



Appeal Decision

Site visit made on 28 August 2025

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 October 2025

Appeal Ref: APP/W4325/W/25/3365149

508 Leasowe Road, Leasowe, Wirral, CH46 2RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Tony Smith against the decision of Wirral Metropolitan Borough Council.
 - The application reference is PIP/25/00243.
 - The development proposed is Erection of one dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second, Technical Details Consent (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application, if permission in principle is granted. I have determined the appeal accordingly.
4. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, the application form does not specify a minimum or maximum. The description of development specifies only one dwelling and I have proceeded on this basis.
5. The Wirral Local Plan 2022 – 2040, (LP), was adopted in March 2025. It replaces the Wirral Unitary Development Plan (Including Minerals and Waste Policies), February 2000, (UDP). The Council's reasons for refusal referred to saved policies of the UDP, as well as relevant policies of the emerging LP. It is mandatory for me to take account of the most relevant and up to date information in reaching my decision. I have therefore assessed the appeal against the relevant policies in the LP. The appeal submissions postdate the adoption of the LP and so the main parties have had the opportunity to comment on this change. As such, I am satisfied that no parties would be prejudiced by this approach.

6. Since the main parties provided their Statements of Case, revised PPG has been published in relation to flood risk. Both main parties have had an opportunity to comment on the revised PPG and so have not been prejudiced by this change. I have thus had regard to the latest version of the PPG in determining this appeal.

Main Issues

7. The main issues are whether the location, the proposed land use and the amount of development is suitable, having regard to:
- local and national flood risk policy;
 - whether the proposal would constitute inappropriate development in the Green Belt, considering the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and
 - if relevant, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Flood Risk

8. LP policy WS1 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, while LP policy WD4 states that development must be located in areas at lowest risk of flooding from all sources, unless the sequential test, and where appropriate the exception test, set out in national policy have been passed.
9. Paragraph 173 of the Framework requires that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding. Paragraph 174 of the Framework confirms that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower flood risk. Paragraph 175 of the Framework confirms that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).
10. The appeal site comprises flood zones 1, 2 and 3, according to the Environment Agency's (EA) updated flood risk mapping, provided by the appellant. The proposal is for permission in principle and so no detailed drawings showing the layout of the development are provided at this stage. The appellant accepts that not all of the built form of the proposal could be located within flood zone 1, land with the lowest probability of flooding.
11. An indicative location for the proposed dwelling has been provided, which suggests that the footprint of the dwelling itself could avoid flood zone 3, land with the highest probability of flooding, but not flood zone 2, land with a medium

probability of flooding. No information has been provided as to the location of the proposed site access, albeit the site is small and practically, this would have to extend from Leasowe Road. It is unclear from the mapping provided whether the access would avoid flood zone 3, but it would not avoid flood zone 2. As such, with regards to paragraph 175 of the Framework, it has not been demonstrated that no built development within the site boundary would be located on an area that would be at risk of flooding from any source.

12. A site-specific Flood Risk Assessment (FRA) has been provided with the appeal, which considers design and mitigation, as well as location. The updated PPG advises that in applying paragraph 175 of the Framework, a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by EA flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied¹.
13. The FRA identifies that flood risk at the appeal sites relates particularly to tidal flooding. As the exemption to undertaking the sequential test provided within the above paragraph of the PPG relates only to surface water flood risk, the appeal scheme does not benefit from this exemption. As such, having considered both the Framework and the PPG, the appeal scheme is subject to the sequential test.
14. Whether the proposal passes the sequential test is a disputed matter. As the proposal is for a single dwelling, the PPG advises that 'it would not usually be appropriate for the area of search to extend beyond the specific area of a town or city in which the proposal is located, or beyond an individual village and its immediate neighbouring settlements'. It goes on to state that 'where there are large areas in Flood Zones 2 and 3 (e.g. coastal towns and settlements on major rivers) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives'.²
15. A document titled Sequential and Exception Statement (SET) has been provided. This document considers that an appropriate area of search for reasonably available sites appropriate for the proposed development would be Leasowe, based in part on the modest scale of the development. EA flood risk mapping is provided for the Leasowe area, which shows that large areas of the settlement are within flood zone 3. The SET suggests that only the area to the north of Leasowe Road is not within flood zones 2 or 3, and that the majority of this area is Leasowe golf course, where, it is suggested, development for housing would be contrary to policies protecting open space and the Green Belt.
16. The proposal is for a single dwelling within Leasowe, one of many residential areas that extend west across the Wirral from Birkenhead. Leasowe comprises the specific area of the appeal site in the context of this larger urban conurbation. Given the updated advice contained within the PPG, the search area applied seems reasonable. While the Council has suggested that nearby 'settlements areas' 1 (Wallasey) and 5 (Leasowe, Moreton, Upton, Greasby and Woodchurch) should have been considered, I am not convinced from the information provided to support this view, that this is necessary.

¹ Paragraph: 027 Reference ID: 7-027-20220825

² Paragraph: 027a Reference ID: 7-027a-20220825

17. However, the SET does not physically define the extent of the search area that has been applied to Leasowe, nor does it list any specific sites within this area that have been considered as possible alternatives, or reasons for discounting such sites. From the available evidence, it is not possible for me to concur with the appellant's claim that only the area to the north of Leasowe Road is not within flood zones 2 or 3. The EA flooding maps provided indicate that there are pockets of land to the south of Leasowe Road within flood zone 1, which would be sequentially preferable to the appeal site in flood risk terms. However, I have not been provided with any detailed explanation as to why these areas would not be suitable for the proposal.
18. Nor have I been provided with any details relating to the extent of Leasowe golf course, in order to understand how this might restrict the availability of reasonably available sites to the north of Leasowe Road. While the available evidence does show that much of the land to the north of Leasowe Road is designated Green Belt, the appeal site is also within the Green Belt, and so further explanation is necessary to explain why this designation would restrict consideration of other sites to the north of Leasowe Road, but not the appeal site itself. The available evidence suggests that some land to the north of Leasowe Road is at the lowest risk of flooding, and so it would be sequentially preferable to the appeal site in terms of flood risk.
19. While the Council acknowledges that much of the land in Leasowe may be unsuitable for housing and has not suggested any alternatives in this area, for the reasons set out above, I find that the information provided within the SET has not robustly demonstrated that there are no reasonably available sites that would be sequentially preferable to the appeal site in terms of flood risk.
20. There is also dispute between the parties as to whether the exception test applies in this case. The Framework advises that if it is not possible for development to be located in areas with a lower risk of flooding, having applied the sequential test, the exception test may have to be applied. The exception test includes consideration of whether the development will be safe for its lifetime, without increasing flood risk elsewhere. The submitted FRA seeks to consider such matters. However, for the above reasons, I have found that the sequential test has not been passed. The sequential test must be passed before the exception test can be applied. As such, it is not necessary for me to go on and consider whether the exception test is applicable, or it is has been passed in the circumstances of this case.
21. To conclude on this first main issue, it has not been demonstrated that the appeal site represents an appropriate location for the proposed development having regard to local and national flood risk policy. The proposed development conflicts with LP policies WS1 and WD4, as well as the Framework in relation to flood risk, the requirements of which have been set out above.

Whether Inappropriate Development

22. The appeal site comprises fenced land with a gated access from Leasowe Road. There are no buildings on site. The ground covering includes exposed areas of earth containing crushed materials, grass, and vegetation, with some stone slabs. Housing extends to the east, north and northwest of the appeal site, and to the south, on the opposite side of Leasowe Road. Land to the immediate west

contains an access and front garden of the dwelling immediately to the north, with a wooded area fronting the road further west.

23. The appeal site lies within the Green Belt. LP policy WS1 states that national policy for the Green Belt will apply in the determination of relevant proposals. While the Council's second reason for refusal also references LP policies WS6 and WS7, these two policies set out the principles of placemaking and design, and I have not found them to be determinative in relation to this main issue.
24. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
25. Paragraph 154 of the Framework sets out that development in the Green Belt should be regarded as inappropriate, other than in a number of exceptions. Paragraph 155 of the Framework states that the development of homes on grey belt land should not be regarded as inappropriate, if specific criteria are met. There is dispute between the main parties as to whether the development would be inappropriate development or not, when considered against exceptions e) and g) of paragraph 154, and paragraph 155.
26. Exception e) allows for limited infilling in villages. The appellant accepts that the appeal site would not be within a village. From the available evidence, I have no reason to disagree and so the proposal does not benefit from this exception. Even if it were within a village, land to the west of the appeal site where it abuts Leasowe Road contains the garden and driveway of the dwelling to the north, with a wooded area further west. Therefore, this frontage to the west is not built up and the proposal would not fill a gap. As such, even though the proposal would not result in ribbon development, it would not comprise infill within a village and so it does not benefit from exception e).
27. Exception g) allows limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt. The main parties dispute whether the site comprises PDL, as well as the extent to which the proposal would harm Green Belt openness.
28. The Framework definition of PDL is 'land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed'. The definition details a number of exclusions, including 'land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'.
29. The appellant states that the appeal site is used informally for car and caravan storage. It is unclear from the evidence presented whether this is a lawful use of the land. The Council refers to the premises as vacant and no planning history is recorded in the Officer Report.

30. Historic mapping from the National Library of Scotland dated 1960 is provided, which shows that the site historically contained a dwelling. It is unclear when this dwelling was demolished. There are exposed areas of ground within the site containing debris that resembles crushed building materials, as well as some stone slabs. However, from the information before me and from my own observations, it was not apparent that the site contained any remains of the former dwelling or any associated infrastructure. It appears that any permanent structure that may have occupied the site historically, or any fixed surface structures associated with it, have blended into the landscape.
31. While there is a dropped kerb to part of the site frontage, this appears to form part of the highway and not the appeal site itself. It extends across part of the frontage to 506 Leasowe Road also, providing access to this neighbouring dwelling. Its presence does not alter my findings that within the site, the remains of any permanent structure or fixed surface structures have blended into the landscape.
32. As such, I am unable to conclude that the site comprises PDL and so the proposal cannot benefit from exception g) of paragraph 154 of the Framework. Therefore, I have not gone on to consider the further test of exception g), which is whether the proposal would cause substantial harm to the openness of the Green Belt. However, I return to the matter of openness later in my decision.
33. Turning to paragraph 155 of the Framework, while I have concluded on the available evidence that the site is not PDL, it is 'other land'. There is no suggestion that the appeal site prevents neighbouring towns merging into one another, or that it preserves the setting and special character of historic towns, and I have no reason to disagree.
34. The appeal site lies at the edge of what appears to be a large built-up area, and the submissions do not provide evidence that convinces me otherwise. The site itself does not contain any buildings, albeit it is enclosed by perimeter fencing. It is contained to the north and east by residential development, while the access and garden of the dwelling to the north, wraps around the site to the west. The existing development surrounding the appeal site provides a sense of containment to it, to which the wooded area to the west also contributes. Given this level of containment, the appeal site does not make a strong contribution to checking the unrestricted sprawl of a large built-up area.
35. However, the Framework's definition of grey belt excludes land where the application of those policies relating to the areas or assets in footnote 7 of the Framework (other than Green Belt), would provide a strong reason for refusing or restricting development. Footnote 7 includes areas at risk of flooding and for the reasons set out above, the application of policies relating to areas at risk of flooding within the Framework provide a strong reason for refusing this development. Consequently, the appeal site does not meet the definition of grey belt land, and so the proposed development would not utilise grey belt land. The proposal therefore fails to meet this gateway test of criteria a) of paragraph 155 of the Framework, and it is not necessary for me to go on and consider the other criteria of paragraph 155.
36. To conclude on this second main issue, the proposal would not meet exceptions e) or g) of paragraph 154, or the requirements of paragraph 155, of the Framework, and so it would be inappropriate development in the Green Belt.

Openness

37. As the proposal seeks permission in principle, no details have been provided relating to the scale, layout or design of the dwelling proposed, or any associated details of access and landscaping. While the site is fenced, it is presently free from any buildings. The construction of a dwelling, even a small one, or one limited in height to single storey only, would introduce a quantum of built form at the site, as well as car parking and domestic paraphernalia, that would have a greater spatial and visual impact on the openness of the site itself, over and above the present situation.
38. Nevertheless, the appeal site benefits from a high degree of containment. When viewed from Leasowe Road, the built form of existing housing to the east and north of the site's perimeter is clearly visible across the site. At the TDC stage it would be possible to secure the provision of a dwelling which related well to the height and size of these existing dwellings. In these circumstances, any harmful impact on the openness of the Green Belt as a whole, would be modest.

Other Considerations

39. The appellant refers to the site as derelict and overgrown, and indicates that it has been subject to littering and the dumping of waste. As the site is contained by high fencing, public views are largely restricted to this boundary treatment. An alternative use of the site could provide an improved appearance and deter littering. However, it has not been demonstrated that the proposed development is the only means by which such benefits could be achieved.
40. The proposal would provide for an additional dwelling in an accessible location, which would make a positive contribution to the Government's objective of significantly boosting the supply of homes, as well as contributing to the Council's housing land supply. Following adoption of the LP, the Council indicates that the provision of a dwelling would be subject to financial obligations towards open space provision and outdoor sports, which could deliver wider social and environmental benefits. Given the small scale of the development, the weight to be attached to these benefits is modest.

Other Matters

41. My attention has been drawn to a proposal at Copthorne³ which was allowed on appeal, and which required an assessment against paragraph 155 of the Framework. However, this decision did not involve flood risk as an issue. I have determined this proposal against paragraph 155 of the Framework, based on the individual circumstances of this case.
42. My attention has also been drawn to proposals at Stanmore⁴ and Monkokehampston⁵, also allowed on appeal. However, in the Stanmore case, the Inspector was satisfied that the sequential test had been passed. In the Monkokehampston case, the Inspector concluded that a sequential test was not necessary based on a site-specific flood risk assessment for the site showing it was at the lowest probability of flooding. Neither case is directly comparable to the

³ Appeal Ref: APP/M3645/W/24/3347328

⁴ Appeal Ref: APP/M5450/W/24/3344844

⁵ Appeal Ref: APP/Q1153/W/24/3340883

appeal scheme and so these decisions do not lead me away from my earlier findings.

43. Whether the submission of technical data at the appeal stage by the appellant was unreasonable, having been advised of the requirement for this information at the pre-application stage, is not a matter for this decision.

Planning Balance and Conclusion

44. As it has not been robustly demonstrated through an appropriate application of the sequential test that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, I am unable to conclude that the appeal site represents a suitable location for the proposed development with regard to flood risk. Consequently, there is conflict with LP policies WS1 and WD4.
45. The proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt, and I give this harm substantial weight as required by paragraph 153 of the Framework. For the reasons outlined above, the effect of a single dwelling on the openness of the Green Belt as a whole, would be modest, and so this carries only limited additional weight against the appeal scheme. The purposes of the Green Belt would not be significantly undermined.
46. Inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Having considered matters in favour of the appeal scheme, these other considerations do not clearly outweigh the substantial weight afforded to the harm arising from inappropriate development in the Green Belt, or the harm in relation to flood risk. As such, the very special circumstances necessary to justify the development do not exist and so there would be additional conflict with LP policy WS1.
47. The appellant has questioned the Council's performance on housing delivery. The Council has not responded on this matter, referencing only their position in relation to housing land supply. However, even if housing delivery was substantially below the housing requirement over the previous three years, the application of policies in the Framework that protect areas or assets of particular importance, would provide a strong reason for refusing the development proposed, in accordance with Framework paragraph 11d) i.
48. Considering the matters of location, the proposed land use and the amount of development, the proposal would conflict with the development plan when taken as a whole. There are no other material considerations, including the Framework, which indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

S Brook

INSPECTOR