



Appeal Decision

Site Visit made on 9 February 2021

by L Nurser BA(Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2021

Appeal Ref: APP/W4325/W/20/3263643

29 Bebington Road, New Ferry, CH62 5BE

- 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 Steve Hodgins against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/20/00865, dated 29 June 2020, was refused by notice dated 24 September 2020.
 - The development proposed is the change of use of the retail unit at the front of the building to a domestic flat.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the retail unit at the front of the building to a domestic flat at 29 Bebington Road, New Ferry, CH62 5BE in accordance with the terms of the application, Ref APP/20/00865, dated 26 June 2020, subject to the following 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 the following approved plans all dated 16 June 2020: site location plan; proposed block site plan; proposed ground floor; existing and proposed rear elevations; existing and proposed side elevations; existing and proposed front elevations; existing and proposed first floor plans.

Preliminary Matters

2. I am familiar with the detailed planning history of the site, including a nearby gas explosion in 2017, which I understand has resulted in increased vacancy levels of commercial properties within the defined Key Town Centre.
3. I have been referred to a conflict with policies within the emerging development plan for Wirral. However, it is not clear how far advanced the plan making is, and whether there are any unresolved objections to the proposed policies, nor indeed, have I been furnished with any copies of the relevant emerging policies. Therefore, in accordance with paragraph 48 of the Framework, I have accorded little weight to the emerging policy position as set out by the Council.
4. Similarly, whilst reference has been made to a Masterplan for the area, I have been provided with no details of this, nor the New Ferry Regeneration proposal document, which I understand to have been subject to public consultation.
5. The appeal site is a small retail unit. At the time of my site visit, security shutters were pulled down over the ground floor front elevation. However, I

understand that the works to the front elevation, which is of a domestic appearance, benefit from planning permission.

Main Issue

6. The main issue in this case is the effect of the proposed development on the vitality and viability of the New Ferry Key Town Centre.

Reasons

7. At the time of my site visit, which took place during the Covid 19 pandemic, I noted that a number of retail units were trading within the pedestrianised shopping centre, including a butcher's opposite, and a hardware store. Nonetheless, the Council states that there are a significant number of vacant retail units, which is consistent with what I saw.
8. Other than the unit the subject of the appeal, which is currently vacant, the rest of the property is in residential use. Nonetheless, the proposed development would be contrary to Saved Policy SH3 of the Wirral Unitary Development Plan adopted 2000, as it would result in the loss of a ground floor shop unit to residential use.
9. I have carefully considered the impact that the loss of the appeal site would have on the vitality and viability of the Key Town Centre. However, I note that there is no shortage of opportunities within the existing vacant units for commercial town centre uses to operate. Consequently, in this context, I conclude, given that most of the property is already in residential use and the remaining retail unit is small, taking into account the particular circumstances of the case, including the detailed site history, the impact to the vitality and viability of the Key Town Centre would be negligible. Consequently, I am confident that the proposed change of use would not undermine any future proposed investment and focussed regeneration efforts.
10. In the future, there may well be opportunities for the successful and viable introduction of commercial units within the Key Town Centre, in line with policy, and the emerging Masterplan to which I have been referred. However, I am not convinced from the evidence before me, that there is a reasonable prospect that this will take place in the unit which is the subject of the appeal before me.
11. Consequently, for the reasons set out above, I conclude the appeal proposal would not undermine the vitality and viability of the New Ferry Key Town Centre, and would therefore be consistent with Saved Policy SH1 of the UDP and the development plan as a whole.

Conditions

12. For the avoidance of doubt and in the interests of proper planning I attach a condition clarifying the plans approved.

Conclusion

13. For the reasons given I conclude that the appeal should succeed.

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INSPECTOR