



Committee and date

Northern Planning Committee

18th November 2025

## Development Management Report

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

### Summary of Application

|                                                                                                                                          |                                                                                                         |               |
|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|---------------|
| <b><u>Application Number:</u></b> 25/02860/FUL                                                                                           | <b><u>Parish:</u></b>                                                                                   | Oswestry Town |
| <b><u>Proposal:</u></b> Proposed Conversion of upper floors into 6-Bedroom (6 persons) House in Multiple Occupation (HMO) (Use Class C4) |                                                                                                         |               |
| <b><u>Site Address:</u></b> 23 Cross Street Oswestry Shropshire SY11 2NF                                                                 |                                                                                                         |               |
| <b><u>Applicant:</u></b> Mr Jassy Sidhu                                                                                                  |                                                                                                         |               |
| <b><u>Case Officer:</u></b> Alison Lloyd                                                                                                 | <b><u>email:</u></b> <a href="mailto:alison.lloyd@shropshire.gov.uk">alison.lloyd@shropshire.gov.uk</a> |               |

**Grid Ref:** 329124 - 329662



© Crown Copyright. All rights reserved. Shropshire Council AC0000808715. 2025 For reference purposes only. No further copies may be made.

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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 Proposed conversion of vacant upper three floors into 6-Bedroom (6 persons) House in Multiple Occupation (HMO) (Planning Use Class C 4)

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 23 Cross Street is a four storey terraced building located in Oswestry Town Centre, the building is considered a non-designated heritage asset (NDHA) and falls within the town's Conservation Area. The site sits close to the intersection of Cross Street and Leg Street, surrounded by retail / commercial businesses.
- 2.2 The property comprises four floors, with the ground floor currently serving retail purposes. The upper floors are presently unused due to separate ownership. The upper floors were previously used for storage in connection with the ground floor before they came under separate ownership.
- 2.3 The upper three floors to which this application relates have a pedestrian access via an external staircase to the rear, this leads over the ground floor flat roof, leading to the first floor rear entrance door.
- 2.4 The site falls within the town's Development Boundary, Conservation Area, Town Centre and Primary Shopping Area.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Town Council have submitted a view contrary to officers based on material planning reasons, the material considerations cannot be overcome by condition or negotiation, the Team Manager (in consultation with the Committee Chair and Local Member agrees that the Town Council have raised material planning issues and that the application be determined by the planning committee.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

- 4.1.1 Environmental Health Officer - No comment
- 4.1.2 Highway Officer - No objection
- 4.1.3 Historic Environment Officer - No objection subject to condition
- 4.1.4 Archaeology Officer - No comments
- 4.1.5 Ecology Officer - No objection
- 4.1.6 Affordable Housing Officer - As this is an HMO no affordable housing contribution

is payable

4.1.7 Drainage Officer - No objection

## **4.2 Public Representations**

4.2.1 Oswestry Town Council- Object

The Town Council resolved to object to the application as there have been no substantial changes to the proposed development following the planning officer's decision to refuse permission on application 25/01940/FUL.

The application does not align with the overall aim of the National Planning Policy Framework and policy CS6 of the local development plan. The development would not only have a detrimental impact on the amenity of future residents but would have a significant impact on neighbouring businesses on a key commercial street which has been targeted for regeneration and therefore investment. The proposed approach for dealing with waste remains inadequate and poses fire safety risks to adjacent properties.

The applicant has not demonstrated that the development does not represent over intensification of the site with 6 double bedrooms poor access arrangements, inadequate internal living accommodation and facilities, insufficient outside private amenity space, and inadequate waste / refuse management.

The Town Council have previously identified that applications such as this and others will create additional pressures on town centre parking (streets and public car parks). This needs strategic review as development is happening on a piecemeal basis with infrastructure requirements not considered. Town Centre car parks are not intended for residential parking.

4.2.2 A planning site notice was displayed on the site from 12.08.2025 and a notice was also published in the newspaper on 13.08.2025.

4.2.3 Letters of Representation x 6

### Objections raised x 5

- Impact to character of the surrounding Conservation Area
- Inadequate supporting HIA
- Inadequate means of residential amenity
- Inadequate waste storage arrangements
- Town centre vitality and commercial impacts
- Missed opportunity to explore more suitable uses, such as office space, creative enterprises, or high-quality residential units.
- Inadequate parking
- Unsafe means of access, noncompliant with fire safety standards

### Support / Neutral x 1

- No concerns subject to accommodation meeting planning standards

- 4.2.4 The above material planning concerns raised are fully acknowledged by Officers and have been considered in line with adopted planning policies, these considerations are detailed within section 6 of this report.

## 5.0 THE MAIN ISSUES

PRINCIPLE OF DEVELOPMENT

SCALE, LAYOUT, DESIGN AND NDHA / CONSERVATION AREA

RESIDENTIAL AMENITY / WASTE MANAGEMENT

ACCESS / HIGHWAY SAFETY

PLANNING BALANCE

## 6.0 OFFICER APPRAISAL

### 6.1 PRINCIPLE OF DEVELOPMENT

- 6.1.1 Houses in multiple occupation (HMOs) form a vital part of the private sector housing offer, often providing cheaper accommodation for people whose housing options are limited.

Policy MD3 delivery of housing development states in addition to supporting the development of the allocated housing sites set out in Settlement Policies S1-S18, planning permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan, particularly Policies CS2, CS3, CS4, CS5, MD1 and MD7a.

- 6.1.2 The National Planning Policy Framework at Para 135 (f) advocates that development should seek to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

- 6.1.3 Shropshire Core Strategy Policy CS6 requires development to:  
*Protect, restore, conserve and enhance the natural, built and historic environment and to be 'appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character'. Furthermore, development is required to be 'designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision.....'*

- 6.1.4 It is further stated that development should be '*designed to be adaptable, safe and accessible to all....and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11' and should contribute to the health and wellbeing of communities, including safeguarding residential and local amenity.*'

- 6.1.5 The Council's Supplementary Planning Document (SPD) 'Shropshire Type and Affordability of Housing SPD 2012' supplements the Shropshire Core Strategy and

seeks to help deliver the following strategic objective 5:

*'Provide for a mix of good quality, sustainable housing development of the right size, type, tenure and affordability to meet the housing needs and aspirations of all sections of the community, including provision for specialist needs and the elderly.'*

- 6.1.6 The Shropshire Type and Affordability of Housing SPD also refers to the importance of maintaining acceptable living standards for the occupants of dwellings, in terms of the internal size of living accommodation and the provision of external private amenity space is also dealt with in paragraph 2.16, it is stated that developments must not provide cramped accommodation and minimal outside amenity space.
- 6.1.7

Paragraph 2.17, goes on to note, in assessing planning applications for residential developments, including multiple and single plots, extensions, subdivisions and conversions, the Council is required to:

*'take account of the internal and external space provided, with a view to ensuring reasonable living space requirements for the occupants, as well as protecting the living conditions of neighbours who might be affected. Developments providing unacceptably cramped accommodation will be resisted'.*

*'With regard to private open space / storage facilities, developments will normally at least provide for a satisfactory level of external drying of washing, storage of tools and garden equipment, secure bicycle storage, water butts, waste, compost and recycling bins.'*

*'All developments should provide acceptable facilities / conditions for the storage and collection of waste and recycling'* (the Council publishes guidance for developers on waste and recycling storage and collection, in the Sustainable Design SPD)

- 6.1.8 CS15 Town and Rural Centres supports the appropriate re-use or regeneration of land and premises.

- 6.1.9 Policy S14 Oswestry of the SAMDev Plan states:  
Development proposals will be expected to demonstrate that they have taken account of the policies and guidelines contained in the Oswestry 2020 Town Plan (2013) and any other future community-led plan or masterplan that is adopted by Shropshire Council.

The Oswestry 2020 Town Plan (2013) objectives include:

Tackling the number of vacant and underused buildings in the town centre and help bring them back into beneficial use with a focus on key premises in key locations

The number of vacant town centre premises, and particularly the concentration of

large vacant units on Cross Street, is a particular concern.

Attention also needs to be focused on unused upper floors, in particular their potential for residential use.

The town centre has three key public spaces, where residents and visitors can stop, sit and take time to relax and where the community can come together for events. These are Cae Glas Park, Festival Square and the Bailey Head. Spaces such as these are important to the 'public life' of the community and the civic, cultural and commercial activities that take place within the town centre.

Cae Glas Park in particular is a well treasured space, often seen as the 'jewel in the crown'.

58% of survey respondents feel Oswestry's green open spaces meet their needs 'quite well', a further 13% think their needs are met 'extremely well'.

Cae Glas Park open Monday - Sunday 7am - 8:30pm,

Oswestry Hill Fort open Monday - Sunday 9am - 5pm,

The Racecourse open Monday - Sunday 24hrs a day, are the town's most used green spaces.

- 6.1.10 In addition to gaining formal planning permission, the proposed HMO accommodation will be subject to a separate HMO license under The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018, which sets out the legislative requirements for satisfactory management and maintenance of appropriate physical standards.

This would deal with issues of maximum occupancy numbers, mandatory national minimum sleeping room sizes, waste disposal provision requirements and mandatory conditions in relation to gas, electrical and fire safety and preventative conditions in the event of antisocial behaviour.

Any breach of licence conditions can ultimately result in landlords being prosecuted and their licence being revoked and it should be noted that it is not the role of the planning system to duplicate control of other regulations in making land use planning decisions.

Furthermore the accommodation will also be subject to stringent Building Regulation approval and Fire Safety legislation.

- 6.1.11 In view of the site's location within Oswestry Conservation Area adopted policies relating to the protection of the Historic Environment, including Core Strategy Policy CS17 (Environmental Networks) and SAMDev Policies MD2 (Sustainable Design) and MD13, are also deemed to be relevant in the consideration of this application.

6.1.12 The site lies within a central position in Oswestry town centre where there are essential services and facilities, including employment opportunities, shops, restaurants, public transport and car parking.

6.1.13 The proposal is considered to provide low cost housing for single persons within a highly sustainable location, therefore the principle of development is supported.

## **6.2 SCALE, LAYOUT, DESIGN AND NDHA/ CONSERVATION AREA**

### SCALE / LAYOUT & LIVING STANDARDS

6.2.1 The proposal will see the first, second and third floors converted into residential use, to allow for 6 single bedrooms, creating a House of Multiple Occupation (HMO).

Due to the change in ownership, the upper floors to which this application relates, are no longer connected to the ground floor, making the primary and only entrance and exit to the accommodation at first-floor level at the rear of the property. Access is provided via an external staircase that leads over a flat roof.

6.2.2 Proposed floor plans have been submitted detailing the proposed layout.

The first floor rear entrance door will lead into a hallway area. Beyond the entrance hallway on the first floor, sits a shared kitchen area, a wc, hallway (to include a staircase) bedroom 1 and a living room.

There is one kitchen area to support the 6-bed accommodation and this will provide:

- 2 sinks
- 1 cooker
- 1 fridge

The second floor will provide three bedrooms, a bathroom and a staircase up to the third floor.

The third floor will provide two bedrooms, a laundry room and a bathroom.

The first, second and third floor habitable rooms, will be served by one window opening with the exception of the living room area and bedroom 4 which will have two windows, bedroom 5 will have a roof light providing natural light and ventilation into the room.

The first floor wc and second floor bathroom will be served by one window, whilst the third floor bathroom will have no openings.

The floor plans show a single bed space in each room, and as per the development description the accommodation will accommodate a maximum of 6 people, while a suitably worded condition can be applied to a decision document, this will also be

controlled and monitored under The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018.

- 6.2.3 No extensions are proposed as part of the development and the external alterations to proposed relate to the replacement of the existing windows, which are in need of repair. Timber windows are proposed to the front of the property and slimline uPVC windows are proposed to the rear.

#### MINIMUM SLEEPING ROOM SIZES FOR HMO'S

- 6.2.4 From 1 October 2018 local housing authorities must impose conditions as to the minimum room size which may be occupied as sleeping accommodation in the HMO. A room smaller than the specified size must not be used as sleeping accommodation, and communal space in other parts of the HMO cannot be used to compensate for rooms smaller than the prescribed minimum. The purpose of this condition is to reduce overcrowding in smaller HMOs. The standards adopted are similar, but not identical to, those relating to overcrowding in dwellings under section 326 of the Housing Act 1985.

The minimum sleeping room floor area sizes are:

- 6.51 m<sup>2</sup> for one person over 10 years of age
- 10.22 m<sup>2</sup> for two persons over 10 years
- 4.64 m<sup>2</sup> for one child under the age of 10 years

Any room of less than 4.64 m<sup>2</sup> may not be used as sleeping accommodation and the landlord will need to notify the local housing authority of any room in the HMO with a floor area of less than 4.64 m<sup>2</sup>. The measurement is one of wall to wall floor area where the ceiling height is greater than 1.5m.

No part of a room should be included in the measurement where the ceiling height is less than 1.5m.

- 6.2.5 The proposal as submitted exceeds to the minimum sleeping rooms sizes for HMO'S.

#### NATIONALLY DESCRIBED SPACE STANDARDS

- 6.2.6 Nationally Described Space Standards deal with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

The guidance relating to a dwelling house consisting of up to 6 bedroom / 7 persons across three floors, requires a minimum internal floor area of 129sqm with a minimum built in storage provision of 4sqm.

- In order to provide one bedspace, a single bedroom has a floor area of at

least 7.5m<sup>2</sup> and is at least 2.15m wide.

- Any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage

6.2.7 Officers note the third floor accommodation sits within the roof space of the building, the internal ceiling heights of 1.8 metres, are noted on the proposed floor plans

The building exceeds the minimum internal area of 129sqm with a 4sqm built in storage provision, while the bedroom accommodation exceeds the single room space standards.

#### DESIGN / NDHA AND CONSERVATION AREA

6.2.8 23 Cross Street is an unlisted but prominent four storey building dating to the 19th century and is a pair with number 25 with matching design of red brick and stone panelling/mouldings topped with half timbered gable. The building is located within the Oswestry Conservation Area and would be considered as a non-designated heritage asset.

Given the building's location within the town's Conservation Area, it is necessary to have special regard to preserving or enhancing its character and appearance, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is noted that there will be minimal external alterations to the building, with water/waste outlets and pipework kept to the rear of the building, and other works internal. However, the sash windows are proposed to be changed to double glazed UPVC slimline heritage units. Ensuring these units are a close match to existing will be important to ensure they do not stand out from the matching units at number 25.

Full details of the units should therefore be provided, along with photos/dimensions of the existing units in order to demonstrate they are sufficiently close in terms of proportions (specifically the meeting rail), horn detail and glazing bars. These details will be controlled by condition.

6.2.9 The proposed development will secure the long-term future of this non-designated heritage asset (NDHA) by bringing the currently vacant upper floors back into active use. The design has been sensitively considered, with the use of conservation-approved materials and detailing that ensures compatibility with the character and appearance of the surrounding Conservation Area.

Following consultation with the Council's Historic Environment Officer, no objections have been raised. The conclusions of the submitted heritage assessment have been reviewed and are supported, confirming that the proposal would not result in harm to the significance of the NDHA or the wider historic environment.

### 6.3 RESIDENTIAL AMENITY / WASTE MANAGEMENT

#### RESIDENTIAL AMENITY

#### 6.3.1 Type and Affordability of Housing SPD states:

*'With regard to private open space / storage facilities, developments will normally at least provide for a satisfactory level of ...external drying of washing, storage of tools and garden equipment, secure bicycle storage, water butts, waste, compost and recycling bins.'*

*'All developments should provide acceptable facilities / conditions for the storage and collection of waste and recycling....'* (the Council publishes guidance for developers on waste and recycling storage and collection, in the Sustainable Design SPD).

#### 6.3.2 The proposed HMO comprising six bedrooms is likely to result in an increased level of activity, including comings and goings. However, such levels of activity are not necessarily excessive and may be broadly comparable to those associated with a larger family household.

Given the site's town centre location, where ambient noise levels are typically higher due to surrounding commercial and retail uses, it is considered unlikely that the proposed development would give rise to significant noise impacts on neighbouring properties or the wider built environment.

#### 6.3.3 There is no private outdoor amenity space associated with the subject building, and therefore no dedicated external provision to support the proposed accommodation.

However, the site benefits from being within close proximity to a range of public recreational spaces within Oswestry town, all of which are accessible within a reasonable walking distance. While these do not constitute private amenity space, they offer opportunities for informal recreation and outdoor activity for future occupants.

The accommodation includes a dedicated laundry facility, providing residents with access to appropriate clothes washing and drying provision on site.

#### WASTE MANAGEMENT

#### 6.3.4 As part of the Sustainable Design SPD and in line with Core Strategy Policy CS19 (Waste Management Infrastructure), Shropshire Council will require applications for all types of development to include information about the management of waste during construction and for the life of the development as part of the completion of a Sustainability Checklist, consistent with national policy as detailed in PPS10 paragraphs 35-36.

- 6.3.5 A shared area located within the rear alleyway is proposed to accommodate the bin store provision. This will include two general waste bins and one recycling bin, which are considered sufficient to serve the development.

A Waste Management Statement has been submitted in support of the application. It confirms that residents will be responsible for placing general waste and recycling bins out onto Cross Street for collection. Communal areas will be cleaned on a weekly basis by contracted cleaning staff, who will also be responsible for addressing any unattended waste within those areas.

- 6.3.6 Sufficient information has been submitted regarding the proposed waste management arrangements for the site. These provisions are considered adequate to ensure that the development would not result in harm to the amenity of future occupants or neighbouring occupiers. As such, the proposal is not considered to conflict with Core Strategy Policies CS6 and CS19, which seek to secure sustainable development and protect residential amenity.

#### **6.4 ACCESS / HIGHWAY SAFETY**

- 6.4.1 The site's means of access to the proposed accommodation is via an external staircase at first-floor level. Due to the change in ownership the upper floors are no longer associated with the ground floor and the rear first floor access is the only means of access into and out of the proposed accommodation. This arrangement inherently limits accessibility and may not be suitable for all potential occupants, particularly those with mobility impairments.
- 6.4.2 While the access limitations are noted, they are not considered sufficient grounds to warrant refusal of the application, particularly given the broader benefits of bringing an underutilised building back into use and supporting housing delivery in a sustainable urban setting. Furthermore, the development will be subject to building regulations, fire safety and HMO licensing requirements, which will ensure a suitable and safe means of access is provided for the future occupants. Given the town centre location and the nature of the accommodation, it is anticipated that the proposal will appeal to individuals for whom the access arrangements are not prohibitive.
- 6.4.3 Concerns have been raised with regards to the accommodation exacerbating parking issues and compromising highways safety.
- 6.4.4 Officers acknowledge that the introduction of additional residential accommodation may result in an increased demand for roadside parking within the locality. However, given the town centre location of the site, where parking restrictions are in place, alongside the availability of nearby public parking facilities within walking distance and access to sustainable modes of transport, it is considered that the modest increase of six occupants would not result in an unacceptable or detrimental impact on the amenity of the area.
- 6.4.5 Furthermore, in this instance, and taking into account the sustainable nature of the

location, officers are of the opinion that the proposed development is unlikely to give rise to significant traffic generation or adversely affect highway safety in the surrounding area.

- 6.4.6 The Council's Highways Engineer has been consulted on the proposal, and no objections have been raised, their comments are as follows:

*In this case HMO housing in an area with strict parking restraint including no motor vehicles, yellowlines and other parking restrictions would not lead to car ownership having an unacceptable impact should any future tenants be car owners. They will need to arrange their own parking needs. The location is a town centre location with access to the full range of the offer of Oswestry on foot, by cycling and public transport.*

## 6.5 PLANNING BALANCE

### Benefits of Development

- 6.5.1 HMOs offer lower-cost housing options for individuals, especially single adults, students, and low-income workers. This supports Core Strategy Policy CS11, which promotes mixed, balanced, and inclusive communities through varied housing types and tenures.

- 6.5.2 The proposed development will secure the long-term future of this non-designated heritage asset (NDHA) by bringing the currently vacant upper floors back into active use. The design has been sensitively considered, with the use of conservation-approved materials and detailing that ensures compatibility with the character and appearance of the surrounding Conservation Area.

- 6.5.3 Converting the underutilised upper floors into HMOs is a sustainable approach that reduces the need for new development whilst providing:

- Small scale stock of housing in an urban location
- Affordable accommodation
- Suitable internal living arrangements
- Sustainable location
- Low-cost council car parks available
- Support local businesses and services
- Subject to stringent building regulations, fire safety and HMO licensing requirements
- Built in social environment

- 6.5.4 HMO accommodation offers a strategic solution to housing affordability, urban regeneration, and heritage preservation. When sensitively designed and policy-compliant, HMOs can enhance the housing mix, revitalise vacant buildings, and contribute positively to local communities.

### Disadvantages of Development

6.5.5      • First Floor Access Level

Officers recognise that access to the proposed accommodation is only via an external first-floor staircase, which restricts accessibility for those with mobility issues. However, the scheme will provide affordable housing in a sustainable town centre location, which is a significant benefit. While the access limitations are noted, they are not considered sufficient to justify refusal, given the wider advantages of bringing an underused building back into use and supporting local housing delivery. The development will also be subject to building regulations, fire safety, and HMO licensing, ensuring safe and suitable access for occupants.

• Private Outside Amenity Space / Parking

6.5.6      It is acknowledged that the application site does not benefit from associated private outdoor amenity space. However, this is not uncommon within built-up urban environments, particularly in town centre locations where space constraints limit such provision. In this instance, the applicant is unable to provide dedicated external amenity space for future occupants. Nevertheless, the site is centrally located within Oswestry town and benefits from close proximity to a range of public recreational areas, all accessible within a reasonable walking distance. While these spaces do not constitute private amenity provision, they do offer opportunities for informal recreation and outdoor activity, contributing positively to the overall living environment for future residents.

6.5.7      It is also important to note that the town centre location benefits from well-lit public spaces, with street lighting operating during early mornings and late evenings. This enhances the accessibility and usability of these areas, enabling occupants to walk, cycle, and engage in outdoor activities throughout the day, including outside typical working hours.

6.5.8      It is recognised that individuals seeking sole occupancy, low-cost accommodation may not necessarily desire the additional expense, maintenance responsibilities, or practical burden associated with private outdoor amenity space or vehicle ownership. In this context, the absence of dedicated external amenity provision and on-site parking is not considered to be a significant shortcoming.

6.5.9      The town centre location offers convenient access to a range of public recreational spaces and sustainable transport options, which are likely to appeal to prospective occupants. These factors contribute positively to the overall suitability of the accommodation and support its role in meeting local housing needs within a sustainable urban environment.

**7.0 CONCLUSION**

7.1      The proposed development involves the conversion of an existing, underutilised building into a six-bedroom House in Multiple Occupation (HMO) within Oswestry town centre. The scheme will deliver low-cost, small-scale residential accommodation in a sustainable location, thereby contributing positively to the local housing mix and economy. The proposal will also secure the long-term future of a non-designated heritage asset (NDHA), supporting its ongoing viability and

bringing vacant upper floors back into active use.

- 7.2 The internal layout is considered to provide suitable living accommodation that exceeds national living standards. The scale and design of the development are appropriate to the context and are not anticipated to result in any harmful impact on neighbouring uses or residential amenity. While the access arrangements and lack of private outdoor amenity space are acknowledged limitations, these are not considered sufficient grounds to warrant refusal, particularly given the site's sustainable location, proximity to public recreational spaces, and the broader benefits of supporting housing delivery and urban regeneration.
- 7.3 The application is considered to be in accordance with adopted development plan overall, including policies CS6 (Sustainable Design and Development Principles), CS11 (Type and Affordability of Housing), CS19 (Promoting Sustainable Transport), MD2 (Sustainable Design), and MD3 (Delivery of Housing Development), as well as the Type and Affordability of Housing SPD (2012), the Sustainable Design SPD (Part 1, July 2011), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the overarching aims of the National Planning Policy Framework (NPPF), particularly in promoting sustainable development, efficient use of land, and the provision of a range of housing types.

Accordingly, it is recommended that planning permission be granted.

## **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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach  
CS3 - The Market Towns and Other Key Centres  
CS6 - Sustainable Design and Development Principles  
CS11 - Type and Affordability of housing  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
CS19 - Waste Management Infrastructure  
MD1 - Scale and Distribution of Development  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
MD12 - Natural Environment  
MD13 - Historic Environment

Settlement: S14 - Oswestry  
National Planning Policy Framework  
SPD Sustainable Design Part 1  
SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

- OS/97/09821/ADV Provision of illuminated fascia and projecting signs GRANT 10th July 1997
- 14/02561/FUL Change of use from A1 to A3 (cafes/restaurants) GRANT 6th August 2014
- 14/02562/ADV Erect and Display one non-illuminated fascia sign GRANT 5th August 2014
- OS/95/8984/FUL New shop front and internal shop fitting GRANT 28th March 1995
- 25/01940/FUL Conversion of upper floors into 6-Bedroom HMO Accommodation REFUSE 30th July 2025
- HEPRE/25/00136 Gas supply installation to front wall HEAP 12th September 2025

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T0BU7GTDJQA00>

|                                                             |
|-------------------------------------------------------------|
| List of Background Papers                                   |
| Cabinet Member (Portfolio Holder) - Councillor David Walker |
| Local Member<br><br>Cllr Duncan Kerr                        |
| Appendices<br>APPENDIX 1 - Conditions                       |

## APPENDIX 1

### Conditions

#### STANDARD CONDITIONS

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.
3. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details  
Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

#### CONDITION THAT IS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

4. The property shall not be occupied by more than 6 persons at any one time. Each bedroom shall be occupied by no more than one person.  
Reason: To ensure that the intensity of occupation does not exceed the capacity of the property and its facilities, in the interests of residential amenity and internal living conditions.