



Appeal Decision

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/Z4310/X/25/3358508

15 Hall Lane, Kensington, Liverpool, L7 8TD

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by MyTenantRent.co.uk Ltd against the decision of Liverpool City Council.
 - The application ref 24LE/2856, dated 23 October 2024, was refused by notice dated 13 December 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is a C4 house in multiple occupation.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is found to be lawful.

Main Issue

2. The main issue is whether the Council's refusal to grant a LDC was well founded.

Reasons

3. Advice relating to LDCs is provided by the Government's Planning Practice Guidance. This establishes that the applicant is responsible for providing sufficient information to support an application. In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is lawful. Planning merits are not relevant.
4. Section 191(2) of the Act states that:

For the purposes of this Act uses and operations are lawful at any time if—

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.
5. I have not been referred to any enforcement notice, so my decision hinges solely on s191(2)(a).

6. An Article 4 Direction removing permitted development rights for a change of use from a C3 dwellinghouse to a C4 small house in multiple occupation (HMO), came into effect on 17th June 2021 and therefore, for the HMO to be lawful, it must have come into use before that date and there must have been no subsequent change of use. Alternatively, there must have been a relevant grant of planning permission.
7. The Appellant has submitted tenancies that show that it was occupied by four people on the date of the Article 4 Direction. The tenancies end in August 2021 for two of those people and for the other two the tenancies end in December 2021. There are also various tenancies starting and ending earlier than 17th June 2021.
8. As late as July 2022, a property log for 15 Hall Lane shows three names of tenants who had tenancies starting before the date of the A4 Direction as well as other names. There are also bank statements showing transactions in May and July 2022 by two of the tenants who appeared on the tenancy agreements starting before the date of the A4 Direction. There were also transactions from other people but the bank statement does not specify the property the transactions relate to. However, the two names on the bank statement help to corroborate the tenancies that were provided.
9. Council tax bills showing student exemption have been submitted covering the period from 1 April 2021 to 31 March 2025. I acknowledge that the Council Tax bills do not contain any further detail about who has been living in the house, but the student exemption is an indicator of it being a C4 HMO.
10. I note that there has been no selective licence for the property since 31 March 2020. However, the Council accept that tenancy agreements existed for 4 individuals sharing facilities on the date of the A4 Direction yet there was no licence then either. Therefore, I do not think the lack of a licence indicates that any change of use has occurred since that time.
11. I appreciate that there is only a small amount of evidence that the house continued to be occupied as a HMO since July 2022. However, there is no contradictory evidence from the Council or any others to suggest that there has been any material change of use of the property since it was used as a HMO on the date of the A4 Direction.
12. Taken as a whole, I find therefore, the evidence is sufficiently precise and unambiguous to demonstrate that, on the balance of probabilities, the use of the appeal property changed to a C4 Use Class house in multiple occupation before the A4 Direction came into effect and continuously remained as such since then.

Conclusion

13. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Siobhan Watson

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 23 October 2024 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

On the date of the application the change of use had already occurred under permitted development under Schedule 2, Part 3, Class L(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 before the Article 4 Direction removing such permitted development rights came into force.

Signed

Siobhan Watson

Inspector

Date: 21 November 2025

Reference: APP/Z4310/X/25/3358508

First Schedule

C4 house in multiple occupation.

Second Schedule

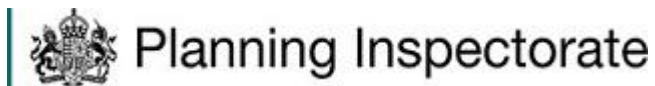
15 Hall Lane, Kensington, Liverpool, L7 8TD

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 21 November 2025

by Siobhan Watson

Land at: 15 Hall Lane, LIVERPOOL, L7 8TD

Reference: APP/Z4310/X/25/3358508

Scale: Not to Scale

