



Appeal Decision

Site visit made on 20 October 2025

by E Heron MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2025

Appeal Ref: APP/N4720/W/25/3371793

Shop adjacent to 278c Belle Isle Road, Leeds, LS10 3QJ

- 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 Aron Boguzas against the decision of Leeds City Council.
 - The application Ref is 25/03536/FU.
 - The development proposed is a change of use of existing to health spa business (Use Class E)
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal has been amended in the banner heading above. 'Booking based only' and 'no external alteration' is superfluous wording that is not a description of the development.

Main Issues

3. The main issues are:
 - the effect of the development on the living conditions of neighbouring occupiers with particular regard to noise and disturbance; and
 - whether the site is a suitable location for the development having regard to anti-social behaviour and crime.

Reasons

4. The appeal site is part of a former public house in a residential area. It is subdivided into a range of uses. The main row of shops and a hot food takeaway are accessed at an upper ground floor level, fronting Belle Isle Road. An additional shop unit and the entrance to the appeal site are on the side of the building, accessed from the adjacent car park at lower ground floor level. A residential unit also occupies the lower ground floor of the building.
5. The proposal comprises four spa rooms including a hot tub and sauna, w.c., lobby and waiting area accessed from a single entrance point. The spa would have up to 3 staff and 4 clients on site at any one time with appointments staggered. The application form and Management and Community Safety Plan state that opening hours would be 1000 – 1800 Monday to Friday and 1000 – 1600 Saturdays and Sundays.

Living conditions

6. Two spa rooms and the sauna would share the internal wall that subdivides the proposal from the other uses within the lower ground floor, including the residential unit. There is no detail before me as to the use of the spa rooms, however at the very least there would be people talking during each appointment throughout the day, and from groups in the waiting area, potential noise from equipment such as for treatments, and from low-level music. There is also likely to be a requirement for a ventilation and extraction system for condensation, given the lower ground floor nature of the room with no windows, and the operation of a hot tub and sauna. All such operations have potential to generate noise and disturb the living conditions of the neighbouring occupier.
7. Whilst the use would be limited to daytime hours, and there would be no amplified music, occupants of the residential unit would be entitled to spend much of their time at home, and as such would be extremely sensitive to any noises emanating from the appeal site. There is also nothing before me to suggest that the appeal site has an existing lawful use that could transmit similar levels of noise as the proposal.
8. In mitigation the appellant asserts that acoustic treatment would be applied to partitions and doors to reduce internal noise transfer, and mechanical plant fitted with silencers. I have considered whether such elements could be required by way of a planning condition. However, without a noise assessment including baseline noise and predicted noise levels based on the nature of the use, the effectiveness and suitability of such measures cannot be assessed. On the basis of the available evidence therefore, I cannot be certain that the proposal would not cause harm to the living conditions of the occupier of the adjoining residential unit.
9. The Council advise that the nearest residential dwellings along Aberfield Gate, Winrose Approach and Aberfield Gardens are between 30 metres and 60 metres from the appeal site. These dwellings are separated from the appeal site by intervening spaces such as the car park and the building's service yard, that both emit noise, such as from vehicle movements. Also, during my site visit I observed that in the vicinity of the appeal site, there was continuous background noise from traffic on Belle Isle Road during the daytime.
10. The proposal would be limited to daytime use when other background noise would be prevalent, and within the confines of the building. Appointment times would also be staggered to limit instances where several customers would arrive and leave at the same time, thus discouraging congregating outside. Given these factors, the distances to dwellings and use of the existing intervening spaces, the proposal would not harm the living conditions of nearby neighbouring occupiers, with particular regard to noise and disturbance.
11. I am mindful of the concerns raised by the Council and interested parties, including reports of loud noises coming from the appeal site, customers congregating and comings and goings at unsociable hours, which have resulted in objections. I will return to these points later in my decision.
12. While the proposal would not harm the living conditions of nearby neighbouring occupiers, the lack of sufficient evidence regarding noise impacts and mitigation means the proposal fails to demonstrate that it would not cause unacceptable harm to the living conditions of the adjoining neighbour that shares the same floor level, with particular regard to noise and disturbance. The proposal would

therefore conflict with the relevant provisions of Policy P10 of the Core Strategy, and Policies GP5 and BD6 of the Unitary Development Plan that require neighbouring living conditions to be safeguarded, and paragraph 135 (f) of the National Planning Policy Framework (the Framework), which requires a high standard of amenity for existing and future users.

Whether suitable location

13. Some units within the building such as the hot food takeaway and convenience store open late into the night, and the car park and hardstanding in front of the shops are accessible to customers and others. On the basis of the site layout and available evidence including from interested parties and consultees, which is not disputed, I have no reason to doubt that there are existing instances of anti-social behaviour including loitering, congregating and loud noises. Also, that this is a particular issue at night.
14. I have previously set out my reasoning in respect of the effect of the proposed use, in particular the restriction to daytime use, and staggered appointments. It follows that I consider that the proposal would not exacerbate existing anti-social issues faced within the local community, subject to conditions restricting opening hours and adherence to a management plan. Such conditions, as well as waste management requirements, could be imposed on any planning permission; had I been minded to allow the appeal.
15. Moreover, there is limited evidence before me to indicate that the principle of introducing an additional use to the building, that already has several uses, would be an intensification directly leading to anti-social behaviour, loitering and illegal activity. I am also mindful that there is no objection from West Yorkshire Police.
16. The Council refers to evidence of a party venue, and interested parties refer to existing concerns. They cite illegal activities, amplified music, loud noises, comings and goings during unsociable hours, congregating and anti-social behaviour amongst other issues. The legitimacy of the proposed use is also questioned, based on the aforementioned concerns, and planning history. I also note reference to an enforcement case dated 2025¹ relating to a party venue use, and refusal of planning permission for a private health spa with late night opening in 2022².
17. Nevertheless, the proposal is different to the above scenarios, and any such issues that may arise outside the scope of the proposal would be capable of being controlled through enforcement regimes. Accordingly, I find that dismissing the appeal on the grounds of existing issues, and queries over legitimacy of the proposal would not be justified.
18. As such, I conclude that the appeal site would be a suitable location for the development proposed and would not materially exacerbate issues relating to anti-social behaviour and crime. Accordingly, the proposal would comply with the relevant provisions of Policy P10 of the Core Strategy and Policy GP5 of the Unitary Development Plan. Amongst other things, these policies require the creation of a safe and secure environment that reduces the opportunities for crime without compromising community cohesion and requires a positive contribution to

¹ 25/00615/UCU3

² 22/05903/FU

quality of life and well-being. This broadly reflects paragraph 96 of the Framework, which highlights the importance of healthy, inclusive and safe places.

19. Policy BD6 of the Unitary Development Plan referenced by the Council refers to alterations respecting the scale, form, details and materials of the original building. As no external alterations are proposed, I find no conflict with this policy.

Other Matters

20. I note the requirements of the highway authority in respect of parking requirements including cycle parking. As I have dismissed the appeal for other reasons, I have not considered this matter further.

Planning Balance and Conclusion

21. I have not found harm or conflict with the development plan in respect of the suitability of the location or living conditions of nearby residential occupiers. However, the proposal would cause harm to the living conditions of the adjoining residential occupier with particular regard to noise and disturbance. This is the prevailing consideration, and I find that there would be conflict with the development plan as a whole.
22. Material considerations, including the Framework put forward in support of the appeal do not indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should be dismissed.

E Heron

INSPECTOR