Planning Inspectorate

Appeal Decision

Site visit made on 14 October 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State

Decision date: 9th November 2026

Appeal Ref: APP/Z4310/X/26/3378000
57 Leopold Road, Liverpool L7 8SR

- The appeal is made by Mohammed Raja of Mohammed Raja Lettings Ltd under section 195 of the Town and Country Planning Act 1990 against a refusal by Liverpool City Council to grant a certificate of lawful use.
- The application Ref: 25LE/2989, dated 3 December 2025, was refused by notice dated 6 January 2026.
- The application was made under section 191(1)(a) .
- The development for which the certificate is sought is "a House of Multiple Occupation for 3-6 persons (Use Class C4)".

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use relating to the existing use described in the certificate, which I consider was lawful at the time of the application.

Reasons for the decision

2. Section 195 requires an assessment to be made as to whether the Council's refusal of the application is or is not well-founded. The assessment is based on the lawfulness of the use at the time of the application. The planning merits of the use are not relevant to the appeal and there is no planning application before me. If the Council have no evidence themselves, 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 the certificate on the balance of probability.

3. By virtue of Class L of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 planning permission is not normally required to change the use of a Class C3 dwellinghouse to a Class C4 small HMO, but the Council made a direction under article 4(1) of the Order which came into effect on 17 June 2021 and withdrew the right to do so in the area of the City containing the house.

4. The Council refused the application for the following reason: -

   "1. The evidence submitted does not adequately and irrefutably demonstrate that the premises have been used as a 3-6 bed HMO continuously since before

and during 17th June 2021 when the Article 4 direction came into force, till the date of the application that is 03/12/2025."

5. The Council's Case Officer Report states "the evidence submitted must be sufficient to satisfy the LPA that the C4 use was operational, and that the property was occupied as an HMO, prior to the Article 4 direction coming into force. As such, evidence is required to show that the property was HMO before 17th June 2021. Additionally, regard also needs to be given to whether the use of the property had relapsed into being a C3 family home since the Article 4 Direction came into force, up until the date of the application which is 3rd December 2025."

6. The Council Tax records supplied by the appellant show that the property had a Class N Student Household exemption from 2001 to 2025, which he states is confirmation that on the date the Article 4 direction came into force the property was wholly occupied by full-time students, consistent with its use by unrelated individuals within Use Class C4. This information is supported by the owners of the property prior to its purchase by the appellant's company "as an ongoing HMO investment" on 24 June 2021. The appellant states that the use continued uninterrupted thereafter and existed on the date of the application for the certificate. He has supplied copies of tenancy agreements in support of this statement. The layout plan of the property is consistent with HMO use, the former ground-floor front room having been converted into a bedroom, alongside three other bedrooms and shared lounge, kitchen and bathroom facilities.

7. The Case Officer Report acknowledges that evidence of HMO use on 17 June 2021 has been produced, but indicates that the documentary information about later HMO use ends 6 months before the application was submitted. The officer maintains that the property "could have easily reverted to a single-family use in this time without the need for planning permission" and that "the evidence submitted does not adequately and irrefutably demonstrate that the premises have been used as a 3-4 bed HMO continuously before and during 17th June 2021 when the Article 4 direction came into force, till the date of the application".

8. I have assessed all the available information. It is clear that by virtue of the planning permission granted by the Order the property was in lawful use as a small HMO when the Article 4 direction came into force and that it had been for a long time. There is no evidence that any of the events that would in law have given rise to a loss of the lawful use right had occurred by the time of the application. The report's suggestion that reversion to single-family use could have occurred during the preceding 6-month period is conjecture unsupported by any evidence. It is insufficient to make the appellant's statement that a lawful HMO use existed on the date of the application less than probable on the balance of probability.

9. I am satisfied that the Council's refusal of the application is not well-founded. The appeal has therefore been allowed and a certificate of lawful use has been granted.

D.A.Hainsworth

INSPECTOR

Planning Inspectorate

Certificate of Lawful Use

APPEAL REFERENCE APP/Z4310/X/26/3378000
TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39 & SCHEDULE 8

IT IS CERTIFIED that on 3 December 2025 the use described in the First Schedule to this certificate in respect of the building specified in the Second Schedule to this certificate and shown edged and hatched in black on the plan attached to this certificate was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990, for the following reason:

The use was permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015, article 3(1) and Schedule 2, Part 3, Class L.

D.A.Hainsworth

INSPECTOR
Dated: **9th November 2026**

First Schedule

A House of Multiple Occupation for 3-6 persons (Use Class C4).

Second Schedule

57 Leopold Road, Liverpool L7 8SR

Notes

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990.
2. It certifies that the use described in the First Schedule taking place in the building specified in the Second Schedule was lawful on the specified date and, therefore, was not liable to enforcement action under Part VII of the 1990 Act on that date.
3. This certificate applies only to the extent of the use described in the First Schedule and to the building specified in the Second Schedule and identified on the attached plan. Any use that is materially different from that described or which relates to any other land may render the owner or occupier liable to enforcement action.

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Plan attached to Certificate of Lawful Use

57 Leopold Road, Liverpool L7 8SR

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This is the plan attached to the Certificate of Lawful Use dated: 9th November 2026

D.A.Hainsworth
Inspector

