Planning Inspectorate

Appeal Decision

Site visit made on 10 October 2025

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal Ref: APP/H4315/W/25/3367783
Signature House, 232A Rainhill Road, Rainhill, Prescot L35 4LD

- 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 Liam Gallagher of MBB Ventures Limited against the decision of St Helens Metropolitan Borough Council.
- The application reference is P/2024/0536/FUL.
- The development proposed is a change of use from a 19 serviced offices business centre (Use Class E) to a 17 bedroom HMO (Use Class Sui Generis).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - Whether the proposed loss of employment land or premises has been adequately justified;
   - Whether the development would provide acceptable living conditions for future occupiers, with particular regard to the provision of adequate communal facilities, amenity space, and outlook and daylight; and
   - Whether the development would be likely to lead to an increase in demand for on-street parking which would compromise safety for pedestrians and road users.

Reasons

Employment

3. The appeal relates to a two-storey building within Use Class E, which provides 19 serviced office units. The site is within a predominantly residential location, though it is close to Rainhill district centre, with various shops and other services, and to Rainhill railway station. The proposed development is the change of use and conversion of the property to a House in Multiple Occupation ("HMO"), so it would lead to the loss of an employment site.

4. Policy LPA03 of the 2022 St Helens Local Plan ("the SHLP") seeks to deliver a strong and sustainable economy in St Helens by, among other things, protecting existing employment land and premises. It states that such sites will be protected from changes to other uses unless such a change has been justified, and that this will mean demonstrating either that the land or building is no longer suitable for employment uses, or that the land use benefits of the proposed change of use would outweigh the benefits of retaining the site in its existing use. The Council's

2013 *Local Economy* Supplementary Planning Document ("the LE SPD") provides guidance on the types of viability and marketing evidence and information required to demonstrate that the retention or reconfiguration of an existing site for continued employment use is not viable.

5. The appellant has owned and operated the appeal premises, as Rainhill Business Centre ("RBC"), since August 2016. They report numerous "significant challenges" to the office market over that period, including Brexit, the Covid-19 pandemic (and in particular changes to working patterns, including home working), and rising energy prices, and note a particular downturn in occupancy since 2023. Reference was also made to the presence of 10 other competing business centres within 4 miles of the site, and it is reported that RBC was operating at a loss by mid-2024. It is also stated that marketing of the units within the RBC ceased in November 2024 and that the centre has been empty since approximately the end of January 2025, though it appears that (notwithstanding the broader challenges) some tenants' departures from RBC came in the wake of the submission of the planning application for this proposal.

6. I do not doubt that the various factors identified by the appellant have had a significant impact on demand for office space generally. However, the information which has been put before me on this matter falls well short of the evidence requirements sought by the LE SPD – for example, there is no detail of the terms on which the units have been offered, or anything to suggest that the site as a whole has been marketed for alternative employment uses. I acknowledge that the proposed change of use may well, in view of the lack of tenants in the property at the moment, not directly lead to a loss of jobs. However, it is clear that the protection from unjustified changes of use which Policy LPA03 sets out in respect of existing employment sites and buildings also extends to those which are currently vacant. In the light of the strong protection which the development plan seeks to give to such employment sites, on the basis of the limited evidence before me I am therefore unable to rule out the possibility that there is a realistic prospect of suitable employment uses being found for the building.

7. I therefore conclude that the loss of employment premises has not been adequately justified, insofar as it has not been demonstrated that site is no longer suitable for employment uses. The proposed development would conflict in this respect with Policy LPA03 of the SHLP, the principle relevant requirements of which I have set out in paragraph 4 above. I address the second element of the policy test, relating to the land use benefits, in the final planning balance below.

Living conditions

8. The proposed HMO would have 17 bedrooms, all with ensuite facilities; eight on the ground floor, and nine on the first floor. There would be three communal kitchens, a laundry room, and a shared lounge, all on the ground floor. The existing yard at the rear of the building would serve as external amenity space for the residents; two storage units – one each for cycles and bins – would be installed in this area.

9. The Council provided a copy of a "scoping report" for a further Supplementary Planning Document which is being prepared relating to HMOs. It does not set specific standards for HMOs, and is in any case a non-adopted consultation document. It has not carried significant weight in my decision. I have also had

regard to the Council's HMO licencing standards to which both main parties referred (though I was not provided with full details). Although these are a useful guide as to what may be considered the minimum acceptable standards for HMOs in the borough, they do not form part of the development plan requirements or adopted supplementary guidance and so carry only moderate weight in my assessment of this main issue.

10. All three kitchens would have a floor area of a little over $10m^2$, so would comply with the minimum HMO licencing space requirement. However, there is no information before me relating to kitchen layouts, including the amount of cooking and refrigeration equipment which would be provided, and whether there would be space for residents to eat (although there would be a reasonably large communal lounge, the appellant did not take issue with the Council referring to "kitchen/dining spaces"). Each kitchen (or kitchen/diner) would need to serve the occupiers of five or six bedrooms, and it is not at all clear from the information before me that they would be sufficiently spacious to comfortably and safely perform their expected role.

11. No daylight study has been provided for the development. The kitchens would be internal rooms, with no windows and therefore no natural light. While this is not a requirement of the HMO licencing regime, the lack of natural light here would make the proposed kitchens oppressive spaces, which adds to my concern about these facilities. Based on the application plans and other information before me, I consider the Council's concerns about the adequacy of kitchen facilities to be well-founded.

12. The four ground-floor bedrooms[1] at the rear of the building would have windows opening onto the rear yard which at only around 4.3m deep, and with a high wall to the boundary with the alleyway between it and properties on Park Avenue, is a rather confined space. Given this, it is not at all certain that those four bedrooms would receive adequate natural daylight. They would also have a very constrained outlook onto the rear yard – which in the case of the two rooms at the north-west corner of the building would be further limited by the proximity of the cycle and bin storage units. They would therefore be likely to be somewhat gloomy and inhospitable spaces.

13. While Penny Pits Park is a very short walk away, and there are other public open spaces within the wider area, these would not meet occupiers' needs for private or semi-private amenity space in some ways – for example, they are not suitable for hanging washing out to dry. The small size of the amenity space at the rear of the building would limit its usefulness for the occupiers of the HMO (as well as, say, any visiting friends) for such purposes. I acknowledge that the proposal is for the reuse of an existing building within what is, in parts, a densely-built environment – for example, many of the houses on Rainhill Road either side of the appeal property have small rear yards or gardens, and it needs to be considered in that context. Even so, the space would be very small for the number of people it would be expected to serve. The use of the communal rear yard by other residents, including comings and goings to the cycle and bin stores, would also be liable to lead to some noise disturbance and a lack of privacy for the four rear ground floor bedrooms.

[1] Shown as bedrooms 5, 6, 7 and 8 on the submitted drawings.

14. Taking all these points together, I am not satisfied that the proposed development would provide acceptable living conditions for future occupiers. It would therefore conflict with Policies LPD01, LPD02 and LPC01 of the SHLP. Together, and among other things, these policies seek to ensure that all developments (including those which would provide HMOs) offer a high standard of amenity for occupiers, including in respect of privacy, outlook and natural lighting.

Parking; safety of pedestrians and road users

15. The planning application included a transport statement ("TS") which addressed parking and trip generation. The TS found that vehicular trip generation for the HMO would be lower than for the existing employment uses, though this was based on TRICS data for student accommodation schemes in various locations including several in Greater London, and a co-living and workspace development also in Greater London. While it is not clear to me that the data would be exactly comparable to an explicitly non-student development in suburban St Helens, the Council accepted the conclusion in respect of trip generation.

16. The TS did not identify a specific level of parking demand for vehicles owned by residents of the proposed scheme, though the appellant was keen to emphasise that car ownership would be likely to be low. The Council's 2024 *Transport and Travel* Supplementary Planning Document ("the TT SPD") sets standards for the number of parking spaces required for various uses. The TT SPD does not set a specific standard for HMOs (whether these are "smaller" C4 ones or larger *sui generis* ones as proposed here) but recommends C2 residential institutions as a comparable use. Based on the TT SPD the Council considers that there would be a demand for four parking spaces for residents' vehicles, which seems to me not to be an unreasonable assessment.

17. There is not currently any off-street vehicle parking within the appeal site, nor would any be provided as part of the proposed development[2]. Parking demand which would arise from the development would therefore need to be met on the surrounding streets. Because of a reduced number of business callers to the site, the proposed change of use may well be neutral, or even slightly beneficial as the appellant has argued, in terms of its impact on demand for daytime parking spaces. However, there would be likely to be an increased demand for overnight parking which does not arise from the current employment use, and at a time when most local residents' vehicles – which may well be elsewhere during the working day – would be parked near their homes.

18. The TS included an overnight parking survey[3] and, though the Council criticised certain aspects of the survey, the main parties were in rough agreement about the number of unrestricted parking spaces near to the appeal site (108 versus 110), The parking survey found that an average of 88% of parking spaces were occupied; in my experience, a level of 85% or higher is usually taken as an indicator of parking stress.

19. I note that the Council also considered that some of the spaces counted should have been excluded on account of restrictions due to the width of the road; based on what I saw it seems the use of those spaces highlighted would lead either to

[2] The Council referred more than once to the planning application stating that "17 parking spaces would be provided [but] this is not shown on the plans". To my mind that is a misreading of the application form; it states that 17 *cycle spaces* would be provided.
[3] Conducted over two nights in September 2024.

the flow of traffic being obstructed or, and this seemed to be the preference of many of those who had parked on Rainhill Road closest to the appeal site on the day of my visit, vehicles being parked straddling the footway thereby obstructing the movement of pedestrians. I am not persuaded that the emphasis placed on the difference between "compliant" and "non-compliant" parking in the TS makes a significant difference to the situation. While it is correct that the latter could – at least to some extent – be addressed by enforcement, it seems likely that the owners of those vehicles would still seek to park them "compliantly" somewhere nearby, so the overall picture would be broadly similar. In any event, the area is evidently one which already has a high level of parking demand. Given this, any increased demand for parking (even from a relatively small number of additional dwellings) would be likely to increase parking pressure within the area.

20. The site appeal site is not within a controlled parking zone ("CPZ"), nor have I been made aware of any plans to introduce one. At present there would therefore be no means by which the number of vehicles (whether one, four, or 44) linked to the proposed HMO might be limited. I note a consultation response to the Council[4] which noted that the matter could be resolved by "a commitment from [the appellant] to support sustainable travel choices for the HMO residents, such as […] offering a time limited financial incentive for local bus and rail use to new occupiers of the HMO. Eg, 1 months free or subsidised bus travel which could help to instil sustainable travel choice". The appeal site is very close to a bus route with frequent services to Liverpool and St Helens, as well as to Rainhill railway station with services to Liverpool and Manchester, so I acknowledge that such a package may be sufficient to discourage car ownership and support the use of sustainable means of travel. I also note the appellant suggested that, in the event of my allowing the appeal, they would be amenable to a condition being imposed requiring those measures.

21. At the same time, my experience elsewhere suggests that to secure car-free or low-car status for the longer term there would ideally also be measures preventing or limiting access to parking permits for any future CPZ for residents of the appeal development. For certainty it is usually preferable for such measures to be secured by a planning obligation rather than a condition. In view of my findings on the other main issues, and my overall conclusion, I have not sought the views of the main parties on whether such an obligation might have been provided in this case.

22. The appellant referred to an appeal decision relating to a scheme in Bury St Edmunds[5] in which the Inspector commented that "the limited availability of parking on site and the extent of parking within the area would be factor that would be known to a potential occupier [and as such] the appeal property would be unlikely to be particularly attractive to those likely to generate a high level of parking". I do not know the full details of that case and cannot be certain that it is comparable to this proposal. In any event, harm which would arise here from increased demand for on-street parking would not simply affect occupiers of this scheme, but would have knock-on impacts in the locality. That other appeal decision carries limited weight in favour of this proposal.

23. While I have referred to the possibility of additional measures to encourage the use of sustainable transport and to discourage reliance on private cars, there is

[4] E-mail from Mott MacDonald, 19 December 2024
[5] PINS Ref: APP/E3525/W/15/3005163

nothing before me to secure such measures. For the reasons I have just set out, I conclude that the development would be likely to lead to an increase in demand for on-street parking which would compromise safety for pedestrians and road users in the locality. It would therefore conflict with Policy LPA06 of the SHLP which, among other things, seeks to ensure that development maintains the safe and efficient flow of traffic on the surrounding highway network, and provides safe and convenient pedestrian, cycle and vehicular access and movement to and from the development.

Planning Balance and Conclusion

24. The proposed development would contribute to housing in St Helens by providing 17 HMO rooms, at a time when the government is seeking to significantly boost the supply of housing. It would also make use of an existing building on a brownfield site in a sustainable location reasonably close to shops and services (which future residents would be likely to support to some degree), and to public transport connections. Given the small scale of the proposal, and the fact that the Council can demonstrate a five-year supply of housing land, these benefits carry moderate weight in its favour.

25. However, I have found that it has not been adequately demonstrated that site is no longer suitable for employment uses. The development would not provide acceptable living conditions for future occupiers, and the transport impacts of the scheme, particularly in respect of parking, would not be adequately mitigated. In view of these other shortcomings, I find that the land use benefits of the proposed change of use would not outweigh the loss of the employment site, so the second “policy test” described in my assessment of the first main issue is also not met.

26. The proposal therefore conflicts with the development plan taken as a whole. There are no material considerations, including those of the National Planning Policy Framework, that indicate the proposal should be determined other than in accordance with the development plan.

27. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector