



Appeal Decision

Site visit made on 22 July 2025

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2025

Appeal Ref: APP/U5360/W/25/3365227

145 Goldsmiths Row, Hackney, London E2 8QR

- 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 Mr. Ertugrul Erdogan against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/2528.
 - The development proposed is change of use from retail bicycle shop (Class E) to cafe/restaurant and takeaway (Sui Generis); and the installation of extraction ducting and flue system.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council note that elements of the description of development were incorrect and subsequently, this was amended and appears as a different description on the decision notice. For this reason, I have utilised the description as given on the decision notice.

Main Issue

3. The main issue is whether the use of the proposed development would be located in a suitable location.

Reasons

4. Policy LP39 Part A of the Hackney Local Plan 2033 (adopted 2020) (HLP) notes that proposals for hot food takeaways will only be permitted where all of a set criteria are met. Of particular relevance to this appeal are points i and iii of Policy LP39. Point i of this policy requires for these proposals to firstly be located within a designated centre, amongst other things. Point iii of Policy LP39 notes that, the proposal will be permitted where it is not located within 400 metres of the boundary of a primary school, secondary school or community college.
5. Policy E9 Part D of the London Plan 2021 (LP) also notes that development proposals for hot food takeaway uses should not be permitted where these are within 400 metres walking distance from the entrances and exits of a primary or secondary school. These policies seek to resist the development and concentrations of uses that are known to have a detrimental impact on the health and wellbeing of its residents and other stakeholders.
6. The appeal site is not located within a designated centre. The entrances and exits of Sebright Primary School and Bethnal Green Montessori School are two schools which are located within 400 metres walking distances of the appeal site. The

appellant contends that the students of Sebright Primary School are brought to and from the school and therefore, would not be able to use or make purchases from this proposed hot food takeaway without their parents. This primary school is located a close distance from the appeal site. Due to the layout of the surrounding streets, this would be a location which would be passed by students on their way to and from the school.

7. Hot food takeaways typically involve the sale of food that is high in calories, fat, salt and sugar which is appealing to children. Regular consumption of such food is related with weight gain and one way to reduce this is through the restriction of hot food takeaways around schools. The policy does not differentiate between primary schools and other levels of education provision. Children, with no means of purchasing the products of such a use can still be influenced by them through their transient exposure. This can lead to pressure being placed onto parents and guardians to purchase the products of the proposed use.
8. To conclude, the development would not be located within a designated centre and would be within 400 metres of two primary school entrance and exit points. It would therefore conflict with Policy LP39 Part A Point i and iii of the HLP and Policy E9 Part D of the LP.

Conclusion

9. For the reasons given above, the proposed development would conflict with the development plan when read as a whole and therefore, the appeal should be dismissed.

J Smith

INSPECTOR