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**Town and Country Planning Association**  
Working to secure homes, places and  
communities where everyone can thrive

# **Restricting the appeal and availability of junk food in England**

*The role of local councils*

A TCPA – APSE report  
*June 2025*



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### Credits

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## **TCPA foreword:**

The places where people live and work shape the decisions they are able to make: in places where unhealthy food is readily available and highly promoted it is harder for people to make healthy choices. Many councils are working to ensure the healthy choice is the easy and affordable choice – and the planning system is one of many ‘tools’ they have to do this. They can, for instance, adopt local planning policies to restrict the increase in hot food take-aways, which tend to sell less healthy food. The government recognises the role of planning in shaping local ‘food environments’ and recently strengthened England’s National Planning Policy Framework to reflect this.

However, throughout the country councils are keen to do far more. Despite the fact that overweight and obesity are estimated to cost the NHS and the economy £98 billion a year, their overstretched planning and public health teams must provide an immense amount of evidence and data just to stop a single new hot-food takeaway from opening. This seems disproportionate. Given that that poor diet, overweight and obesity are a major burden on the NHS and the economy, surely it should be possible for councils to use the ‘precautionary principle’ to prevent new hot-food takeaways in areas that already have a high density of these outlets along with poor local health?

Similarly with outdoor advertising. In many high streets advertising for unhealthy food is everywhere. Councils are supporting the health of their communities by adopting advertising policies that refuse adverts for unhealthy foods on the outdoor hoardings they own. However, they are unable to use the planning system to reject applications for new privately owned sites because of out-of-date regulations that restrict refusal to the very limited grounds of ‘safety’ and ‘amenity’. Surely, now is the time to include ‘public health’ as a reason for refusing new outdoor advertising sites in communities that already have a large number of them and have poor local health?

The government’s cross-cutting health mission has an ambition for ‘a fairer Britain where everyone lives well for longer’. For this to happen, councils must be empowered to ensure that hot-food takeaways and advertisements for unhealthy food are not unfairly concentrated in

communities with the poorest health. This report recommends amendments to planning policy and regulation – relatively minor updates that would empower councils to do so much more to support the health of their communities.

Fiona Howie, Chief Executive, TCPA

### **APSE foreword:**

Obesity in the UK is a national crisis around 1 in every 4 adults and around 1 in every 5 children aged 10 to 11 living with obesity. This creates pressure on NHS services but also on council services, with people living longer but often with multiple health issues, bringing further pressure on adult care services. The health of children is also impacted through poor diets and poor nutrition increasing demand on services, including dental health, aside from the heartbreaking impact on children and young people's physical and mental ill health.

Limiting the proliferation of takeaway outlets near schools, selling high fat, high salt, high sugar, and ultra processed foods, is one way in which we can support communities to live healthier and better lives. However, many local councils feel that they have insufficient routes to encourage better local places that support local people in making better food choices.

This report therefore explores opportunities to develop local policies in response. Whilst planning regulations may provide some opportunities this report reflects its limitations but nevertheless suggests ways in which change could be advanced. The report also considers the use of advertising restrictions and the changes that will be needed to empower councils to do more to support a healthier food environment in their local areas.

From APSE's perspective, this is not just about health and wellbeing. Fast food takeaways also impact on the take-up of schools' meals, impacting directly in some areas on the viability of the school meals service; whilst such services are compelled to provide healthy nutritious and affordable meals such services are undermined by the proliferation of fast-food

takeaways that undermine the educative role of the school meals service. Moreover, local street-scene services are left to clean up the litter and debris in high streets and town centres, creating further strain on public finances.

This joint paper with APSE and the TCPA is commended to you, and it is hoped that this will support local action plans and strategies in tackling this public health burden on our communities.

Cllr Archie Dryburgh, MBE, APSE National Chair

# 1 Summary and recommendations

## 1.1 Summary

Obesity and overweight are major national challenges that are blighting people's lives and costing the NHS and the wider economy more than £98 billion each year<sup>1</sup>. There is robust evidence that the places in which people live and work have a strong influence over the choices they make. In places where unhealthy food is the cheapest, most easily available, and highly promoted it is likely that people will find it harder to make healthy food choices. Evidence shows that 'the most effective way to cut obesity is to change our food environment'<sup>2</sup>.

Many local councils are working hard to improve local food environments<sup>3</sup> by taking action to increase the availability of affordable healthy food and reducing the availability and promotion of less healthy food, such as food that is high in fat, salt and / or sugar. Two ways in which they can do this through town planning are:

- Restricting the locations, proliferation and concentration of hot food takeaways
- Restricting outdoor advertising for food high in fat, salt and / or sugar.

However, as this paper sets out, their ability to do this is constrained by relevant policies and regulations. Following analysis of these, and conversations with local councils in England, this paper sets out recommendations to the Westminster government about how updates to policies and regulations could further empower councils to proactively help their communities maintain a healthy weight and thereby

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<sup>1</sup> [The Rising Cost of Obesity in the UK | Frontier Economics](#)

<sup>2</sup> [A healthy life | Nesta](#)

<sup>3</sup> [Food Environments | Research groups | Imperial College London](#)

reduce the burden of overweight and obesity related illness on the economy and the NHS.<sup>4</sup>

## 1.2 Recommendations

The Westminster government's focus on childhood obesity and the recent strengthening of the National Planning Policy Framework (NPPF)<sup>5</sup> regarding hot food takeaways close to schools and other places where children and young people congregate is welcome. However, more needs to be done to support councils in their efforts to shape the built environment to improve local food environments and make them less saturated in outlets selling, and advertisements promoting, unhealthy food that is high in fat, sugar and / or salt.

1. National planning policy should be updated to empower councils to apply the 'precautionary principle' to decisions about restricting the number of hot food takeaways and advertising hoardings in an area, to support local health priorities in areas of high obesity and overweight. Waiting until populations are overweight or obese and then expecting councils to provide extensive data regarding the effect of individual additional proposed outlets wastes council resources and exposes them to legal challenge, which should be unnecessary given that obesity is a nation-wide problem with significant costs to the NHS and the economy. The burden of proof should be shifted away from councils and onto businesses: it should be up to businesses to prove that their presence does not harm public health, rather than for councils to prove that it does.
2. The December 2024 update to the NPPF says that 'local planning authorities should refuse applications' for 'fast food

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<sup>5</sup> NPPF as updated December 2024.

outlets' in some circumstances. 'Fast food outlets' is not defined in planning policy or regulation and there is considerable uncertainty about how council development management teams could act on this change. The government must urgently provide a definition of 'fast food outlets' and update both the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and the Planning Practice Guidance to advise how councils should, in practice, refuse applications for fast food outlets in some circumstances. Without this clarity, councils that try to implement this policy risk facing expensive legal challenges.

3. Outdoor advertising regulations should be updated so that the 'public safety' reason for refusing planning permission for a new advertising site is expanded to include restricting outdoor advertising on public health grounds. In addition, the 'amenity' reason for refusing a new advertising site should be updated to allow councils to refuse planning permission for new sites in deprived areas – which already have the highest concentration of outdoor advertising sites – even if they are perceived to be places of low visual amenity. The fact that a place does not look conventionally attractive should not be a reason for councils being unable to refuse planning permission for a new advertising site. Local residents should be consulted when an application is made for a new advertising site and their views taken into consideration.

Planning plays a limited, but significant role in shaping communities' exposure to advertising for unhealthy products, such as junk food<sup>6</sup>. Councils should be empowered to take action, as set out above. However, there is a much bigger question about the prevalence of

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<sup>6</sup> For the purposes of this paper, we are defining 'junk food' as food high in fat, salt and sugar, see section 4 below.

advertising for junk foods in the public realm that goes far beyond the scope of planning policy and regulation. As Sustain's *Healthier Food Advertising Policy Toolkit*<sup>7</sup> says, 'Advertising for high fat, salt and / or sugar (HFSS) products is just about everywhere we look. From shop windows, TVs, telephone boxes and bus stops to multiple screens, there is no escape.'

Addressing the ubiquity of junk food promotion will require a holistic approach from government, co-ordinated across departments and policy areas. Given the high cost of overweight and obesity to the economy and NHS, not doing this is a false economy. On 10 December 2024, Steve Reed MP, Secretary of State for Defra, announced that government will develop a new national food strategy with a focus on food security, health, environment and economy. This provides an opportunity to work with MHCLG to update planning policy and regulations as set out in the recommendations above.

## 2 Introduction

About a third of the UK's population is suffering from overweight and obesity and it is a serious problem for the country and the economy, costing the NHS £11.4 billion a year<sup>8</sup> and wider society £98 billion a year.

Evidence shows<sup>9</sup> that the causes of overweight and obesity are multiple and complex – and that people's health is significantly influenced by the environments in which they live. Blaming people for making unhealthy choices is unhelpful if the most affordable and heavily

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<sup>7</sup> [Healthier Food Advertising Policy Toolkit | Sustain](#)

<sup>8</sup> [Obesity Healthcare Goals - GOV.UK](#)

<sup>9</sup> [Reducing obesity: future choices - GOV.UK](#)

promoted food easily available to them is the least healthy. The ‘**food environment**’ is a term used to describe the combination of the physical, economic, political and sociocultural surroundings, as well as the opportunities and conditions that can influence a person’s choice of food<sup>10</sup>. Research shows that in the UK, less well-off communities tend to be living in the least healthy food environments, with less access to affordable healthy food, a higher concentration of unhealthy food outlets, and more exposure to advertising of unhealthy products, including food<sup>11</sup>.

Councils play an important part in shaping neighbourhoods and many are committed to improving their local food environments and reducing inequalities. Many are working holistically, to tackle multiple aspects of the food environment, including in their own procurement practices, creating more access to healthy options such as local food growing, or working with caterers to improve menu options. Others, as described in this report, are working to reduce the appeal and availability of junk food by introducing planning policies to restrict the proliferation of hot food takeaways in areas where they are highly concentrated and using what powers they have over outdoor advertising.

This document highlights some of the innovative action that ambitious councils are taking to reduce the appeal and availability of junk food in their communities – and explains what more they could do if national policy and regulation was updated to support this work more effectively. It is based on case-studies from, and conversations with, local authorities in England, working in the context of England-wide

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<sup>10</sup> [Food Environments | Research groups | Imperial College London](#)

<sup>11</sup> [Sociodemographic differences in self-reported exposure to high fat, salt and sugar food and drink advertising: a cross-sectional analysis of 2019 UK panel data | BMJ Open](#)

policy and regulation. However, we hope it will be of interest to authorities in other UK nations.

### 3 The role of planning in shaping food environments

Neighbourhood food environments are complex 'systems of systems', and include multiple different and interrelated elements, including: the type and proximity of supermarkets; the availability of food in a wide range of other shops (news agents, petrol stations, train stations, cafes, canteens, workplaces, schools, hot food takeaways, restaurants, cinemas, leisure centres, dessert parlours, etc); outdoor advertising and promotions; allotments, community orchards, street markets, etc.

Councils can influence some of these factors, to some extent, but not all of them<sup>12</sup>. However, evidence shows<sup>13</sup> that there is no single action that will solve the problem of widespread obesity and overweight: multiple organisations need to do multiple different things, which, cumulatively, will start to make a difference. Consequently, although the power councils have to shape environments through planning policies is limited, it is vital they use these powers, along with the other interventions that are remit of other parts of local authorities, such as environmental health, licensing, and to an extent, advertising.

When it comes to shaping the food environment, it can be difficult for non-planners to understand exactly what planning can, and cannot, do. In summary, planning policy can influence what gets built where, but has limited scope to control what happens inside the building. It can,

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<sup>12</sup> In north-west England, councils have created a Food and Planning Toolkit:  
<https://food-policy-planning.org.uk>

<sup>13</sup> [Reducing obesity: future choices - GOV.UK](#)

for instance, influence whether a new hot food takeaway or restaurant is opened, and its opening hours, but has limited influence over what type of food is served, or how nutritious the food is<sup>14</sup>.

Similarly, planning regulations can control (to a limited extent) where advertising hoardings are located but not what is advertised on them. The exception to this is if the council itself owns the land on which the hoarding is located: it can then adopt a policy preventing some types of advertising on sites it owns, as described in the case studies below.

### 3.1 National planning policy

In England, national planning policy is set out in the National Planning Policy Framework (NPPF). The NPPF supports the creation of healthy places. In December 2024 it was updated and now includes stronger wording regarding hot food takeaways<sup>15</sup>;

*'Local planning authorities should refuse applications for hot food takeaways and fast-food outlets:*

*a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or*

*b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour.'*

National planning policy regarding outdoor advertising is indicated in paragraph 141:

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<sup>14</sup> See, for instance, Blackburn with Darwen's Local Plan development management policy DM01: Health

<sup>15</sup> [National Planning Policy Framework - GOV.UK](#)

*'The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'*

The 'separate consent process' refers to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007<sup>16</sup>.

## 4 How is 'unhealthy food' defined?

The government uses the nutrient profiling model<sup>17</sup> to score and categorise food according to its nutritional value and many councils have adopted this as a way of identifying foods that are high in fat, salt and / or sugar (HFSS).

## 5 Restricting the proliferation of hot-food takeaways

### 5.1 Use classes

One way in which planning regulations shape places is by categorising buildings into different use types and then stipulating what types of buildings may be acceptable where. This is done through the 'use class order'<sup>18</sup>, which categorises buildings and their uses by type, such as

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<sup>16</sup> [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)

<sup>17</sup> [The nutrient profiling model - GOV.UK](#)

<sup>18</sup> [Use Classes - Change of use - Planning Portal](#)

industrial buildings (use class B); homes, hotels etc (class C) and so on. The use class order was significantly amended in 2020, creating a new Class E (Commercial, Business and Service) which contains typical town centre uses such as shops, offices and restaurants.

Some buildings and uses that do not fit easily into other classes are defined as 'sui generis' (of its own kind). Since 2020, sui generis has included 'hot food takeaways', which are defined as being places where food and drink are sold to be consumed off the premises. This is in contrast to restaurants, where the sale of food and drink is for consumption on the premises.

In reality, some takeaways have small number of tables and chairs, and many restaurants have a proportion of their premises that cater for takeaways. Buildings can be a mixture of use classes, based on a percentage of their floor area.

The December 2024 update to the NPPF to include the term 'fast food outlets' is welcome and may allow councils a greater influence over the location of restaurants serving less healthy food and drink, but clarity is needed on how this can work under current planning policy and law.

The use class order is also important in terms of how a building can change from one use to another, and whether or not this is considered development requiring a planning application. Currently, to change from one type of use to another within use class E does not require a planning application, although to change to a sui generis use always requires an application.

As noted above, food is now sold in many different types of locations and it could be argued that the use class order and planning practice guidance should be updated to reflect this in order to strengthen the role that planning has in shaping local food environments.

## 5.2 Why the focus on hot food takeaways?

Evidence shows that:

- hot food takeaways tend to serve food that is higher in calories than food cooked at home<sup>19</sup>
- the number of hot food takeaways is rising
- hot food takeaways tend to be clustered in less well-off places, where communities tend to have higher levels of obesity<sup>20</sup>
- there is growing public awareness of the intense promotion of unhealthy food in some places and the effect this has on people, especially young people<sup>21</sup>.

In view of this, some councils are identifying areas that already have a high concentration of hot food takeaways and have introduced planning policies to prevent more of them being created in those areas. To be clear, such policies do not affect existing hot food takeaways, they aim to prevent new ones from opening in specific places where there are already a lot. [See Gateshead Council case-study, section 9.2.] However, in Gateshead, the cumulative effect of this policy over a decade has been to reduce the overall number of hot food takeaways: as existing takeaways close down, new ones are not always opened.

It should also be noted that hot food takeaways are just one type of food outlet. Unhealthy food, snacks and drinks are available from convenience stores, train stations, newsagents, leisure centres, fast-food cafes and restaurants, market stalls, pop-up coffee shops etc.

The market for unhealthy food is dynamic and rapidly changing. For instance, 'dessert parlours' selling highly calorific desserts, usually in brightly coloured, social-media friendly surroundings, are popular with

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<sup>19</sup> [Calorie reduction programme: industry progress 2017 to 2021 - GOV.UK](#)

<sup>20</sup> [Encouraging healthier 'out of home' food provision - GOV.UK](#)

<sup>21</sup> [Bite Back Out of Home Report Final High res 2.pdf](#)

children and teenagers - and adults who don't drink alcohol but want somewhere to socialise. In this context, restricting the proliferation of hot food takeaways can be seen as a small but worthwhile step to influence local food environments.

### **5.3 What are councils doing to restrict the proliferation of hot food takeaways?**

Local planning policies and guidance can be adopted to restrict and influence new hot food takeaways in specific areas.

Within Local Plans, policies can promote healthy lifestyles and environments and restrict the proliferation and concentration of hot food takeaways. Policies can also seek to mitigate harms through planning conditions that may for example control hours of opening or ask for compliance with local healthy menu programmes<sup>22</sup>. Policies should demonstrate that:

- supporting population health is a council priority (for instance, a priority in the corporate strategy) and shows how it aligns with other corporate policies and local strategies such as the health and wellbeing strategy;
- provide relevant evidence of levels of overweight and obesity, such as health data from the joint strategic needs assessment<sup>23</sup>; or ward-level data;
- demonstrate that this, along with references to health in the NPPF, justifies a focus on creating healthy places through the Local Plan;

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<sup>22</sup> See, for instance, Blackburn with Darwen Local Plan policy DM01:Health

<sup>23</sup> [Joint Strategic Needs Assessment and joint health and wellbeing strategies explained. - GOV.UK](#)

- clearly articulate when and where the policy applies.

Councils can also provide more detail to support interpretation of Local Plan policy through supplementary planning documents (SPDs) and advice/guidance notes. SPDs cannot introduce new planning policies but where a Local Plan has a broad health and wellbeing policy that includes reference to healthy lifestyles, an SPD can provide clarity to developers about how development can support healthy behaviours, including food and dietary options and choices.

Local Plan policy and supplementary planning documents are material considerations in decision-making. Advice notes and guidance are not, but can still be useful resources for development management planning officers (assessing planning proposals) and developers.

Health impact assessments, required through policy or optional, can also include consideration of the food environment and examine the potential harms of new hot food takeaways and if appropriate how these may be mitigated.

As noted in section 6 below, getting the relevant evidence and policies in place can be a resource-intensive process. The first council to introduce such an SPD that restricted the proliferation of hot food takeaways because of concerns about obesity was Gateshead, in 2015. The policy is well-evidenced and robustly worded and to date has not been successfully challenged. [See Gateshead Council case-study, section 9.2.]

#### **5.4 What difficulties are councils facing in restricting the proliferation of hot food takeaways?**

Despite the fact that levels of obesity are recognised as being a major national concern that is blighting the economy and productivity, in order to restrict the proliferation of hot food take-aways councils have to make a very strong, well-evidenced case for using planning policy to

restrict the proliferation of hot food takeaways and the need to do this to protect specifically identified local communities. This is only likely to happen in places where councillors perceive obesity to be a significant local problem and are willing to provide strong political support for using planning to help address it.

In addition, proposed changes to planning policy in England mean it is likely that national planning policy will be changed in the next year or and supplementary planning documents will no longer be part of the suite of planning policies that councils can adopt. This is causing uncertainty to those councils that have adopted them and those that want to. However, at the time of publication of this report supplementary planning documents remain valid.

## **5.5 Resources – staff time**

The process of introducing a hot food takeaway SPD, as set out above, requires considerable time and effort and cost on the part of council planners and public health teams. In two-tier local authority areas it is further complicated by the fact that public health teams work for the county council whereas planners are based in district / borough councils. This means that the public health team could have to provide data and support to numerous district council planning teams. East Sussex County Council is addressing this by publishing guidance for the districts / boroughs in its area. [See East Sussex County Council case study, section 9.1.]

Government research shows that council planning teams are understaffed and many have large numbers of vacancies<sup>24</sup>. Consequently, in many places the resources required to create a hot food takeaway SPD may not be available.

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<sup>24</sup> [Local authority planning capacity and skills survey: 2023 findings - GOV.UK](#)

## 5.6 Resources – threats of legal action

The multinational fast-food companies will go to great lengths – and expense – to fight decisions to refuse the creation of a new hot food takeaway. A recent British Medical Journal (BMJ) investigation<sup>25</sup> into McDonald's behaviour said: '...the threat of a McDonald's appeal has a chilling effect on councils and means they would be more inclined to wave through a planning application for a new branch regardless of public health concerns, describing it as a "David and Goliath" battle.'

The BMJ also, 'found evidence of McDonald's trying to derail council health policies to more widely limit future takeaway outlets'. And that McDonald's, 'has lodged a total of 14 appeals with the Planning Inspectorate over the past five years and only lost one case'.

In an era when many councils are struggling to balance the books, it is hardly surprising that they might capitulate rather than get into a potentially hugely expensive legal battle with a multinational corporation.

## 5.7 Economic impact of restricting hot food takeaways and junk food advertising

The multinational fast-food companies promote the fact that they are a source of local employment and, particularly in deprived places where unemployment is high, councillors can be concerned that restricting new hot food takeaways might be bad for the local economy. However, research suggests that this fear is not borne out in practice<sup>26</sup>.

In addition, research by the BMJ has uncovered concerning evidence of industry lobbyists telling councils that restrictions on advertising will

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<sup>25</sup> 'McDonald's triumphs over councils' rejections of new branches – by claiming it promotes 'healthier lifestyles'. BMJ. 5 February 2025.

<sup>26</sup> See [Managing takeaways near schools: a toolkit for local authorities](#)

result in significantly less revenue for the council, and attempting to delay or block such policies<sup>27</sup>.

## **5.8 The role of planning inspectors**

The concept of ‘the food environment’, and the role that planning plays in shaping it, is not something that planners are taught about during their training, although awareness is growing. Some planners question whether planning has any role to play in addressing obesity – or are unaware of the extents of the social and economic impacts of overweight and obesity.

Research<sup>28</sup> suggests that planning inspectors, who review Local Plans, policies and planning decisions, sometimes make decisions about hot food take away policies or appeals based on unevidenced personal opinions about obesity and its causes rather than public health evidence, or reject robust public health evidence as insufficient. One effect of this is that public health teams know that the quality and quantity of evidence they need to provide to support policies and decisions is extremely high, adding to the resource required to work on this topic. Evidence suggests inconsistency in planning inspectors’ decisions regarding hot food takeaway policies. It is possible that the strengthened wording in the NPPF, introduced in December 2024, will result in less opposition from planning inspectors (see next section).

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<sup>27</sup> ‘Bans on junk food advertising in outdoor spaces derailed by industry lobbying.’ BMJ. 8 April 2025.

<sup>28</sup> Exploring the fast food and planning appeals system in England and Wales: decisions made by the Planning Inspectorate (PINS). O’Malley, CL; Lake, AA; Townshend, TG; Moore, HJ. Perspectives in Public Health. September 2021.

## 6 Will the December 2024 changes to the NPPF help?

At the end of 2024 the government updated England's national planning policy and strengthened the section on 'promoting healthy and safe communities. Paragraph 97 now says:

*'Local planning authorities should refuse applications for hot food takeaways and fast food outlets:*

*a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or*

*b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour.'*

Council public health teams welcome the government's support for restricting hot food takeaways, particularly where they might affect children's health. In addition to providing policy support for councils to take action, it also makes it clear to planning inspectors that restricting the proliferation of hot food takeaways is a legitimate aim for local planning policy.

It is too soon to know how the revisions to the NPPF will work in practice. However, from a planning perspective some concerns have been raised including:

- The exclusion of designated town centres, which are where many schools are located.
- The requirement to provide evidence that the concentration of hot food takeaways will have an adverse impact on local health.

- The reference to 'fast food outlets', a term that is not part of the planning use classes and is, therefore, not something that planning policy can address.

To date, the relevant section of the Planning Practice Guidance has not been updated to provide more detail about how this should be applied in practice.

## **6.1 Evidence – and the precautionary principle**

As set out in 5.8 above, planning inspectors have sometimes rejected evidence that additional hot food takeaways will have an adverse effect on health. Part of the problem is that the evidence required for planning application decisions tends to be specific (eg what evidence is there that this particular hot food takeaway would make a difference to this particular community's health?), whereas public health evidence, although robust, tends to be general (eg there is an association between hot food takeaways and population-level overweight).

The revised wording of the NPPF still requires councils to provide a high level of detailed and locally specific evidence. Given that obesity is a nation-wide crisis, affecting the economy and people's lives, there is a strong argument that the NPPF should incorporate the precautionary principle, instead of expecting councils to provide a large amount of evidence to support their efforts to improve the food environment.

## **6.2 What are 'fast food outlets'?**

The new wording in the NPPF says councils should, in some instances, refuse applications for 'fast food outlets'. Although this sounds straightforward, it is unclear how this will work in practice.

As set out in paragraph 3, planning can control which type of building goes where, but it cannot control what type of food is served. Research has shown that 'hot food takeaways', which are defined in planning as places that food that is eaten away from the premises, tend to serve

unhealthy food. Because the use class system includes a category called 'hot food takeaways' it is possible for planning policy to set out where that type of use is acceptable, and what is not.

However, the use class order does not include a type of building that is a 'fast food outlet'. Restaurants are categorised as 'use class E(b): sale of food and drink for consumption (mostly) on the premises'.

The government needs to update Planning Policy Guidance, and / or the use class orders, to be clear about the definition of fast-food outlets. If it does not, it is likely that councils that try to refuse applications for a fast-food outlets could face a legal challenge. Until several councils have the political will – and budgets – to fight such battles, and set a legal precedent, the effect of including the term 'fast food outlets' in the NPPF cannot be known.

## **7 Restricting junk food advertising**

Research shows that poorer places have more outdoor advertising, and that much of this is advertising unhealthy products, including junk food. Given that poorer communities already tend to be significantly less healthy, this is likely to increase health inequalities.

Councils that are taking a holistic approach to improving the local food environment are keen to reduce the amount of outdoor advertising or, specifically, adverts for food high in fat, salt and sugar (HFSS). Their powers to do this are limited. However, they can:

- Adopt policies restricting certain types of advertising on land they own;

- Attempt to control the proliferation of outside advertising on other land.

## **7.1 Adopting policies to restrict junk food ads on council-owned land**

Some councils have adopted advertising and sponsorship policies that apply to advertising hoardings on land they own, as well as applying to other forms of commercial sponsorship and media, such as the sponsorship of events. Sustain, the alliance for better food and farming, has published a helpful *Healthier Food Advertising Policy Toolkit*<sup>29</sup> to help councils do this. It draws on learning from the Healthier Food Advertising Policy introduced by Transport for London in 2019.

As part of a wider approach to creating healthy places, such policies can specifically exclude advertising for food that is high in fat, salt and / or sugar (HFSS) as defined in the Department of Health and Social Care's nutrient profiling model.

Some policies base the ban on the specific food that is shown in the advertisement – Bristol City Council's policy, for instance, is based on the food that is shown, not the company advertising. In other words, if McDonalds – for instance – wants to advertise a burger on land owned by the council they would not be allowed to; but if they want to advertise a salad or a black coffee or other healthy option they can.

## **7.2 Banning advertisements by brands strongly associated with junk food**

Both Sheffield and Bristol's policies also ban advertisements that only show the company's logo. For instance, the Sheffield policy does not permit adverts from companies that 'are synonymous with HFSS foods' where 'no food or drink product is featured directly'.

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<sup>29</sup> [Healthier Food Advertising Policy Toolkit | Sustain](#)

### **7.3 Playing ‘whack-a-mole’ with junk food advertising**

Despite the successful adoption of policies restricting junk food advertising on advertising hoardings on land owned by councils, there seems to be a growing proliferation of ‘sites’ that can and are being used to host advertisements. For councils that want to improve the local food environment this is proving incredibly difficult as each type of ‘advertising media’ is likely to be subject to different policies or complex regulations.

For instance, telephone boxes, bus shelters<sup>30</sup> – and even bus tickets – have been used to advertise junk food or brands strongly associated with HFSS foods. Tackling each of these takes considerable time and effort to understand the relevant policies and regulations and work to address them. Telephone kiosks, for instance, are often in locations that would not be given planning permission for advertising hoardings – using them to display adverts can be a neat way to circumvent planning regulations<sup>31</sup>.

Public health teams describe this as being like a game of ‘whack-a-mole’ – as soon as one advertising opportunity been addressed, companies will find another. Public health teams, and their colleagues in planning or legal teams, often struggle to find the resources to tackle this.

### **7.4 Advertising on land that the council does not own**

When it comes to restricting the location of advertising hoardings on land not owned by the council, there are limited actions councils can take.

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<sup>30</sup> If councils own the bus shelters they can restrict what is advertised on them; if not, they cannot.

<sup>31</sup> See, ‘Phone box blight’, Create Streets, 2024. [Launch of our Box Blight report - Create Streets](#)

Chapter 12 of the NPPF, 'achieving well-designed places', says (paragraph 141):

*'The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective.*

*Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'*

The Planning Practice Guidance explains that permission can only be refused on one of two grounds: **amenity**, or **public safety**, as set out in the relevant regulations<sup>32</sup>.

According to the regulations, **amenity** means, 'the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest'.

This is clearly open to interpretation and seems likely to favour more 'scenic' places, and less likely to be applicable in – for instance – the deprived urban areas in which many of the communities suffering the worst health often live.

The regulations define **public safety** in terms of, 'the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome'; whether the advertisement would obscure traffic signs or signals; and whether it would obstruct speed cameras. This very narrow definition of public safety does not include anything about the potential health impacts of advertising on local populations.

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<sup>32</sup> Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Given the strong correlation between the number of advertising hoardings, exposure to unhealthy advertisements, and unhealthy behaviours, there is a strong argument that the regulation's definition of 'public safety' should be amended to encompass public health, and that public health concerns should be a legitimate reason for refusing a planning application for a new advertising site.

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## 8 Case studies

### 8.1 East Sussex County Council's hot food takeaway guidance

East Sussex County Council has recently (spring 2025) published **Public Health Hot Food Takeaway (HFT) Guidance**<sup>33</sup> to encourage and empower planning teams in the five districts and boroughs in the county to include policies restricting the proliferation of HFTs in their Local Plans. It uses public health information to help councillors and planners appreciate the health impacts of hot food takeaways (HFTs) and the complex links between healthy weight, lifestyles and environments and health inequalities using data specific to East Sussex. The guidance supports the delivery of actions as set out in the East Sussex Healthy Weight Plan 2021-2026.

The creation of the guide is a practical example of how, in two-tier council areas, the public health team in the county council can seek to inform and strengthen the 'health' content of Local Plans created by

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<sup>33</sup> Public Health Hot Food Takeaway (HFT) Guidance |

district and borough councils, even though they have no direct say in their content. The guidance is relevant to the whole of East Sussex, but the data is carefully tailored to each borough or district and its population. It includes comprehensive health data for East Sussex that relates to health inequalities, deprivation and fast-food exposure. It also presents spatial data on obesity rates and the prevalence of HFTs in East Sussex. This ensures that the guidance is applicable to all five district and borough councils in East Sussex and can be applied at different spatial scales.

The East Sussex County Council public health team consulted a wide range of people, including district and borough planners, during the process of creating the guide. They discovered that there were concerns that the aim of the guide was to get rid of seaside fish-and chip-shops that are valued by residents and tourists alike. To overcome this, the guide makes it clear that this is not the case: its aim is to prevent additional HFT in areas that already have a lot. Explaining this during the consultation phase helped overcome opposition.

The consultation also revealed fears that preventing new hot food takeaways would be bad for the economy as they provide jobs. To address this, the phrase '*no wealth without health and no health without wealth*' serves as a central theme throughout the document, emphasising the economic benefits of healthy food environments as poor health reduces productivity. Another barrier was that in some areas obesity was not considered to be a problem. To counter this, the guide includes a section about the precautionary principle: the importance of acting to prevent ill health, even if the evidence is incomplete.

**Lessons learned:** The process of creating this guidance was as important as the guide itself. It generated conversations that raised

awareness that HFTs can have detrimental effects on the health of a community if not suitably managed.

**Evaluation:** As the guidance has only recently been published, it is too early to know its impact.

## 8.2 The long-term impact of Gateshead Council's hot-food takeaway SPD

In 2015, Gateshead Council was the first in England to introduce a policy restricting new hot-food takeaways (HFTs) using public health as a justification. At that time 23% of 10- and 11-year-olds in Gateshead were classified as obese, exceeding the national average of 19%. The policy is the councils' **Hot Food Takeaway Supplementary Planning Document** (SPD), aimed at development management officers. Although it aims to prevent the proliferation of HFTs, in the decade since it was adopted the total number of HFTs has reduced significantly.

The introductory text in the SPD sets it very clearly in the context of the council's wider objectives, priorities and policies for improving public health, including the Gateshead Health and Wellbeing Strategy. It includes evidence from research into the quality of food sold in Gateshead's hot food takeaways that showed that it was highly calorific. It makes it clear that unhealthy eating is not restricted to hot food takeaways, but HFT are the focus of the SPD. The SPD regulates the proliferation of HFTs through specific planning controls, including, but not limited to the consideration of:

- Wards where more than 10% of Year 6 pupils are classified as obese.
- Clustering, local character and impact on community well-being.

- Controlling the proximity of hot food takeaways to locations where children gather, such as schools and playgrounds.

To develop this SPD, planning, public health and environmental health collaborated along with the council's legal team to ensure the wording of the policy was legally robust. When the council receives applications for HFTs, the development management team consults the planning policy team and uses ward data on obesity, proliferation, proximity and retail health checks. The number of HFT applications has reduced since the SPD and the council has a 100% success rate of defending against appeals.

**Lessons learned:** When creating the SPD, the relationship between public health, planning, environmental health and elected members was essential in ensuring it had both cross-departmental and political support. This support has remained strong.

**Evaluation:** According to the Gateshead Authority Monitoring Report 2022/23 the number of hot food takeaways (A5 uses) in town, district and local centres reduced from 198 in 2015 to 162 in 2020 and then to 90 in 2023.<sup>34</sup> So although the aim of the SPD was to prevent an increase in HFTs, over time it has resulted in a reduction in numbers. Given the multiple influences over obesity, it is difficult to provide evidence of a direct impact on public health. However, while Year 6 (ten- to eleven-year-old) obesity rates only dropped by 0.5% from 2015/16 to 2023/24 in Gateshead<sup>35</sup>, research found that when these statistics were broken

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<sup>34</sup>

<https://storymaps.arcgis.com/collections/21f75ade688c4c8998a850ba51a03203?item=6>

<sup>35</sup> <https://fingertips.phe.org.uk/profile/national-child-measurement-programme/data#page/4/gid/8000011/pat/6/par/E12000001/ati/501/are/E08000037/iid/90323/age/201/sex/4/cat/-1/ctp/-1/yr/1/cid/4/tbm/1/page-options/car-do-0>

down by ward level, there was a 4.8% decrease over four years in the percentage of overweight and obese Year 6 children in Gateshead's most deprived areas.<sup>36</sup> These areas also had the most fast-food outlets before the policy was implemented compared to other similar areas across the region. Therefore, it was concluded that restricting the proliferation of HFTs can help to reduce the prevalence of, and inequalities in, childhood obesity.

### **8.3 Bristol City Council's approach to restricting unhealthy advertising**

Bristol City Council has historically played a strong role in promoting public health, including taking a 'health in all polices' approach as re-stated in the Corporate Strategy 2022-2027. The council has a long history of working to improve the local food environment. Its Good Food 2030 Action Plans are a result of many years of work and aim to transform the city's food system by 2030.

In terms of restricting advertising the council has taken two notable actions:

- Adopting an Advertising and Sponsorship Policy that restricts advertising for junk food and is supported by a High Fat, Salt or Sugar Policy Guidance Note<sup>37</sup> which also encourages advertisers to be careful about the portion sizes shown in adverts.
- Adopting a policy in its Local Plan, policy AD1: advertisements, that describes criteria against which a planning application for new advertising hoardings on privately owned land will be assessed, providing more detail about how the council will interpret 'amenity' and 'public safety'.

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<sup>36</sup> <https://onlinelibrary.wiley.com/doi/10.1002/oby.24127>

<sup>37</sup> [Appendix Aii - HFSS Guidance Note.pdf](#)

The **Advertising and Sponsorship Policy** was introduced in 2021, making Bristol the first UK city outside London to introduce a policy banning ads on HFSS products. It was led by the corporate policy and strategy team (rather than the public health team) following the introduction of the health in all policies approach. It applies to advertising accepted on council-owned land, as well as a wide range of other media. The policy stipulates that, 'When working with an advertiser or sponsor, it will be essential that... any agreement supports the council's strategic vision set out in its Corporate Strategy'. It prohibits advertising for food or drinks that are high in fat, salt and / or sugar 'without exceptions'. Adding, 'this includes advertisements where there is a large range of food / drink featured, some of which is HFSS.'

The Policy Guidance Note explains in more detail the government's Nutrient Profiling Model and how to identify whether a particular food is considered HFSS according to the model. In addition, it expects advertisers to 'always ensure that they promote products in portion sizes which encourage healthy eating.'

In terms of giving planning permission for **advertising hoardings on privately owned land**, the policy text in policy AD1 of the Local Plan is careful to stick to the national definitions of 'amenity' and 'safety'. However, in the explanatory text says; 'The policy aims to guard against proposals which would be harmful to local character and amenity. Perception of low visual amenity in any area will not serve as a benchmark for harmful proposals including increased clutter of advertisements.' In other words, the fact that an area is not considered to be particularly attractive is not a reason to think it is all right to increase the amount of advertising.

**Lessons learned:** Strong political support for improving the food environment meant that there was little opposition to the introduction of the Advertising and Sponsorship Policy. The fact that it was led by the

corporate policy and strategy team might have made it easier to introduce than in councils where such policies are led by the public health team.

**Evaluation:** Research conducted by the University of Bristol found that younger people as well as those living in more deprived areas in Bristol and South Gloucestershire were more likely to see advertisements for HFSS foods, therefore policies that specifically restrict advertisements have the potential to reduce health inequalities.<sup>38</sup>

A quantitative evaluation of the impact of the policy, comparing self-reported exposure to junk food advertising between residents in Bristol and neighbouring South Gloucestershire, has been undertaken by the University of Bristol. The study was funded by the National Institute for Health and Care Research (NIHR) Public Health Research Programme and supported by the NIHR Applied Research Collaboration West (ARC West) at University Hospitals Bristol and Weston NHS Foundation Trust. Results are due to be published in 2025.

#### **8.4 Sheffield City Council's advertising and sponsorship policy**

In 2024 Sheffield City Council adopted a new the Advertising and Sponsorship Policy that restricts the type of advertising that can be displayed on council-owned land and assets. Bus stops are not covered by this policy as they are controlled by the South Yorkshire Mayoral Combined Authority.

The policy sits under the Sheffield City Council Plan 2024-28 (the council's corporate plan) which includes the Sheffield City Goals that refer to enabling people to '*...make positive and healthy lifestyle choices.*' as well as the three policy drivers of people, prosperity and planet.

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<sup>38</sup> <https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-023-15995-z>

The policy says that, 'without any limitation on the council's ability to exercise its discretion', it will not enter into advertising agreements for:

- Food and drink that is high in fat, salt and / or sugar (HFSS)
- HFSS brands or those synonymous with, including food ordering services, where no food or drink is featured directly
- Breast milk substitutes such as infant milk formulas, baby foods and juices for infants under six months old.

Exceptions to this policy may be made to support small local independent businesses via clear criteria.

Justifying the policy, the council has said that: 'Advertising is highly influential – we know that advertising and sponsorship influences our attitudes and behaviours, how we think and feel about brands and companies, what we eat and drink, and how we buy and consume. Data from a study in Sheffield by AdFree Cities showed that adverts are targeted in our most deprived areas and areas of low incomes – around 60% compared with 3% at the opposite end of the scale. Removing exposure is proven to reduce consumption so we can directly support residents to make better choices for their health.'

The two main advertising contracts that Sheffield City Council has will not be affected until the terms of the contracts are complete in 2029 and 2031.

**Lessons learned:** Since adopting this policy, there have been cases of ground rent contracts for telecommunications hubs being installed with digital adverts, as the policy cannot apply to these units. In addition, there are resourcing gaps when it comes to the council's overstretched planning and public health teams defending the policy against large corporations.

**Evaluation:** The Advertising and Sponsorship Policy will be reviewed in 2026 and its impact will be assessed.

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