



Appeal Decision

Site visit made on 1 June 2026

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2026

Appeal Ref: APP/Z4310/X/25/3373087

39 Greenbank Road, Liverpool L18 1HG

- 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 Mr S Tiere on behalf of SJSCV Ltd against the decision of Liverpool City Council.
 - The application ref 25LE/0420, dated 19 February 2025, was refused by notice dated 20 March 2025.
 - 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 an HMO for up to 8 persons - 'sui generis'.
-

Decision

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

Preliminary Matters

2. The appellant has submitted additional evidence with the appeal in the form of copies of Assured Shorthold Tenancy Agreements (ASTAs) covering the periods of 01/07/2013 to 30/06/2014, 01/07/2015 to 30/06/2016, 14/09/2015 to 30/06/2016 and 01/07/2025 to 30/06/2026.
3. The appellant also provides an explanation as to why there are no copies of ASTAs covering the period of 01/07/24 to 19/02/25. They confirm it was due to the property being upgraded to comply with fire safety and building regulation upgrades.

Main Issue

4. The main issue is whether the Council's decision to refuse to grant an LDC is well-founded

Reasons

5. The onus is on the appellant to demonstrate that, on the balance of probabilities, the use was lawful at the time of the LDC application. A development is lawful under the provisions of section 191(2)(a) and (b) of the Town and Country Planning Act 1990 if no enforcement action may be taken because it did not involve development requiring planning permission, or because the time for enforcement action against the use has expired; and, providing it does not constitute contravention of any requirement of any enforcement notice then in force. If the Council has no evidence of its own, or from others, to contradict or

otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the appeal, provided their evidence alone is sufficiently precise and unambiguous.

6. Following the submission of the additional evidence with the appeal, the Council confirm that their previous concerns regarding gaps in the tenancy of the property have been sufficiently addressed. They go on to confirm that at the time of the LDC application, the use of the property as a sui generis HMO would have been lawful.
7. Based on the evidence before me, including the evidence submitted with the LDC application and that accompanying the appeal submission, I find no reason to conclude otherwise.
8. I therefore find, the evidence before me is sufficiently precise and unambiguous to demonstrate, on the balance of probabilities, the use of the appeal property materially changed to an HMO for up to 8 persons at least 10 years prior to 19 February 2025 and the use then continued for at least 10 years thereafter, without significant interruption and is therefore lawful.

Conclusion

9. For the reasons given above, I conclude, on the evidence available, that the Council's refusal to grant a certificate of lawful use or development in respect of the 8 person HMO is not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

A Walker

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 19 February 2025 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:

It has been demonstrated on the balance of probabilities that the property was in use as an HMO for up to 8 people for a continuous period of ten years prior to the date the application was made.

Signed

A Walker

Inspector

Date: 17 June 2026

Reference: APP/Z4310/X/25/3373087

First Schedule

HMO for up to 8 persons

Second Schedule

Land at 39 Greenbank Road, Liverpool L18 1HG

IMPORTANT NOTES – SEE OVER

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: 17 June 2026

by A Walker

Land at: 39 Greenbank Road, Liverpool L18 1HG

Reference: APP/Z4310/X/25/3373087

Scale: Not to Scale

