
Appeal Decision

Site visit made on 11 February 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/X4725/W/24/3351758

162 Glebe Street, Castleford WF10 4AR

- 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 Jon Pizzetta of J P Quality Service against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 22/02434/FUL.
 - The development proposed is change of use of outbuilding to hot food takeaway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2024. The 2024 revisions do not have any relevance to this appeal and I have therefore not consulted the parties on this change. I have had regard to the current Framework in my determination of this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of neighbouring residents with particular reference to noise and odour.

Reasons

4. The appeal site is a brick built single storey outbuilding located to the rear of 162 Glebe Street within the Castleford Urban Area. No 162 is a retail premises located at the end of a residential terrace. The surrounding area comprises tightly knitted residential terraces with small rear gardens which are separated by service roads. A Chinese takeaway and a fish and chip shop are situated a short walking distance from the site, both of which cease operating by 10pm.
5. The proposed change of use of the outbuilding to a hot food takeaway would require the installation of a new flue and openings to the side elevation which fronts onto Vickers Street. The proposed flue would run from the roof of the outbuilding and would extend beyond the height of the two-storey outrigger of 162 Glebe Street. The proposed takeaway would operate between 5pm and 11pm Monday to Saturday and 4pm to 10pm on Sunday and Bank Holidays and would also include a delivery service.
6. The area is predominantly residential, and the proposal would operate late into the evening when neighbouring residents would reasonably expect peace and quiet.

The proposed extractor unit would be located approximately 2.5m from the nearest residential properties with windows facing towards the site.

7. The appellant has also confirmed that a silencer would be fitted to the extract system and provided specification details on this. In addition, an Odour Impact Assessment provides some details on sound pressure levels at the proposed inlet. However, no evidence has been put forward on the noise levels from the proposed extract system and how it would impact neighbouring residents. Furthermore, no information has been submitted in relation to other potential noise sources arising from the comings and goings of customers and delivery drivers both on foot and by vehicle, such as, cars starting up, car doors banging, radios playing and people conversing on the street. Based on the limited submitted evidence I am unconvinced that the proposed development would not unduly harm the living conditions of neighbouring residents with particular reference to noise.
8. Two Odour Impact Assessments¹ have been provided. The first, Revision A concluded that the proposal was 'High Risk' and required a high level of odour control. However, the second Odour Impact Assessment, Revision B ("the revised OIA") states that the proposal would be specifically for Thai food and that most of it would be made off-site and brought to the kitchen to be re-heated, with no frying of food taking place. On this basis the revised OIA concludes that odour exposure from the proposal is considered to be a 'Negligible Risk', which would not be significant. As such no specific odour mitigation measures are proposed.
9. No details of any proposed filtration systems have been provided. Therefore, it is unclear how flammable grease deposits would be removed, or how odour from the extract flow would be controlled.
10. The proposed development would be specifically for Thai food, which would be prepared off-site and re-heated at the appeal site. Nevertheless, planning permission is sought for a hot food takeaway and it would be inappropriate in this case to control the type of hot food prepared or served through planning conditions. This is because it would not be possible to ensure any such conditions would be reasonable, precise and enforceable. Therefore, based on the submitted evidence I am unable to conclude that the proposal would not cause unacceptable harm to the living conditions of neighbouring residents with particular reference to odour.
11. In conclusion, the proposal would cause unacceptable harm to the living conditions of neighbouring residents with particular reference to noise and odour. It thereby conflicts with Policies SP23(6), LP56(n) and LP67 of the Wakefield District Local Plan 2036 (2024). Together, these policies seek amongst other things to minimise the risk from all forms of pollution and to ensure that development has no significant detrimental impact on the amenity of neighbouring users or residents.

Conclusion

12. The proposal would create one new full-time employment role, re-use an existing building and extend the choice of takeaways available in the local area. It could also offer healthy takeaway options, as suggested by a number of local residents who support the proposal. However, these benefits do not outweigh the harm that I have identified. The proposal conflicts with the development plan as a whole and

¹ By Aval Consulting Group Ltd, Job Code 92564, Revision A dated 5 March 2024; Revision B dated 3 June 2024

the material considerations weighing in favour do not indicate that the appeal should be decided other than in accordance with it.

13. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR