
Appeal Decision

Site visit made on 16 October 2025

by **N Unwin BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: APP/H4315/W/25/3368031

14 North Road, St. Helens WA10 2TL

- 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 H Thullibelli (Caprinos Pizza St Helens) against the decision of St Helens Metropolitan Borough Council.
 - The application ref is P/2025/0180/FUL.
 - The development proposed is described as: Change of use from cafe/hot food takeaway to sui generis (for sale of oven baked foods-pizza) including replacement business signage and repainting shopfront.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed 'retrospective' from the description of development above as this does not constitute development. Further, despite its description as retrospective, I have determined the appeal on the basis of the plans and information submitted with the application.
3. I note from the submitted plans that the seating area for the café is modest and that the business comprised a take-away element. Despite this, the appeal site falls under use class E and therefore if the primary use was a hot-food takeaway, an application for change of use would be required (as evidenced by this appeal).
4. The description of development includes an advertisement. Whilst the Council raise no concern regarding signage, the display of advertisements is controlled through a specific approval process and separate advertisement consent may be required.

Main Issue

5. The main issue is whether the site is suitable for the proposed development having regard to relevant policies for the location of hot food takeaways.

Reasons

6. The proposal would result in the change of use from a café (use class E) to a hot food takeaway (*Sui Generis*). Policy LPD10 of the St Helens Borough Local Plan up to 2037 (2022) (the Local Plan) sets out the locational strategy for new hot food takeaways. The policy states that permission for a hot food takeaway will only be granted if it would be located within the defined Town Centre of St Helens or

Earlestown; or be outside a 400m exclusion zone measured from the boundary of any primary or secondary school or sixth form college.

7. The policy then makes reference to the exclusion zones within the Supplementary Planning Document Hot Food Takeaways (2011) (the SPD). The hot food takeaway exclusion zone on page 26 of Annexe 1 of the SPD clearly encompasses the appeal site as it lies within 400 metres of St Mary's and St Thomas C of E Primary School. Whilst the SPD was adopted some time ago, it is referenced by the Local Plan which was adopted in 2022 and it has not been superseded. Therefore, the SPD remains relevant to the determination of this appeal.
8. Point 1 of the SPD confirms that these exclusion zones form a 400 metre zone around any primary or secondary school and sixth form college. It is clear from the maps within Annexe 1 of the SPD that these zones form a 400 metre radius from the schools and colleges. During my site visit the walk from the appeal site to St Mary's and St Thomas C of E Primary School was relatively short and well connected. I therefore see no reason why such a journey could not be made by primary age pupils. I am unaware of any policies restricting the movement of children when leaving the school premises to prevent them accessing the appeal site, neither do I have any mechanism before me by which to secure this.
9. The appellant contends that the proposed development will not involve frying, include a range of healthy eating options, and only accept customers who are 18 years old or above. Notwithstanding this, there is no mechanism before me to secure these points and therefore they carry limited weight.
10. For the above reasons, the appeal site is not suitable for the proposed development having regard to relevant policies for the location of hot food takeaways. It would therefore conflict with the relevant provisions of Policies LPD10 and LPA12 of the Local Plan, Paragraph 96 of the National Planning Policy Framework, and the SPD. When read together these require such development to enable and support healthy lives, guide the location of food and drink uses that may have negative health impacts, and be outside a 400m exclusion zone measured from the boundary of any primary or secondary school or sixth form college.

Other Matters

11. I have not been made aware of any objection from Environmental Health, the proposal will involve limited external alterations, and the appellant contends the proposal does not require a retail impact assessment. These are neutral factors and not something that weigh in favour of the proposal.
12. The appellant contends the proposal would reutilise a vacant unit prompting investment in the local area, however I have been supplied with limited evidence as to how long the unit had been vacant for, or how it was marketed. The appellant additionally highlights the benefits of security lighting supporting public safety but acknowledges that this is a pre-existing feature and is therefore not dependant on the appeal proposal. As such, I afford these combined benefits limited weight which do not outweigh the above identified harm.

Conclusion

13. For the reasons given above the appeal should be dismissed.

N Unwin

INSPECTOR