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/26/3377978
98 Adelaide Road, Liverpool L7 8SQ

- The appeal is made by Olena Kozak-King 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/2493, dated 18 September 2025, was refused by notice dated 10 October 2025.
- 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)" (a small HMO).

Application for costs

1. The Council's application for costs against the appellant is dealt with by a separate decision.

Appeal decision

2. 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 appeal decision

3. 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.

4. 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.

5. The appellant states that "The Property houses up to 4 individuals at any one time and has been operating consistently as a small HMO (C4) prior to the implementation of the Article 4(1) Direction 2020." The application form

contained a detailed description of the use and stated in detail the reasons why she considered the application should be granted. It was accompanied by copies of five tenancy agreements and other documentation.

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

"1. The local planning authority, based on the evidence provided to the Council, is not satisfied that the use of the premises as a C4 HMO for between 3 – 6 persons was subsisting prior to the adoption of the Article 4 direction, ending with the date of the application."

7. The appellant was subsequently informed by the Council about the further information that was required and in support of her appeal she has submitted copies of a large number of additional documents, which include financial income statements, legal documents, plans, images, invoices and a statutory declaration. The Council have now reviewed all the information provided and have decided not to contest the appeal. I have no reason to question this decision and I have therefore allowed the appeal and granted the certificate applied for.

D.A.Hainsworth

INSPECTOR

Planning Inspectorate

Certificate of Lawful Use

APPEAL REFERENCE APP/Z4310/X/26/3377978
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 18 September 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

98 Adelaide Road, Liverpool L7 8SQ

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.

Planning Inspectorate

Plan attached to Certificate of Lawful Use

98 Adelaide Road, Liverpool L7 8SQ

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

D.A.Hainsworth
Inspector

