
Appeal Decision

Site visit made on 22 October 2025

by **D M Love BA(Hons) PGCert MRTPI ISEP**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/M3455/W/25/3369736

28 Howard Place, Shelton, Stoke-on-Trent ST1 4NJ

- 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. Sabet Hayder against the decision of Stoke-on-Trent City Council.
 - The application Ref is 71204/FUL.
 - The development proposed is described as the “change of use for the sale of hot and cold drinks and food (sui generis) for a temporary three year period and Pyenest Street vehicle access widened (part-retrospective)
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form differs from that on the decision notice and appeal form. I find the latter description more accurately reflects the proposals by making reference to the change of use and the retention of the existing building, therefore I have used this description in my determination.
3. The appellant has submitted new evidence relating to the customer service base of the business relating to the appeal site. I have accepted this into the appeal and consider that the Council has had a reasonable opportunity to review and comment on this information.

Main Issue

4. The main issue is whether the site is an appropriate location for a hot food takeaway with regard to its proximity to places where young people congregate.

Reasons

5. The appeal site is located outside a designated town centre but within a mixed-use area containing a number of residential properties and commercial units, including hot food takeaways. The building proposed for retention is situated in the corner of a car park. Opposite is a row of shops and commercial units, including several hot food takeaways, and adjacent is a restaurant with an ancillary takeaway function.
6. The Council's reason for refusal cites paragraph 97 of the National Planning Policy Framework (NPPF). The Council's concerns relate primarily to the health characteristics of young people within the wider area and the proliferation of unhealthy food choices in proximity to education establishments and other places where children and young people congregate. There are four such locations nearby that the Council has referred to and this has not been disputed. There are:

- St Marks Primary School (approx. 350 metres (m) distance);
 - Stoke-on-Trent College (approx. 150m distance);
 - Cauldon Park (approx. 210m distance);
 - Hanley Park (520m distance); and
 - Shelton Community Facility (approx. 375m distance).
7. Due to the nature of these amenities and the distance from the proposal, they clearly are within walking distance of schools and other places where children and young people congregate, for the purposes of paragraph 97.
 8. The appellant refutes the assumption that the business is aiming its products at young people and only 4.4% of those surveyed identified as students. It considers that would have altered the Council's application of paragraph 97 of the NPPF.
 9. Having considered the appellant's customer survey evidence I find that even though they might be aiming for an older customer base there is no proposal as to how this might be controlled and maintained. Therefore, the menu and target customer group could be altered without input from the planning authority thus potentially changing the target audience. I also find that this evidence shows that most customers are taking away the product which they have purchased thus fundamentally demonstrating the premises as a hot food takeaway facility.
 10. The appellant asserts that there is no demonstrable harm presented by the Council and that this undermines their rigid interpretation of the NPPF. However, I find that paragraph 97 does not require the Council to demonstrate harm as such establishments are harmful by their very definition when outwith a town centre and within walking distance of places where young people congregate because paragraph 97 is a restrictive national planning policy to the location of hot food takeaways and which the proposal does not meet. Nor is this stance affected by the proximity of the proposal to other such establishments or by the lack of a development plan policy.
 11. Finally, I find that the economic benefits of the proposal as set out by the appellant do not outweigh the provisions of paragraph 97 of the NPPF and that there is no demonstrable benefit that outweighs the potential harm. The appeal decisions that I have been referred to by the appellant all predate the current NPPF and paragraph 97, so have limited bearing on my decision.
 12. I conclude that the site is not in an appropriate location for a hot food takeaway with regard to its proximity to places where young people congregate, and so it would not comply with paragraph 97 of the NPPF.

Other Matters

13. Interested parties have raised concerns including late opening beyond advertised hours, anti-social behaviour, smells, noise, traffic congestion and air pollution. The Council has provided comments from their Public Protection Division raising no objection to air quality or raising concern relating to potential effects on residential amenity, given the proposal's extractor system. The surrounding area is predominantly made-up of a mix of residential and commercial properties, therefore given the proximity to residential properties and the details submitted with the appeal relating to the management of odours I do not consider that the proposal will cause an adverse effect on smell, noise or air pollution. Finally, with respect to noise and anti-social behaviour neither the police nor the Council has submitted

evidence to support this comment. However, concerns have been raised by interested parties, but I find no reason to consider that the proposal would encourage anti-social behaviour by itself when considering the establishment and opening hours.

Conclusion

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

D M Love

INSPECTOR