

**Case Name:** *Stroud v North West Leicestershire District Council* [2018] EWHC 2886 (Admin)  
(01 November 2018)

**Full case:** [Click Here](#)

**Commentary:** Planning permission was granted for the change of use of a convenience food store (use class A1) to a hot food takeaway (use class A5) in a local centre in policy terms, Castle Donington.

The development plan contained a policy restricting the loss of main town centre uses in town and local centres. The Defendant Council's officers had not referred to this policy in the committee report on the basis that the proposal would not involve the loss of a main town centre use. The Claimant argued that a hot food takeaway would not be a main town centre use for the purposes of the policy and, in any event, the policy would restrict the loss of a main town centre use even if a new main town centre use would replace it.

The development plan also contained a policy restricting the loss of key services and facilities and seeking the retention of community facilities. The Claimant argued that the shop was a community facility that falling within the policy.

Finally, the Claimant argued that the public sector equality duty under section 149 of the Equality Act 2010 was engaged due to the effect of the closure of the local shop on local residents with a protected characteristics, i.e. the elderly. The duty had not been explicitly referred to in the committee report.

The judge rejected all three grounds. He held that the local policy restricting the loss of main town centre uses was not engaged as a hot food takeaway was a main town centre use. There was another specific policy dealing with the conversion of shops to other main town centre uses, which had been discussed by officers in the committee report.

The shop could, the judge held, not be described as a community facility. While it might in principle be a "key service" in the terms of the relevant policy, no such issue had been raised by objectors.

Finally, he held that the public sector equality duty should not introduce unnecessary formality or "box-ticking". The decision did not relate to the ceasing of a Council service and the Council had no power to ensure that a local shop would continue to operate, even in the absence of a change of use in planning terms.