

Report Title: Non-Immediate Article 4 Direction in Shopping Parades in Bootle (Commercial to Residential)

Date of meeting:	25 June 2026		
Report to:	Cabinet		
Report of:	Chief Planning Officer		
Portfolio:	Housing and Highways		
Wards affected:	Bootle West, Bootle East, Litherland, Netherton South & Orrell		
Is this a key decision:	Yes	Included in Forward Plan:	Yes
Exempt/confidential report:	No		

Summary: The purpose of the report is to seek approval for the making of a non-immediate Article 4 Direction in relation to changes of use from commercial to residential (Use Class C3) in relation to shopping parades within the Bootle Area Action Plan area. The Article 4 Direction will remove the permitted development rights that would allow for units within shopping parades to change to residential dwellings without the need for planning permission.

Recommendation(s):
Cabinet

- (1) Approves the making of a non-immediate Article 4 Direction (attached in Appendix A) for the reasons set out in this report, in relation to changes of use from Use Classes E and Sui Generis to C3 in the identified shopping parades in the Bootle Area Action Plan area
- (2) Authorises the required notifications as set out in the report and the publication of the public notice as shown in Appendix B
- (3) Authorises the preparation of a report, following notification and consultation, to seek Cabinet approval as to whether to confirm this non-immediate Article 4 Direction.

1. The Rationale and Evidence for the Recommendations

Introduction/Background

- 1.1 In 2021 the Government introduced a change to both the Planning Use Classes Order and to the General Permitted Development Order. Planning Use Classes are a series of classes for different types of building/land uses. The Use Classes Order sets out the type of activity in each class (e.g. shops, homes, schools, business etc) and also outlines where changes of use between classes will not require planning permission.
- 1.2 The Government introduced a new use class E (Commercial, Business and Service). This consists of an amalgamation of a number of use classes. These include most retail and high street uses, including, shops, small financial services (banks building societies), Cafes, most medical services, creches and day centres and certain leisure facilities. This is clearly a broad range of facilities within one use class and any change of use within class E is not considered development and therefore does not require planning permission.
- 1.3 In parallel with the changes to the Use Classes, the Government also introduced amendments to the General Permitted Development Order (GPDO) to allow more types of development between classes that would otherwise require a full planning application, either permitted development or requiring a 'light touch' permission, a prior approval application.
- 1.4 Of interest are the Class M and Class MA rights. Class M allows a change of use from 'Certain Uses' (laundrette, betting office, payday loan shop, hot food takeaway or a mixed-use combining use as a dwellinghouse, with a laundrette, betting office, payday loan shop, or hot food takeaway) to Class C3 (Housing). Similarly, Class MA allows a change of use from Class E (Commercial, Business and Service) to Class C3 (Housing).
- 1.5 Class M and Class MA rights are both subject to a prior approval process. Prior approval means that a developer has to seek approval from the Local Planning Authority that specified elements of the development are acceptable before work can proceed. Whilst the prior approval process allows the Local Planning Authority (LPA) to assess the acceptability of certain aspects of the development, consideration of the impact on shopping areas (e.g. vitality, viability, provision of local services – with the exception of laundrettes) is not included in the prior approval processes. Therefore, Class M and Class MA rights circumvent Local Plan policies which seek to protect the health of shopping parades, in addition to restricting the ability of the Council to secure good quality, well-designed conversions.

Article 4 Directions

- 1.6 An Article 4 direction is a direction made by an LPA or the Secretary of State under Article 4 of the GPDO, which withdraws specific permitted development rights granted by that order (in this case Class M and Class MA as described above) in a defined area.
- 1.7 Paragraph 54 of the National Planning Policy Framework (NPPF) sets out that the use of Article 4 directions to remove national permitted development rights should:
- *‘where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre); and*
 - *in all cases, be based on robust evidence, and apply to the smallest geographical area possible.’*
- 1.8 An Article 4 direction does not mean that development is not allowed. An Article 4 direction only means that a particular development cannot be carried out under permitted development and therefore needs a planning application. This gives a local planning authority the opportunity to consider a proposal in more detail.
- 1.9 There are two types of directions under the General Permitted Development Order: non-immediate directions and directions with immediate effect. Non-immediate directions are those where permitted development rights are withdrawn following a prior notice period which includes a period of consultation. Immediate directions are where permitted development rights are withdrawn with immediate effect. In both cases, these are then confirmed by the Council following consultation, including with the Secretary of State.
- 1.10 The removal of permitted development rights through the introduction of an Article 4 direction may make a Local Authority liable for compensation due to restricting, without notice, the economic options a property owner may have. However, where 12 months’ notice is given in advance of a direction taken effect (i.e. through the making of a non-immediate direction), there will be no liability to pay compensation.
- 1.11 It is therefore considered appropriate to remove the Class M and Class MA permitted development rights through a non-immediate Article 4 direction.

The Case for the Article 4

- 1.12 The Article 4 direction is only proposed for within shopping parades within the recently adopted Bootle Area Action Plan (AAP) (January 2026). This is because, as discussed above, an article 4 direction can only cover the areas

where it is absolutely needed. It is considered that certain issues in the Bootle area create a very specific requirement for action to be taken to control conversions of shops to flats. The key reasons why the article 4 is needed are set out in the Case for Non-Immediate Article 4 Direction for Shopping Parades in Bootle (which is attached to this report as Appendix C) and are summarised below.

Living Standards and Poor Quality Accommodation

- 1.13 Bootle has had long issues with poor quality accommodation. In order to address these issues, the Council has had a Selective Licensing scheme for private landlords in the Bootle area since 2018.
- 1.14 One of the issues in many of the parades in the Bootle AAP area is that units are often small, terraced units that were purpose built for retail or other commercial purposes and were not intended specifically for residential. This can result in poor living standards for occupants, for example, rooms that are too small, living accommodation directly facing a public highway and no outside amenity space. These issues are considered important for the Council because they link to the health of the occupiers of properties. Having adequate private outdoor amenity space is considered important because it, allows residents to do various outdoor activities including private exercise, getting natural sunlight and the ability to dry clothes naturally. The latter point is particularly pertinent given the high energy costs and Bootle's significantly higher levels of fuel poverty compared to the rest of the Borough and the country.
- 1.15 Most of the Bootle AAP area is within some of the poorest 10% of areas within the country in the Indices of multiple deprivation (2025). The Selective licensing evidence showed that much of Bootle were in:
- Being within the top 1-5% of the most deprived areas across the country
 - Contains the highest rate of Private Rented Sector (PRS) properties across the Borough at approximately 25%
 - Suffers high levels of unemployment, low level educational achievement with low skill and low paid occupations
 - Highest rate of lone parents across the Borough
 - Average household incomes are the lowest in the borough
 - Over a third of people aged 16 and over in Bootle have no qualifications, compared to a quarter for the whole borough
- 1.16 Planning has supported the selective licensing scheme through the introduction of a Borough-wide Article 4 direction for changes of use from a single dwelling house to HMOs across the Borough. The particular concerns that informed the HMOs Article 4 directions were twofold:

- Concerns about adverse changes to the character of existing areas due to numbers of change of use applications to HMOs.
- There were concerns about the poor quality of HMO accommodation being created and the resulted impact upon living conditions of residents.

Changes in Use from commercial to residential, if not done appropriately, have the potential to create poor quality accommodation. Some issues that are unable to be given consideration under the Prior Approval process include inadequate outdoor amenity space, poor quality outlook and prospect, and small, cramped room sizes.

Impact upon Local Parades

- 1.17 The Bootle area has a number of shopping parades which vary in size. These parades have served their localities and at one time, particularly the longer parades, will have had a wide range of shops and services.
- 1.18 Although a high number of vacancies on Bootle's shopping parades has been an issue for a number of years, the change in retail patterns over the last couple of decades, in addition to the COVID-19 pandemic, has seen an increasing number of vacancies, particularly impacting the longer parades.
- 1.19 On visit to the parades in 2026, there were a higher number of shops that were shuttered when viewed. Although these parades were visited between 10:00 and 15:00, and therefore many businesses may operate primarily outside of this time period, some blocks on the parade appeared to have vacancy rates over 50%.
- 1.20 In addition to high vacancy rates, some parades, most notably Linacre Road and Hawthorne Road (south of Balliol Road), have already seen a high number of poor-quality residential conversions, further fragmenting the already struggling parade.

Bootle AAP and Allowing Effective Planning

- 1.21 Understanding the change in retail patterns and the effect that this has had on many of Bootle's shopping parades, there is a clear need to consider alternative uses on these parades.
- 1.22 Recognising this need to consider alternative uses, Bootle Area Action Plan policy BAAP7 (provided at Appendix D) sets out that the Council supports the redevelopment/remodelling of the 'non-core' areas of the longer shopping parades identified. Although the Council is supportive in principle of the redevelopment of these non-core areas, this redevelopment should only be done on a block by block or in a multi-block approach and would only consider the

remodelling of these blocks to be acceptable if it was of a 'very high quality and innovative design and should be designed to face onto a public highway'.

- 1.23 The introduction of this Article 4 direction would therefore support the ambitions of the Council set out in Bootle Area Action Plan policy BAAP7, reducing the possibility of potentially poor-quality housing conversions and instead promoting a coordinated approach to redevelopment that would ensure a higher standard of housing.

Next Steps

- 1.24 If approved, the process for making the direction will involve the display of notices on each of the identified longer parades, and advertisement in the local press, in addition to notifying all owners and occupiers on the parades. During the consultation period that follows the serving of the notice, representations from the public will be invited. A copy of the direction, notice, plans and evidence report will be sent to the Secretary of State. Consideration will need to be made of any representations received, including whether to continue with the direction. The Secretary of State could make modifications to the direction.
- 1.25 In deciding whether to confirm a direction, the LPA must wait 28 days or longer if required by the Secretary of State before it can confirm the order. Notification will need to be issued once the direction has been confirmed. It is planned that the Article 4 direction will come into effect one year after the notice is first served.

2. Financial Implications

A) Revenue Costs

The Council will be required to process and determine planning applications for change of use from commercial (Use Class E and 'Certain Uses') to a dwelling (C3) in the designated areas. There will be a planning fee, payable by the applicant, for these planning applications to cover the costs of the additional work by the Planning Department.

B) Capital Costs None

3. Legal Implications

An Article 4 Direction may be made by the Local Planning Authority. It restricts the scope of Permitted Development Rights either in relation to a particular area or site or to a particular type of development. Where an Article 4 Direction has been made and is in effect, a planning application will be required for development that would otherwise have been permitted development.

4. Risk Implications

There is a small risk to the Council's reputation if the Article 4 is not supported by the Secretary of State. The previous government had reservations about approving a similar Article 4 direction for Class E to residential in Bootle, however the current government has recently approved a number of Article 4 directions in the Borough and across the country, including one in Reigate and Banstead for a similar commercial to residential Article 4 direction. Whilst this does not guarantee the Article 4 will be supported by the government, we consider that we have a reasonable case to implement the Article 4 direction.

5. Staffing HR Implications

None

6. Conclusion

It is proposed to progress with what will be a non-immediate Article 4 Direction in relation to changes of use from commercial to residential in shopping parades in the Bootle Area Action Plan area. A non-immediate Article 4 Direction would not come into effect immediately and instead specifies a later date when it takes effect, usually at least 12 months after the last notice of making the direction is served to avoid the liability for compensation.

Alternative Options Considered and Rejected

Option 1 – Do not introduce an Article 4 Direction. The Council would not have control of conversion from commercial to residential across shopping parades in the Bootle Area Action Plan area. There is a risk of further fragmentation to the existing parades, negatively impacting the vitality and viability of those parades. It may also mean that there is poor quality accommodation providing poor living conditions.

Option 2 – Introduce an Article 4 Direction with immediate effect. This would mean that the control of use from units in parades to dwellings would be in place as soon as the direction is made. However, the Council would be liable to pay compensation to owners. This could be costly and it is not clear how it would be financed.

Option 3 – Cover the whole of the Borough with an Article 4 Direction. The National Planning Policy Framework is clear that an Article 4 should be kept to the minimum area that is necessary. The Article 4 Direction will assist in meeting the ambitions of the recently adopted Bootle Area Action Plan, particularly policy BAAP7 regarding how best to redevelop non-core areas of the longer shopping parades in the area, therefore it is proposed that the Article 4 should only cover this area.

Equality Implications: There are no equality implications.
Impact on Children and Young People: There would be no impact on children and young people.
Climate Emergency Implications: The recommendations within this report will have a Neutral impact.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.9347/26) and the Chief Legal and Democratic Officer (LD.6547/26) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

None

Implementation Date for the Decision:

Following the expiry of the “call-in” period for the Cabinet decision.

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Appendices:

The following appendices are attached to this report:

Appendix A Draft Non-Immediate Article 4 Direction

Appendix B Draft Article 4 Direction Public Notice

Appendix C Case for Non-Immediate Article 4 Direction for Shopping Parades in Bootle

Appendix D Policy BAAP7 from the Bootle Area Action Plan (January 2026)

Background Papers:

None

Appendix A Draft Non-Immediate Article 4 Direction

SEFTON METROPOLITAN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED) (the “Order”)

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH SCHEDULE 3 APPLIES

COMMERCIAL, BUSINESS AND SERVICE, AND OTHER USES TO DWELLINGHOUSES

ARTICLE 4 DIRECTION 2026

WHEREAS the Council of Sefton Borough, being the appropriate local planning authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), is satisfied that it is expedient that development of the description set out in the First Schedule below should not be carried out on the land described in the Second Schedule and shown edged red (for identification purposes only) on the Plans annexed hereto unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

NOW THEREFORE the said Council in pursuance of the power conferred on it by Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) hereby directs that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the description(s) set out in the First Schedule.

FIRST SCHEDULE

1. Class M of Part 3 of Schedule 2 to the Order, namely a change of use of a building in certain uses (launderette, betting office, pay day loan shop, hot food takeaway, or a mixed use combining use as a dwellinghouse, with a launderette, betting office or pay day loan shop) to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987; or such development together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) at ground floor level.

2. Class MA of Part 3 of Schedule 2 to the Order, namely a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 to a use falling within Class C3 (dwellinghouse) of Schedule 1 to that order at ground floor level.

SECOND SCHEDULE

1. 20-82 (even) and 31-111 (odd) Stanley Road, Bootle
2. 6-20 (even), 38-70 (even), 3-17 (odd) and 33-57 (odd) Hawthorne Road, Bootle
3. 9-23 (odd) Irlam Road, Bootle
4. 215-231 (odd) Stanley Road, Bootle
5. 4-10 (even) and 5-17 (odd) Litherland Road, Bootle
6. 261-295 (odd) Hawthorne Road, Bootle
7. 242-322 (even) and 344-350 (even) Stanley Road, Bootle
8. 412-422 (even) Hawthorne Road, Bootle
9. 372-398 (even) and 7-9 (inclusive) Parrs Corner, Stanley Road, Bootle
10. 55-65 (odd) and 87-127 (odd) Marsh Lane, Bootle
11. 346-370 (even) Marsh Lane, Bootle
12. 50-64 (even) Aintree Road and 36-44 (even) Fernhill Road, Bootle
13. 114-128 (even), 162-166 (even), 190-204 (even), 228-240 (even) 81-125 (odd), 137-151 (odd) and 229-233 (odd) Knowsley Road, Bootle
14. 512-542 (even) and 447-471 (odd) Stanley Road, Bootle
15. 82-98 (even) Linacre Lane, Bootle and 92 Fernhill Road, Bootle
16. 68-94 (even), 98-166 (even), 97-121 (odd) and 139-199 (odd) Linacre Road, Litherland
17. 48-70 (even) Seaforth Road, Seaforth
18. 1-9 (odd) Harris Drive, Litherland
19. 1-10 (inclusive) The Crescent, Bootle
20. 12-24 (even), 11-75 (odd) Seaforth Road, 1-25 (inclusive) Stella Precinct and 1-15 (odd) Sandy Road, Seaforth
21. 50-110 (even) and 69-75 (odd) Bridge Road, Litherland
22. 21-27 (odd), 31-45 (odd) and 55-61 (odd) Orrell Road, Bootle
23. 35-47 (odd) Ennerdale Drive, Litherland

THIS DIRECTION is made under Article 4 (1) of the GPDO and shall come into force on 2027.



Article 4 Direction
Class E to C3
Map 1

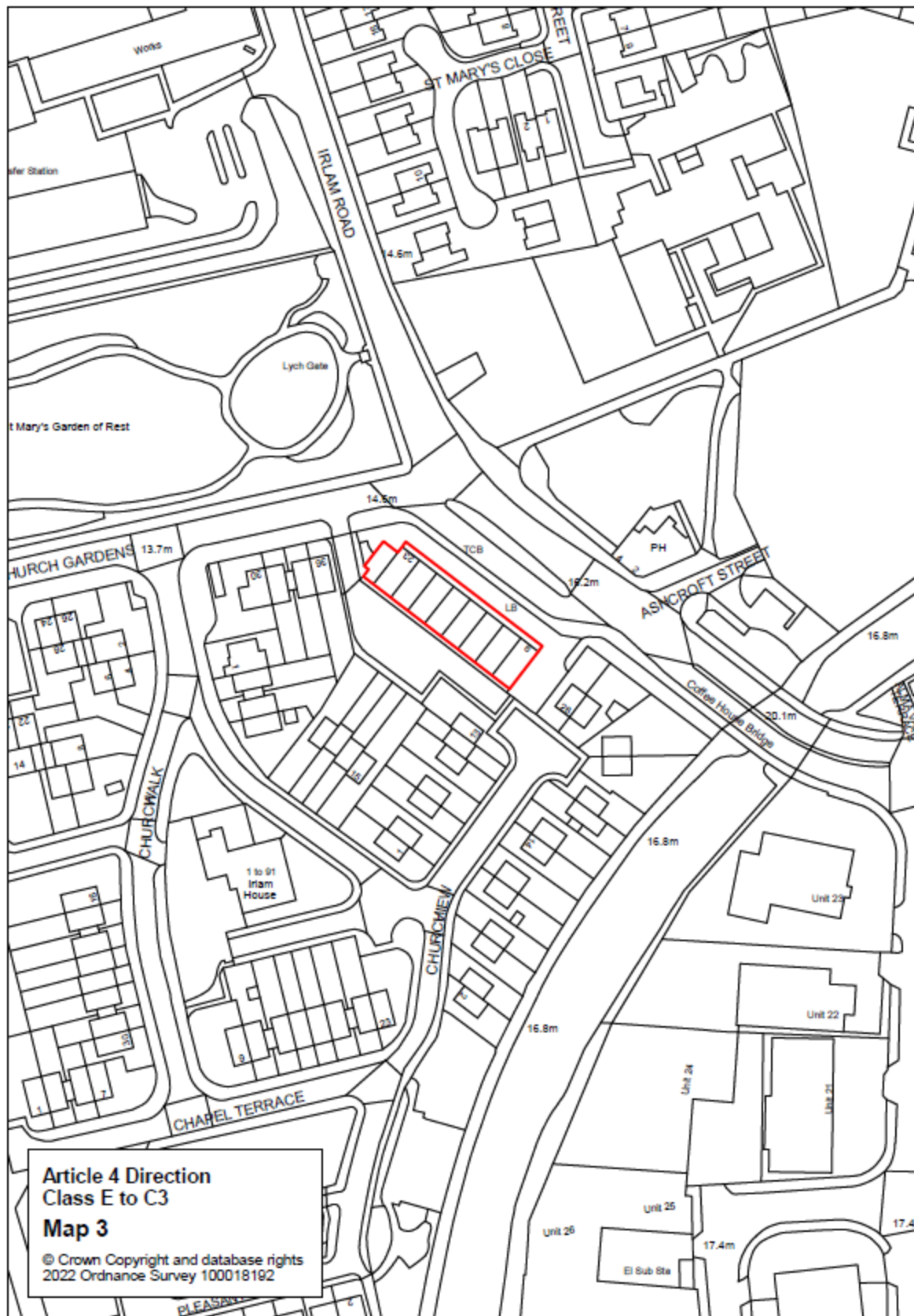
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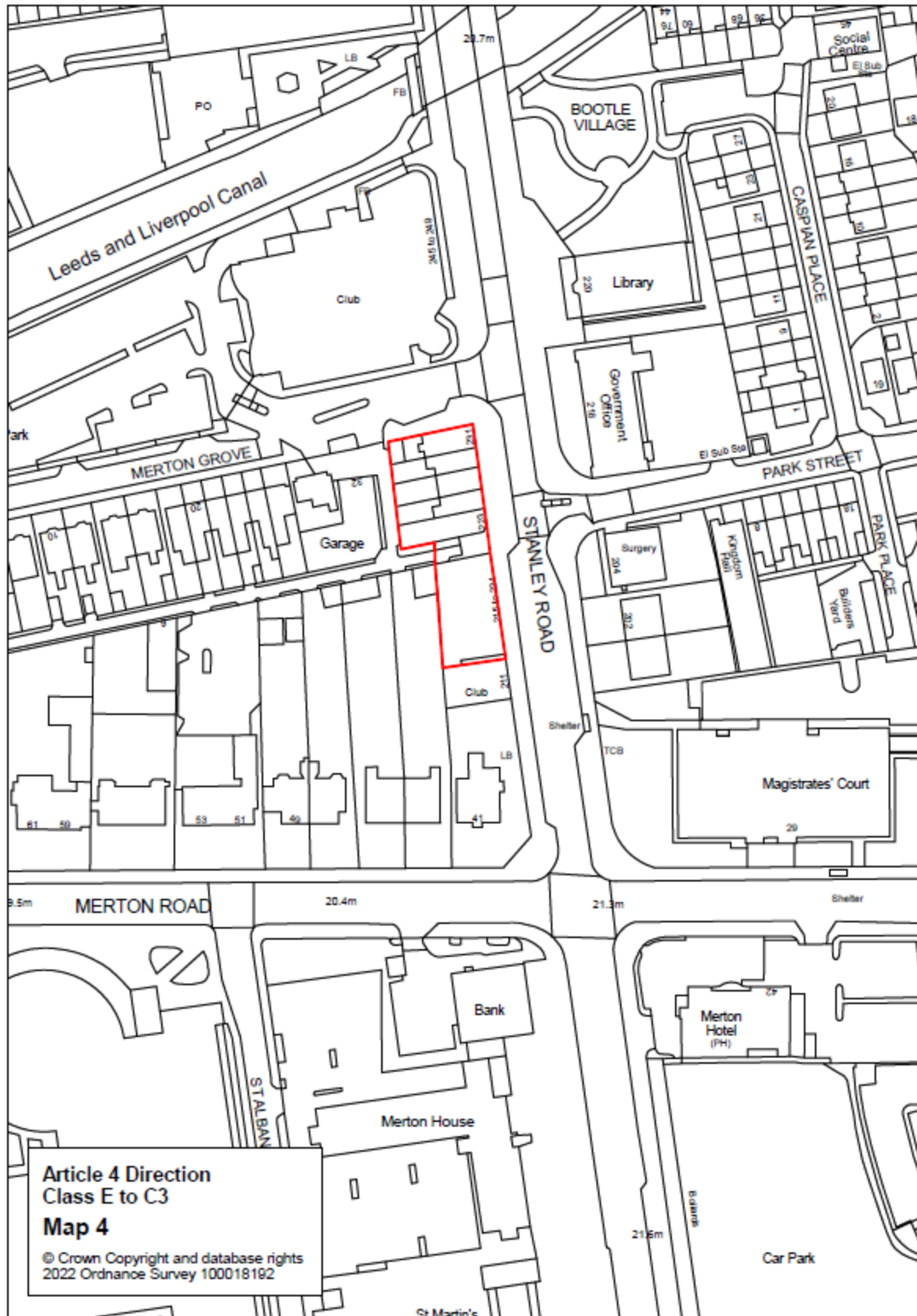


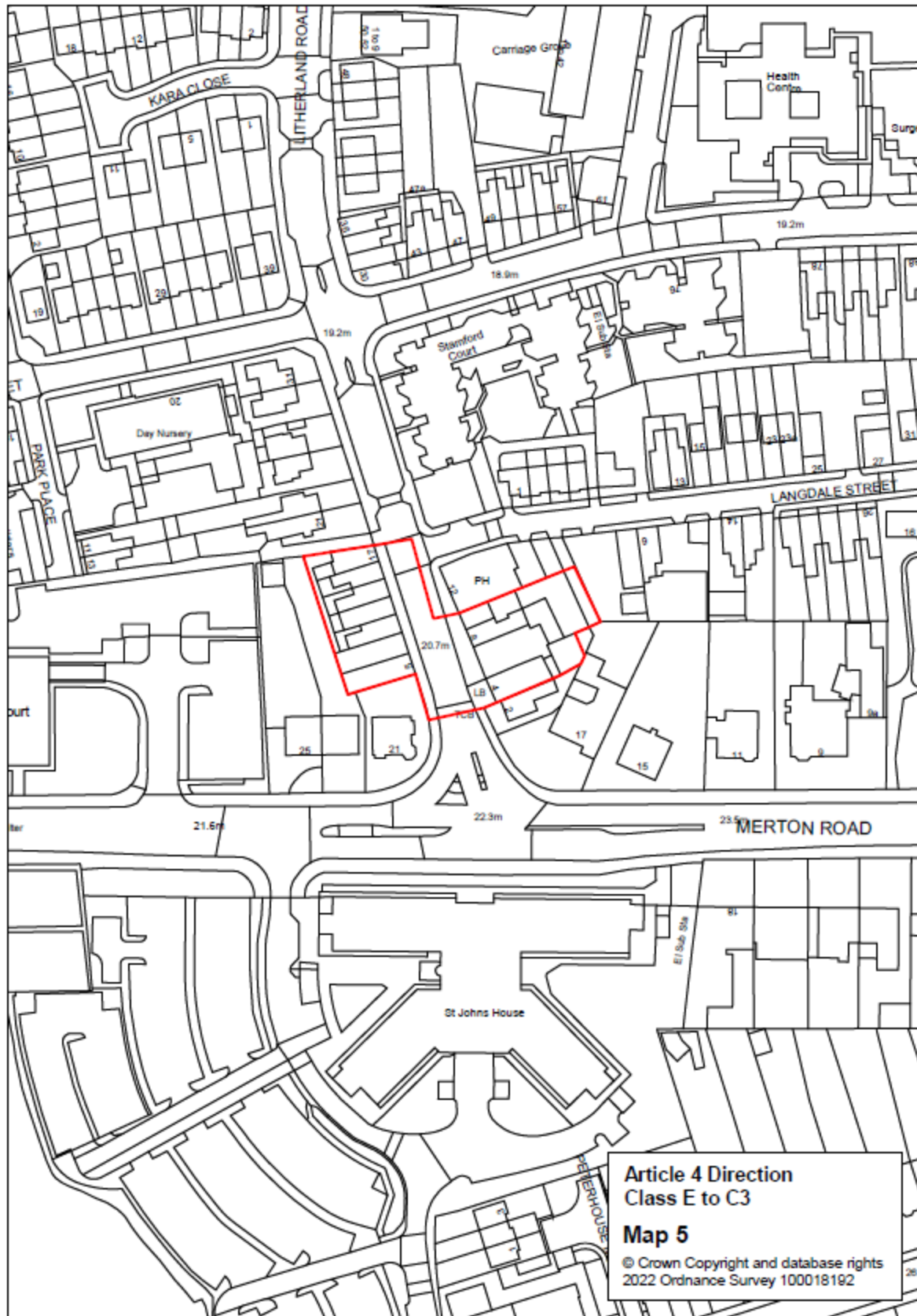
Article 4 Direction
Class E to C3

Map 2

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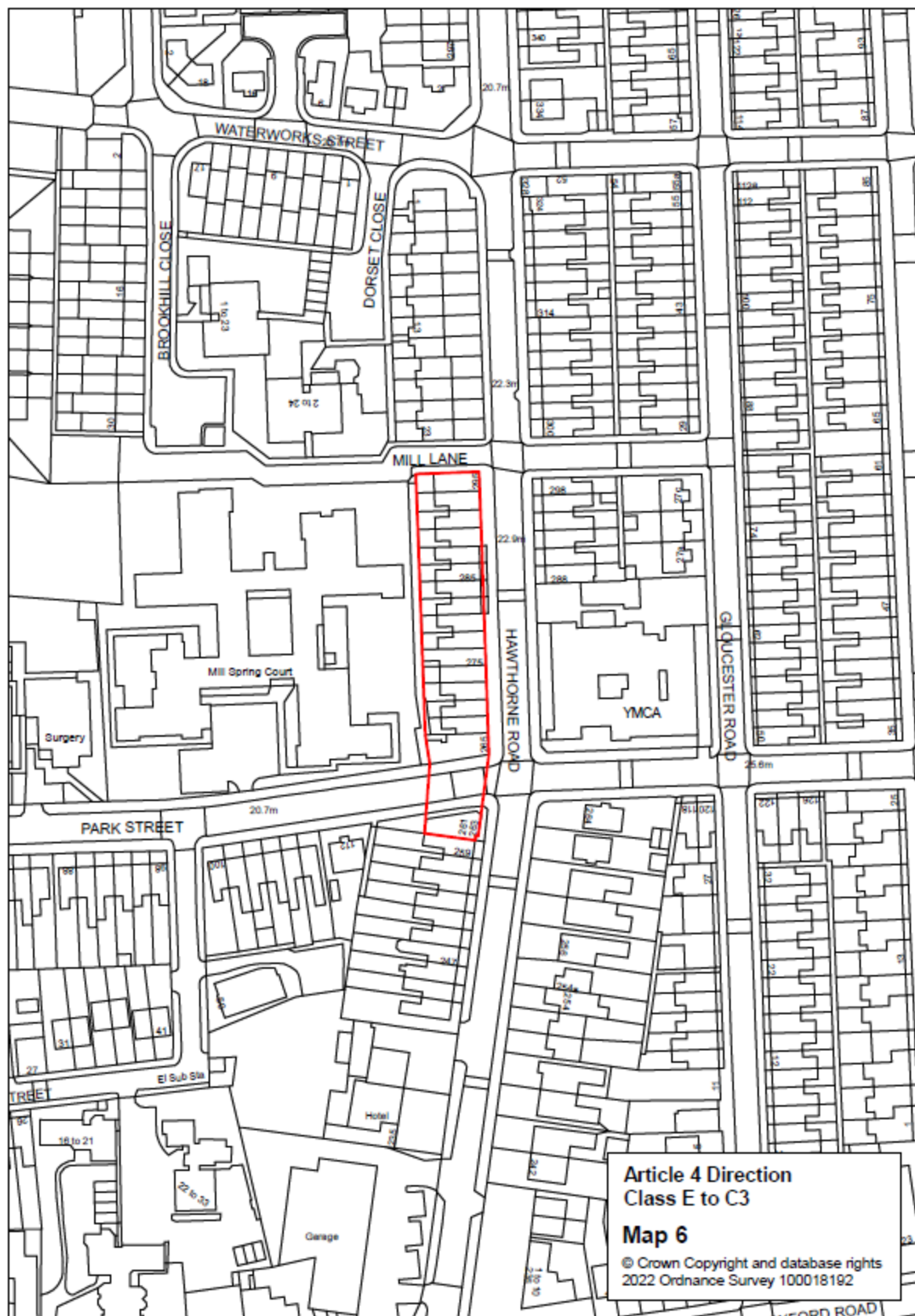


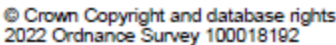


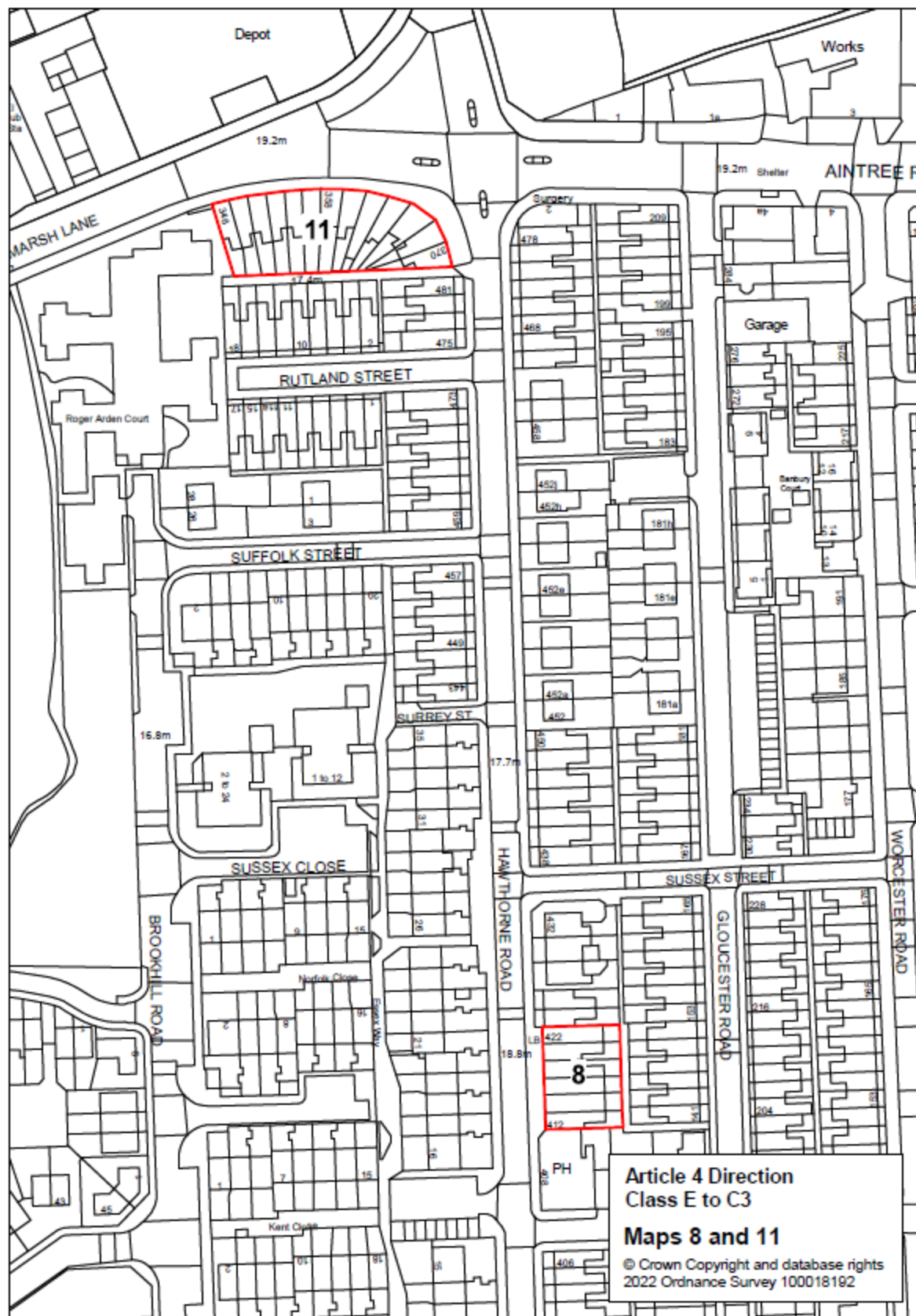
Article 4 Direction
Class E to C3

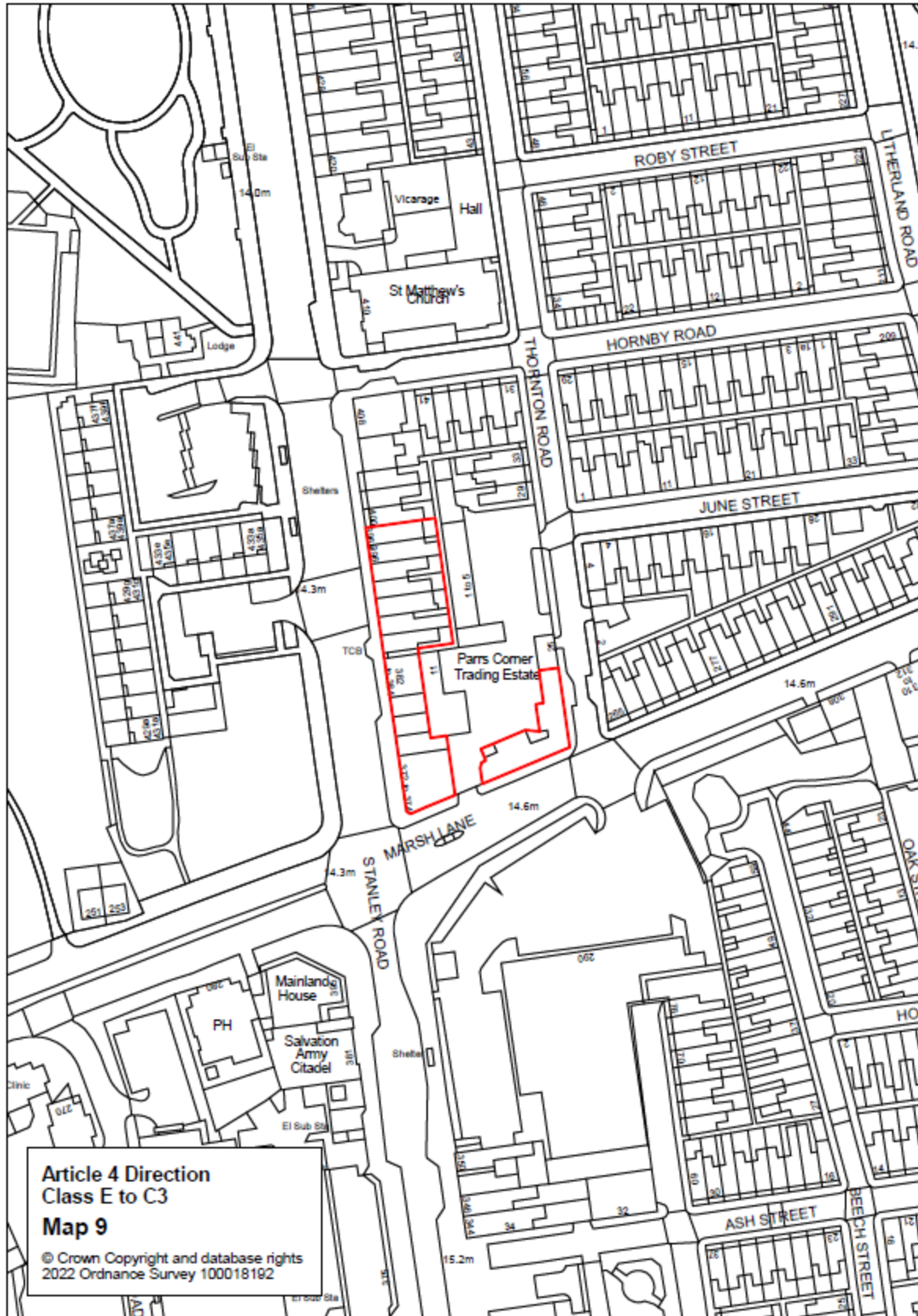
Map 5

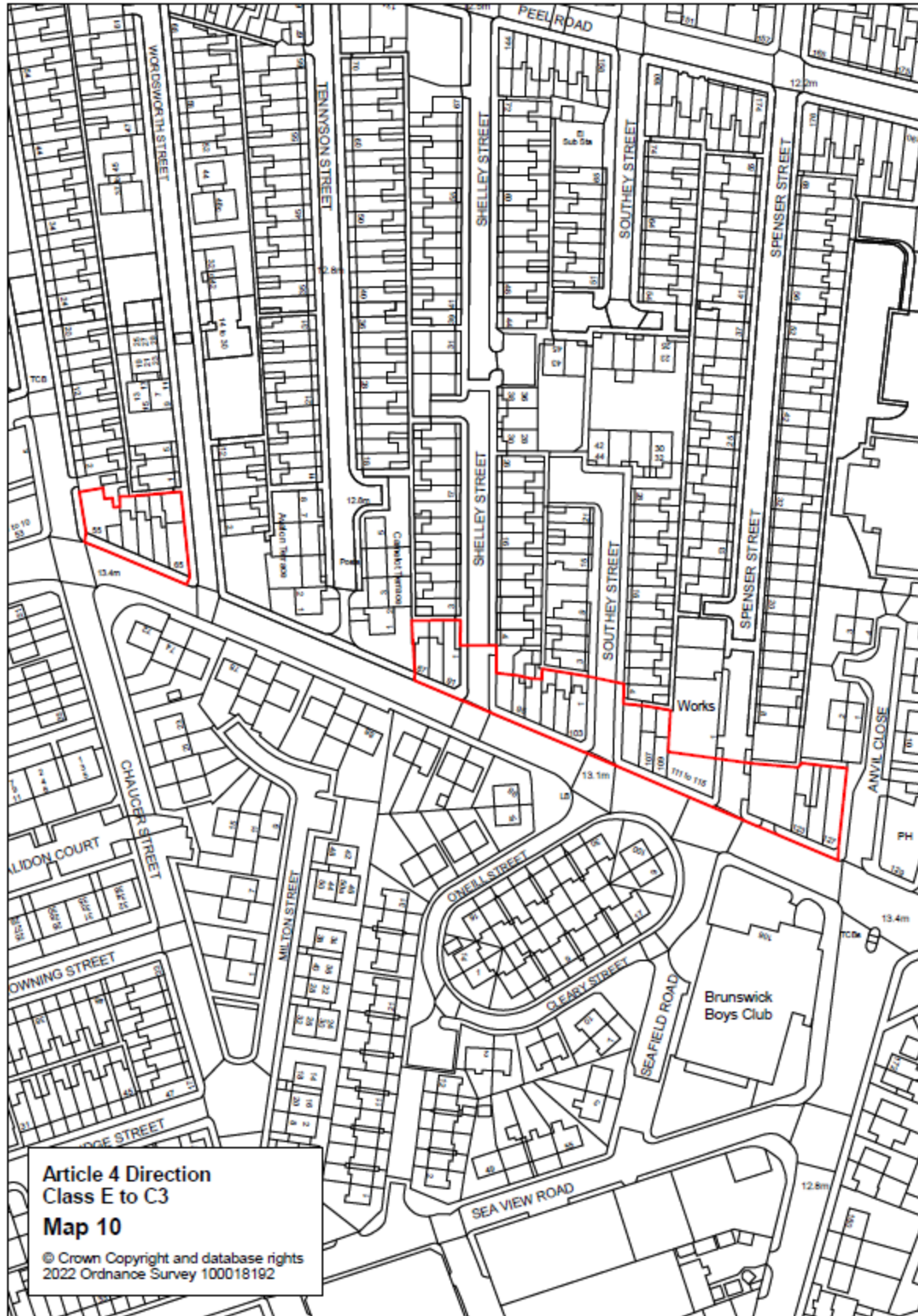
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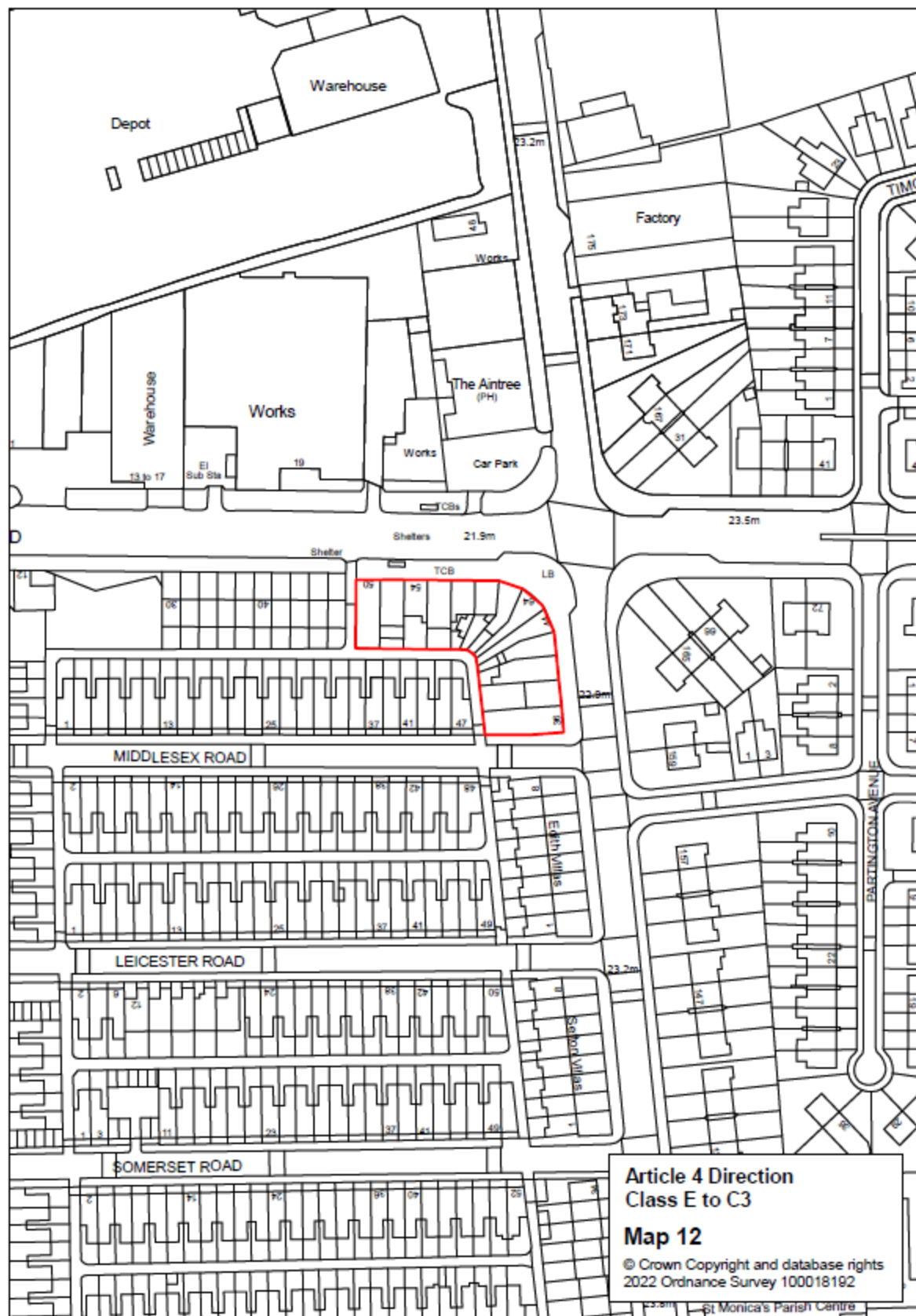


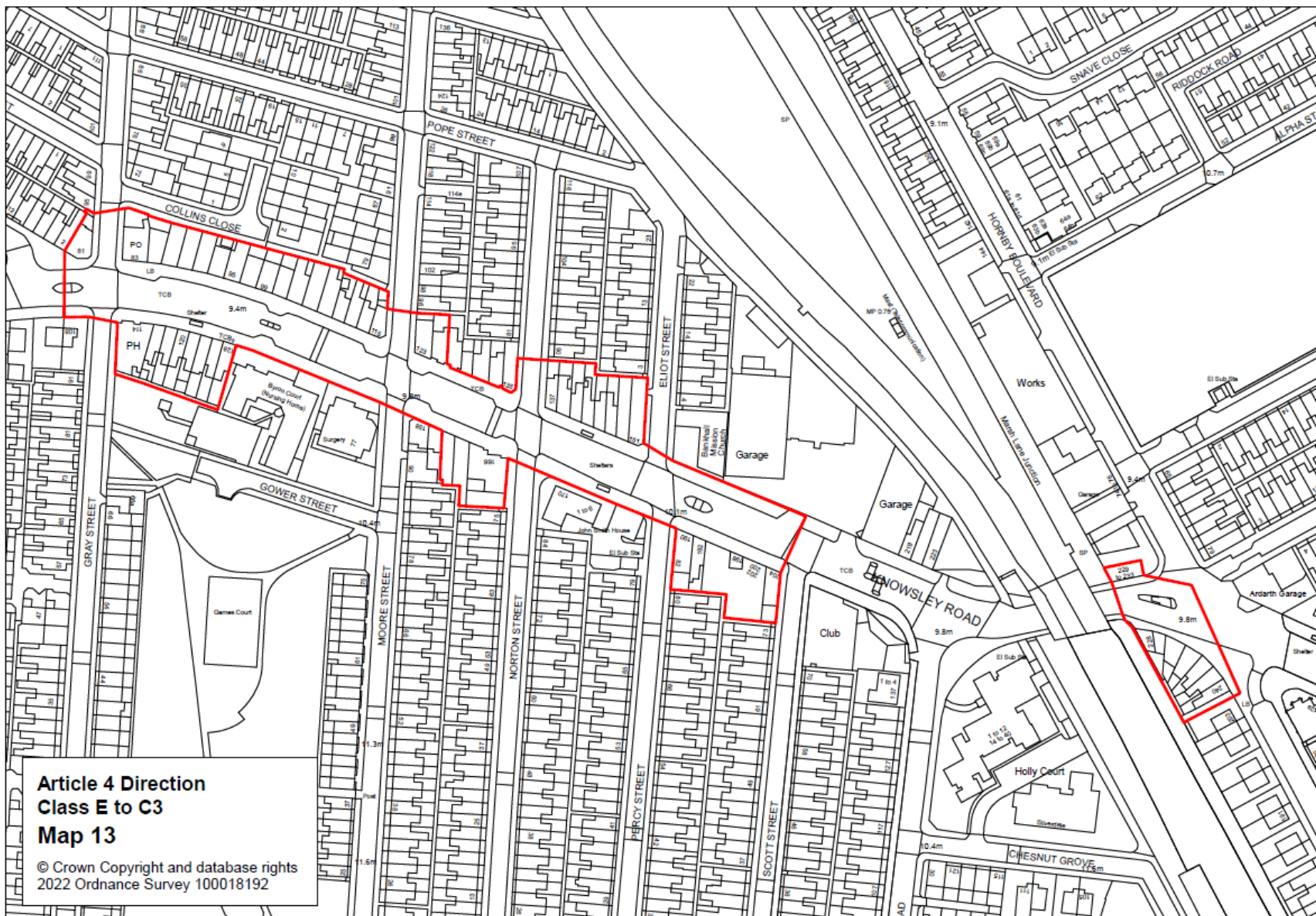


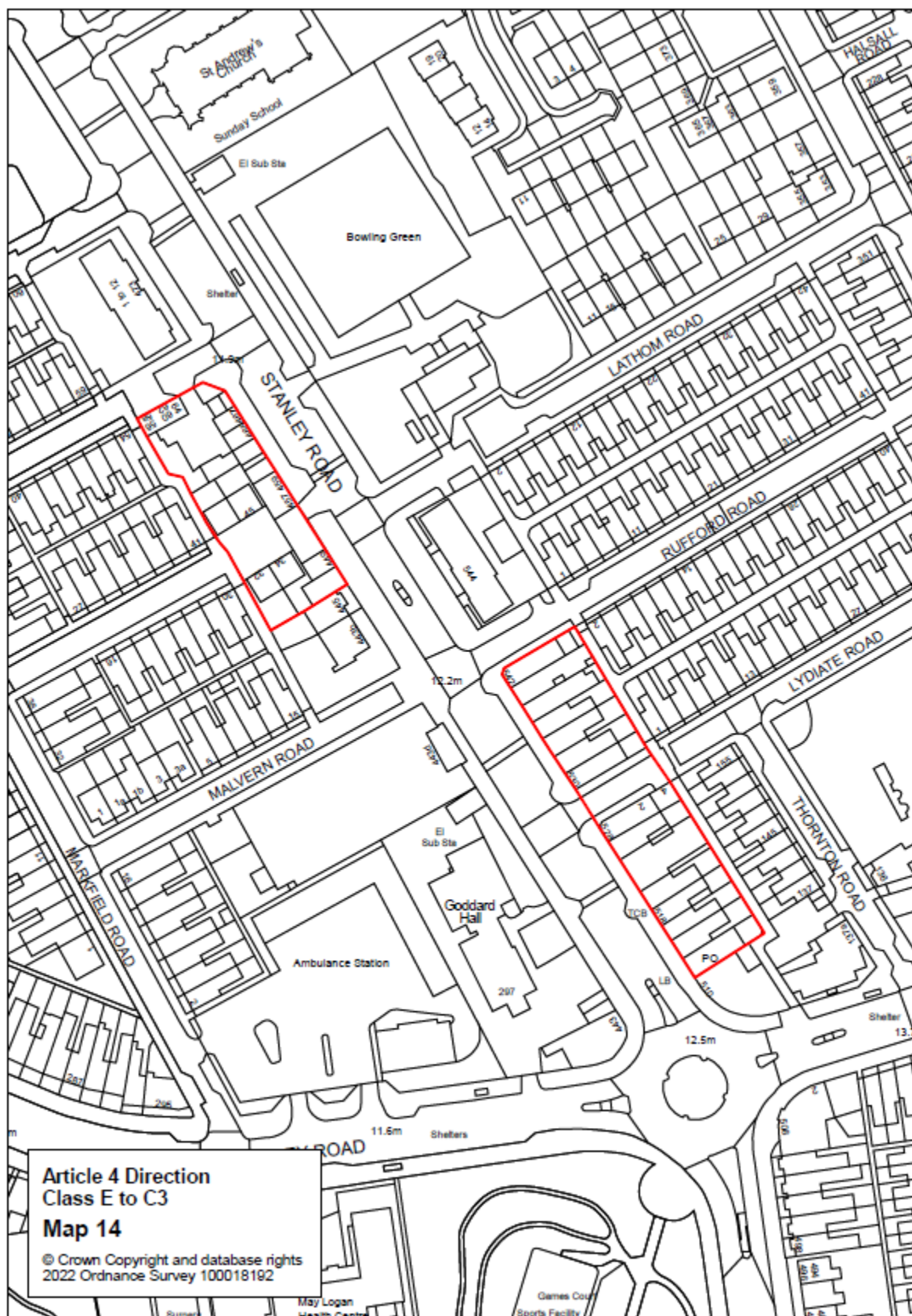


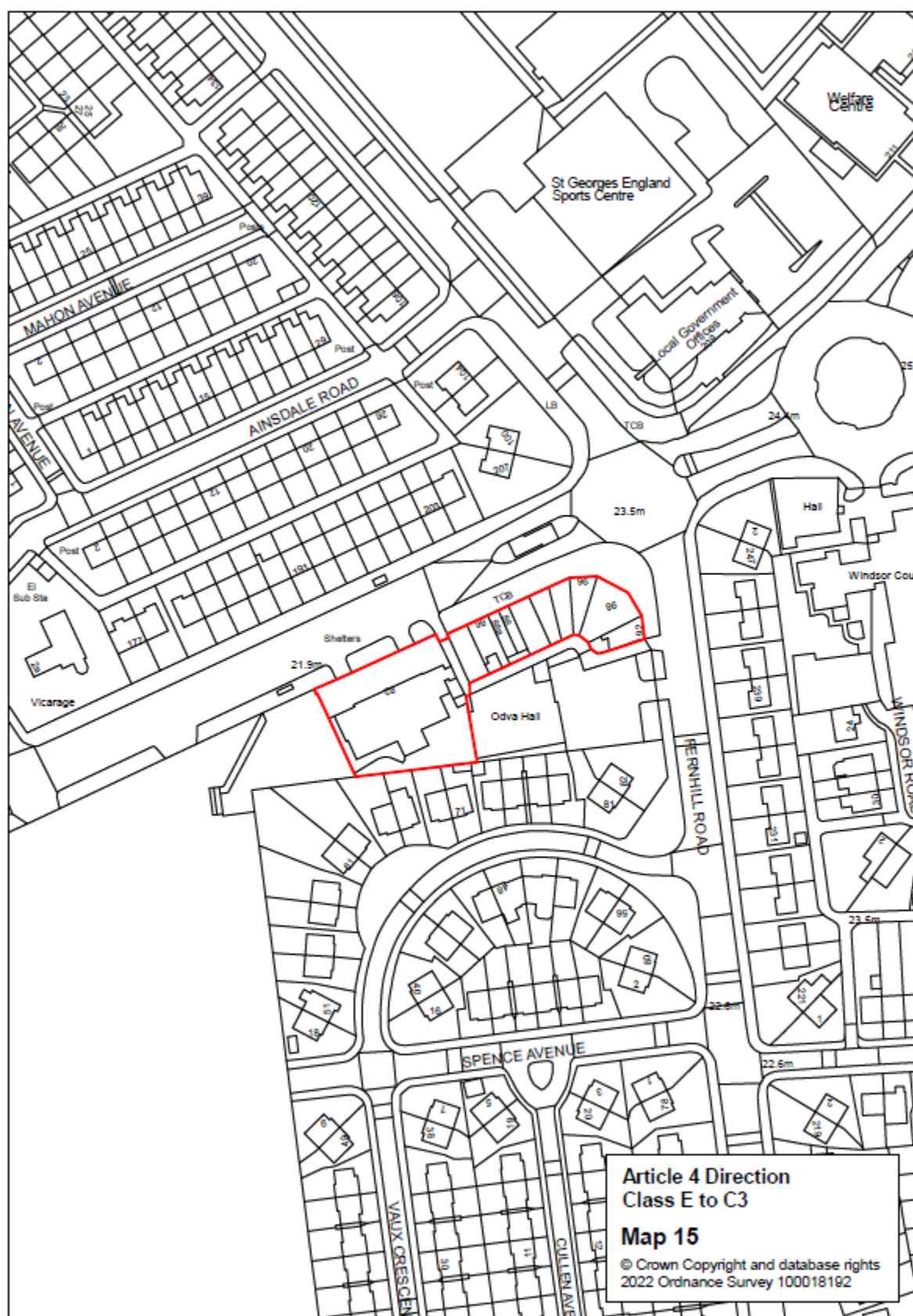




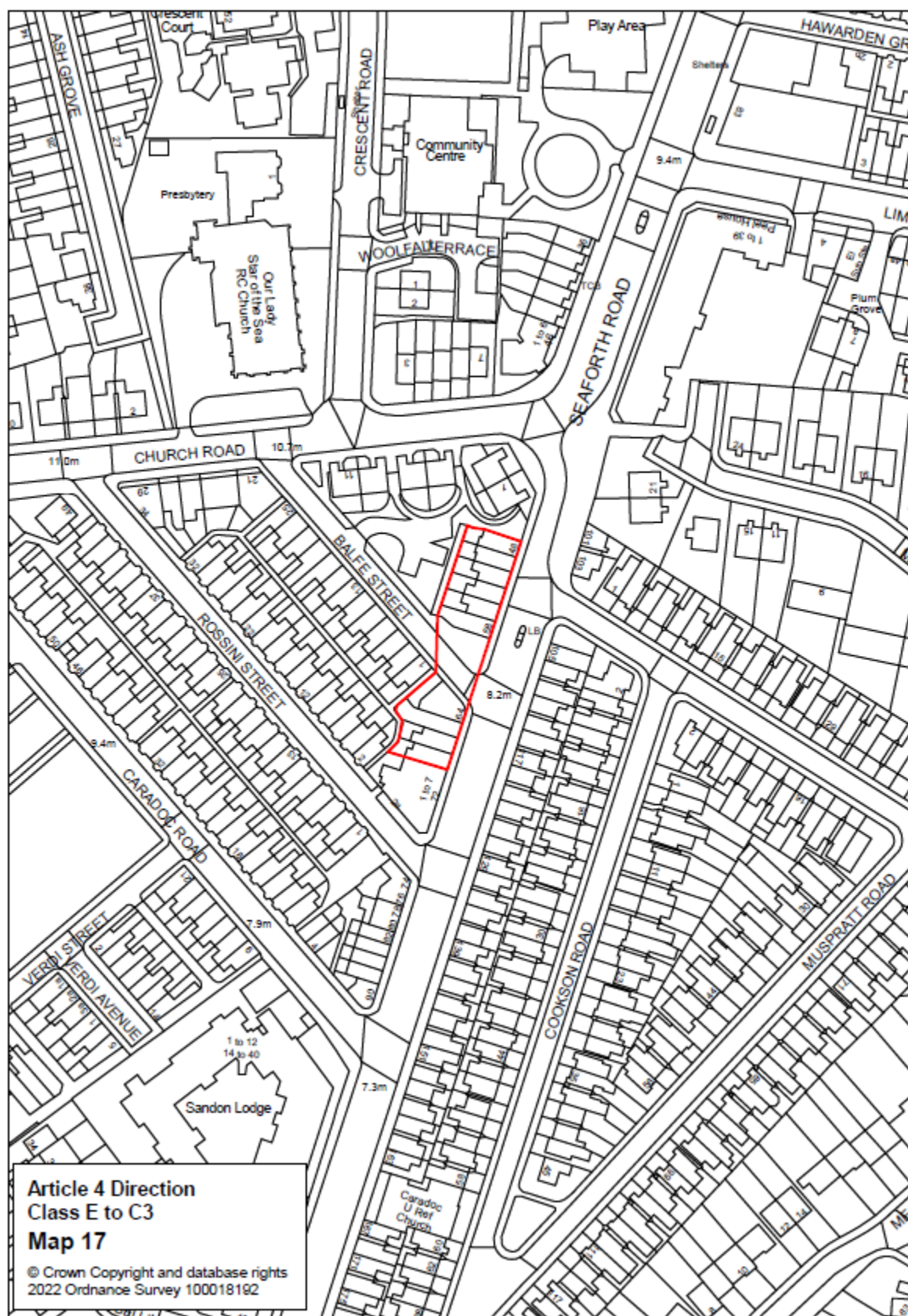












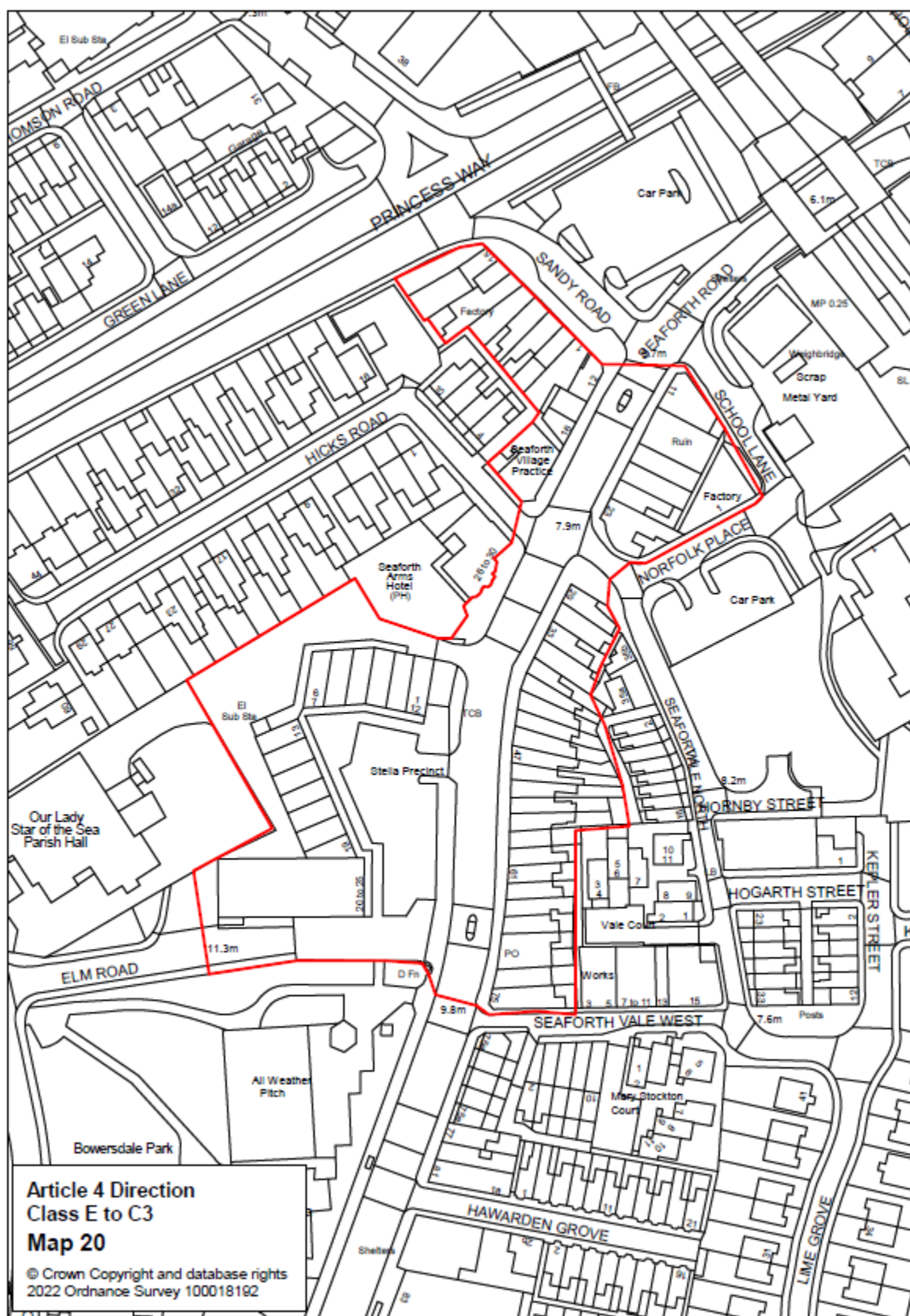




Article 4 Direction
Class E to C3

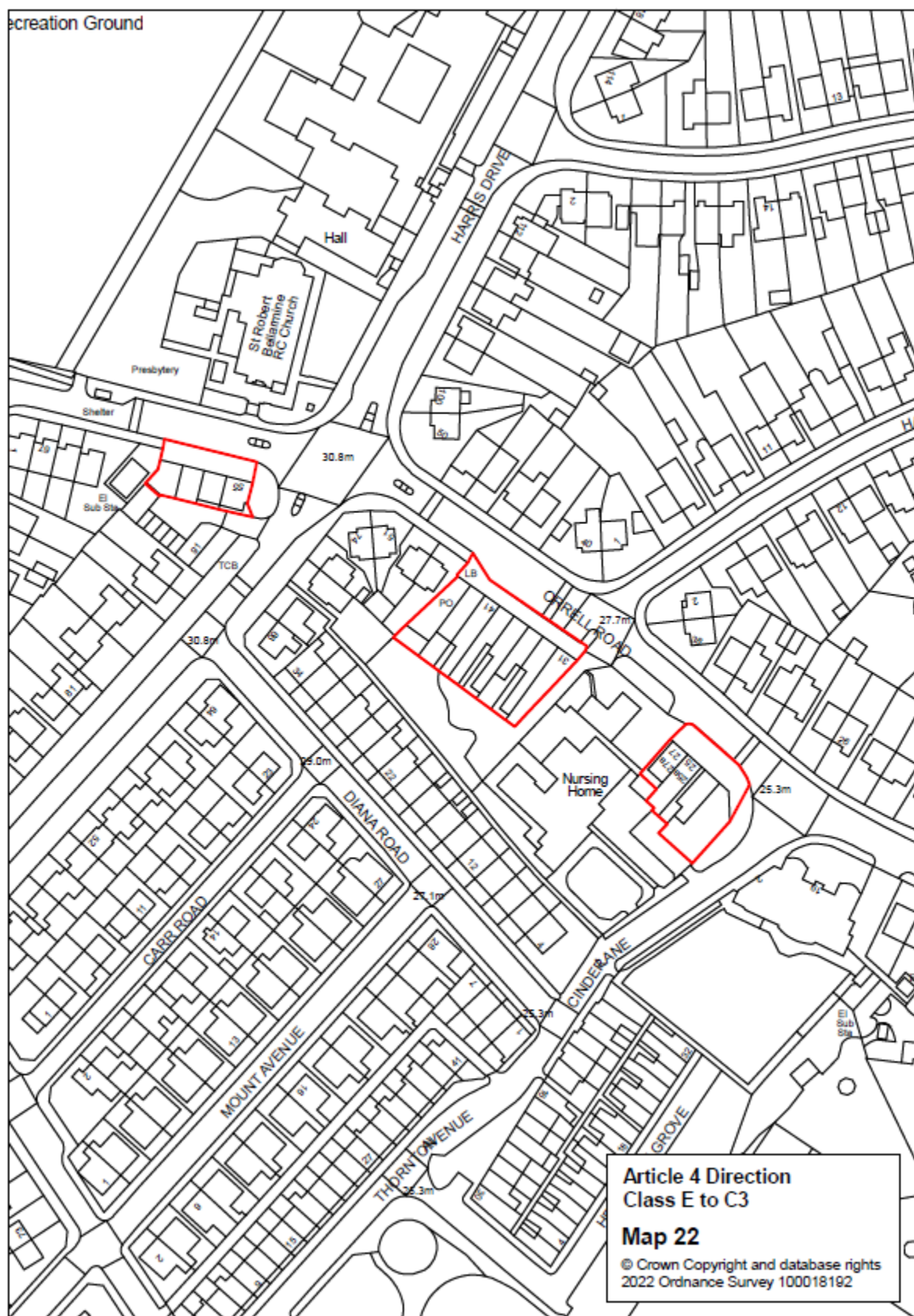
Map 19

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recreation Ground





Appendix B Draft Article 4 Direction Public Notice

SEFTON METROPOLITAN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)

ARTICLE 4 NOTICE

NOTICE OF MAKING A DIRECTION UNDER ARTICLE 4(1) in the Bootle area.

NOTICE IS GIVEN by Sefton Council, being the appropriate local planning authority, that it has made a Direction under Article 4 (1) of the Town and Country Planning (General Permitted Development) (England) order 2015 (as amended) ("GPDO").

The Direction was made on xx/xx/xxxx and applies to specific areas in Bootle, as shown on the Plan attached to the Direction.

The Direction applies to the development described in the following class of the GPDO:

- Class M of Part 3 of Schedule 2 to the Order, namely a change of use of a building in certain uses (laundrette, betting office, pay day loan shop, hot food takeaway, or a mixed use combining use as a dwellinghouse, with a laundrette, betting office or pay day loan shop) to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987; or such development together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) at ground floor level.
- Class MA of Part 3 of Schedule 2 to the Order, namely a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 to a use falling within Class C3 (dwellinghouse) of Schedule 1 to that order at ground floor level.

The effect of this Direction is that the permission granted by Article 3 of the GPDO will not apply to this kind of development within the areas set out in the Plan in Bootle. This kind of development cannot then be carried out in that area unless Sefton Borough Council ("the Council") grants planning permission.

A copy of the Direction and of the Plan defining the parts of Bootle to which it relates may be seen at the offices of the Council at Magdalen House, Trinity Road, Bootle L20 3NJ during normal office hours between 9am and 5pm on Mondays to Thursday and 9am to 4pm on Fridays. It can also be seen on the Council's website at www.sefton.gov.uk.

Representations on the Direction can be made to the Council between xx and xx 202x. If you want to make representations the Council would prefer these to be made by email, sent to local.plan@sefton.gov.uk. If you would like to send representations by post the address is Local Plans Team, Magdalen House, 30 Trinity Road, Bootle L20 3NJ. All representations should be marked with the subject line Article 4 Direction: Class E to residential development. Representations must be received by 5pm on xx xxxx 202x and should include your name, postal and email address.

It is proposed that the Direction will come into force on xx/xx/xxxx subject to consideration of any representations received during the consultation period and the Direction being confirmed by the Council.

Appendix C Case for Non-Immediate Article 4 Direction for Shopping Parades in Bootle

[note – this is attached as a separate document]

Appendix D Policy BAAP7 from the Bootle Area Action Plan (January 2026)

BAAP7 Local Shopping Parades

General

1. The Local Shopping Parades identified in figure 12 below are identified for local small-scale shopping and service provision and are suitable for the Class E uses (i.e. Commercial, Business and Service uses).

2. Other uses will only be permitted, subject to permitted development rights, if it can be demonstrated that they would:

- complement the range of uses on the shopping parade and
- improve the general street scene, and
- would not harm the living conditions of any nearby residents.

3. Converting the ground floors of units in shopping parades to residential will be unacceptable, subject to permitted development rights, unless the premises were:

i) clearly originally designed as residential properties, and

ii) the conversion both re-introduces key detailing and window/door proportions of the original dwelling and a suitable internal arrangement to ensure satisfactory living conditions for residents.

4. Residential uses on upper floors in shopping parades are likely to be acceptable in principle subject to other policies in this AAP (specifically Policy BAAP19) and the Local Plan.

Consolidating longer shopping parades

5. Several of the longer shopping parades in the Bootle AAP are no longer an appropriate size for their current function. These are:

- Hawthorne Road (south of Balliol Road)
- Knowsley Road
- Linacre Road
- Marsh Lane
- Seaforth Road
- Stanley Road (south of Balliol Road)

6. For each of these parades, the Council have identified a core area that is protected for local shopping and service provision as set out in Parts 1 to 4 of this policy.

7. The Council would support the redevelopment/remodelling of the 'non-core' areas (as identified in Appendix B) of the longer shopping parades above.

8. The redevelopment of the 'non-core' areas of these shopping parades should only be done on a block by block or in a multi-block approach. Redevelopment of these 'non-core' areas could

include proposals for entirely new residential blocks, other uses appropriate for a residential location, or a mix of both. Whilst the redevelopment of any block does not need to provide an active, public use on the ground floor, any new building should be designed to front onto the primary public highway.

9. The Council would also consider the retention and remodelling of the 'non-core' areas of these shopping parades block by block or in a multi-block approach. The remodelling of the blocks could include proposals for new entirely residential blocks, other uses appropriate for a residential location, or a mix of both. However, the remodelling of the blocks would only be acceptable if it was of a very high quality and innovative design and should be designed to face onto the primary public highway.

10. Any proposals for the redevelopment or remodelling of the blocks in the non-core area should accord with other relevant policies in the Bootle AAP and the Sefton Local Plan.

11. In the absence of proposals for the redevelopment and remodelling of blocks in the 'non-core' areas of the longer shopping parades above, the Council will support proposals for new retail and/or service uses in line with the core areas.

12. Blocks within the core shopping parades can be redeveloped or remodelled but must provide sufficient commercial space to meet local shopping and service needs.

13. Plans of these parades, showing core and non-core areas, are provided at Appendix B of this document.