



Appeal Decision

Site visit made on 02 September 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal Ref: APP/C3240/W/25/3367604

93 Watling Street, Wellington, Telford, Telford and Wrekin TF1 2NJ

- 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 and Mrs Kudhail against the decision of Telford and Wrekin Council.
 - The application Ref is TWC/2025/0174.
 - The development proposed is erection of two storey rear extensions, external alterations and change of use from single family dwelling (c3 use class) to 12 bedroom HMO (sui generis use class) for up to 12 occupants
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Decision

1. The appeal is allowed and planning permission is granted for erection of two storey rear extensions, external alterations and change of use from single family dwelling (c3 use class) to 12 bedroom HMO (sui generis use class) for up to 12 occupants at 93 Watling Street, Telford, Telford and Wrekin TF1 2NJ in accordance with the terms of the application, Ref TWC/2025/0174, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made against Telford and Wrekin Council by Mr and Mrs Kudhail. This application is the subject of a separate decision.

Preliminary Matters

3. A Preliminary Roost Assessment Report (May 2025) (PRAR) has been submitted with the appeal. This does not represent an amendment to the proposal. The Council has been given the opportunity to comment on this document. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to it in my decision.
4. The Council refers to policies in the Emerging Local Plan (ELP) in their decision notice. The National Planning Policy Framework (the Framework) sets out that weight may be given to policies in emerging plans according to its stage of preparation and subject to the extent of unresolved objections and degree of consistency with the Framework. There is no substantive evidence before me which allows me to make this judgement. Therefore, I give the policies in the ELP limited weight as a material consideration.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area;

- The effect of the proposal on highway safety;
- The effect of the proposal on protected species; and
- Whether the proposal makes adequate provision for Biodiversity Net Gain (BNG).

Reasons

Character and appearance

6. The site comprises a large 2-storey detached dwelling which is enclosed by a brick wall. The dwelling has 4 bedrooms and occupies a substantial plot on Watling Street in an area with a mixed character. I observed at my site visit that there was a steady flow of traffic on Watling Street, which is on a bus route, and ambient traffic noise was appreciable from the site. The proposal is for a change of use of the property to a House in Multiple Occupation (HMO). The proposal seeks to provide 12 bedrooms, 4 on the ground floor and 8 on the first floor, each provided with an en-suite shower room. 2 communal kitchen/ living rooms are proposed to the ground floor. Extensions to the property are proposed to facilitate the conversion.
7. Future occupiers would be provided with bedrooms of adequate size, satisfactory communal living facilities and access to a large garden. Whilst the use of the building by 12 unrelated individuals would result in an increase in activities associated with the occupiers, given the site's location on a busy road, comings and goings would not be easily discernible in this context. Additional bins stored within the garden would be screened from the street scene by the boundary wall. Given the scale of the building and the plot it occupies and its separation from neighbouring buildings there is no evidence that the intensification of the use of the site would be discernible from, or harmful to the amenity of, the surrounding area.
8. I conclude that the proposal would not have an unacceptable impact on the character and appearance of the area. I therefore find no conflict with Policy BE1 of the Telford & Wrekin Local Plan (2018) (LP) which requires that development respects and responds positively to its context.

Highway network

9. The site is in a highly accessible location in relation to shops and other facilities and is on a bus route close to the nearest bus stop. Given this, occupants of the HMO would have a range of transport modes available to them. Provision for cycle storage within the site would further encourage sustainable modes of travel. This would likely lessen reliance on the private car and so therefore car parking.
10. The parking courtyard would provide 2 parking spaces for occupiers of the HMO. The Council set out that this represents a shortfall of 4 car parking spaces, and, given the limited size of the parking courtyard, would result in the reversing of vehicles onto Watling Street, with knock-on implications for highway safety. However, there is no compelling evidence before me that the parking area could not be managed to ensure no more than 2 vehicles are parked within the courtyard at a time. I am satisfied that this could be secured by condition. This view is supported by the Highway Authority. Given the highly accessible location of the site and the parking restrictions in place in the surrounding area, there is no evidence that the parking provision would be inadequate or that the parking arrangement would result in vehicles impeding the free flow of traffic on Watling Street, obstructing the footway or compromising highway and pedestrian safety.

11. I conclude that the proposal would not have a significant adverse effect on highway safety. I therefore find no conflict with LP policies C5 and BE1 which require that the location, quantity and quality of car parking should reflect the density, nature, character and context of the development and its intended usage and relationship with the surrounding area including any foreseeable parking issues.

Protected species

12. The submitted PRAR sets out that the appeal property had no evidence of bat presence, roost features/ bat access points and negligible overall roost suitability and that no further survey work is considered necessary prior to works commencing. There is no indication that the PRAR wasn't carried out in accordance with best practice guidelines, that it did not comprise a robust survey or that protected species would be adversely affected by the proposal.
13. In light of the above, I am satisfied that the proposal would not result in an adverse impact upon protected species. I therefore find no conflict with LP Policy NE1 which states that protected species will be afforded the highest level of protection.

BNG

14. BNG is required under Schedule 7A of the Town and Country Planning Act 1990 (the act) which sets out an objective for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. The Planning Practice Guidance (PPG) sets out that there are exemptions from BNG for certain types of development. One such exemption is 'de minimis development'- development that does not impact a priority habitat and impacts less than 25m² of onsite habitat.
15. There is no indication that the development would impact a priority habitat. The appellant sets out that the development comprises extensions totalling 24.8m². Even if it is the case that there has been a clearance of vegetation on the site prior to the submission of the planning application, the onsite habitat to be lost would still fall below 25m² and thus falls under the 'de minimis exemption'. Given this, the proposal would be exempt from the BNG requirements under the act.
16. Given the above, I find that the proposal would make adequate provision for BNG. Therefore, I find no conflict with LP policy NE1 which states that the Council will seek positive improvements to the quality of the natural environment through sustainable development which will result in net gains for biodiversity across the borough.

Other Matters

17. The Council raised no objection to the proposal on drainage or flooding grounds subject to the implementation of the drainage mitigation strategy set down in the Flood Risk Assessment (FRA). Based on the information before me I see no reason to take a differing view.

Conditions

18. The Council has suggested conditions, some of which I have amended for the sake of clarity and precision. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty.

19. In the interest of the character and appearance of the appeal property and the surrounding area, conditions are necessary to control the external materials of the development and hard and soft landscaping. A condition relating to the HMO Management plan and the maximum occupancy of the property are necessary in the interests of amenity and living conditions.
20. Conditions relating to the approval of an on-site car parking management scheme and construction management plan are required in the interests of highway safety. A condition requiring the provision of cycle parking is necessary to ensure that provision is made to encourage the use of sustainable modes of travel.
21. A condition requiring the implementation of the mitigation measures set down in the FRA is necessary in the interests of flood protection. A condition requiring that the development is carried out in accordance with the submitted Preliminary Roost Assessment Report is necessary in the interests of protected species.
22. I have omitted suggested conditions requiring the submission of an Ecological Mitigation Strategy and Method Statement, Habitat Monitoring and Management Plan, external lighting control and the installation of artificial wildlife features as there is no compelling evidence before me that these conditions are necessary to render the development acceptable.

Conclusion

23. For the reasons given above the appeal should be allowed.

N Robinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1.) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2.) The development hereby permitted shall be carried out in accordance with the following approved plans: 241 50, 241 55, 241 56, 241 57, 241 58, 241 59.
- 3.) The House in Multiple Occupation hereby approved shall be occupied by a maximum of 12 persons at any one time.
- 4.) The development hereby approved shall be carried out using the materials detailed in the application form and approved plans.
- 5.) The development hereby approved shall be carried out in accordance with the measures set out in the submitted HMO Management Plan.
- 6.) The development hereby approved shall be carried out in accordance with the recommendations set out in the Preliminary Roost Assessment Report Version 2 (27 May 2025, Biome Consulting Limited).
- 7.) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:

- i. Location of site compound;
- ii. Parking of vehicles of site personnel, operatives and visitors;
- iii. Loading and unloading of plant and materials;
- iv. Storage of plant and materials in constructing the development;
- v. Storage of oil, fuel and chemicals;
- vi. Measures for the prevention of mud being deposited on the highway;
- vii. Measures for the control of construction traffic within the site and on the surrounding highway network.

The agreed details shall be complied with at all times during construction work.

- 8.) Prior to the first occupation of the development hereby approved, an On-Site Parking Management Scheme Plan detailing how car parking will be managed and controlled for the 2 on-site parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 9.) Prior to the first occupation of the development hereby approved, secure, waterproof cycle storage for 12 bicycles shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall thereafter be maintained.
- 10.) The mitigation measures detailed in the submitted Flood Risk Assessment shall be carried out in full prior to the first occupation of the development hereby approved.
- 11.) Prior to the first occupation of the development hereby approved, details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in the first available planting season following first occupation. Any trees or plants that within a period of 5 years after planting, are removed, die or become in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of a similar species, size and number by the end of the first available planting season.

END OF SCHEDULE OF CONDITIONS