

Houses in Multiple Occupation (HMO's)

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Purpose of Report

To provide members with further information about the creation of an Article 4 Direction in relation to Houses in Multiple Occupations (HMO's)

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 agree to the making of an Article 4 Direction and provide guidance as to the extent of the area that should be subject Direction .

Background

Area South members requested that a report/discussion paper be brought before them to enable them to get a better understanding of the issues associated with HMO's. This request followed the consideration of planning applications at recent meetings.

A report was presented to the February committee and members were overwhelmingly supportive of progressing the Article 4 Direction to allow them to have greater control over new HMO's within the town

Refresh of HMO's and impact of Article 4 Direction

HMO's provide much needed housing accommodation, mainly for single people and whilst they do tend to cater for the needs of those in lower income groups it must be remembered that they also provide accommodation for professional/skilled workers.

Planning permission isn't currently required for a property where up to 6 unrelated individuals are living as a single household. If the property is to be occupied by more than 6 individuals then it is necessary for the landlord to make an application to change the use of the premises. This means that the vast majority of HMO's are not subject to the assessment that comes with a planning application.

The making of an Article 4 Direction would mean that a planning consent would be required to use a dwelling for more than 3 unrelated people thereby allowing the impacts to be properly considered

Justification for the Article 4 Direction

It was clear from the previous meeting of Area South that members were most concerned about a proliferation of HMO's in a particular area as it was the number that led to the greatest impacts. These impacts were identified as

Impact upon the availability of parking in the locality:

The majority of HMO's are terraced properties that do not benefit from dedicated parking. Furthermore, the most popular areas are located close to town centres in areas where there is parking pressure throughout the day and a shortage of on-street parking provision. There is no evidence to indicate that car ownership rates for those living in HMO's is any different than those living in self-contained flats although it is likely that those on lower incomes will be less likely to run a vehicle.

Suitability of property to accommodate the number of residents:

The physical characteristics of some properties will inevitably mean that a change of use to an HMO will be more challenging. The size of the bedrooms will be an issue as will the quality of kitchen/communal areas. The most visible impact is often the lack of storage space for refuse and recycling to meet the additional demand caused by the number of adult residents. This can result in permanent on-street storage of bins and letter/recycling congregating in the area

Impact upon character of area and amenity of other residents to the detriment of community cohesion

A concentration of HMO's in a particular area can have a significant impact upon the ability of the community to socialise. Usually, the occupants of single family homes will form relationships with their neighbours and this is clearly beneficial to all parties. In the case of HMO's the residents can be more transient and will often have less 'investment' in their property or the neighbourhood as a whole.

Other impacts include increased strain on services, reduction in demand for other services and effect upon property prices

Scope of the Article 4 Direction

An Article 4 must be accompanied by a plan that clearly shows the area that is subject to the Direction and the extent of the area needs to be based upon evidence. As a result, information has been collated showing the location of HMO's within the town and this has provided officers with clear evidence of where the greatest concentrations occur. This has informed the attached plan that indicates the recommended extent of the Article 4.

As members will see, the majority of HMO's are located around the town centre in the larger pre-war properties and the annotation on the plan has sought to include the most affected areas.

The comments of members on the proposed coverage of the Article 4 are welcomed.

Next Steps

To ensure that the Article 4 Direction is robust and effective it is necessary to carry out some further steps. These are:

- Carry out the required consultations and publicity as set out in the relevant legislation
- Organise a meeting with HMO providers to explain the impact of the Article 4 Direction
- Produce guidance explaining how applications for HMO's will be considered.
- Consider amendments to the local validation checklist to state what information will be required from applicants applying for planning permission of an HMO.
- Report back to Area South Committee at the end of the 6 month consultation period and seek confirmation that the Article 4 Direction be enacted.

Financial Implications

The creation of an Article 4 would mean that any application that is required as a result would not require a planning application fee for 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).

Carbon Emissions & Climate Change Implications

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

Equality and Diversity Implications

This report has been the subject of a screening assessment and 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.

The subsequent planning applications will all be considered in accordance with the Equalities legislation together with the relevant material planning considerations.