



Appeal Decision

Site visit made on 17 June 2025

by **D Cleary MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 July 2025

Appeal Ref: APPW4325/W/25/3360026

120 Seaview Road, Liscard, Wirral CH45 4LD

- 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 Sean Corser of SC Design and Construction Ltd against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APP/24/00009.
 - The development proposed is described as a ground floor renovation to convert dilapidated hairdressing shop into a one bedroom apartment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application, which is the subject of this appeal, was assessed and determined by the Council against the policies of the Wirral Unitary Development Plan (2000) (the UDP). On 31st March 2025 the Council formally adopted the Wirral Local Plan 2022-2040 (the WLP). The WLP replaces the UDP and, as such, it no longer forms part of the development plan for the area. Both main parties have been given the opportunity to comment on the WLP in regard of the appeal. I am satisfied that no party has been prejudiced by the change in development plan policy. I have therefore considered the appeal against the policies of the WLP as I am required to do.
3. On my site visit I observed that works to the property had commenced. This included the removal of signage, the addition of blockwork to the frontage of the property and the boarding up of openings. While works have commenced they are not complete. Therefore, I have considered the appeal based on the plans provided.

Background and Main Issues

4. The application was refused on one ground. However, the Council have advised that had the application been determined under the WLP then they would have required financial contributions towards open space and outdoor sports provision.
5. Therefore, the main issues are:
 - a) The effect of the development on the vitality and viability of the Liscard town centre; and,

- b) Whether the development would deliver an appropriate level of open space and outdoor sports provision.

Reasons

Liscard Town Centre

6. The appeal relates to the ground floor of 120 Seaview Road. The premises is currently vacant but it is understood that it was last in use as a hairdressers. The appeal site is a mid-terraced building. Adjoining properties within the row of terrace include commercial uses at ground floor with flats above. The surrounding area is mixed in character generally comprising a mix of commercial and residential uses.
7. The proposed development seeks to convert the ground floor of the building to a one bedroom flat. The conversion would result in the loss of a main town centre use. The Council rely on criteria “J” of Policy WS11 of the WLP, which states that *“Proposals for non-main town centre uses at ground floor within retail or commercial frontages, will not normally be permitted unless: 1. active frontages are maintained and enhanced; and 2. the function of the centre and neighbouring uses would not be adversely affected”*. Criteria “K” indicates that residential uses will be directed to upper floors. Therefore, when assessed against WS11, a development within a town centre which introduces a residential use at ground floor level would not be acceptable unless it can be demonstrated that it satisfies sub-criteria 1. and 2.
8. WS11 criteria “C” confirms that the town centre for Liscard is as shown on the Policies Map. The Council have provided me with a copy of the Policies Map (the PM) and have indicated the location of the appeal premises in relation to it. The PM is clear in showing the extent of the designated Liscard town centre and its boundaries. The PM shows that part of Seaview Road lies within the centre, although it does not extend to the whole street. Along Seaview Road, the boundary of the town centre terminates at Burns Avenue. This lies to the south of the appeal site and the appeal site is shown to be falling outside of the designated centre. The PM is clear in showing this. Therefore, as the site does not lie within the town centre I consider that the appeal should not be assessed against Policy WS11. In these circumstances, the development would not result in the loss of a main town centre use within a designated centre and, to this end, it would not affect the vitality or viability of Liscard town centre.
9. However, the Policies Map *does* indicate that the site lies within the Liscard Regeneration Area. As such Policy RA9 of the WLP is relevant. RA9 states that, *“the Liscard Regeneration Area shown on the Policies Map will see the development of vacant and underutilised land and buildings for residential use to revitalise the Town Centre”*. Both the Appellant and the Council indicate that the premises has been unused for a number of years (citing 12 years and 10 years respectively). Regardless of which period of time is correct, it is evident that that the premises can reasonably be considered a vacant and underutilised building. The development would bring the premises back into beneficial use as a residential flat which is directly supported by RA9. Therefore, the development would support the objectives for regenerating the area.
10. For the reasons given above, the development would not have a harmful effect on the vitality and viability of Liscard town centre. As the site falls outside of the

designated Town Centre, as confirmed by the PM of the WLP, it would not conflict with Policy WS11. The development would accord with Policy RA9 of the WLP. This, amongst other things, supports the development of vacant or underutilised land and buildings for residential use.

Open Space and Outdoor Sports Provision

11. WLP Policy WD24 requires that new residential development contributes to the improvement and enhancement of open space. WD24 sets out the requirements for how this would be achieved and the standards which ought to be met. Improvements to open space provision will be delivered through a mix of on-site provision and/or financial contributions in lieu (where on site provision is not feasible). Criteria “G” of WD24 relates to Regeneration Areas and states that *“where appropriate on-site provision would not be achievable, alternative well-designed, high quality open space must be provided, which may include access to formal or informal areas for local recreation or play, water front access, tree lined streets, green roofs, access to community growing areas, bespoke approaches to community involvement in maintenance and improved access to appropriate strategic provision”*.
12. In addition, WD24 confirms that new residential development should also make provision for outdoor sports and recreation. This, again, would be achieved through delivery on-site or, where not feasible, by a financial contribution in lieu.
13. The justification to the policy¹ is clear that the policy requirements relate to all development where there is a net increase in dwellings. The appeal proposals would result in a net increase of one dwelling and, therefore, WD24 is applicable. Clearly, a development of this scale and nature could not deliver the required provision for open space or outdoor sports on-site. Furthermore, it could not deliver the list of open space improvements for a Regeneration Area, as suggested by criteria “G”. Therefore, financial contributions in lieu are necessary as indicated by the Council. I am satisfied that the level of financial contributions sought² are reasonable and proportionate to the development proposed, and also that these are also justified by appropriate evidence.
14. I have not been presented with any evidence that the financial contributions have been paid directly to the Council, or that there is an acceptable legal agreement in place which would deliver the required financial contributions after a decision is made. Furthermore, there is no mechanism available to me to ensure that the financial contributions are paid via a planning condition. Therefore, in the absence of a legal agreement to support the appeal, or any other mechanism available to secure the required financial contributions, the development could not deliver the necessary open space or outdoor sports provision.
15. For the above reasons, in the absence of secured financial contributions in lieu, the development would fail to deliver an appropriate level of open space and outdoor sports provision. Therefore, the development conflicts with Policy WD24 of the WLP, which requires development to provide improved and enhanced open space and appropriate facilities for outdoor sport and recreation.

¹ Paragraph 6.140

² £1951 towards the provision of Open Space and £239.12 towards the provision of Outdoor Sports

Other Matters

16. The Council have suggested that the development should comply with nationally described space standards as required by policy WD23 of the WLP. I note that in assessing the planning application the Council were satisfied that the development met these standards³. Therefore, there is nothing before me to suggest that these standards would not be met.
17. The Council have also indicated that the development ought to comply with Part M4(2) of Building Regulations, as required by policy WD23. However, I note that this standard relates to new build dwellings rather than conversions. Therefore, I do not consider that this is required in this instance. Similarly, the energy hierarchy required by WS8 relates to new buildings and does not appear to be relevant to the appeal. Finally, I am satisfied that the delivery of communications infrastructure, as required by policy WS10, could be secured via condition if I were minded to allow the appeal.

Conclusion

18. For the reasons given above the appeal should be dismissed.

D Cleary

INSPECTOR

³ Paragraph 8.4.2 of the