



Appeal Decision

Site visit made on 17 October 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Appeal Ref: APP/D5120/W/25/3369364

250 Sherwood Park Avenue, Sidcup, Bexley DA15 9JN

- 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 P Panchachsaram against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 24/02541/FUL.
 - The development is described as Change of Use from retail (Class E) to Hot-food Takeaway (Class Sui Generis) including installation of Extractor Flue pipe and replacement of shopfront.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal concerns operational development that is currently subject to an enforcement notice. While the appellant has lodged an appeal against that notice¹, it remains undetermined at the time of my decision. Accordingly, the enforcement notice is treated as a separate matter and has not influenced the outcome of this appeal.
3. In the banner heading above I have used the description of development taken from the Council's decision notice and the appeal form, as opposed to the application form, as it more accurately describes the development for which permission is sought.

Main Issue

4. The main issue is the effect of the change of use to a hot food takeaway on the vitality and viability of the neighbourhood centre and health and wellbeing of the local community.

Reasons

5. The appeal site comprises a ground-floor commercial unit situated within a parade of similar premises along Sherwood Park Avenue. This location is designated as a Neighbourhood Centre in the supporting text of Policy DP10 of the Bexley Local Plan (2023) (BLP). At the time of my site visit, the property was operating as a hot food takeaway. However, it is not disputed that its previous use was as a retail unit within Use Class E.

¹ APP/D5120/C/25/3371631

6. Policy DP10 of the BLP states that the loss of Class E uses will not be supported in Neighbourhood Centres where a proposal would result in two or more adjoining takeaway units.
7. I note that the unit contains a small number of tables and chairs, as shown on the submitted drawings, providing seating for up to four customers. Whilst this offers a very limited 'eat-in' option, the appellant does not dispute that the proposal constitutes a takeaway use. Given that the adjoining property to the left (as viewed from Sherwood Park Avenue) is also a takeaway, the proposal would create two or more adjoining takeaway units.
8. The planning application did not include a desktop Health Impact Assessment (HIA) checklist, nor was one submitted with the appeal. It has been suggested that the HIA could be secured by planning condition. However, Policy DP16 of the BLP requires completion and submission of the HIA checklist as part of the planning application process for hot food takeaways. Furthermore, the supporting text to the policy makes clear that HIAs should be undertaken at the outset of a development's design and feasibility stage and updated throughout the design process. Accordingly, this requirement cannot be addressed through a planning condition.
9. In conclusion, the appeal site is not an appropriate location for a takeaway unit. It has not been demonstrated that the scheme would avoid harm to the vitality and viability of the Neighbourhood Centre or to the health and wellbeing of the local community. The proposal is therefore contrary to Policies DP10 and DP16 of the BLP, which seek, amongst other objectives, to manage the impact of hot food takeaways on Neighbourhood Centres and on public health.

Other Matters

10. I am advised that the unit's opening hours are similar to retail units within the Neighbourhood Centre. Be that as it may, this factor does not overcome the harm that I have identified.

Conclusion

11. The proposal would not accord with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework (2024), to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR