



Appeal Decision

Site visit made on 29 October 2025

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/Z4310/W/25/3372521

74 King Street, Liverpool L19 8EQ

- 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 Rod Blakeman against the decision of Liverpool City Council.
 - The application Ref is 25F/1763.
 - The development proposed is Convert ground floor of pub to two, one bedroom flats. First floor of pub is already 3 bedroom flat. No change to elevations.
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Decision

1. The appeal is allowed and planning permission is granted to Convert ground floor of pub to two, one bedroom flats. First floor of pub is already 3 bedroom flat. No change to elevations at 74 King Street, Liverpool L19 8EQ in accordance with the terms of the application, Ref 25F/1763, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with Drawing Nos: A102 revision A; A103 revision A; A104 revision A; A 201 revision A; and A401 revision A.

Main Issues

2. The main issues are the effect of the proposal on:-
 - the provision of a community facility;
 - the living conditions of future occupiers of the proposed flats; and
 - trees.

Reasons

Community facility

3. The appeal site is a former public house (pub), King Street Vaults, that the appellant states has been closed for approximately ten years. It is a detached building located on the corner of King Street and Hughes Street. The area is primarily residential in character.
4. No evidence of marketing has been submitted nor has any evidence been put forward indicating a demand for a community facility in this area. The pub has been closed for a long time and other than the first floor being occupied for

residential purposes, there is no evidence that it has been used for any other purpose.

5. Local Plan¹ Policy SP5 sets out criteria where development that would lead to the loss of an existing community facility will be permitted. These include, demonstrating that there is no current or future need or demand for the current use or an alternative community use; the premises are no longer suitable; or replacement provision is made. The explanation to the policy states the need to protect existing community facilities that are valued by the local community. However, this building has not provided a community facility for a very long time. Therefore, it is difficult to justify its retention on the basis of losing an existing community facility that is valued by the local community.
6. The property could be refurbished for a community facility including opening a new pub. Also, the appropriate planning permission could be secured for an alternative community use. Marketing may establish a need or lack of it. However, given the length of time that the pub has been closed and no particular community need has been suggested by the Council or any third party, I am satisfied that the objectives of Local Plan Policy SP5 would not be compromised by the proposal. Therefore, no harm would occur by this building not being available for the provision of a community facility.

Living Conditions

7. The Council state that the proposal satisfies the standards in the Nationally Described Space Standards (NDSS) but it does not fully meet the standards required under the Building Regulations, Part M4(2)². The document describes M4(2) as 'Optional requirements M4(2): Category 2 – Accessible and adaptable dwellings'. The Council assess that the proposal falls short with regard to demonstrating a step free access; internal door widths; insufficient space around the beds; and insufficient space in the bathrooms.
8. Local Plan Policy H12 requires all new housing development to meet the NDSS and Part M4(2) of the Buildings Regulations. Should these standards be required under Building Regulations there is no need for planning to duplicate what is covered by other legislation. However, assuming these are optional requirements under Building Regulations, Policy H12 requires a higher standard. This is a material consideration but it is necessary to consider whether the failing of the scheme in this regard carries sufficient weight when assessed against the benefits of the proposal together with the requirements of the development plan and the Framework when considered as a whole.
9. The proposal would create two dwellings by bringing back into use a building that has mostly been unused for a decade (the pub part at least if not the upper floor). The National Planning Policy Framework (the Framework) encourages sustainable development and supports the development of under-utilised land and buildings. I consider that, given that the NDSS space standard are met and the shortfall is the more onerous Building Regulations requirements, withholding planning permission for this reason alone is not justified.

¹ Liverpool City Council – Liverpool Local Plan 2013 – 2033 Adopted January 2022.

² HM Government – The Building Regulations 2010, Access to and use of buildings M.

10. Consequently, the proposed flats would not be inadequate as to fail to provide a quality living environment. Therefore, the living conditions of future occupiers would not be harmed by the proposal and it would not conflict with the objectives of Local Plan Policy H12.

Trees

11. There are trees and overgrown vegetation on land to the rear of the pub. These are outside the appeal site and not within the appellant's ownership. These are adjacent to the part of the building where it is proposed to provide a bin and cycle store. There are some self-seeded vegetation in close proximity to the boundary of the pub but there is no obvious reason why the proposal would affect the long term health of the trees within this group.
12. Whilst neither a tree survey nor any technical assessment has been submitted, I am satisfied from my observations, the nature of the proposal, the works involved to implement the proposal and the position of the trees, that the proposal need not cause damage to the long term health of the trees. There would therefore be no conflict with Local Plan Policy G1 9 which, amongst other things, seeks to avoid potential conflict between trees and any proposed development.

Conditions

13. The Council has suggested conditions which I've considered in the light of the Framework and the Planning Practice Guidance (PPG). In addition to the standard time limit condition, a condition is suggested to ensure that the development is carried out in accordance with the submitted plans. This is necessary for the avoidance of doubt and in the interest of proper planning.
14. A condition is suggested requiring any waste generated to be discarded or recycled to be kept within the curtilage of the premises and only placed outside on collection day. However, the proposal includes adequate space to store refuse and recycling bins and there is no particular reason why bins should be left outside other than on the days when they are due to be collected. I do not consider that this condition is necessary. Also, the plans include space for cycle parking so a condition requiring the submission of a scheme is not necessary. Similarly, a condition requiring details of external works relating to bin storage is not necessary as the plans indicate where the bins would be stored.
15. A condition is suggested in relation to opening windows and doors on the elevations adjacent to the highway. However, the proposal indicates that there would be no external alterations to the building. It would therefore be unreasonable to impose a condition that may require alterations to window openings when none are proposed.

Conclusion

16. For the reasons given above the appeal should be allowed.

J D Clark

INSPECTOR