bromley MOL.

Sport England should be consulted and the Park Road Lido Users Group added as a consultee.

Should the LPA be minded to approve, this application or any resubmission should be referred to the Planning Casework Unit for the Secretary of State's consideration. It raises significant questions of planning policy and public interest - including the systematic targeting of MOL sites across the country for commercialisation by a single padel operator - that make determination at delegated officer level inappropriate.

Yours faithfully,

Dr. Glenys E Law, Chair & Trustee

together with other Members of the Management Committee



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