

Meeting: **PLANNING & DEVELOPMENT
COMMITTEE**

Agenda Item:

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Date: **13 SEPTEMBER 2016**

**PLANNING & DEVELOPMENT COMMITTEE BRIEFING:
HOUSE OF MULTIPLE OCCUPATION (HMOS) AND ARTICLE 4 DIRECTIONS**

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1. PURPOSE

- 1.1 To bring to the Committee's attention new emerging planning policies and planning issues particularly around houses of multiple occupation (HMOs) and Article 4 directions.

2. RECOMMENDATIONS

- 2.1 That the update concerning HMOS and Article 4 Directions be noted.

3. BACKGROUND

- 3.1 Conversion of a property to a HMO, providing there are no more than 6 occupants who share basic amenities, would not currently require planning permission. Conversions for use by 7 or more occupants sharing amenities would require planning permission. Any refusals for such permission would need to be based on the actual impacts of HMOs as opposed to how they are managed.
- 3.2 An Article 4 Direction can be adopted by the Council to remove "Permitted Development" rights for HMOs. This would not cover existing HMOs but would require planning applications for all future HMOs. To set up an Article 4 Direction and to refuse an application made under it the Council would need to demonstrate considerable harm caused by the HMO. This report will demonstrate the justification seeking the Article 4 Direction, primarily on parking impacts.

4. DETAILS OF THE PROPOSAL

- 4.1 In general HMOs are residential properties that are used by at least 3 individuals forming more than 1 household and sharing at least a toilet, bathroom or kitchen facilities. Certain types of buildings are exempt including properties controlled or managed by the local authority or a registered social landlord.

- 4.2 There are four legal definitions of HMOs. The Housing Act 2004 defines a HMO as an entire house, flat or converted building which is let to three or more tenants who form two or more households, who share facilities such as a kitchen, bathroom or toilet. Housing legislation also considers poorly converted flats which do not meet Building Regulations as a separate type of HMO.
- 4.3 In October 2010 the Government made further changes to the Use Classes Order to remove the requirement for planning permission for changes of use from dwellings (C3) to small HMOs (C4).
- 4.4 The Government's preferred approach was for local planning authorities to serve an Article 4 Direction on specific areas where HMOs were an issue. This would in effect remove the permitted development rights for changes of use from C3 to C4 uses. Further changes to the regulations made it easier to serve an Article 4 Direction in respect of HMOs.
- 4.5 An Article 4 Direction would only require planning permission to be sought for changing houses to HMOs, it would not automatically allow the Council to refuse all HMO applications, only to consider them against planning policy.
- 4.6 The Direction proposed would apply to all of Stevenage Borough Council, requiring a planning application for the change of use of a building from Use Class C3 to Use Class C4.
- 4.7 The Direction would not apply to the change of use of a building from Use Class C4 back to Use Class C3.
- 4.8 Planning Use Classes
- Use Class C3 (Dwelling Houses) – These generally include self-contained houses or flats occupied by a single person, a couple or a family.
 - Use Class C4 (Small HMOs) – These include self-contained houses and flats shared by between 3 and 6 unrelated people.

Bedsits and larger shared houses and flats, those occupied by more than 6 unrelated people, do not fall within a Planning Use Class. Planning permission is always required for changes to these uses.

EXAMPLE WITH CURRENT PARKING POLICY

- 5.1.1 Stevenage's Parking Provision SPD 2012 (also in the Submitted Stevenage Local Plan Residential Car Parking Standards) details and justifies parking standards for HMOs, based upon the difference in residential occupation of a building against a standard family dwelling.
- 5.1.2 Currently, for new HMOs which do not require planning permission, the Council is unable to apply any parking requirement whatsoever. While a change from a 3 bed family house with an expected need of 2 spaces to a 6 person HMO with a need for at least an additional space would not be able to be considered by the Council and the parking impacts would be un-mitigated.

APPENDICES

None