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## Appeal Decision

Site visit made on 8 October 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

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**Appeal Ref: APP/H4505/W/25/3368606**

**15 Clavering Road, Bleach Green, Blaydon, Gateshead NE21 5HH**

- 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 Messrs Presot & Arora of Oh My Cod against the decision of Gateshead Metropolitan Borough Council.
  - The application Ref is DC/24/00970/COU.
  - The development proposed is Change of use of Premises to combined Café (Use Class E) and Hot Food Takeaway (Sui Generis) (Resubmission of previously refused application ref: DC/24/00414/COU).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Although not repeated in the banner heading above, the description of development on the application form indicates that the planning application was made retrospectively. At the time of my site visit, the development was already in operation and appeared to accord with the submitted details. I have therefore determined the appeal on that basis.

### Background and Main Issue

3. The planning application was refused for two reasons. Following the appellant's submission of an updated Noise Assessment during the appeal process, the Council has confirmed that it no longer wishes to pursue its second reason for refusal, which related to the effect of the development on the living conditions of neighbouring occupiers in terms of noise and disturbance.
4. As this matter is no longer in dispute between the main parties, the main issue is whether the appeal site is in a suitable location for the proposed use, having regard to the health of the local community.

### Reasons

5. The appeal site is a mid-terrace property fronting a main road within a mixed-use area. It features a commercial ground floor frontage and is flanked on both sides by terraced residential properties. The unit includes a small internal seating area located at the front of the premises.
6. During my site visit, which took place over the lunchtime period, the premises was relatively quiet. However, my observations indicated that the seating area was

primarily used as a waiting space for customers collecting food, rather than for dining in.

7. The Council's Hot Food Takeaway Supplementary Planning Document (SPD), although not part of the statutory development plan, is adopted guidance and carries significant weight. It provides a framework for assessing the appropriateness of hot food takeaway uses in relation to public health, particularly in areas with high levels of obesity and where children and young people are likely to congregate. The SPD is underpinned by Policy CS14 of 'Planning for the Future' – Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030, adopted March 2015 (the CS). This seeks to maintain and improve community health by, among other measures, controlling the location of, and access to, unhealthy eating outlets.
8. Whilst the appellant asserts that sales are evenly split between eat-in and takeaway, limited substantive evidence has been provided to support this claim. Although the operation does allow for on-site consumption, the nature of the food sold and the observed customer behaviour, albeit a snapshot in time, suggest the pattern of use facilitates the quick and convenient purchase of hot food for off-site consumption. To my mind, these are defining characteristics of a hot food takeaway use, to which the SPD specifically applies, irrespective of the proportion of sales attributed to dining in.
9. The SPD identifies several criteria relevant to the proposal. With regard to places where children and young people congregate, it seeks to restrict hot food takeaways within a 400-metre, or ten-minute, walking distance of secondary schools, youth centres, leisure centres and parks. The appellant disputes the Council's assessment that the nearest such location, at Shibdon Bank Skate Park, falls within this threshold, criticising the Council's reliance on a simplified or 'as-the-crow-flies' approach. The appellant has identified what they consider to be the shortest realistic walking route, which significantly exceeds 400 metres.
10. However, the Council has identified a shorter, more direct walking route, which I was able to confirm during my visit. Whilst there remains disagreement between the parties on whether this is within a 400-metre walking distance, I found the route to be safe and accessible, and it could comfortably be walked within 10 minutes. This aligns with the SPD's alternative time-based measure and its broader objective of limiting children and young people's exposure to unhealthy food options. On this basis, I consider it reasonable to conclude that the site falls within the restricted zone identified by the SPD.
11. The SPD sets a threshold of wards with 10% obesity among Year 6 pupils as a benchmark for restricting new hot food takeaways. The Council's evidence states that the Blaydon ward, in which the appeal site is located, recorded a Year 6 obesity rate of 23.1% in 2017/18, significantly above the SPD's threshold. Whilst this data is now several years old, no updated or contradictory data has been provided by any party, and in the absence of such evidence, the Council's figures remain relevant and persuasive.
12. The SPD also discourages clustering, particularly in parades of fewer than 20 units, where more than one hot food takeaway is considered excessive. The appeal site is not strictly within a recognised centre within the retail hierarchy, but is nonetheless in a location where several commercial uses exist. Furthermore, the

evidence and my site observations confirm that there are at least two other hot food takeaways in the immediate vicinity. The proposal would therefore contribute to an over-concentration of such uses, contrary to the SPD's guidance.

13. Whilst the appellant argues that the premises could lawfully sell similar food under its existing café use, a key issue in this appeal is not necessarily the type of food offered, but rather the mode of operation. Hot food takeaways are characterised by their emphasis on the quick and convenient sale of food for off-site consumption. This approach is more likely to appeal to those seeking fast, often less healthy, meal options, including school-aged children and young people. These operational characteristics are central to the objectives of the SPD, which seeks to reduce access to unhealthy food in sensitive locations.
14. In this case, the takeaway element of the proposed use introduces a level of accessibility and convenience that distinguishes it from a typical café or restaurant and aligns more closely with the type of use the SPD seeks to manage. Both the SPD and Policy CS14 are clear in their aim to promote healthier communities by limiting the proliferation of such uses in areas where they may undermine public health objectives.
15. For these reasons, I conclude that the proposal would increase access to unhealthy food in an area already experiencing high levels of obesity, and would be located within convenient walking distance of a facility used by children and young people. It would also contribute to the clustering of hot food takeaways. Accordingly, I conclude that the appeal site is not a suitable location for the proposed use, and the development would conflict with CS Policy CS14 and the SPD, which collectively seek to promote healthy communities.

### **Other Matters**

16. The appellant highlights several benefits associated with the proposal. These include the economic and employment contribution of the business, which currently supports seven jobs, as well as the continued use of a premises with a long-established commercial function. The business is also said to provide a valued service to the local community, offering convenient access to freshly prepared food. These considerations attract some weight in favour of the proposal, particularly in the context of the economic objective of sustainable development as set out in the National Planning Policy Framework. However, although these benefits are acknowledged, they do not attract sufficient weight to outweigh the harm arising through the previously identified conflict with the development plan.

### **Conclusion**

17. For the reasons given above, I conclude that the appeal should be dismissed.

*P Storey*

INSPECTOR