



Appeal Decision

Site visit made on 17 February 2026

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2026

Appeal Ref: APP/N4720/W/25/3376404

912 York Road, Leeds LS14 6HT

- 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 Allan Jeffrey against the decision of Leeds City Council.
 - The application Ref is 25/04318/FU.
 - The development proposed is described as “Front garden use for mobile food truck whilst not doing event catering.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit the food truck/trailer was present on the site, but was not in use. I have determined the appeal on the basis of my observations and the evidence before me.
3. Although the Council’s decision notice did not refer to heritage matters, the officer report confirms that the site lies within the Seacroft - Dawsons Court Conservation Area and identifies harm to its character and appearance. During the appeal I invited further comments on this matter and I have treated the effect on the conservation area as a main issue, having regard to the responses received from both main parties.

Main Issues

4. The main issues are:
 - Whether the proposed use would preserve or enhance the character or appearance of the Seacroft - Dawsons Court Conservation Area;
 - The effect on the living conditions of neighbouring residents with particular regard to noise, disturbance and odour;
 - The effect on highway safety;
 - Whether the use would be appropriately located having regard to local and national policy on promoting healthy communities, particularly in relation to its proximity to a school.

Reasons

Conservation Area

5. The Seacroft - Dawsons Court Conservation Area (the CA) derives part of its significance from a historic cluster of cottages associated with the former Seacroft Hall estate, set within a verdant environment of mature trees, cottage gardens and modest boundary treatments. The CA boundary is tightly drawn around this historic core. Although No 912 is not one of the original cottages, it nevertheless forms part of the coherent residential frontage along York Road, where open front gardens, soft landscaping and reasonably consistent set-backs contribute positively to the area's character. The Council's evidence shows that the appeal frontage previously contributed positively to the CA through soft landscaping and modest enclosure, but more recent hard surfacing to facilitate parking has rendered the space more stark and visually exposed.
6. In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. The proposal involves the stationing of a mobile catering trailer within the open frontage of a dwelling. The appellant describes the trailer as modest, reversible, and minimally coloured. However, its utilitarian, container-type form remains clearly commercial in nature. The losses of soft landscaping and enclosure have heightened its visibility and resulted in a harsh frontage. Whether viewed at close range or in the wider context, the development appears as a visually intrusive and incongruous element unrelated to the surrounding residential environment. Its continued presence would erode the simple, verdant domestic character that contributes to the significance of this part of the CA.
8. Beyond its physical presence, the use itself would be reasonably expected to introduce activity of an inherently commercial character. This includes congregations of customers, vehicle movements, and the display or storage of trading paraphernalia such as lighting, menus, packaging and refuse bins. Even if such activity were intermittent and well-managed, it would introduce visual and functional clutter into an otherwise quiet domestic frontage, further diminishing the residential qualities that help define the character of the CA. I have had regard to the appellant's assertion that the use could improve natural surveillance and support community vitality, but these points do not alter the nature of the activity or its consequences for the character of the CA.
9. I have carefully considered whether conditions could secure new planting or fencing to mitigate the visual impact. However, any screening that is tall or dense enough to obscure the development would itself disrupt the open and verdant character of front gardens that contributes positively to the CA's significance. Moreover, any such screening would compromise access and manoeuvring space, conflicting with the appellant's claimed capacity for on-plot parking. No detailed proposals have been presented to demonstrate that meaningful screening and a functional parking layout could operate together within the confined frontage. In these circumstances, conditions would not offer a realistic prospect of preserving or enhancing the character or appearance of the CA.
10. The harm to the significance of the CA can be classed as less than substantial, falling towards the lower end of that spectrum. Nevertheless, any harm to a

designated heritage asset is a matter of considerable importance and weight. The National Planning Policy Framework (the Framework) requires that such harm be weighed against the public benefits of the proposal.

11. The benefits advanced by the appellant include limited economic activity, increased local consumer choice, use of solar powered lighting, and the provision of an accessible food service that, on occasion, has supported vulnerable or homeless individuals at no cost. Reference is also made to positive engagement with local sports clubs and event organisers, and consistently high customer ratings over the period of operation. Matters of personal and family circumstances are also raised. These considerations attract some positive weight. However, on the evidence before me they are modest in scale and largely private or community specific, and do not therefore amount to public benefits of sufficient magnitude to outweigh the harm identified to the significance of a designated heritage asset.
12. In accordance with my duties under Section 72(1), I conclude that the use would fail to preserve or enhance the character or appearance of the CA. Thus, there is conflict with Policies P10 and P11 of the Leeds City Council Core Strategy (amended 2019) (CS); saved Policy GP5 of the Leeds City Council Unitary Development Plan (Review 2006) (UDP), and parts 12 and 16 of the Framework. Collectively, these seek high-quality design that conserves or enhances the historic environment and respects local character and distinctiveness.

Living conditions

13. The hot food cooking and takeaway use would operate from a trailer positioned in an open and exposed position. As noted above, such a use would reasonably be expected to generate frequent short-stay vehicle trips, periods of engine idling, customer gatherings, and food-related odours. These effects would arise during the proposed operating hours of 18:00 to 21:00 Monday to Friday and 16:00 to 21:00 at weekends, which fall within afternoon and evening periods when the surrounding residential area is typically quieter and more sensitive to disturbance.
14. The appellant refers to short customer visit times, the absence of external seating and no use of delivery services. However, no technical assessment of noise, specification of odour-control measures, and a robust operational management plan have been provided. Without such information, it has not been demonstrated that the effects would remain modest or capable of being controlled by planning conditions. The proximity to private living spaces and gardens, heightens the likelihood that customers, vehicles, and cooking activity would be perceptible and intrusive to neighbouring residents. In these circumstances, there is insufficient evidence to demonstrate that appropriate mitigation could be secured, and it would not be appropriate to rely on planning conditions to resolve such fundamental uncertainties.
15. I therefore conclude, based on the evidence before me, that the use would harm the living conditions of neighbouring occupiers through noise, disturbance and odour effects. This is contrary to Policy P10 of the CS and saved Policy GP5 of the UDP, where they seek to protect residential amenity. The Council also cites conflict with Policy BD5 of the UDP, but a copy of the policy is not before me so it is not determinative.

Highway safety

16. Although the appellant states that the frontage could accommodate two to three cars, no technical details, such as swept-path analysis, have been provided to demonstrate the feasibility of the parking arrangement. It is also unclear how customer parking would interact with the normal residential parking needs of the property. The possibility of visits by servicing vehicles, including occasional gas cylinder deliveries and commercial waste collections, further adds to uncertainty about how vehicles would behave within the constrained frontage.
17. On the evidence before me, it has not been demonstrated that parking, servicing and vehicle movements could occur safely and without encroachment onto the highway or pedestrian footway. Given the narrow footway of around 1.4 metres and the site's position on a busy distributor road, such behaviour would impede pedestrian movement and could force pedestrians, including those with prams or mobility aids, into the carriageway, thereby exposing them to avoidable risk.
18. I therefore conclude that the use would give rise to harmful conflict between vehicle movements, parking behaviour and pedestrian passage, to the detriment of highway safety. This is contrary to Policy T2 of the CS and saved Policy GP5 of the UDP, which require that development should operate safely for all highway users. The Council also cites conflict with Policy P10 of the CS, but I see little relevance of that policy to this main issue.

Healthy communities

19. Paragraph 97 of the Framework states that local planning authorities should refuse applications for hot food takeaways and fast-food outlets within walking distance of schools and other places where young children and young people congregate, unless the location is within a designated town centre.
20. The appeal site is not within a designated town centre and lies approximately 320 metres from the entrance to Leeds East Academy. It is therefore within the 400-metre exclusion zone set out in Policy HFT1 of the Leeds Hot Food Takeaway Supplementary Planning Document 2019 (SPD). The SPD establishes a clear spatial approach intended to support public-health objectives by managing accessibility of hot food takeaways for young people.
21. Although the appellant notes that a main road separates the site from the school, there is a signalised pedestrian crossing a short distance away, offering a safe and direct walking route. Young people are also likely to be present in the nearby Green Space after school and at weekends. The appellant's proposed trading hours do not undermine the locational concern addressed by the SPD.
22. I therefore conclude that the use would not be appropriately located having regard to the Framework, saved Policy GP5 of the UDP and the SPD objectives to promote healthy communities.

Conclusion

23. I have taken account of the appellant's co-operation with the Council, the support expressed by a Ward Member, increased local consumer choice, the appellant's references to providing free meals to vulnerable individuals, positive engagement with sports clubs and community event organisers, consistently high customer ratings, use of solar powered lighting, and the personal circumstances raised.

Collectively, these matters attract some positive weight. However, they do not overcome the significant harms identified in respect of the CA, living conditions, highway safety, and the conflict with public-health objectives.

24. The proposal therefore conflicts with the development plan as a whole. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

A Caines

INSPECTOR