

---

## Appeal Decision

Site visit made on 17 June 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

---

**Appeal Ref: APP/L3245/W/25/3363251**

**Site Of Stone Merchants, Salop Road, Oswestry SY11 2RJ**

- 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 Chris Payne against the decision of Shropshire Council.
  - The application Ref is 24/04670/FUL.
  - The development proposed is the erection of a terrace of 3 x 2-bed dwellings following demolition of existing buildings.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of the proposal has been amended in the banner heading above to omit wording that is not a description of development.

### Main Issues

3. The main issues relevant to this appeal are the effect of the proposal on:
  - the character and appearance of the area including the Oswestry Conservation Area (CA); and,
  - the living conditions of future occupiers, with particular regard to noise and disturbance.

### Reasons

#### *Character and appearance*

4. The appeal site is located at the corner of Salop Road and Stewart Road within the Oswestry CA. The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a CA.
5. The Oswestry CA covers the main commercial centre and medieval core of the town as well as groups of buildings along the radial roads leading from the original market centre. The significance and special interest of the CA, insofar as it relates to the appeal site, is demonstrated in the built development on Salop Road which is one the radial roads. Salop Road was developed in the 1820's with examples of good quality Georgian architecture remaining in the street scene.
6. In the vicinity of the appeal site, Salop Road has both residential and commercial uses, including the Black Lion public house which is located to the south of the

appeal site. Stewart Road is characterised by predominantly two storey, late 19th Century residential properties, although they are not included within the CA boundary.

7. I am aware that planning permission has previously been granted for 3 dwellings on this site. However, I understand that the scale and design of the current proposal differs from what was previously approved. Consequently, there is concern that the scale and massing of the proposed building would not be in proportion with other buildings in the CA on Salop Road.
8. There is variety in the form and appearance of buildings on Salop Road but the public house and the buildings opposite the site on the other side of Salop Road are of a modest scale with two storeys and shallow pitched roofs. The proposed building would have a considerably larger scale and mass than these buildings, by virtue of the size of its footprint and its overall height resulting from its more steeply pitched roof.
9. I acknowledge that the building on the opposite corner of Salop Road and Stewart Road to the north of the appeal site is of a larger scale with a steeper roof pitch. However, given the proximity of the site to the public house building, and when viewed in context with the buildings on the opposite side of Salop Road, the scale and massing of the proposed building would not be appropriate.
10. The appeal proposal would also result in a large blank elevation facing Salop Road, devoid of any fenestration or architectural details. This would be at odds with the prevailing character of this part of Salop Road and the CA which is characterised by buildings with active frontages which include window and door openings.
11. The front elevation of the proposed dwellings would be seen in the context of the street scene of Stewart Road. There is some variation in the appearance of existing dwellings on Stewart Road, however they have common features such as single storey bay windows and relatively simple roof designs with chimneys. There is also a generally consistent front building line, with the existing dwellings set back a short distance from the footway. These features combine to give a sense of order and rhythm to the street scene.
12. The proposed projecting gables on the front elevation would appear incongruous within the existing street scene, as this feature is not characteristic of Stewart Road. Additionally, the proposed dwellings would be positioned directly adjacent to the footway, forward of the established building line, which would disrupt the order of the street scene.
13. Moreover, the built form would dominate the site, resulting in limited outdoor amenity space, particularly for two of the dwellings. This would be inconsistent with the prevailing pattern of development in the area, where residential properties typically benefit from more generous rear gardens.
14. Finally, whilst chimneys are not present on all buildings in the vicinity of the site, they are a prevalent feature in the local vernacular including within the CA. The lack of chimneys within the proposal would further the incongruous appearance of the building in the context of its surroundings.
15. The proposed development would therefore harm the character and appearance of the area and would fail to preserve or enhance the character or appearance of the

Oswestry CA harming its significance as a whole. As such it would conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (CS) and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (2015). Together these policies require, amongst other things, for development to respect local distinctiveness, reflect locally characteristic architectural design, including scale and proportion and to conserve and enhance the historic environment, avoiding harm to the significance of designated heritage assets.

### *Living conditions*

16. As one of the main routes into Oswestry town centre, Salop Road is heavily trafficked. At the time of my visit, during early afternoon on a weekday, there were frequent vehicle movements along Salop Road, with only occasional short gaps in traffic flow. Whilst I appreciate my observations were only a snapshot in time, I have no reason to believe that what I experienced was not typical of circumstances at this site. The level of noise generated by these frequent vehicle movements would likely affect the living conditions of future occupiers, particularly in the property which would be sited closest to Salop Road.
17. The Black Lion public house has a surface car park and uncovered garden area adjacent to the appeal site. Paragraph 200 of the National Planning Policy Framework (the Framework) expects new development to integrate effectively with existing businesses and requires applicants to provide suitable mitigation. I have not been provided with operational details, but it is reasonable to expect that noise would be generated from the public house and its outdoor areas. This noise is also likely to affect the living conditions of future occupiers.
18. The appellant suggests that noise would be mitigated through the use of acoustic insulation and triple glazing secured through the Building Regulations process. However, there is no technical information before me in relation to noise levels at the appeal site. As such, I do not know whether the suggested mitigation measures would be suitable to safeguard against the noise generated in the vicinity of the site.
19. Thus, without substantive evidence to the contrary, I find the proposal would harm the living conditions of future occupiers with particular regard to noise and disturbance. As such, it would conflict with CS Policy CS6 which requires all development to safeguard residential amenity.

### **Other Matters**

20. The proposal would contribute to housing supply in a sustainable location where the re-use of previously developed land is supported. There would be some economic uplift in the local economy during the construction process and from the future spending of occupiers. I also note the appellant's intention for the dwellings to be energy efficient, although it has not been demonstrated how the appeal proposal would achieve this. However, the contribution of 3 dwellings to the housing supply would be minimal. As such, these benefits only attract limited weight and do not outweigh the harm I have found in relation to the main issues of this case.
21. I note that no objections have been received from neighbours. However, the lack of objection does not equate to a lack of harm.

22. Concerns regarding the manner in which the planning application was considered by the Council fall outside the scope of this decision. Furthermore, it is not the role of an Inspector to suggest amendments to an appeal proposal.

### **Planning Balance**

23. Taking all of the above into account, I find the harm to the CA to be less than substantial. Paragraph 215 of the Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development.
24. The Framework supports the development of under-utilised land, and the provision of housing is a clear public benefit that carries considerable weight. However, the weight I give to this is lessened by the fact that the proposal would not provide adequate living conditions for future occupiers. Furthermore, three dwellings would make a minor contribution to the overall supply of housing and as described above, the associated benefits would be limited. Therefore, all these benefits combined, including economic benefits associated with construction and local expenditure do not outweigh the great weight that should be given to the designated heritage asset's conservation, as required by the Framework.

### **Conclusion**

25. I therefore conclude that the proposal would fail to satisfy the requirements of the Act, paragraph 215 of the Framework, and it would not be in accordance with the development plan, when read as a whole. For the reasons given above, and having considered all matters raised, the appeal is dismissed.

*A O'Neill*

INSPECTOR