



Appeal Decisions

Site visit made on 25 November 2025

by K Mee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2025

Appeal A Ref: APP/Z4310/W/25/3373091

73 Binns Road, Wavertree, Liverpool L7 9NF

- 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 Ashley Dribben of Dribben Investments against the decision of Liverpool City Council.
 - The application Ref is 25F/1368.
 - The development proposed is described as “proposed change of use from residential dwelling (use class C3) to small House in Multiple Occupation (HMO) (use class C4) (Retrospective)”.
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Appeal B Ref: APP/Z4310/W/25/3373092

75 Binns Road, Wavertree, Liverpool L7 9NF

- 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 Ashley Dribben of Dribben Investments against the decision of Liverpool City Council.
 - The application Ref is 25F/1377.
 - The development proposed is described as “proposed change of use from residential dwelling (use class C3) to small House in Multiple Occupation (HMO) (use class C4) (Retrospective)”.
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Decisions

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. As set out above there are two appeal sites which adjoin each other. They differ only in regard to their location. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together.
3. My attention has been drawn to the emerging Liverpool Local Plan 2025-2041. This remains subject to further consultation and possible amendment such that I afford it limited weight.

Main Issue

4. The main issue for both appeals is whether the development would result in the loss of a suitable family dwelling.

Reasons

5. The proposals are to change the use of 73 Binns Road (No. 73) and 75 Binns Road (No. 75) into two 4-bed houses in multiple occupation (HMO), each falling within Use Class C4. The parties agree that the area is covered by an Article 4 Direction which restricts changes of use from Use Class C3 to Use Class C4. The Direction was introduced to manage the concentration of HMO's. Policy H10 of the

Liverpool Local Plan 2013-2033 (January 2022) (Local Plan) permits conversions of dwellings to HMO's subject to several criteria, including 2 (n) that the development would not cause the loss of a dwelling that is suitable in size, design, layout and location for continued use as a family dwelling. This followed the Liverpool Strategic Housing Market Assessment (SHMA) which identified a need to protect the supply of family homes to ensure a balanced housing market which met the needs of the local population.

6. The appeal properties each comprise a two-storey two-bedroom dwelling. No. 73 is an end-terrace adjoining No. 75 which is a mid-terrace property. They are situated within a short row comprising one other property, a vacant public house, that has recently been granted planning permission to change the use to a large 15-bed HMO. The surrounding area is predominantly commercial in character including a supermarket, large retail stores, offices, hotel and large retail park.
7. Each property has two reception rooms and a kitchen on the ground floor with two bedrooms and a shower room on the first floor. A rear yard area is shared between No. 73 and No. 75 and is partially enclosed by a low wall, with a further area of yard beyond which is also shared with 77-79 Binns Road (No. 77-79).
8. I am satisfied that the original purpose of these properties would likely have been as two single dwellings. In respect of their internal configuration, lack of off-street parking and small area of outside amenity space they are similar to many other dwellings in the wider area. The size, existing layout and design of the properties are therefore typical of small, terraced dwellings and, on the basis of these three criteria, would be suitable for family occupation. The primary dispute between the parties therefore lies with the location and nature of the context.
9. The appellant considers that, given the location, the appeal properties are not suitable for family dwellings and asserts that families would want to live in a suburban or predominantly residential area. In support of this, emails from two letting agents have been provided which together state that, in their opinion, the properties are not appropriate or suitable family homes and that they would not be confident of renting them as such. However, no specific evidence to substantiate these viewpoints has been supplied other than reference to the presence of commercial activities, including a vacant public house, in the locality. In the absence of more comprehensive analysis, I attribute them limited weight.
10. From my observations, the services and facilities in the area, which make the location attractive to single people needing an affordable means of housing, would be equally suited to families for the same reasons. It is not shown that there is a lack of suitable facilities within the area to serve the day-to-day needs of families. Furthermore, the information provided does not show that the surrounding commercial activities generate noise, disturbance or other impacts which would be harmful to family life. Therefore, whilst it may indeed be easy to rent the properties as HMO's, I am not convinced that this conversely means that the properties are not suitable for family housing.
11. The appellant asserts that the properties have a long-standing non-family use, being used historically as guest houses and more recently as small HMO's, such that the change of use would not realistically result in the loss of a family dwelling. Little evidence has been provided to substantiate this assertion. The Council confirms that there is no planning history for the properties and, recent applications

for Lawful Development Certificate's for the existing use of both No. 73 and No. 75 as small HMO's were withdrawn. Moreover, neither property has been licensed as a HMO by the Council's Private Sector Housing Team. Hence, the evidence on this point is inconclusive and insufficient to conclude that the provisions of Policy H10 2 (n) of the Local Plan are not relevant.

12. Consequently, I find that the proposals would result in the harmful loss of suitable family dwellings. As such, they would conflict with policy H10 of the Local Plan, which sets out a criteria-based approach to the conversion of existing dwellings as set out above.

Other Matters

13. The proposals would meet other criteria of Policy H10 of the Local Plan including requirements relating to the amenity of future occupants, acceptable living conditions of neighbours, highway safety and HMO standards amongst other requirements. However, the policy does not adopt an either/or approach; all criteria should be met. Hence, these factors would not surmount the conflict with the policy I have identified.
14. The appellant refers to the recent planning permission issued for No. 77-79 for the change of use to a 15-bed large HMO as evidence that this approval reflects the prevailing character of the area. This is disputed by the Council. From the evidence before me No. 77-79 was previously in use as a public house such that Policy H10 2 (n) of the Local Plan would not have been relevant to the Council's assessment in that application. This is therefore not determinative in my decision making.
15. The appellant has referred to the lack of evidence provided by the Council to demonstrate that a refusal would increase the supply of family homes. However, the policy aims to protect against the loss of family dwellings, not increase them, such that this is not determinative.
16. I have been directed to a number of court judgements. Whilst I have had regard to the general principles highlighted by the appellant, on the information provided, I am not convinced that the circumstances of those cases are directly comparable to those of the appeals before me. Nevertheless, the general principles highlighted do not lead me to find otherwise on the respective merits of these cases.

Conclusion

17. For the reasons given above, I conclude that both appeals conflict with the development plan as a whole and there are no other considerations that indicate that I should take a different decision other than in accordance with it. Therefore, I conclude that Appeal A and Appeal B should be dismissed.

K Mee

INSPECTOR