



Appeal Decision

Site visit not required

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2026

Appeal Ref: APP/D2320/X/25/3376615

39 Bolton Road, Chorley, PR7 3AU

- 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 Liv Cooke Developments Limited against the decision of Chorley Borough Council.
 - The application ref 25/00878/CLEUD, dated 22 September 2025, was refused by notice dated 17 November 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 the existing use of the property as a 5-bed HMO (use class C4).
-

Decision

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

Applications for costs

2. An application for costs is made by Liv Cooke Developments Limited against Chorley Borough Council.

Preliminary Matters

3. An LDC is not a planning permission. Its purpose is to enable owners and others to ascertain whether specific operations or activities would be lawful. Therefore, for the avoidance of doubt, I make clear that planning merits are not relevant in this appeal. My decision rests on the facts of the case and on relevant planning law and judicial authority.
4. The Government's Planning Practice Guidance states that in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

Main Issue

5. The main issue is whether the Council's decision to refuse to grant an LDC was well founded with particular regard as to whether the evidence demonstrates that on the date of the LDC application, the appeal property was lawfully a house in multiple occupation (HMO) (use class C4).

Reasons

6. There is no dispute between the main parties that the property is currently being used as a class C4 HMO. The point of contention between the main parties relates to whether the property was lawfully in use as a class C4 HMO prior to the Council introducing, on 24 September 2025, an immediate Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) withdrawing permitted development rights for change use from a dwellinghouse falling within use class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1985 (as amended) (UCO) to use class C4 (Houses in Multiple Occupation) of the UCO. Indeed, the change of use from a C3 dwellinghouse to a C4 HMO would otherwise be permitted development under Class L of Part 3 of Schedule 2 of the GPDO.
7. The appellant's claim that the property was in use as a class C4 HMO is based on submission of three tenancy agreements (rooms 1, 3 and 5) signed and dated on 22 September 2025; a licensing application to the Council dated 18 September 2025 for a class C4 HMO 'for up to five occupants'; a building regulations certificate completed by the appellant relating to *'alterations to convert the dwellings to a 5 bed HMO'* dated 22 September 2025; a letter dated 21 September 2025 accompanying the LDC application to the Council stating that the *'first HMO occupants have moved into the property'*; floor plans of the property which the appellant states reflects how it was laid out when the LDC application was submitted (i.e. prior to the Article 4 Direction coming into effect); a signed lease for the property between Liv Cooke Developments Limited and Prosocia Housing Limited dated 19 September 2025; the Prosocia Housing (repairs & maintenance) coordination process; an emergency lighting certificate dated 18 September 2025; the design, installation and commissioning certificate for fire detection dated 18 September 2025; a fire risk assessment (Inspection dated 19 September 2025); and a legionella risk assessment dated 18 September 2025.
8. Based on the appellant's collective evidence above, I find that it is more probable than not that the property was in use as a C4 HMO prior to the Article 4 Direction coming into effect. Not only does the evidence indicate that the property was laid out in such a way that it could accommodate up to five persons using identified shared basic amenities, but that three unrelated occupants had started to live in the property at this time. The evidence is that the appellant was aware that an Article 4 Direction was being considered by the Council: it is therefore more likely than not that all efforts were being made at this time to ensure that the property was not only converted to an HMO, but that it was actually used as such by three unrelated residents.
9. While the Council considers that sufficient additional evidence of actual use of the property should have been provided by the appellant, it is noteworthy that the Council has not provided evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable.
10. On the balance of probability, I find that the appellant's evidence is sufficiently precise and unambiguous from the point of view of supporting the position that on the date of the LDC application the property was lawfully being used as a class C4 HMO. I acknowledge that additional and corroborated evidence of actual use of the property would have assisted further in terms of me reaching my conclusion.

However, and, on the balance of probability, it is my judgement that the absence of additional evidence is not decisive in this case.

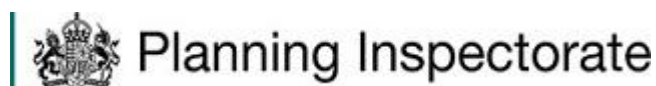
11. While I find that only three tenants were occupying the property when the LDC application was submitted, this is enough for the property to be in use for C4 HMO purposes. The evidence is that the property had been configured and laid out at this time for use as a 5-bedroom HMO. In this case, the intention to use the property as a five-bedroom HMO is clear based on the evidence. As the property was in use as a class C4 HMO on the date of the LDC application, and prior to the Article 4 Direction coming into effect, I conclude that it can lawfully be used as a 5-bedroom use class C4 HMO.

Conclusion

12. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for the existing use of the property as a 5-bed HMO (use class C4) is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

D Hartley

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 22 September 2025 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and shown 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:

The property was lawfully in use as a class C4 HMO prior to the Council's Article 4 Direction coming into effect on 24 September 2025. The property can be therefore lawfully used as a five-bedroom use class C4 HMO under Class L of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signed

D Hartley

Inspector

Date: 13th July 2026

Reference: APP/D2320/X/25/3376615

First Schedule

Second Schedule

Land at 39 Bolton Road, Chorley, PR7 3AU

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: 13th July 2026

by D Hartley BA (Hons) MTP MBA MRTPI

Land at: 39 Bolton Road, Chorley, PR7 3AU

Reference: APP/D2320/X/25/3376615

Scale: Not to Scale

