



Committee and date

Northern Planning Committee

16th September 2025

Development Management Report

Responsible Officer: Tim Collard, Service Director – Legal, Governance and Planning

Summary of Application

<u>Application Number:</u> 25/02361/FUL	<u>Parish:</u>	Oswestry Town
<u>Proposal:</u> Change of use of the existing building to create a large 22-bedroom HMO		
<u>Site Address:</u> The Smithfield Hotel 1 Salop Road Oswestry Shropshire SY11 2NR		
<u>Applicant:</u> Mr Jassy Sidhu		
<u>Case Officer:</u> Mark Perry	<u>email:</u>	mark.perry@shropshire.gov.uk

Grid Ref: 329180 - 329573



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 The submitted application is for the change of use of the former Smithfield Hotel into a large House of Multiple Occupation (HMO) containing 22 bedrooms.

1.2 The proposal as originally submitted shows the provision of the following accommodation spread over the ground, first and second floors:

Ground floor

- 7 double bedrooms (all with ensuite)
- large communal kitchen
- communal lounge (7 sofa spaces (approx)

First floor

- 7 double rooms (all with ensuite)
- communal kitchen

Second floor

- 6 double rooms (all with ensuite)
- 2 single rooms (all with ensuite)

In addition, the existing cellar would be utilised for provide laundry facilities for the residents.

1.3 During the course of the application the applicant amended the submitted plans to detail that all of the bedrooms would have single beds and confirmed that the premises would have a maximum number of occupants of 22, one per bedroom. It is considered reasonable for the application to be considered on this basis which could then be secured by a condition.

1.4 No extensions are proposed to the building, the only alterations are the removal of an external staircase and a small number of internal changes such as new internal partitioning. The submitted plans do detail the replacement of the windows with new timber double glazed sash units. The submitted plans generally utilise the existing layout of the building from when it operated as a hotel.

1.5 The submitted site plan shows that the existing 7 off street parking spaces would be retained for the use of those living in the HMO.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is the former Smithfield Hotel, a three-storey Georgian building located at the junction of English Walls and Salop Road. Historically known as The Bear Hotel and later the Bullring Bar, the building has been vacant

since 2015. It occupies a prominent corner plot within Oswestry town centre and is considered a non-designated heritage asset. The site lies within the area identified in the adopted SAMDev plan as being the 'Town Centre' and also within what is defined as the 'Secondary Shopping Area'.

- 2.2 When the hotel was operational it provided 16 bedrooms of accommodation over the first and second floors with the ground floor providing a bar, dining and kitchen provision.
- 2.3 In 2017 the building had planning permission to be converted into 7 apartments comprising 4 x 1-bed and 3 x 3-bed apartments. A further scheme was approved in 2021 to revise the scheme to 3 x 3-bed and 4 x 2-bed units (21/02940/VAR). This planning permission was implemented by carrying out a small amount of the approved works however for reasons unknown none of the apartments were completed and the building has remained un-occupied.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The comments raised by the Town Council and local member are considered to raised material planning reasons which warrant consideration by the planning committee.

4.0 Community Representations

Consultee Comment

- 4.1 **Town Council-** object to the planning application.
The proposal is contrary to the objectives of policy CS6 (Sustainable Design and Development Principles) as set out in the adopted core strategy. Specifically, the proposal:
- Does not help to create sustainable places, it is not designed to a high quality;
 - Is not appropriate in terms of scale and density;
 - Does not contribute to the health and well-being of communities;
 - Does not provide appropriate vehicular access.

Members highlighted the following material concerns:

- The proposal would result in a large HMO, it is out of keeping for the location, of high density and would represent excessive development;
- Lack of sufficient facilities for the management of waste;
- The lack of car parking on site and the unsuitability of central car park to provide parking for residents;
- Lack of outdoor amenity space;
- Suitability of the kitchen provision for the number of rooms;
- Little communal space;
- Proposal has little regard for the residents, it has been designed to provide the maximum number of bedrooms. It meets minimums standards but these do not promote good living conditions;
- Does not consider the number of people who could be living at the property and

therefore there are concerns for the safety of residents due to overpopulation.

Members also made the following points:

- There is a demand for housing for single people and a significant waiting list;
- There are better and more suitable solutions for the building;
- Concerns regarding the condition of the building

- 4.2 **Highways-** The site has an associated car park and the use of it in relation to a HMO would be a concern if unmanaged. A parking management strategy could be applied prior to first occupation to demonstrate the number of parking spaces, who they will be used by and any methods of enforcement. This would be in the interest of amenity more so than highway safety.

The local area has sufficient parking restraint to prevent on-street issues.

- 4.3 **Ecology-** No objection subject to conditions

- 4.4 **Regulatory Service-** no comments to make

- 4.5 **Drainage-** No comment as there are no proposed changes to the footprint of the building.

- 4.6 **Conservation-** No objection to the proposal from a heritage perspective and subject to a suitable conservation-led conditions which respect the visual contribution the building makes to the CA. It is considered that no harm to the character and appearance of the CA or the adjacent listed building should arise as a result of the proposal.

- 4.7 **Archaeology-** no comments to make

- 4.8 **West Mercia Police-** no response at time of writing report

Public Comments

24 representations of objection received plus a petition of 724 signatories. 2 representations of support commenting on the following issues:

Objection

Noise impact

Increase waste

Lack of outdoor space

Pressure on doctors, surgeries, schools and emergency services

Limited parking provision

Highway safety impact

Impact on the Conservation Area

Impact on tourism and retail footfall

Lack of detail of future tenants

Lack of clarity on applicant and business model

Substandard room sizes

Such accommodation occupied by single males

Preference for use as a hotel or affordable apartments

Support

Reuse of the long-vacant building in a central location

HMO is a practical re-use.

5.0 THE MAIN ISSUES

- 5.1 Whether the use of the former Smithfield Hotel as a 22 bedroom house of multiple occupation (HMO) is an appropriate reuse of the existing building taking into account the location, suitability of the accommodation proposed, amenity of the area, impact on the heritage assets and highway safety.

6.0 OFFICER APPRAISAL

- 6.1 Principle of development

- 6.1.1 The former Smithfield Hotel ceased operating in 2014 and since then the building has sat unoccupied and has been the subject of the applications referred to above for its conversion into apartments. Whilst the previous permission was implemented it was never completed and the approved apartments have not been occupied; however, the 7 apartments is part of an extant planning permission.

- 6.1.2 Planning law requires that all planning applications must be determined in accordance with the adopted Development Plan. This includes the Core Strategy 2011, SAMDev Plan 2015 and Government guidance contained within the NPPF 2024.

- 6.1.3 Core Strategy policy CS1 is the overarching policy that deals with all new development and places a hierarchy with Shrewsbury at the top, followed by the market towns and other key centres with the rural areas. In terms of housing provision policy CS11 seeks to meet the diverse housing needs of the County and to create mixed balanced and inclusive communities, an integrated and balanced approach will be taken with regard to existing and new housing, including type, size, tenure and affordability. This is further reiterated in policy MD3 of the SAMDev plan which requires the need to meet the design requirements of the relevant local plan policies and be of a certain mix having regard to local needs.

- 6.1.4 Policies CS11 and MD3 remain in accordance with the adopted NPPF where at paragraph 63 it states that,

“Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children 26 ;older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers...”

6.1.5 There is also a need to consider the requirements of the Type and Affordability of Housing SPD, where under sections 2.16 and 2.17 it requires that the space standards for converted dwellings provide reasonable living standards.

6.1.6 The NPPF at paragraph 125 (d) states that policies and decision should,

“promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)

6.1.7 Para 61 of the NPPF states that,

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community”

6.1.8 The Council is currently in the position where it is unable to demonstrate a 5 year supply of housing land. The latest housing is of a 4.73 years supply meaning that the Council is currently failing to deliver the number of homes required by national policy.

6.1.9 Additionally, Policy CS8 recognises that facilities, services and infrastructure have a direct effect on the quality of life of Shropshire’s residents which includes pubs- as was operated from the ground floor as part of the hotel. However, the former hotel and associated bar use has now fallen away as a result of the already implemented approved for the 7 apartments. As such for the purposes of considering this planning application the proposal would not result in the loss of one of the towns community assets/ facility.

6.1.10 Several representations have indicated a preference for the hotel/bar to remain., Although the building remains largely unchanged from its former use as a hotel/bar, planning permission has previously been granted and implemented for its conversion into apartments. During the determination of the application for apartments, the impact of losing the hotel within the town centre was considered

in accordance with policies CS8, CS15, and MD7a, these policies aim to protect services, facilities, and town centre uses. At that time, it was concluded that continuing the hotel/bar use was not viable due to the existence of larger, more modern hotels on the outskirts of town. Current trading conditions are at least as challenging, and there is no evidence to suggest a different conclusion would be reached today.

- 6.1.11 The existing building has sat empty for in excess of 10 years. At the time of the previous application the hotel had been on the market without interest which resulted in the then owners seeking planning permission for its change to 7 apartments. Despite gaining permission the apartments were never created and the building has remained un-used, this in turn has led to some degradation of the building to the visual detriment of this part of the town.
- 6.1.12 The provision of a larger HMO in this currently unused building, in a sustainable location, will provide lower cost housing accommodation. It is considered that a well managed and maintained HMO can provide valuable affordable accommodation to some who have no other option but to rent and share accommodation.
- 6.1.13 It is considered that the principle of the HMO is acceptable and will help to meet the objective of policy CS11 in seeking to meet the diverse housing needs of Shropshire residents. The principle of the proposed use therefore complies with adopted local and national planning policies.

6.2 Living Conditions

- 6.2.1 The proposed HMO will generally utilise the existing room layout of the building which in turn has led to a variety of different size rooms being provided. All of the rooms will have an en-suite bathroom.
- 6.2.2 The smallest private accommodation would measure 7.7sqm, this excludes the floor area of the en-suite bathroom, and the largest would be 21.2sqm. This is deemed to be an adequate provision for each unit of accommodation. Two communal kitchen areas would be provided. The largest would be on the ground floor and would have a floor area of around 22 sqm, this would adjoin a communal living area that has a floor area of around 21 sqm. A second kitchen would be provided on the first floor that has a floor area of approximately 8.5 sqm. All of the communal spaces are considered to provide an adequate standard in terms of their size and all are provided with an adequate number of windows to provide natural light and ventilation. It is considered that the proposed building would provide a sufficient amount and quality of internal space for the number of proposed occupiers.
- 6.2.3 Externally the submitted plans indicate the yard area at the rear of the premises would be retained. This space would be improved by the removal of the existing metal staircase. It is recognised that this area will not be a high-quality open area for recreational purposes given its limited size and how it is closely enclosed by the building. It will however provide an area for cycle storage. As this is a town

centre location there is good access to public parks for recreational purposes. Cae Glas Park is less than a 5 minute walk from the site.

- 6.2.4 In addition to needing to obtain planning permission for the HMO development there is also the HMO licensing regime. This is an entirely separate regulatory framework to the planning system. The HMO licencing process is to ensure that HMOs meet minimum standards for health, safety, and management and considers things such as room sizes, fire safety measures, amenities, and the suitability of the landlord or managing agent.

6.3 Waste

- 6.3.1 The submitted plans indicate that the applicant will utilise the former boiler house as a bin store. This is located between the courtyard area and the parking area, and will store 4 general waste bins and 4 recycling bins. It is considered that the location is appropriate and allows the bins to be screened from view whilst still been accessible to the occupants. The bins will then be moved closer to the highway on refuse collection day.

6.4 Heritage

- 6.4.1 The Hotel, formerly known as The Bear Hotel, is evident on mapping since the late 19th century, has been unused for a number of years. The building is considered to be a non-designated heritage asset (NDHA) as defined in Annex 2 of the NPPF due to its age, the relatively intact nature of its architectural design, detailing and materials all of which contribute to its heritage significance. The building is in a prominent position and makes a positive contribution to the character and appearance of the Oswestry Conservation Area.
- 6.4.2 As noted above there is very little in terms of external alteration other than to insert replacement windows in areas where the windows appear to have been altered in the past. The scheme also includes some minor alterations to the rear including the removal of the external staircase; which is considered to be a betterment.
- 6.4.3 By bringing the building back into an active use is likely to bring about a greater interest in maintaining the building; helping to ensure its long-term future and its positive contribution to the street scene and the Conservation Area.
- 6.4.4 The minor changes to the appearance of the building are not considered to be harmful to the character and appearance of the Conservation Area or to the setting of the adjacent listed building. Accordingly, Section 66(1) and Section 72 (1) of the Planning (Listed Building & Conservation Areas) Act 1990 are not considered to be applicable in this case.
- 6.4.5 The proposal does not result in any conflict with policies CS17, MD13 or the NPPF in respect of heritage matters.

6.5 Access and Parking

- 6.5.1 The submitted scheme includes the provision of off-street parking. These are

spaces located within the existing parking area. There are other parking spaces that are not within the applicant's ownership that appear to be used by the adjacent businesses. The proposed HMO would have access to 7 parking spaces, how this would be managed in terms of allocation is not clear; a condition requiring a parking management strategy to be submitted is recommended which would address this. The purpose of this condition is primarily for amenity reasons rather than highway reasons.

6.5.2 The site is in a sustainable town centre location where there is access to services facilities and public transport, it is therefore considered that occupants would not be reliant on a car. Should the level of car ownership exceed the 7 available spaces then there is a public car park 50m from the site. The streets surrounding the site have parking restrictions, therefore preventing on street parking.

6.5.3 Paragraph 115 of the NPPF states that; "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Given the nature of the proposed development, its existing use and its sustainable location Officers deem it acceptable from a parking and highway safety perspective.

6.6 Future Occupants

6.6.1 A number of objections received have commented on who the future occupiers may be. In assessing this application, it is important to note that the identity, background, ethnicity or the individual circumstances of future occupants of the proposed HMO are not material planning considerations. As with any type of residential accommodation the planning system is concerned with the use of land and the physical impacts of the development, rather than the characteristics of the individuals who may reside there in the future.

6.7 Impact on Crime

6.7.1 Leading on from the concerns raised about the future occupant's comments have also been made regarding the potential for increased crime and anti-social behaviour. The NPPF in paragraph 96 (b) states that decisions should create safe places so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.

6.7.2 For crime to be a significant material, there would need to be clear and objective evidence that the proposed HMO could give rise to increased anti-social behaviour or criminal activity, thereby affecting the amenity of the area. In this case there is no evidence to this effect and therefore it carries little weight in the planning balance.

6.7.3 As part of the application West Mercia Police were consulted on the application, however no comments were provided by them.

6.8 Proliferation of HMO accommodation

- 6.8.1 Concerns have been raised about the proliferation of HMO's in Oswestry and the impact this is having on the town. Express Planning permission for a HMO is only needed where the number of occupants exceeds 6. A search of the planning register indicates that since 2013 only 1 HMO has been granted planning permission in Oswestry. There are also two further applications (including this one) currently under consideration.
- 6.8.2 The Council's Housing Enforcement Team is also aware of HMOs as the threshold for needing a licence is 5 persons or more. They have advised that there are 4 licensed HMOs in the Oswestry area and 64 across the County as a whole.
- 6.8.3 It is recognised that the number of HMOs is higher than the figures given above as many will be functioning without the need to be licenced. However, based on the number of HMOs in the Oswestry area that have needed either planning permission or a licence, it is evident that there is not a proliferation of such accommodation in the town. HMO accommodation represents a very small percentage of the overall housing stock both in Oswestry and across Shropshire.

.69 Other Matters

- .691. Consideration of the planning application is entirely separate from the HMO licensing process. While both regimes may relate to the same property, they are governed by different legislative frameworks and assessed against distinct criteria. Planning permission focuses on land use, design, and the impact on the local area, whereas HMO licensing is concerned with the management, safety, and condition of the property for its occupants. Therefore, the outcome of one process does not determine or influence the outcome of the other.
- 6.9.2 Some representations received have commented on the applicant's credentials and business background. The planning process is concerned with land use in the public interest. The private interests, practices or motives of the applicant are not material planning considerations and the application must be considered and determined on the basis of the scheme that is proposed.

7 Conclusion

- 7.1 The proposed development involves refurbishing the existing building to create low-cost residential accommodation intended to help meet the county's housing needs. The proposal aligns with government policies aimed at increasing the supply of homes, and the site is located within a market town identified as suitable for new housing development in the adopted SAMDev Plan and Core Strategy.
- 7.2 The proposed development would bring the building back into an active use having sat unoccupied for a significant number of years; helping to secure its future. The building is a non-designated heritage asset located in the conservation area where if the building remained unused for a sustained period it is likely to lead to its continued deterioration.

- 7.3 In relation to the living conditions of future occupiers the proposed development would result in adequate living conditions for future occupiers with adequate space provided for refuse bin and cycle storage.
- 7.4 No unreasonable harm would be caused in respect of the effect on parking, access, of highway safety.
- 7.5 The proposed development complies with Policies MD1, MD2, MD3, MD13 of the Core Strategy and policies CS1, CS3, CS6, CS11 and CS17 of the Core Strategy and the SPD Type and Affordability of Housing SPD and Government guidance contained within the NPPF and therefore the application is recommended for approval

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework (NPPF)

Core Strategy and Saved Policies:
Policy CS1: Strategic Approach
Policy CS3: The Market Towns and Other Key Centres
Policy CS6: Sustainable Design and Development Principles
Policy CS8: Facilities, Services and Infrastructure Provision
Policy CS11: Type and Affordability of Housing
Policy CS15: Town and Rural Centres
Policy CS17: Environmental Networks

MD1 Scale and Distribution of Development
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD13 Historic Environment

Type and Affordability of Housing SPD

RELEVANT PLANNING HISTORY:

11/03202/FUL Conversion of disused outbuildings to provide six additional hotel bedrooms and associated works including installation of rooflights and solar panels on south-east facing roof
GRANT 29th March 2012

16/04426/FUL Conversion of hotel into seven residential apartments GRANT 14th March 2017

21/02940/VAR Variation of condition 2 (approved plans and drawings) of planning permission
16/04426/FUL - Conversion of hotel into seven residential apartments GRANT 13th October 2021

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SYFBLNTDIVS00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member

Cllr Duncan Kerr

Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

3. Prior to the first occupation of the development hereby permitted, a Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details of:

The allocation and management of parking spaces

Measures to prevent unauthorised parking

Arrangements for monitoring and enforcement

Any signage or physical measures to support the strategy.

The approved Parking Management Strategy shall be implemented in full prior to first occupation and shall be adhered to thereafter for the lifetime of the development.

Reason: To ensure the satisfactory management of parking provision in the interests of highway safety, residential amenity, and the efficient use of land.

4. The HMO accommodation hereby approved shall not be occupied or brought into use until the areas indicated on the submitted plans to be set aside for cycle and bin storage have been provided in accordance with details and specifications to be submitted to and approved in writing by the Local Planning Authority. The facility shall thereafter be implemented in accordance with the approved details and be retained and available for use for the lifetime of the development.

Reason: In the interest of amenity and sustainability.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
 - free standing building, enclosure within the curtilages of the dwelling
 - erection of a porch
 - fences, gates or walls or other means of enclosure
 - any windows, rooflights or dormer windows
 - the installation of a chimney, flue or soil and vent pipe
- as permitted by Class A and, C, D, E and G of Schedule 2 Part 1 of the 2015 Order and Class A Schedule 2 Part 2 of the 2015 Order.

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and appearance of the heritage assets and amenity of the site.

6. The development hereby permitted shall be occupied by no more than 22 persons at any one time. The owner/operator shall maintain an up-to-date register of all residents, including names and dates of occupancy, which shall be made available to the Local Planning Authority upon request.

Reason: To safeguard the residential amenity of neighbouring properties and that an appropriate level of amenity is provided for residents.