
Appeal Decision

Site visit made on 29 September 2025

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal Ref: APP/W4325/W/25/3370736

Somerville, The Moorings, Heswall, Wirral CH60 9JU

- 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 Paul Lewis against the decision of Wirral Council.
 - The application Ref is APP/24/00549.
 - The development proposed is demolition of existing dwelling and replacement with a two-storey dwelling.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 8 October 2025

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal has been determined on the basis of the amended plans submitted during the course of the application, which revised the scheme from two dwellings to one. This amendment is duly reflected in the description of development set out in the banner heading above.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the area.
 - Whether the development meets biodiversity net gain objectives.
 - Whether the proposal constitutes inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework).

Reasons

Character and appearance

4. Somerville is a modest detached 2-bed bungalow located towards the end of The Moorings, a narrow, unsurfaced lane accessed from Banks Road. The site forms part of a cluster of low-rise residential properties and boatyards, contributing to the area's informal and semi-rural character. Front hedges, low fencing, overhanging trees, and agricultural-style gates, further reinforce the informal character of the lane.

5. The surrounding dwellings are predominantly single storey with pitched roofs, although some incorporate roofspace accommodation. While two modern flat-roofed single-storey dwellings have been constructed more recently along the lane, they are visually discreet and do not detract from the prevailing low-profile character of the built form.
6. Policy WS7 of the Wirral Local Plan (2025) (the WLP) requires that development enhances the character and appearance of the area and that its height, scale, and massing are appropriate to the local setting.
7. The proposed two-storey flat-roofed dwelling would introduce a form and scale that is markedly at odds with the prevailing character of The Moorings. The boxy proportions and contemporary design, including extensive glazing and a wide front balcony, would appear visually dominant and incongruous within a setting characterised by modest, low-rise dwellings that sit comfortably within the informal setting. Although the height may be broadly comparable to the ridge lines of some dormer bungalows along the lane, the overall massing and vertical emphasis of the design would result in a more imposing and discordant presence.
8. The appellant states that the main reference for the design is the modern two-storey flat roofed dwelling at 18 Banks Road. However, that property is located outside the immediate cluster of The Moorings, on the opposite side of Banks Road, and benefits from an open coastal setting that distinguishes it from the more enclosed and informal character of The Moorings. The replication of its design in this context would not reinforce local distinctiveness but would instead introduce a discordant element that would erode the distinctive qualities of The Moorings.
9. As such, the proposal would fail to respect or enhance the character and appearance of the area and would therefore conflict with WLP Policy WS7.

Biodiversity net gain (BNG)

10. Under Schedule 7A of The Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024, certain types of development are exempt from the requirement to deliver a minimum 10% increase in biodiversity value relative to the pre-commencement biodiversity value of the onsite habitat.
11. The planning application form claimed exemption on the basis that the proposal constituted a small self-build and custom build development. However, in the absence of a planning obligation to secure the dwelling for this purpose, the exemption cannot be applied. As such, the development must demonstrate compliance with the statutory BNG objective.
12. The application was accompanied by a range of BNG-related documentation, including a baseline survey, pre- and post-development habitat maps, and a draft BNG Plan. However, the scheme was subsequently amended from two dwellings to one, with a revised site layout. This change altered the spatial arrangement of vegetated areas and retained trees, rendering the original BNG documentation inconsistent with the final proposal. No updated BNG information was submitted to reflect these amendments. The submission of accurate and complete BNG documentation is a mandatory requirement under national regulations, and it would not be appropriate to defer submission of this information to planning conditions.

13. In the absence of updated and accurate BNG information aligned with the final site layout, the proposal fails to demonstrate that the statutory BNG objective would be met. As such, the development conflicts with Policy WD3 of the WLP and paragraphs 187(d) and 192(b) of the Framework, which require development to protect and enhance biodiversity and to deliver measurable net gains.

Green Belt

14. The appeal site lies within the Green Belt. Policy WS1 of the WLP confirms that national Green Belt policy, as set out in the Framework, will be applied to proposals within the Green Belt. Accordingly, the assessment of this issue is based on the Framework.
15. Paragraph 154 of the Framework identifies exceptions to inappropriate development in the Green Belt. It is not in dispute that the proposal falls to be considered under paragraph 154(g), which allows for the limited infilling or partial redevelopment of previously developed land, provided it does not cause substantial harm to the openness of the Green Belt.
16. The replacement two-storey dwelling would be larger and more visually prominent than the existing bungalow, resulting in some loss of openness. However, its siting deep within the plot would respect the existing layout and building line, avoiding significant encroachment onto undeveloped parts of the site. The dwelling would be viewed in close association with surrounding built form, which encloses it on all sides, thereby limiting its visual impact on the wider Green Belt. Furthermore, as the proposal involves the replacement of a single dwelling with another single dwelling, there would be no material increase in residential activity.
17. While there would be a perceptible change in the scale and form of development, the loss of openness would be limited in both spatial and visual terms. It would not fundamentally alter the built character of the site or its contribution to the openness of the Green Belt. As such, the harm arising from the proposal could not reasonably be regarded as substantial.
18. The proposal therefore meets the exception under paragraph 154(g) of the Framework and does not constitute inappropriate development in the Green Belt. Consequently, it also complies with WLP Policy WS1. It is therefore unnecessary to consider other exceptions, or to assess whether very special circumstances apply.

Other Matters

19. Concerns have been raised by third parties regarding potential impacts on privacy and loss of light. However, these matters did not form part of the Council's reasons for refusal, and given that the appeal is being dismissed on other substantive grounds, it is not necessary to address them further in this decision.
20. Similarly, as the appeal is being dismissed, it is not necessary to carry out an appropriate assessment under the Conservation of Habitats and Species Regulations 2017 in relation to the ecological integrity of the nearby Dee Estuary, which is designated as a Special Protection Area, Special Area of Conservation, and Site of Special Scientific Interest.

Planning Balance and Conclusion

21. The proposal would deliver certain benefits, including the replacement of a deteriorating dwelling with a modern, energy-efficient home built to contemporary standards. These improvements would contribute positively to the sustainability of the housing stock and could offer long-term environmental gains through reduced energy consumption and enhanced building performance.
22. However, the scale of the benefits arising from a single replacement dwelling would be modest and must be weighed against the identified harms. The proposed dwelling, by virtue of its height, massing, and design, would appear visually intrusive and out of keeping with the informal, low-rise character of The Moorings. It would fail to enhance the character and appearance of the area, contrary to Policy WS7 of the WLP. Additionally, the application fails to demonstrate compliance with the statutory Biodiversity Net Gain objective, contrary to Policy WD3 of the WLP and relevant provisions of the Framework.
23. Overall, the benefits of the proposed development do not outweigh the identified harms. The scheme conflicts with the development plan when read as a whole, and there are no material considerations of sufficient weight to indicate a decision other than in accordance with the development plan. Therefore, the appeal should be dismissed.

A Caines

INSPECTOR