



Appeal Decision

Site visit made on 22 May 2019

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/W4325/W/19/3222950

Old Post Office Hotel, 95 Argyle Street, Birkenhead, Merseyside CH41 6JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Norman Baker against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/18/00612, dated 2 May 2018, was refused by notice dated 3 January 2019.
 - The development proposed is proposed alterations to ground floor 'Dance School' to form 3 No apartments (2 No 1 bed 1 No 2 bed).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Norman Baker against Wirral Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issue

3. I consider that the main issue is the effect of the proposal on the vitality and viability of Birkenhead Town Centre.

Reasons

4. The appeal site is within a primarily commercial area and UDP¹ Policy SH6 sets out criteria for uses that will be permitted in such an area (for example, A1, A2, A3, B1 and D1²). The policy is silent on proposals for residential development although the Council has taken the view that the omission of residential from the acceptable uses is indicative of the intention to resist residential use in primarily commercial areas. The National Planning Policy Framework³ indicates that prior to updating their development plan, local planning authorities should be supportive of alternative uses where it considers

¹ Wirral Unitary Development Plan (including minerals and waste policies) Written Statement Adopted February 2000.

² Town and Country Planning (use Classes) Order 1987.

³ Ministry of Housing, Communities & Local Government National Planning Policy Framework, July 2018 (the Framework).

that there is no reasonable prospect of an application coming forward for the use allocated. This is to reflect changes in the demand for land⁴.

5. The appeal site is a substantial detached property, outside the shopping area of Birkenhead Town Centre but within a commercial area. Although there are upper floor flats, and upper floor residential accommodation would not be out of place in this area, the prevailing character of the area is that of a commercial one. The appellant has provided some information about marketing the site which indicates that there is not a demand for a commercial use although the Council, and I agree, consider that this is somewhat sparse.
6. Whilst the Council has not referred to any particular policy requirement for a marketing exercise, I consider that this is not an unusual way to explore potential future uses. However, although the marketing information is insufficient to be conclusive about the future potential of this site, I am mindful that it is within an allocated primarily commercial area. The appeal site itself has a history of commercial uses at ground floor level and I am unconvinced that, given this development plan designation, a non commercial use is appropriate.
7. I consider that the proposal represents an erosion of a commercial use which cumulatively could harm the vitality and viability of Birkenhead Town Centre. The existing building is also a fairly imposing and prominent building on this main road and although it may be in need of some refurbishment, I consider that its potential for a commercial use should remain.
8. I have taken all other matters into consideration but none alter my conclusion I conclude that the proposal would have a harmful effect on the vitality and viability of the Town Centre in conflict with the objectives of UDP Policy SH6 and the Framework. The appeal is therefore dismissed.

J D Clark

INSPECTOR

⁴ Paragraph 120 of the Ministry of Housing, Communities & Local Government National Planning Policy Framework, July 2018 (the Framework).