



Appeal Decision

Site visit made on 27 August 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2025

Appeal Ref: APP/B2002/W/25/3366279

287 Wellington Street, Grimsby DN32 7JU

- 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 Sanjeeth Manotheesan against the decision of North East Lincolnshire Council.
 - The application Ref is DM/0781/24/FUL.
 - The development proposed is the premises are currently being used as a retail unit (other than hot food). It is proposed to use the premises as a fried chicken shop with a table or two for customers to sit; for the sale of hot food for consumption on and off the premises.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether the proposal would be suitably located having regard to relevant development plan and national planning policies concerning the location of hot food takeaways; and
 - (ii) The effect of the proposal on the living conditions of nearby occupiers.

Reasons

Location

3. Part 5C of Policy 23 of the North East Lincolnshire Local Plan 2018 (LP) requires that proposals for hot food takeaways demonstrate that account has been taken of the relationship with any school located within 400m of the proposed use. The National Planning Policy Framework (the Framework) states at paragraph 97 that local planning authorities should refuse applications for hot food takeaways and fast food outlets within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre.
4. In this instance, there is secondary school provision within 400m of the appeal site and the appeal site does not fall within a designated town centre. There is also a park and youth centre nearby. Whilst it is proposed that there would be one or two tables for customers to sit, the description includes reference to hot food for consumption off the premises, and it is likely that a considerable portion of sales would be the takeaway of hot food.

5. The appellant considers that no potential harm to children from the appeal proposal has been demonstrated. However, the harm arises on health grounds in respect of the type of food usually sold by hot food takeaways and the proximity of the appeal site to the school and other spaces that young people frequent. In their reference to limiting the number of pupils allowed on the premises at any given time the appellant tacitly accepts that the proposal would be used by children. The link between what is described as being a fried chicken shop and unhealthy eating habits in children is self-apparent.
6. The submission does not therefore show that the relationship with the nearest school would be acceptable for the purposes of Policy 23 of the LP. Furthermore, the Framework provides a clear steer that hot food takeaways within walking distances of schools and other places where children and young people congregate should be resisted. This applies in the case of the appeal proposal. The proposal therefore fails to accord with both Policy 23 Part 5B of the LP and with the aims of the Framework in terms of promoting healthy communities.

Living conditions

7. The appeal site is located at the end of the row of terraced properties, on a crossroads and on the corner of two roads. Directly opposite is a convenience store that displays opening hours that extend late into the evening and diagonally opposite is an existing hot food takeaway. Although only a snapshot in time, from what I observed at my site visit it would appear that there is frequent traffic movement along Wellington Street and adjoining roads
8. The appellant advises that they would be agreeable to the suggested amended opening times put forward by the Council, which would see the proposal open no later than 11pm. There is no substantive evidence provided that the proposed use would give rise to an increase in crime, anti-social behaviour or litter.
9. Given the existing surrounding uses, the mixed character of this particular part of Wellington Street and existing traffic movements, on the basis of the closing time referred to above I am satisfied that there would be no conflict with the aims of Policies 5 and 23 Part 5A of the LP, where collectively they seek to protect living conditions.

Other Matters

10. The proposal would bring an existing commercial unit back into use, making efficient use of land and bringing economic benefits. The appeal property is close to residential properties, which means that many customers would be able to visit by means other than by vehicle. However, these benefits do not justify the harm resulting from the location of the proposed use.

Conclusion

11. Whilst I have not found harm to living conditions, I have found that harm would arise due to the location of the proposed use and consequently that the proposal would fail to accord with the development plan and with national planning policy. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR