



Appeal Decision

Site visit made on 9 December 2025

by K Mee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2026

Appeal Ref: APP/Z4310/W/25/3374539

6 Judges Drive, Liverpool L6 7UB

- 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 J Berkley against the decision of Liverpool City Council.
 - The application Ref is 25F/0946.
 - The development proposed is to use the premises as a House in Multiple Occupation (HMO) for 9 occupants.
-

Decision

1. The appeal is allowed and planning permission is granted to use the premises as a House in Multiple Occupation (HMO) for 9 occupants at 6 Judges Drive, Liverpool L6 7UB in accordance with the terms of the application, Ref 25F/0946, and the plans submitted with it, subject to the attached schedule of conditions.

Main Issue

2. The main issue is whether the development would result in the loss of a suitable family dwelling.

Reasons

3. The proposal relates to a large semi-detached property located in a residential area with many of the neighbouring properties being similar in design and size. An Article 4 Direction is in place for this area, which is intended to restrict new HMO development. Areas with a high concentration of HMO's could have an adverse impact on the character of the area. The appeal property is located within a designated neighbourhood area, identified as Area I: Newsham Park North. This area does not have a high concentration of HMO's, with just 3% of properties being HMO's.
4. The proposal seeks to use the property as a large HMO (sui generis) for up to 9 occupants. The accommodation, over 4 floors, would comprise 9 bedrooms, 10 bathrooms, 9 kitchens and 2 communal lounges accessed by 4 separate external doors.
5. The appellant asserts that the appeal property has a long-standing non-family use, being used historically as a large HMO for varying numbers of residents. In support of this, a Statutory Declaration signed by the appellant has been submitted stating that the appeal property has been used as a large HMO since at least 1988 by 13 residents until 2024 when, following internal renovations to increase the number of kitchens, the level of occupation was reduced to 10. Further evidence provided by the appellant includes a formal Notice issued in 1995, served under the Housing

Act of 1985, which refers to 6, 6A and 6B Judges Drive as a HMO along with a number of HMO Licences issued between June 2008 and June 2024 (non-continuous) for the occupation of the appeal property by up to 13 occupants. The latest HMO Licence was granted in October 2024 for up to 10 occupants.

6. The Council contend that there is no relevant planning history for the property and, whilst acknowledging the evidence relating to the long-standing use as a HMO, on this basis conclude that the proposal amounts to the loss of a dwelling which is suitable in size, design, layout and location for continued use as a family dwelling.
7. Notwithstanding the above, from my observations during the site visit, the current use of the property appears to comprise 10 separate self-contained dwellings, each with a bedroom/lounge, bathroom and kitchen. However, this application is made under section 78 of the Town and Country Planning Act 1990 (the Act) and it is not ordinarily the role of such appeals to examine the lawful use of land or buildings or to establish whether a material change of use has occurred. Indeed, it is open to the appellant to apply to have such matters determined under sections 191 or 192 of the Act.
8. I find that the current use of the property is not as a single family dwelling and that its layout would not be suitable for use as such. Furthermore, the evidence before me indicates that the loss of a family dwelling likely occurred many years previously. Consequently, this leads me to conclude that the proposal would not result in the loss of a dwelling which is suitable in size, design, layout and location for continued use as a family dwelling. The proposal would therefore accord with Policy H10 2. n. of the Liverpool Local Plan 2013-2033 (January 2022) (Local Plan), which seeks to protect against the loss of suitable family dwellings. The proposal would also comply with the National Planning Policy Framework (the Framework) insofar as it accords with the development plan

Other Matters

9. The appeal property lies within the Newsham Park Conservation Area and overlooks Newsham Park, a Grade II Registered Park and Historic Garden (RPG). In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to preserving or enhancing the character or appearance of the conservation area.
10. There are no external alterations proposed and, given the history of the use outlined above, the impact on the surrounding conservation area would be neutral. I therefore conclude that the proposed development would preserve the character and appearance of the conservation area and would not have a harmful effect on the setting or significance of the Newsham Park RPG. The Council have not raised any concerns with regard to the impact on heritage assets.
11. I have had regard to concerns raised, including assertions that the proposal would undermine the sustainability of the community, give rise to anti-social behaviour, generate unacceptable levels of noise and general disturbance due to high occupancy and exacerbate parking pressures. However, given the history of the use outlined above, there is no compelling evidence to demonstrate that the proposal would give rise to more harmful impacts than those already associated with the appeal property.

Conditions

12. I have considered the Council's list of suggested conditions in light of the tests set out in paragraph 57 of the National Planning Policy Framework and the Planning Practice Guidance and imposed them where I consider them to be necessary and reasonable.
13. In addition to the standard time limit condition, I have imposed a condition requiring the development be carried out in accordance with the approved plans, in the interests of certainty.
14. Conditions are necessary to secure the installation and retention of the indicated cycle parking and waste storage facilities to encourage non-car modes of transport and to protect the living conditions of future occupiers. Whilst the appellant has raised concerns over the wording of these conditions, the development hereby approved has not yet commenced and as such I find the suggested wording to be acceptable.
15. To protect the living conditions of future occupiers, a condition is also necessary to restrict the number of residents to 9.
16. The Council has suggested a condition requiring the approval of a waste management plan. However, the majority of the requirements of that condition concern the general operational management of the property rather than waste matters specifically. From the evidence before me, there is no strong reason for imposing a condition regarding the future operational management of the property, which would likely be addressed through other regulatory regimes, and doing so would therefore be unreasonable. Furthermore, issues relating to waste management would be addressed by the waste storage facilities condition.

Conclusion

17. For the reasons given above, I conclude that the proposal would accord with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be allowed.

K Mee

INSPECTOR

Schedule of 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 161-04 Rev A Proposed Basement and Ground Floor Plans, 161-05 Rev A Proposed First and Second Floor Plans, 161-06 Rev B Proposed Site Plan and Elevations.
- 3) No part of the development hereby permitted shall be occupied or brought into use until the areas indicated on the submitted plans to be set aside for cycle parking have been provided in accordance with the details and specifications shown on drawing number 161-06 Rev B. The cycle parking shall be retained as such thereafter.
- 4) (a) No part of the development hereby permitted shall be occupied or brought into use until the waste storage facility has been provided in accordance with the details and specifications shown on drawing number 161-06 Rev B. The waste storage facility shall be retained as such thereafter.

(b) All waste materials generated by the development, whether to be discarded as refuse or recycled, shall be stored within the approved waste storage facility and all waste material shall be kept within the curtilage of the premises until the day it is due to be collected.
- 5) The number of persons in residence at the property shall not exceed nine (9) at any one time.

End of Schedule