



Appeal Decisions

Site visit made on 17 June 2025

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal A Ref: APP/M4320/W/25/3362642

Land between Merton Hotel and St Hughs House, Stanley Road, Bootle

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Parcu Ltd against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2024/01973 was approved on 22 January 2025 and planning permission was granted subject to conditions.
 - The development permitted is the continued use of the land as a car park Monday to Friday.
 - The condition in dispute is No.1 which states that: *The development hereby permitted shall cease, the portocabin shall be removed and the land reinstated to its original condition on or before 1 year following the date of this approval.*
 - The reason given for the condition is: *Due to the prominent position of the site in the Bootle Town Centre and in order to comply with Policy ED6 of the Local Plan and the aims of the Draft Bootle AAP.*
-

Appeal B Ref: APP/M4320/W/25/3362646

Land between Merton Hotel and St Hughs House, Stanley Road, Bootle

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Bootle Car Boot Sale against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2024/01972 was approved on 22 January 2025 and planning permission was granted subject to conditions.
 - The development permitted is the continuation of use of the land as a car boot sale venue on Sundays and occasional Bank Holiday Mondays
 - The condition in dispute is No.1 which states that: *The development hereby permitted shall cease, and the land reinstated to its original condition on or before 1 year following the date of this approval.*
 - The reason given for the condition is: *Due to the prominent position of the site in the Bootle Town Centre and in order to comply with Policy ED6 of the Local Plan and the aims of the Draft Bootle AAP.*
-

Decisions

Appeal A Ref: APP/M4320/W/25/3362642

1. The appeal is allowed and the planning permission Ref DC/2024/01973 for the continued use of the land as a car park Monday to Friday at Land between Merton Hotel and St Hughs House, Stanley Road, Bootle, granted on 22 January 2025 by Sefton Metropolitan Borough Council, is varied by deleting condition No.1 and substituting it for the following condition:

- 1) The development hereby permitted shall cease, the portacabin shall be removed and the land reinstated to its original condition on or before 3 years following the date of this approval.

Appeal B Ref: APP/M4320/W/25/3362646

2. The appeal is allowed and the planning permission Ref DC/2024/01972 for the continuation of use of the land as a car boot sale venue on Sundays and occasional Bank Holiday Mondays at Land between Merton Hotel and St Hughs House, Stanley Road, Bootle, granted on 22 January 2025 by Sefton Metropolitan Borough Council, is varied by deleting condition No.1 and substituting it for the following condition:
 - 1) The development hereby permitted shall cease, and the land reinstated to its original condition on or before 3 years following the date of this approval.

Procedural Matters

3. As set out above there are two appeals on this site. The appeals relate to the continued use of the land, for temporary periods of time, and the main issues are similar for both. For clarity I have referred to each appeal separately where this is necessary, and I have considered each proposal on its individual merits. However, given the similarities in the main issues, and to avoid duplication, I have dealt with the two schemes together.
4. The appeal forms for both appeals include a post code which appears to be incorrect. Therefore, I have taken the address from that which is detailed in the decision notices of the Council. This is because they more accurately identify the location of the site.

Background and Main Issue

5. In Appeal A, condition 1 restricts the use of the land as a car park for a temporary period of one year. Similarly, in Appeal B, condition 1 restricts the use of the land for car boot sales on Sundays and Bank Holiday Mondays for a temporary period of one year. Both conditions are attached for the same reason.
6. In Appeal B, the appellant has suggested a temporary permission of between 2 and 5 years. In Appeal A, the appellant has not suggested an alternative time frame, but have highlighted that in the past, they have been granted temporary consent for 5 years.
7. Having regard to the reasons for the conditions, the main issue in both appeals is the effect of varying the conditions on the regeneration objectives for the area.

Reasons

8. The appeal site is an open and hard surfaced area of land which is laid out as a surface level car park. At the time of my site visit, the car park was well used, although it did not appear to be close to capacity. The site has a long frontage with Stanley Road (the A567), which is one of the main vehicular routes through Bootle. This part of Stanley Road is lined with trees and low-level planters which creates a

landscaped frontage to the site. Access to the land is via Trinity Road where a small portacabin is located adjacent to the access road. To one side of the site is the vacant Merton Inn, which is a three-storey building prominently located at the junction of Merton Road and Stanley Road. To the other side is St Hughs House, which is a large 6-storey office building positioned at the junction of Stanley Road and Trinity Road. While there is some mix of uses in the surrounding area, the predominant use appears to be offices. The appeal site, due to its size, occupies a prominent position along Stanley Road.

9. Condition 1, in both appeals, cite Policy ED6 of A Local Plan for Sefton (2017) (the LPfS) as a reason for their imposition. Policy ED6 states that the Council is committed to regeneration in Bootle. This is to be achieved through the redevelopment of derelict and vacant land and buildings, and the regeneration of the Bootle Central Area. This includes *“the development of new buildings of an appropriate scale and mass on the Stanley Road frontage”*¹.
10. The Council also rely on Policy ED4 of the LPfS. ED4 is a policy which relates to “mixed use areas” which includes the Bootle Commercial Area. The site is located within this commercial area. Policy ED4 identifies a number of uses which are suitable for the area, including office, light industry, health, education, civic and community facilities, and other uses that are compatible with the character of the area.
11. It is understood that the emerging Bootle Area Action Plan (eBAAP) is at an advanced stage of preparation. The eBAAP, at 1.1, confirms that it will be a planning policy document which will inform how decisions will be made in the area, covering the period to 2040. Due to its advanced stage, I can give some weight to the content of the eBAAP, although at this time I cannot afford it full weight. The eBAAP identifies the appeal site as the “Former St John’s House (site of)” and that it is located within the Bootle “Office Quarter”. Emerging Policy BAAP5 identifies the site as being suitable for redevelopment for one or more of a number of specified uses².
12. The sub-text to BAAP5 identifies how the policy would be delivered and states that a masterplan will be prepared for the wider area³ to inform how the area could be developed. The Council indicate that a masterplan for the area is likely to be finished by the end of summer 2025⁴.
13. The emerging BAAP5, at criteria 9, also states that proposals that would result in *“the loss of parking spaces in this area will only be acceptable if they are supported by a local assessment that demonstrates there would be no unacceptable harm as a result”*. The Council have indicated that they are working on a car parking study for Bootle Town Centre. They also acknowledge that the redevelopment of the car park would not be allowed until a time that such evidence is available⁵.
14. The evidence before me indicates that the Council has a clear commitment towards the regeneration of the area, which includes the redevelopment of vacant sites.

¹ Criteria 1.a.vi.

² Criteria 5

³ Paragraph 5.67

⁴ Paragraph 2.6 of Council’s Statement of Case to 3362642 and 3362646

⁵ Paragraph 2.7 of Council’s Statement of Case to 3362642 and 3362646

While the appeal site is not currently vacant, it is clearly part and parcel of the overall regeneration strategy for this part of Bootle.

15. However, in meeting these regeneration aspirations the Council is reliant on a number of documents being produced. As I note above, it is evident that the eBAAP is at an advanced stage of preparation. However, I have not been provided with any clear time frames for me to be certain of its date of adoption. In any event, the most relevant policy of the eBAAP (BAAP5) appears to be reliant on a masterplan for the area also being produced to inform how the area could be developed. While there is a suggestion of when this may likely be prepared there is, again, no certainty of timescales. Finally, a parking assessment for Bootle Town Centre is also required. Again, it is not clear on when the results of this would be produced. More importantly, at this stage, it is unclear what the implications would be of any findings. This is particularly important in the context of Appeal A as a temporary car park.
16. With regard to Appeal A, the use of the land as a car park currently serves as parking for surrounding uses. This is a complementary use of land to the existing commercial activities in the area. Therefore, I consider that the use of the site as a car park to be compliant with Policy ED4 as a “compatible use” of land in the area.
17. With regard to Appeal B, the use of land as a site for car boot sales does not sit squarely with the list of uses set out in ED4. Nonetheless, it is understood that the site is vacant at the weekends when it is not in use as a car park. The site is large and is of sufficient size to accommodate an effective car boot sales venue, and there is nothing before me to suggest otherwise. A car boot sales use would bring with it social and economic benefits during the weekend at a time when the commercial functions of the surrounding area are likely to be quieter. Therefore, I have no reason to believe that this use is not compatible with the surrounding area during the weekend.
18. I consider that the continuation of these beneficial uses of the site, particularly in the shorter term, would not undermine the strategic regeneration objectives for the site and wider area. The Council have suggested that a temporary use for the site for one year, in the case for both Appeals, would be reasonable. However, it is nearly 6 months since the planning applications were granted and, at this time, the eBAAP has not been adopted, a masterplan has not been produced and the necessary parking assessments have not been completed.
19. Even if all those documents were finalised, I consider that it is highly unlikely that any proposal to redevelop the site would have been fully conceived and planning permission granted before the temporary consents expire. Therefore, once the temporary permissions expire, the site would simply become vacant and serve no beneficial use in this prominent location. Furthermore, I have not been presented with any reason why a temporary use for the site could not continue while alternative permanent plans for the site are being conceived, in discussion with the landowner. In addition, the continued use of land would not prevent a planning application coming forward.
20. I accept that the Council may wish to monitor the progress of matters in the short term. However, for the reasons set out above, I consider that such short temporary periods, on both appeals, would appear to be unreasonably restrictive. With regard

to Appeal A, I am also mindful of the potential knock-on implications that the loss of parking may have in the area.

21. On the contrary, a five-year temporary consent, as suggested by the appellant would appear to be a significant length of time given the progression of the BAAP and other accompanying documents. Therefore, I consider that it would be more reasonable to allow a three year temporary consent for both appeals. During this time it is more probable that future plans to redevelop the site would have advanced.
22. For the reasons set out above, the effect of varying condition 1, for Appeal A and Appeal B, would not have a harmful effect on the regeneration objectives for the area. Therefore, the developments accord with Policy ED4 of the LPfS which supports the delivery of uses which are compatible with the character of the area. Furthermore, I do not find that the developments do not undermine the objectives of Policy ED6 of the LPfS or the Policy BAAP5 of the eBAAP, which support the regeneration of the area.

Conditions and Conclusions

23. By allowing Appeal A, I am varying the original permission by removing condition 1 and I have imposed a revised condition as detailed in my formal decision. The original planning permission and this decision should therefore be read together.
24. By allowing Appeal B, I am varying the original permission by removing condition 1 and I am adding a revised condition as detailed in my formal decision. The original planning permission and this decision should therefore be read together.
25. For the reasons given above both Appeal A and Appeal B should be allowed.

D Cleary

INSPECTOR