



Appeal Decision

Site visit made on 22 August 2025

by A Oyebade MSc FCILT

an Inspector appointed by the Secretary of State

Decision date: 8th October 2025

Appeal Ref: APP/N1160/W/25/3368085

34 Mutley Plain, Plymouth PL4 6LD

- 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 V Singh against the decision of Plymouth City Council.
 - The application Ref is 25/00541/FUL.
 - The development proposed is change of use of retail unit (Class E) to restaurant/takeaway (Sui Generis), including installation of rear flue.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the health impact of proliferation of fast-food restaurants in proximity of schools on children.

Reasons

3. The appeal building is within a row of 2 and 3 storey mixed-use properties on this side of the road, which comprises a range of shops including cafes and restaurants on the ground floor, plus residential dwellings above.
4. Policy DEV6 of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 (Adopted March 2019) states that Plymouth Policy Area will resist proposals to provide hot food takeaways within a 400-metres radius of providers of secondary education, to protect the school's food environment. It then defines 'food environment' as the characteristics of food that is available within a particular locality.
5. The Council officer's report explains the rationale behind this policy quoting the combined 2021/2022 to 2023/2024 National Child Measurement Programme data, which suggests that childhood obesity is high in the Compton ward where the appeal site lies, with 29.8% of the children who were progressing to secondary schools classed as overweight or obese. The Council also identified 2 schools that are close to the appeal site.
6. Along this road section between the junctions of Mutley Plain with Greenbank Road and Mannamead Road, I have observed much higher number of hot food takeaways than those of varied other retail types. The frequency of these fast-food restaurants makes them particularly noticeable in comparison with other categories of shops.

7. The appellant has stated that the takeaway shop would serve healthy grilled meat, single small size fresh pizza, pasta, baked chips/potatoes, salad and sandwich, with pure fresh ingredients used. However, there is no available nutrition information to confirm that all these foods would be nutritious and effective in curtailing children's weight and obesity. In addition, there are no mechanisms such as enforceable and reasonable planning conditions or a planning obligation before me, that would control the school children's choice of foods and associated condiments at the takeaway shop or how many single size pizzas or portions of chips they can buy at any point in time or their rate of visits to the hot food takeaway.
8. I have also considered the appellant's statement that the takeaway shop would provide both economic and social support to the local community by way of increased employment and assisting vulnerable people. The proposal would make a positive contribution to employment in this area, with related social and economic benefits. Nevertheless, I give these benefits a little weight, which would not outweigh the negative effect on the school children's health of allowing this appeal,
9. Consequently, the development does not accord with Policy DEV6 of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 (Adopted March 2019), as explained above.

Conclusion

10. Overall, none of the other considerations material to the proposed development indicate that this appeal decision should be taken otherwise than in accordance with the development plan. Consequently, for the reasons given above, the appeal should be dismissed.

A Oyebade

INSPECTOR