
Appeal Decision

Site visit made on 2 December 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 December 2025

Appeal Ref: 6000876

The Smithfield Hotel, 1 Salop Road, Oswestry, Shropshire SY11 2NR

- 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 Mr Jassy Sidhu of Your Property Ventures against the decision of Shropshire Council.
 - The application Ref is 25/02361/FUL.
 - The development proposed is change of use of the existing building to create a large 22-bedroom HMO.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the existing building to create a large 22-bedroom HMO at The Smithfield Hotel, 1 Salop Road, Oswestry, Shropshire SY11 2NR in accordance with the terms of the application, Ref 25/02361/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of internal and external communal spaces;
 - whether the proposed development would make adequate provision for refuse storage;
 - the effect of the proposed parking provision on highway safety and public car parks in the town centre; and
 - whether the proposed development would preserve or enhance the character or appearance of the Oswestry Conservation Area (OCA), and its effect on the significance of the host building, a non-designated heritage asset (NDHA).

Reasons

3. The Smithfield Hotel is a 3-storey building that turns the corner at the junction of Salop Road and English Walls within Oswestry Town Centre. The surrounding area is predominantly mixed use.

Living conditions

4. The proposed development would convert the existing vacant building to create a 22-bedroom house in multiple occupation (HMO) with bedrooms on its ground, first and second floors. Each of these bedrooms would contain a single bed, a separate en-suite, as well as a good amount of space for furniture and circulation. Its occupancy rate would be similar to its previous use as a hotel or the extant planning permission¹ for flats on the site.
5. Internally, a communal kitchen and living space would be provided to the ground floor, with a further smaller kitchen to the first floor, and a laundry to the cellar. An external amenity space would be located to the rear.
6. The proposed ground floor plan² illustrates a total of 7 seats within the communal living space. Whilst this would not be able to comfortably accommodate all 22 residents, it could hold a good proportion of the residents at any one time that would enable social interaction and reduce time spent in their respective bedrooms. This space would benefit from daylight and outlook from a window facing the external amenity space and the removal of an existing redundant external staircase would further enhance this arrangement.
7. Although the kitchens would be narrow, they would contain multiple hobs and ovens, sinks and drainers, as well as generous lengths of work surfaces. These rooms would also have at least 1 window allowing daylight and outlook. Consequently, they would not feel constrained and would enable further social interaction between residents.
8. Despite being enclosed on 2 sides by 3-storey elevations containing bedroom windows, the external communal space would have a low-profile single storey elevation and an open aspect to the other sides that are south and west facing. I found this space not to feel overbearing or unwelcoming and that it would provide sufficient space for the needs of future occupants, such as outdoor socialising and clothes drying. I see no reason why people crossing this space to gain access to the building's rear entrance and its cycle storage, or the occupation of the adjacent bedrooms, would create a conflict with its use. Moreover, the site is in walking distance of public parks, which would provide suitable space for other outdoor recreational activities.
9. For the above reasons, the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of internal and external communal spaces. This complies with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (ACS), Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (17 December 2015) (SAMDev Plan) and the Council's Type and Affordability of Housing Supplementary Planning Document (12 September 2012) (TAHSPD). Together these seek, amongst other things, high quality design with reasonable living space that contributes to health and wellbeing.

Refuse storage

10. Use of the existing boiler house, adjacent to the car park and separate from the external communal space, as refuse storage would be conveniently located for

¹ Planning Permission Ref: 21/02940/VAR

² Drawing No. PL-004 Rev. A

future occupants and for collection. An undisputed claim from the appellant indicates that this could store 4 general waste and 4 recycling bins.

11. On the basis of my observations on site and in the absence of compelling contrary evidence before me, including that HMOs generate a high level of waste, I am satisfied that the proposed development would make adequate provision for refuse storage. This is in accordance with ACS Policy CS19, SAMDev Plan Policy MD2 and the TAHSPPD, which includes the need for acceptable facilities for the storage of waste and recycling as well as information regarding the management of waste.

Parking provision

12. The vehicular access off English Walls to the 7 on-site parking spaces also serves other spaces that appeared to belong to nearby commercial premises.
13. With the site being located within the town centre, where a wide range of facilities and services are close by, sustainable modes of transport such as walking, cycling and public transport are a realistic option for future occupants. There is no substantiated evidence before me to indicate that the on-site parking provision is unlikely to meet the needs of the future occupants of the proposed development. Any occasion where off-site provision was required, I observed that a large central car park was in close proximity to the site and this has free parking between 06:00PM and 08:00AM and there were spaces available when I visited during the day. Due to the on-site parking provision, the scale and nature of the proposed development, and the extent of public car parking available, any parking from the proposed development outside the site would be negligible and would not impact upon the overall availability of public car parking in the town centre. Nevertheless, the provision of nearby public car parks is not a determinative factor in this case.
14. Moreover, there are multiple parking regulations surrounding the appeal site that would control on-street parking issues.
15. For these reasons, the proposed parking provision would have an acceptable effect on highway safety and public car parking in the town centre. There would be no conflict with ACS Policy CS6 and SAMDev Plan Policy MD2 which require, amongst other things, development to be designed to a high quality, including appropriate car parking provision and to ensure there is sufficient infrastructure capacity.

Heritage

16. The appeal site is located within the OCA, wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
17. I have been provided with the boundary of the OCA, which covers large areas of the town centre, but no Conservation Area Appraisal or Statement. From my observations, the significance of the OCA primarily lies in the number and variety of buildings of architectural and historical interest in the town centre.
18. Character is what a place feels like, how it is used and can also include historical associations. I saw that Salop Road and English Walls carry a significant amount of vehicular and pedestrian traffic that is representative of other areas of the town centre. Comings and goings associated with the occupation of the building by no

more than 22 residents would be insignificant within the context of this bustling town centre location. It would also be of a similar occupation rate compared to its previous use as a hotel as well as the extant planning permission for 7 flats. Moreover, there is no cogent evidence before me to demonstrate that the proposed development would result in a materially greater level of refuse storage compared to the previous hotel use, which would have likely generated a noticeable level of waste.

19. There is no dispute between the parties that The Smithfield Hotel is a NDHA, due to its age, the relative intact nature of its architectural design, detailing and materials, all of which contribute to its heritage significance and also contribute to the character and appearance of the OCA. From my own observations I have no reason to disagree.
20. Existing windows to the ground floor facing Salop Road and English Walls appear to be the result of previous alterations. The proposed replacement windows would reflect the window proportions and arrangement of those to the upper floors. The cill level of the new windows would correlate with those shown in historical photographic evidence.
21. Section 66(1) of the Act contains a statutory duty to consider whether to grant planning permission for development which affects a listed building or its setting. Special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
22. The appeal site is adjacent to 7 Salop Road, a Grade II listed building, constructed in around 1600 and subsequently altered. It is believed to have been constructed as a house and is currently used as a bakery and café to the ground floor with residential accommodation above. Its significance rests primarily with its historical and architectural interest. The Council has raised no concerns on the effect of the appeal scheme on the setting and significance of this listed building and from my own observations, I have come to the same conclusion.
23. To conclude, the proposed development would preserve the character and appearance of the OCA as well as result in no harm to the significance of the host building, a NDHA. It would accord with ACS Policy CS17 and SAMDev Plan Policy MD13, which stipulate that proposals should avoid harm or loss of significance to designated or non-designated heritage assets.

Other Matters

24. Objections have been received from local residents and Oswestry Town Council, raising a range of concerns in addition to those already considered under the main issues.
25. The Council's officer report addresses these concerns and include relevant technical consultee responses. Based on the information before me, I have no compelling reason to reach a different view on those matters.
26. It has also been brought to my attention that a matter has been reported to the Information Commissioner's Office. This is a matter between the relevant parties and is not within my jurisdiction. I have had regard solely to the planning merits of the proposed development.

Conditions

27. I have considered that conditions suggested by the Council in light of the National Planning Policy Framework and the Planning Policy Guidance. Where appropriate, the wording from that proposed by the Council has been amended for clarity.
28. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans as this provides certainty.
29. I have attached conditions relating to no more than 22 persons residing at the appeal property at any one time, a Parking Management Strategy as well as the provision of cycle and refuse storage, in the interests of living conditions and highway safety.
30. As the proposed development is for a large HMO, the Council's suggested condition to remove permitted development rights relating to development within the curtilage of a dwellinghouse is not necessary.

Conclusion

31. For the reasons given above, the appeal is allowed, subject to the conditions set out below.

P Barton

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos. PL-001 Location Plan, PL-002 Block Plan, PL-004 Rev. A Proposed Ground Floor and Cellar, PL-005 Rev. A Proposed First Floor, PL-006 Rev A Proposed Second Floor, and PL-007 Proposed Elevations.
- 3) 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.
- 4) 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.
- 5) Prior to the first occupation of the development hereby permitted, details and specification for the cycle and bin storage in the areas indicated on the approved plans shall be submitted to and approved in writing by the local planning authority. The approved details and specification shall be implemented in full prior to first occupation and shall be retained and available for use for the lifetime of the development.

****END OF SCHEDULE****