

Houses in Multiple Occupation (HMO's)

Director: Netta Meadows, Director – Service Delivery
Lead Specialist: Simon Fox – Lead Specialist (Planning)
Lead Officer: Linda Hayden – Specialist (Development Management)
Contact Details: linda.hayden@southsomerset.gov.uk or 01935 462534

Purpose of Report

To provide members with information in relation to the Yeovil HMO (Houses in Multiple Occupation) Article 4 Direction and to seek their views on its potential enlargement.

Public Interest

HMO's are an important element of our housing stock and it is necessary to ensure there is sufficient capacity to meet increasing demands. It is also equally important to ensure that the location and quality of HMO's are properly assessed to ensure that there is no adverse impact upon residents or surrounding properties.

Recommendation

That members consider the officer's report and provide direction as to whether they wish officers to embark upon a specific extension of the current Article 4 Direction covering HMO's to include College Green as part of a new zone to become Zone 6 (College Green).

Background

Area South members instructed and then agreed to impose an Article 4 Direction which now requires a planning application to be submitted to use a dwelling as an HMO for more than 3 unrelated people thereby allowing the impacts to be properly considered. The Direction only relates to certain areas of Yeovil. The Direction was initially made on 19th May 2016 and the Council undertook consultation for 28 days which ended on 17th June 2016. The Direction came into force on 19th November 2016. A further extension to Zone 2 (Central) including Mitchelmore Road and Roping Road was approved by Area South Committee on 3 January 2018 and this is currently with the Legal Team for the necessary consultation to be carried out.

A map showing the current zones in Yeovil covered by the Article 4 is attached (Appendix 1), including the proposed extension of Zone 2.

Consideration

This report has been prepared as a result of concerns regarding one new HMO that has been created within College Green, Yeovil. An enforcement investigation was undertaken following complaints and it was found that the development was permitted development and no planning permission was required for the use. A couple of local residents have expressed concern about the HMO and the impacts that it will have upon parking within the vicinity. Residents were concerned that the HMO was allowed under 'permitted development' and have lobbied Ward Members and the local MP with regard to the imposition of an Article 4 direction to prevent further HMO's in their street.

It is important to note and reiterate that the imposition of the initial Article 4 was to provide control of the concentration and impacts of HMO accommodation rather than restrict and prevent them outright. Research shows that since the original Article 4 came into force in 2016, there have been three HMO's

permitted within the restricted Zones with 11 new HMO's spread relatively evenly over the four Yeovil Wards outside of the Zones:

Table 1:

Ward	Post 2016 HMO's licenced	Locations	Notes
College	4	Mitchelmore Road (x2) Goldcroft College Green	Mitchelmore Road is to be covered by the previously agreed extension to Zone 2 (Central)
Lyde	1	Lyde Road	
Summerlands	4	Larkhill Road Preston Road Thatcham Park Coronation Avenue	
Westland	2	Park Gardens Tanyard Way	

As such, it is considered that the Direction has achieved its original aim of preventing an intensification of HMO's in certain areas of the town. Councillors are asked to consider if a further extension of the Zones would be warranted on the basis of a single HMO and what precedent could be set by such action.

Comments have been sought from colleagues in Environmental Health (Housing Standards) and the Housing Team as to any implications of introducing a new zone at College Green. A Housing Specialist has expressed considerable concern about such an extension as, in their view, it would decrease the provision of the accommodation that is desperately needed. They advise that there are over 1000 people in need of 1-bedroom accommodation within SSDC and restricting HMO's is likely to increase homelessness and rough sleeping and work against SSDC's homeless strategy. They are concerned that such a proposal would further discourage private landlords who SSDC are desperate to keep.

Our website www.southsomerset.gov.uk/hmo contains all the HMO planning information.

Options

1. To agree to 'make' the new Direction covering College Green as detailed on the attached map (Appendix 2); or

2. To agree to 'make' the new Direction covering a different area (larger or smaller) than shown on the attached map; or
3. To agree to not 'make' the new Direction.

If Option 1 or 2 is chosen then Members may further resolve to instruct officers to:

- Carry out the required consultations and publicity as set out in the relevant legislation with a view to the Direction as amended coming into force later in late 2020.

This constitutes 28 days of consultation via public notice, press advert, SSDC Social Media, and press release.

The Direction would then 'come into force' within 6 months of the date of the commencement of the consultation.

Financial Implications

A change to Planning Fees in 2018 now means that fees are applicable to development restricted by an Article 4 direction, for an HMO application this is normally £462 for a change of use.

Local planning authorities may be liable to pay compensation to those whose permitted development rights have been withdrawn if they:

- refuse planning permission for development which would have been permitted development if it were not for an Article 4 direction; or
- grant planning permission subject to more limiting conditions than the GPDO would normally allow, as a result of an Article 4 direction being in place.

Compensation may be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.

All claims for compensation must be made within 12 months of the date on which the planning application for development formerly permitted is rejected (or approved subject to conditions that go beyond those in the GPDO).

Council Plan Implications

Housing:

Enable sufficient housing in appropriate places to meet community needs.

Reduce homelessness and rough sleeping.

Ensure development which is sustainable, where people want to live and communities can thrive.

Healthy, Self-Reliant Communities:

Embed social value into all processes and activities to ensure we maximise the support we give to our communities.

Support residents facing hardship

Carbon Emissions and Climate Change Implications

The making of an Article 4 Direction will not have any impacts.

Equality and Diversity Implications

It is considered that the requirement to make a planning application for HMO's within certain areas of the town would not require an impact assessment to be carried out.

Background Papers

Area South reports 'Houses in Multiple Occupation (HMO's)' dated February 2016, April 2016 and January 2018.