

- A partnership of public health researchers across the five universities in North East England
- Working with policy makers and practice partners to improve health and wellbeing and tackle inequalities
- A founding member of the NIHR School for Public Health Research (SPHR)

# Decision making in the planning appeals system for hot food takeaways

Fuse researchers explored the decision making processes of the National Planning Inspectorate, which upholds or dismisses planning appeal cases, and whether preventing obesity was a factor in the decisions.

Not every planning refusal for a Hot Food Takeaway (HFT) ends up in an appeal. Those that do, demonstrate the robustness (or otherwise) of planning policy and guidance aimed at stemming HFT proliferation. As there has been little systematic research in relation to appeals decision making, the research findings here will be useful for public health officers, policy planners and development control planners in dealing with, and defending, hot food takeaway appeal cases.

Researchers broadly agree in the relationship between takeaway food, nutrition, social deprivation and the trend towards obesity. Daily access to nutritious healthy food is dependent on the availability, accessibility, affordability, and acceptability of food, including where to prepare and consume it. Some evidence suggests that those who live within the vicinity of a significant number of hot food takeaways are more likely to consume them on a frequent basis than those who do not. Food served within takeaways tends to be nutritionally poor and energy dense. Research shows that HFTs cluster in areas of social deprivation, with people in poorer social economic groups consuming more fast food, tending to have a higher body weight, and are more likely to be obese.

Local authorities have the opportunity to promote a healthy food environment by regulating the availability and accessibility of local food through using the planning system to reject applications for new takeaways.

Applicants have a right to appeal to the National Planning Inspectorate, who have the power to uphold or reject the submission. The appeal is usually conducted via 'written statements' from all interested parties, who can also

comment on the other submissions. Appeals are either 'upheld' in favour of the HFT, which overturns the original decision, or 'dismissed' in favour of the local authority.

## Key Findings

While acknowledging the complexities of decision making for Inspectors, the reasons and decisions for upholding some appeals were unclear. Inspectors also felt they had insufficient evidence concerning Hot Food Takeaways (HFT) and the health impacts on which to base their decision.

Themes and assumptions that emerged from both upheld and dismissed appeals included:

- A belief that the Inspectorate was not responsible for the health impacts of takeaways.
- Issues, such as anti-social behaviour, noise, littering or traffic safety were prioritised above the importance of reducing obesity.
- Some concluding statements noted that there was insufficient, or no evidence, of the impact of takeaways on healthy eating applicable at a local level or to specific cases.
- Robust factual evidence, which had been included in Local Planning Authority statements, was disputed or dismissed as unimportant by Inspectors.
- Incorrect data and statements from HFT applicants were accepted.
- Parents were expected to take responsibility for their child's accessibility to hot food takeaways.
- Dismissing the appeal would have a detrimental impact to the local economy.
- Restricting opening hours or healthier menu options were acknowledged as difficult to monitor/enforce.
- Obesity and health impact were the primary reason for dismissal in 8 cases. However, childhood obesity was cited as contributing to the dismissal, but was not a prioritising or deciding factor.

## Policy relevance and implications

Researchers need to work closely with Inspectors to ensure that evidence informs the appeals process. In particular, health evidence needs to be tailored to the local level, and it would be useful to provide feedback to local authorities on upheld appeals.

The Inspectorate could adopt approaches such as the 'NHS Healthy New Towns' and 'Health in all Policies' guidance. An evidence-based practice briefing for Inspectors should include findings from this research as well as robust evidence on behaviour in an obesogenic environment, and how the planning system can reduce the potential detrimental health effects of Hot Food Takeaways (HFT).

Future research should involve local authorities and National Planning Inspectors to better understand the decision making process, and explore the cost-benefit analysis of HFTs to local health service provision.

*\* Since undertaking the research the government has removed the A5 Hot Food Takeaway land-use category. HFTs are now 'sui generis' or without a specific class. The full implications are not yet clear, however in the short-term much policy and guidance will need to be rewritten.*

*Childhood obesity is a societal problem and it is everyone's responsibility to do their part ... planning has a role to play in obesity prevention.*

## BRIEF DESCRIPTION OF THE RESEARCH

Academics from Fuse searched the Appeals Finder database for planning appeals related to obesity, health and fast food. Out of 62 appeals found, the written evidence of 52 were analysed further, of which 26 appeals were upheld and 26 were rejected. The results were analysed to explore the decision making processes of the National Planning Inspectorate, which upholds or dismisses planning appeal cases, and also whether obesity prevention was a factor in the decisions. Public health practitioners with experience in the Hot Food Takeaway (HFT) appeals process contributed to the research design.

O'Malley, C et al (2020) *Exploring the fast food and planning appeals system in England and Wales: decisions made by the Planning Inspectorate (PINS)*.

Web: [doi.org/10.1177/1757913920924424](https://doi.org/10.1177/1757913920924424)

Research in progress: Lake et al (2020) *Understanding the barriers and facilitators to implementing regulatory mechanisms to restrict hot food takeaway outlets*.

Web: [sphr.nihr.ac.uk](https://www.sphr.nihr.ac.uk)

## FURTHER INFORMATION

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