



Appeal Decision

Site visit made on 4 November 2025

by L Fleming BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Appeal Ref: APP/N4720/W/25/3372534

125 Rookwood Road, Osmondthorpe, Leeds LS9 0LX

- 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 Aljon Silva (Knori Pan Asian Ltd) against the decision of Leeds City Council.
 - The application Ref is 25/03999/FU.
 - The development proposed is to convert home garage into a small takeaway kitchen to sell food using delivery services including Uber Eats and Deliveroo. All work for conversion will be internal. No external work will be done.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are the effect of the proposal on:
 - The living conditions of nearby residential occupiers with particular regard to noise, disturbance, fumes and odours.
 - Highway safety with particular regard to parking.

Reasons

Living conditions

3. The appeal property is a semi-detached dwelling with a detached garage/outbuilding in a relatively densely populated predominantly residential area.
4. I acknowledge that no customers would be able to visit the appeal site to purchase food or consume it on the premises. I note the appellant would shop for all necessary provisions, limiting the need for deliveries.
5. I also acknowledge the comments with regard to other enterprises operating in similar circumstances to those proposed. However, no substantive details of those examples are before me and I have assessed the circumstances of the case on its individual merits and the bespoke site specific circumstances which cannot be directly comparable.
6. The proposed use of the domestic garage/outbuilding for cooking large quantities of food would inevitably generate substantial fumes and odours from cooking activities for large parts of the day.

7. Furthermore, even if there were no deliveries to the premises the proposal would inevitably involve delivery drivers undertaking a large number of visits to the appeal property to collect cooked food for delivery to customers. This would generate noise and disturbance associated with engines, opening and closing doors, communications and general comings and goings.
8. On the basis of the evidence before me, in my view, the levels of fumes and odours and the noise and disturbance likely to be generated would be significant. Without detailed assessments of the anticipated number of visitors to the premises and whether or not any noise, disturbance, fumes or odours would be appropriately managed at levels reasonably expected in a residential area, I cannot make a fully informed assessment of the effect of the proposals.
9. Therefore, I must take a precautionary approach and find the proposal would harm the living conditions of nearby residential occupiers with particular regard to noise, disturbance, fumes and odours. However, there is no substantive evidence to suggest these effects would be experienced by people using the nearby playing fields or any other community facility in the same way as those living in dwellings close to the appeal property.
10. Nevertheless, for the reasons given, the proposal would be contrary to Policy P10 of the Leeds City Council Core Strategy (2014) (as amended by the Core Strategy Selective Review 2019) (CS) and saved Policies GP5 and BD5 of the Leeds Unitary Development Plan Review (2006) (UDP) which seek to ensure satisfactory living conditions. For the same reasons it would also conflict with the aims of Policy HFT3 of the Leeds City Council Hot Food Take Away Supplementary Planning Document (2019) and paragraph 97 of the National Planning Policy Framework (the Framework).

Highway safety

11. The proposal would utilise the existing access and on street parking nearby is freely available and is unrestricted on surrounding residential streets. Rookwood Road nearby is not heavily trafficked; its speed limit is 30mph and vehicles pass by the appeal site at relatively low speed. There is no substantive evidence before me which suggests the use of the highway in the immediate vicinity of the appeal site has ever been the cause of any pedestrian or vehicle collisions or any other significant highway safety incident.
12. Paragraph 116 of the Framework makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
13. Thus, without substantive evidence to the contrary, I conclude the proposal would not have an unacceptable impact on highway safety and would not therefore harm highway safety having regard to parking. In this regard the scheme would not conflict with the aims of Policies P10 and T2 of the CS or saved Policy GP5 of the UDP which seek to ensure new development does not compromise highway safety. As such there would also be no conflict with the advice contained within the Leeds City Council Transport Supplementary Planning Document (2023) and paragraph 116 of the Framework which have the same aim.

Other Matters

14. I have noted the comments about the Council's handling of the appellant's planning application and the costs associated with making the application. However, I confirm I have determined the appeal on its planning merits only.

Conclusion

15. For the reasons given, on balance, even though I have found no harm to highway safety, the proposal would harm living conditions and as such does not accord with the development plan as a whole, the appeal should therefore be dismissed.

L Fleming

INSPECTOR