
Appeal Decision

Site visit made on 24 November 2025

by **E Fawcett BA (Jt Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 December 2025

Appeal Ref: APP/W4325/W/25/3370855
79 Grove Road, Rock Ferry, Wirral CH42 3XT

- 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 Mark Gray against the decision of Wirral Council.
 - The application Ref is APP/25/00415.
 - The development proposed is change of use of ground floor of building from office D1 to residential C3.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was lodged prior to the determination of the planning application. However, Wirral Council subsequently issued its decision before the appeal was formally validated. Accordingly, I have treated this as an appeal against the refusal of planning permission, as reflected in the heading above.

Main Issue

3. The main issue is whether the development would deliver an appropriate level of open space and outdoor sports provision.

Reasons

4. On 31 March 2025, the council formally adopted the Wirral Local Plan 2022-2040 (Local Plan). Policy WD24 of the Local Plan requires that new residential development contributes to the improvement and enhancement of open space and the provision of appropriate facilities for outdoor sport and recreation. Where on-site provision is not feasible or appropriate, the policy stipulates that a financial contribution will be sought in lieu of this.
5. The appeal proposal would result in a net increase of 1 dwelling and, therefore, policy WD24 applies. Given the limited scale and nature of the development, it would not be feasible to provide the requisite open space or outdoor sports facilities on-site. In these circumstances, a financial contribution is appropriate, as indicated by the council. I am satisfied that the level of financial contribution sought is both reasonable and proportionate to the development proposed, and that the requirement is supported by adequate evidence.
6. In the absence of a completed legal agreement to secure the financial contribution, the proposed development would fail to deliver the necessary provision for open space and outdoor sports provision. It would therefore conflict with Policy WD24 of

the Local Plan which requires new residential development to provide improved and enhanced open space and appropriate facilities for outdoor sport and recreation.

Other Matters

7. Although the appellant submitted the planning application prior to the adoption of the Local Plan, planning law¹ requires that proposals are determined in accordance with the adopted development plan, at the time of the decision, unless material considerations indicate otherwise.
8. The appellant contends that the appeal property is located within an area in need of quality housing, and the cost of the Section 106 Agreement presents a difficulty in bringing forward the proposed development. However, no substantive evidence has been submitted to demonstrate that the cost would compromise its delivery. Accordingly, this does not alter my overall conclusion.

Conclusion

9. For the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh this conflict. Therefore, the appeal is dismissed.

E Fawcett

INSPECTOR

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004