



Appeal Decision

Site visit made on 17 December 2025

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

Appeal Ref: APP/J4525/W/25/3370488

Unit 2 Tunstall Village Road, Sunderland SR3 2BB

- 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 Mrs J.Forster against the decision of Sunderland City Council.
 - The application Ref is 25/00735/FUL.
 - The development proposed is change of use from Use Class E to hot food takeaway (Sui-generis).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The evidence indicates that the premises is already being operated as a hot food takeaway.
3. The second reason for refusal relates to concerns that the submission did not demonstrate that the proposal could be served by an adequate extraction system that would not give rise to unacceptable levels of noise at nearby residential properties.
4. The evidence indicates that planning permission has previously been granted for an extraction system at the location and there are other extraction systems within the immediate area associated with other premises. The plans provide details of an extraction system including a silencer.
5. Within this particular context, I therefore consider that were I minded to allow the appeal, it would be possible to add a condition requiring details of the extraction system to ensure that it would not give rise to any unacceptable levels of noise. I will not therefore consider that matter further.

Main Issue

6. The main issue is the effect of the proposal on the health and wellbeing of the local community.

Reasons

7. The Sunderland City Council Core Strategy and Development Plan 2015-2033 (2020) (CSDP) under Policy VC4 cites concerns regarding the potential health impacts of hot food takeaways on residents of the city in noting that childhood obesity rates within many of the city's wards are significantly higher than both the national and regional averages. The supporting text to the Policy indicates that

childhood obesity data is gathered as part of the national childhood measurement programme.

8. The Policy states that to promote healthier communities, the Council will prevent the development of hot food takeaways within a 400m radius of entry points to all primary and secondary schools; and prevent the development of hot food takeaways in wards where the prevalence of obesity is more than 21% for year 6 pupils or 10% for reception pupils.
9. The evidence indicates that the appeal site is located 320m from the New Silksworth Academy and only 73m from St. Leonards Catholic Primary School. I observed the close proximity of those schools on my site visit and there is nothing compelling to indicate these figures are not correct. Reported obesity levels within the Silksworth Ward for year 6 pupils are indicated at 28.8% and for reception year pupils at 15.3%.
10. I cannot therefore rule out that the use of the site as a hot food takeaway is not playing a role in contributing to indicated health outcomes amongst school pupils within the ward and therefore having a significant adverse impact on the health and wellbeing of the local community.
11. The proposal therefore conflicts with both of the requirements of Part 2 of Policy VC4 of the CSDP with its aims to promote healthier communities and conflicts with this Policy as a whole. Given that this is adopted development plan policy which is in line with Framework¹ ambitions to create places that amongst other things promote health and well-being, I afford substantial weight to the conflict with this Policy.

Other Matters

12. My attention has been drawn to 3 planning appeals in support of the proposal. The first² appears to relate to an adjacent unit within the same parade as the appeal property. However, that appeal decision is somewhat dated being from 2010 and the appeal will likely have been considered with regard to a different planning policy background. I therefore afford that matter limited weight.
13. The second³ and third⁴ appeal decisions relate to sites within a different Local Authority Area, South Tyneside Council. They relate to the change of use of a premises to a hot food takeaway and a proposal for hot food takeaway as a greater element of that particular business.
14. However, a significant element leading to the approval of those schemes appeared to be that the Council sought to rely on a Supplementary Planning Document to underpin the decisions. The Inspector within those cases appeared to limit the weight they afforded to that document given it was not adopted development plan policy. The comparisons between those schemes and that before me are therefore limited in that respect and I afford limited weight to those appeal decisions.
15. I note that there are other takeaways within the local area and I accept that will be a frustration for the appellant. However, it is likely that many of those may have been present prior to the adoption of the current policy approach. No compelling

¹ National Planning Policy Framework 2024.

² APP/J4525/A/09/2118240.

³ APP/A4520/W/24/3349010.

⁴ APP/A4520/W/24/3347878.

evidence is before me to show that obesity rates are still increasing following the introduction of the current policy. I also accept that there will likely be other factors associated with health outcomes other than diet and that there are other food types which could be purchased locally which are also likely to be associated with detrimental health impacts.

16. I note that the proposed opening hours would be from 17:00 onwards. This would mean that it would be unlikely that school pupils would be able to visit either before, during or immediately after school time. However, firstly, the policy requirement to prevent the development of hot food takeaways in wards where the prevalence of obesity exceeds a certain level suggests an attempt to constrain the availability of such food more generally as well as just during and closely around school hours. Further, I also consider that limiting the business to evening hours only could be considered unreasonable given the extensive trading restrictions such a condition would place on the business.
17. I note that the appellant appears to be unhappy with the Council with regard to the matter as a whole, but this is a matter outside the scope of this appeal.

Planning Balance and Conclusion

18. There will be some economic benefits associated with the use. However, the use of the site is in conflict with the development plan which sets clear and firm direction as to how to approach the provision of new hot food takeaways and there are no considerations that indicate a decision should be made otherwise than in accordance with it. The appeal should therefore be dismissed.

T Burnham

INSPECTOR