



Appeal Decision

Site visit made on 25 March 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 May 2025

Appeal Ref: APP/L3245/W/24/3357567

Grove House 8 St. Julians Friars, Shrewsbury, Shropshire SY1 1XL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Robin Hooper of Heal Planning against the decision of Shropshire Council.
 - The application Ref is 24/03721/PACMF.
 - The development proposed is change of use from Commercial, Business and Service (Use Class E), or betting office or pay day loan shop to mixed use including up to two flats (Use Class C3) under Schedule 2, Part 3, Class G.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's Decision Notice describes the development as follows: 'Change of use from Commercial, Business and Service (Use Class E), or betting office or pay day loan shop to mixed use including up to two flats (Use Class C3) under Schedule 2, Part 3, Class G'. This is a more accurate and concise description of the proposed development, and I have determined the appeal on this basis.
3. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO requires that regard must be had to the National Planning Policy Framework (Framework) so far as relevant to the subject matter of the prior approval as if the application were a planning application.
4. As the proposal relates to change of use only, I have not had regard to any external alterations proposed.

Background and Main Issue

5. Article 3(1) and Schedule 2, Part 3, Class G (Class G) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits change of use of a building from a use within Class E (commercial, business and service) or betting office or pay day loan shop to a mixed use for any purpose within that Class and as up to 2 flats, subject to satisfying the conditions in paragraph G.1.
6. The prior approval matters listed under condition G.1(d) concern: (i) contamination risks; (ii) flooding risks; (iii) impacts of noise on intended occupiers; (iv) provision of natural light to habitable rooms; and (v) arrangements for domestic waste.

7. Paragraph W(2)(e) of the GPDO indicates that where sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment must accompany the application. Paragraph W(6) of the GPDO requires local planning authorities to consult the Environment Agency where the development is an area within Flood Zone 2 or 3. The appeal site is in Flood Zone 2.
8. The Council refused the application on the basis that insufficient information has been submitted to demonstrate the proposal is acceptable with regard to flood risk.
9. Accordingly, the main issue in this appeal is whether prior approval should be granted having regard to flood risk.

Reasons

10. The appeal site relates to a three-storey office building located in Shrewsbury Town Centre. The surrounding area contains a mix of uses typically found in a town centre. The proposal involves the retention of offices at the ground floor and part of the first floor and change of use of part of the first floor and the whole of the second floor from offices to residential.
11. The site lies within Flood Zone 2 of the River Severn, an area at medium risk of fluvial flooding. Access to the site is within Flood Zone 3 which is an area at high risk of fluvial flooding. Planning Practice Guidance (PPG) confirms that applications for prior approval in areas of flood risk must be accompanied by a site-specific flood risk assessment as required by the prior approval process set out in the GPDO¹. In addition, the Environment Agency's response to the application confirms that a site-specific flood risk assessment is required.
12. The appellant has submitted a Flood Alleviation Statement (FAS) prepared by Heal Planning which concludes that the site does not flood or has ever flooded and that the proposed development will not have an adverse effect on the River Severn floodplain. However, the FAS does not represent a flood risk assessment that has been prepared in accordance with PPG. For example, there is no vulnerability classification of the proposed development, no calculation of estimated flood levels and appropriate allowances for climate change, and no assessment of residual flood risks.
13. The appellant has submitted flood risk assessments² but these relate to a different site located approximately 50 metres away. Therefore, they cannot be relied upon to provide a robust, site-specific assessment of flood risk, not least because flood risk varies by location. A flood risk assessment for the appeal site has not been undertaken and so the risk of flooding there is not known.
14. While the appeal site is located further away from the River Seven and the proposal is for residential use on the first and second floors of the building, a site-specific flood risk assessment is nevertheless required by the GPDO.
15. Furthermore, paragraph 181 of the Framework indicates that development should only be allowed in areas at risk of flooding where in the light of a site-specific flood risk assessment, it can be demonstrated that safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

¹ Ref. Paragraph: 053 Reference ID: 7-053-20220825.

² Addendum Flood Risk and Drainage Assessment, Conversion/Extension of Existing Former Public Conveniences, St Julian's Friars, Shrewsbury, Planning Ref: 22/02533/FUL, By Woodsyde Developments Ltd and Flood Warning & Evacuation Plan, Residential Development at Former Public Conveniences, St Julian's Friars, Shrewsbury.

16. PPG advises that proposals that are likely to increase the number of people living or working in areas of flood risk require particularly careful consideration, as they could increase the scale of any evacuation required. It goes on to say that safety considerations can affect the overall design or acceptability of the development and that access considerations should include the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood (0.1% annual probability of flooding with allowance for climate change). In addition, PPG states that access and escape routes need to be designed to be functional for changing circumstances over the lifetime of the development³.
17. Given that a site-specific flood risk assessment has not been undertaken, it is not known whether future residents would have the ability to safely access and exit the building during a design flood and to evacuate before an extreme flood. The proposed access and escape routes have not been identified in detail by the appellant. Furthermore, in the absence of a site-specific flood risk assessment means there is a lack of evidence to support the access and escape routes suggested by the appellant in broad terms.⁴
18. Based on the absence of a flood risk assessment specific to the appeal site and a lack of evidence demonstrating safe access and escape routes, the proposal would have an unacceptable effect on flood risk and the safety of future occupants.
19. The proposal does not comply with Article 3(1) and Schedule 2, Part 3, Class G, paragraphs G.1(d)(ii) and W(2)(e) of the GPDO.

Other Matters

20. The appellant refers to the benefit of the proposal in providing two additional flats. However, such matters fall outside the scope of the prior approval process and my determination of this appeal may rest only on the criteria set out in the GPDO.

Conclusion

21. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR

³ Ref Paragraph: 047 Reference ID: 7-047-20220825.

⁴ Ref Supplemental Information, Grove House, At. Julians Friars, Shrewsbury planning application number 24/03721/pacmf