



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: 27th January 2026

Appeal Ref: APP/Z4310/W/25/3372836

4 Mostyn Hall, Gainsborough Road, Liverpool L15 3HX.

- 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 2712 Properties Limited against the decision of Liverpool City Council.
 - The application Ref is 25F/0935.
 - The development proposed is described as “ongoing use of property as an 8 bedroom (sui generis) with associated internal reconfiguration and provision of refuse storage at rear”.
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Decision

1. The appeal is allowed and planning permission is granted to use the property as a 8 bed house in multiple occupation (HMO) with bin store to front and cycle store to rear at 4 Mostyn Hall, Gainsborough Road, Liverpool L15 3HX in accordance with the terms of the application, Ref 25F/0935, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing no 199-PLN-P-03-D Proposed Floor Plans and Bin Management Plan v3.
 - 2) Within 3 months of the date of this decision, a management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include, but not be limited to, the following:
 - (i) Emergency contact details
 - (ii) How complaints will be handled
 - (iii) Behaviour expectations for future residentsThe property shall thereafter operate in accordance with the approved management plan.
 - 3) Within 3 months of the date of this decision, the cycle and bin storage facilities shown on drawing no 199-PLN-P-03-D shall be provided within the site. These facilities shall thereafter be permanently retained.
 - 4) The number of persons in residence at the premises shall not exceed eight (8) at any one time.

Application for costs

2. An application for costs was made by 2712 Properties Limited against Liverpool City Council, and this is the subject of a separate decision.

Preliminary Matters

3. The description of the proposal differs from the application form to the decision notice. The description set out in the formal decision above has been taken from the decision notice which is a more accurate description of the proposal and omits words which are not forms of development such as “retrospective” and “ongoing”.

Main Issue

4. The main issue is the effect of the proposed development on the character of the area, with particular regard to the mix and balance of housing.

Reasons

5. The appeal property is a three-storey mid-terrace located in a residential area. The property was purpose built as student accommodation, under planning permission reference 92P/1907, within a block of 4 other student accommodation units. The proposal seeks permission for the change of use of the property to an 8-bedroom HMO with communal lounge/dining/kitchen space, 4 shared bathrooms, a rear courtyard with cycle storage and a front forecourt providing bin storage.
6. Reference has been made by the Council to the property being located within a designated neighbourhood area which has a HMO concentration level exceeding 22%. Policy H11 2. of the Liverpool Local Plan 2013-2033 (January 2022) (Local Plan) seeks to restrict changes of use from single dwellinghouses (Use Class C3) to small (Use Class C4) or large HMO's (sui generis) where the concentration level of HMO's is equal to or exceeds a threshold of 10%. In addition to this, Policies H10 2. b. and H10 2. n. of the Local Plan aim to ensure that HMO conversions would not have an adverse impact on neighbouring amenity and the character of the surrounding area, and that they would not cause the loss of a suitable dwelling for continued use as a family dwelling.
7. 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. However, the appellant has provided evidence to demonstrate the historic use of the appeal property. This includes the original planning permission reference 92P/1907, a Statutory Declaration confirming the long-standing use for student accommodation after it was built and up to 2023, when their management of the property ceased, along with an Assured Shorthold Tenancy Agreement for the period between 1 July 2022 and 30 June 2023. It is not disputed that a HMO Licence for up to 8 occupants had been issued by the Council's Private Sector Housing division for the period between 25 October 2018 and 24 October 2023. A further HMO Licence for up to 8 occupants was issued on 23 July 2025.
9. I recognise the concern of the Council that there may be insufficient evidence that the property has been in continuous use as a large HMO for the past 10 years. However, the Council has provided no substantive evidence to support its assertion that the lawful use could be that of a single dwelling, relying only on a banner affixed to the front of the property advertising a range of rental property options. In the absence of any credible indication that the property has ever functioned as a

single dwelling and noting that its internal layout and limited external amenity space was purpose built for student accommodation, I find no realistic prospect of it being attractive for, or being used as, a large family home in the future.

10. Furthermore, I am not satisfied that a change to a large HMO would exacerbate issues of anti-social behaviour and noise nuisance in the locality given the original purpose of the property as a block of shared accommodation for students, for a similar number of unrelated residents. Consequently, it would be unlikely to have an adverse impact on amenity for neighbouring properties or on the character of the area.
11. Based on the evidence before me, I am satisfied that on the balance of probabilities the appeal property is not likely to be in use as a single dwellinghouse falling within Use Class C3. It follows therefore that the proposal for the change of use to a 8-bed large HMO (sui generis) would not result in the loss of a family home (Use Class C3). Accordingly, there would be no change to the balance and mix of housing in the area and therefore no harm to the area's character. Consequently, there would be no conflict with Policies H10 and H11 of the Local Plan as set out above.

Other Matters

12. My attention has been drawn to the presence of an Article 4 Direction which is in place for the area to remove permitted development rights for changes of use from single dwellinghouses (Use Class C3) to small HMO's (Use Class C4). However, this is not relevant to my assessment as the proposal seeks planning permission for the change of use to large HMO (sui generis).

Conditions

13. The appellant contends that a management plan has already been provided, within Annex E of the initial application covering letter, such that a further condition is not necessary. However, I find that this document is deficient in a few key areas and, to safeguard the living conditions of future occupiers and neighbouring residents, a more comprehensive management plan is therefore required. Further conditions securing appropriate bin storage, adequate cycle storage and limiting occupancy to 8 residents are also necessary for the same reasons.

Conclusion

14. I find that the proposed development would be compliant with the development plan as a whole. With the conditions I have outlined in place, and for the reasons I have set out, I conclude that the appeal should be allowed.

K Mee

INSPECTOR