

Article 4 Direction for Houses in Multiple Occupation in Bath

Draft Consultation Report, August 2012

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1 Introduction

- 1.1 A public consultation in accordance with the *Town and Country Planning Act 1990* and *General Permitted Development Order 1995* (as amended) regulations was undertaken in relation to the Council's intention to implement an Article 4 Direction for the entire city of Bath. This report summarises the consultation undertaken, the key issues raised and also includes a full schedule.
- 1.2 The public consultation was held between 31st May and 20th July 2012.

2 Public Consultation

- 2.1 On 31st May the Council issued a [notice of its intention to implement an Article 4 Direction](#) for the entire city of Bath in relation to Houses of Multiple Occupation.
- 2.2 A [press notice](#) appeared in the Bath Chronicle on 31st as required by the regulations.
- 2.3 A statutory [site notice](#) was prepared with the details of the notice and the public consultation, 2 copies of which were advertised in the following public locations:

District Centre

Moorland road

Local Centres

Weston High Street
Chelsea Road
Twerton High Street
Mount Road
Frome Road
Bradford Road
The Avenue
Widcombe High Street
Bear Flat
Walcot Street
Bathwick Street
London Road
Julian Road
St James's Square
Larkhall shops
Claremont Terrace

Libraries

Central Library
Oldfield Park Library
Weston Library

Shops (subject to agreement with premises either on community notice board or outside on the public highway)

Sainsburys (Odd Down)

Sainsburys (Central)
Sainsburys (Moorland Road)
Coop (Moorland Road)
Tesco (Englishcombe Lane)
Tesco (Bathwick Hill)
Coop Twerton High Street

Other

RUH main entrance
Bath Spa University (main
campus)
University of Bath (main
campus)
St Saviours church (Lansdown)
Warminster Road
Whiteway
Fairfield Park

- 2.4 Email/letter notification of the Article 4 Direction was sent to all known planning contacts including statutory consultees (as contained within the B&NES LDF Mailing list) prior to 31st May 2012. This letter included: (i) a copy of the Article 4 Direction (and the plan annexed to the Direction); (ii) A copy of the consultation notice and (iii) a copy of the press notice features in the Bath Chronicle on 31st May 2012.
- 2.5 A notification letter, with the above items also included, was also send to the Secretary of State.
- 2.6 A specific webpage about HMOs was produced www.bathnes.gov.uk/hmo including copies of all documentation and details of the consultation were produced.
- 2.7 A [press release](#) was issued prior to 31st May which led to articles in the local media and a notice in the Council's *Inform e-bulletin*. Two such examples, featured in the Bath Chronicle are reproduced below.

Consultation on measures to control HMO growth

Thursday, May 31, 2012

Measures to better control and manage the growth of Houses of Multiple Occupation (HMO) in Bath are moving ahead as part of proposals put forward by Bath & North East Somerset Council.

An intention to implement an Article 4 Direction to control HMO growth will be published on 31st May 2012. This will help deal with concern that some streets in Bath are now being dominated with high numbers of HMO's and consequently the availability of larger homes for local families is reducing. There are at least 3,000 HMO's across the district, the majority of which are in Bath, although there could be many more because not all HMO properties require registration with the Council.

The main element of the measures would result in all property owners in Bath having to apply for planning permission to convert a family house into an HMO. It is proposed that the new rules will apply from 1st July 2013 giving a one year notice period – although no property in HMO use before this date will be affected.

Councillor Paul Crossley (Lib-Dem, Southdown), Leader of Council, said, "The number of family homes being converted is reaching the level where people are concerned that entire communities will become dominated by HMO's. Bath & North East Somerset Council wants to ensure a fair mix of larger family homes and HMO's.

"We must have the policy tools in place to ensure that this happens just like other University cities, such as Bristol, Oxford, and Exeter, that have all agreed additional planning controls over HMO's. By starting the consultation now we are giving people reasonable notice about the new policy should the Council agree to adopt the Article 4 Direction."

Have your say

The consultation on the measures starts on 31st May 2012 and continues for 7 weeks. People can give their views at planning_policy@bathnes.gov.uk or write to the Council at: Article 4, Planning Services, PO Box 5006, Bath BA1 1JG. Details can also be found at www.bathnes.gov.uk/hmo

Next Steps

The details of the policy that planning applications will be considered upon will be contained in the forthcoming Supplementary Planning Document on HMOs in Bath that will be open to public consultation in October 2012. The Council will consider whether to confirm, abandon, or amend the Article 4 Direction in February 2013.

For all the latest news from the Council subscribe to its Twitter Feed: www.twitter.com/bathnes

Have your say on student homes plan for Bath

Friday, June 08, 2012

People are being invited to have their say on plans to reduce the concentration of student housing in some part of Bath.

Bath and North East Somerset Council has launched a seven-week consultation over proposed new rules, which would control the growth of houses of multiple occupancy (HMO).

The idea is to respond to concerns from families that areas such as Oldfield Park are dominated by these types of properties, pushing out local people.

However both of Bath's university students' unions have attacked the plans for what is called an Article 4 direction, arguing that they should not be told where they can or cannot live.

Naomi Mackrill, vice-president for community and diversity at the University of Bath's student union, said limiting HMOs would reduce the number of graduates staying in the city after their degrees, harming the local economy.

"Accommodation is a worry for students who want to stay in Bath. They just don't think they can afford to live in Bath," she said.

"Limiting the number of HMOs and improving graduate retention are two competing initiatives."

At the moment there are around 3,000 HMOs across the district, but the direction, if it was brought in, would apply only to new conversions.

It would mean that properties could not be converted into shared houses where 20 per cent of homes within a 100-metre radius already fell into that category of accommodation.

Council leader Councillor Paul Crossley (Lib Dem, Southdown) said any new rules would be brought in from July 1 next year, and he believed they were necessary to get the balance of types of housing right in the city.

He said: "The number of family homes being converted is reaching the level where people are concerned that entire communities will become dominated by HMOs. The council wants to ensure a fair mix of larger family homes and HMOs.

"We must have the policy tools in place to ensure that this happens just

like other university cities, such as Bristol, Oxford, and Exeter, that have all agreed additional planning controls over HMOs. By starting the consultation now we are giving people reasonable notice about the new policy should the council agree to adopt the Article 4 Direction."

People can give their views by emailing planning_policy@bathnes.gov.uk or writing to Article 4, Planning Services, PO Box 5006, Bath BA1 1JG. Details can also be found at www.bathnes.gov.uk/hmo

3 Public Consultation

Overview

A total of 359 responses were received to the Article 4 Direction consultation (although one was not registered as it contained racist comments). Only six of the responses were objections with the remaining responses in support of the Article 4 Direction and other measures to control HMOs in Bath.

The majority of the respondents were residents of Oldfield Park and Westmoreland. Some lower Weston and Widcombe residents also supporting the proposals. Other residents groups also replied in support.

English Heritage and local heritage groups Bath Heritage Watchdog and Bath Preservation Trust support the implementation of the Article 4 Direction, and felt the measures could also help improve the appearance and character of these areas.

One respondent supported the Article 4 Direction but requested that Lorne road in Westmoreland be exempted from the scheme.

Objections to the Article 4 Direction were received from the University of Bath and Bath Spa Student Unions, the National Landlord Association, the Residential Landlord Association and three individuals.

Summary response

The consultation gained a significant level of support, particularly from residents for both the Article 4 Direction and Additional Licencing. The key issues raised by respondents in **support** of the Article 4 Direction are summarised below.

- Belief that there has been a significant increase in HMOs in Oldfield Park and Westmoreland over the last 10 years
- Deterioration of appearance of properties is of concern
- Rubbish and recycling is considered to be a major issue related to HMOs – with spilt refuse being unsightly and attracting pests and with recycling receptacles blocking pavements
- Many residents felt that Students and young people in HMOs add vibrancy to the area but they also felt that HMOs are now beginning to dominate
- Many were concerned that families and young people looking to buy or rent property are being priced out by HMOs
- It is felt that non-student HMOs lets are still needed
- Westmoreland and Oldfield Park has reached saturation point in terms of HMOs
- Increase in student numbers should be tackled to stop the demand for more HMOs in future.
- Unkempt front and back gardens visually detracts from the area
- Late night noise and parties are associated with HMOs
- Irresponsible landlords and property owners are blamed for many of the issues
- On-street parking pressure is cited as one of the biggest issues linked to HMOs
- In the longer term it is felt that the concentration of HMOs will effect local schools as families are displaced
- Impact on facilities – take away and letting agencies are replacing local convenience shops on Moorland road
- Moving in and moving out at each side of the student term are the main times of the year when there are problems
- Sense that the Article 4 Direction will improve the quality of these neighbourhoods and help to bring back the sense of community
- Still support the proposals although consider that this might suppress existing value of family houses as they no longer have potential sales value of an HMO property
- There should be more student accommodation on campus and in specialist units (as on the Lower Bristol road)
- In the summer the area is too quiet with many houses remaining empty
- Universities should take more responsibility for housing their students
- There is a problem with HMO dwellers living in garages (Lorne road, Westmoreland) and in areas of Widcombe
- There is a view that HMOs are often over-occupied with extensions and loft conversions to fit extra people in the houses

- Many residents report that they live on streets with over 50% or perhaps more HMOs
- Belief that other approaches (such as voluntary accreditation) have failed to resolve the issues and concentrations of HMOs and associated issues have increased
- Issues related to HMOs in Lower Weston are also raised
- Sensible balance between different housing types needs to be resumed
- More direct ways to contact Landlords would be useful
- Landlords must be made responsible for property standards
- Less issues presented by Halls of Residence where they can be managed and other controls
- Rapid increase in HMOs is noted
- Many residents feel that greater control and professional management of HMOs is essential
- Estate agents “to let” signs are used as free advertising and should be restricted
- Residential parking permits would help

One household in Lorne road, Westmoreland have requested that this street be exempted from the Article 4 Direction. The reasons cited were:

- 88% of the street is HMOs meaning that the remaining owner occupiers will find it extremely difficult to sell their house in future when it can no longer be converted into an HMO
- Very few people would want to purchase on this road as a family home meaning that the remaining family homes will be devalued
- Support Article 4 Direction but only should apply to areas that still have a mix of housing to prevent future HMO saturation

The key issues raised by respondents in **objection** to the Article 4 Direction are summarised below.

Objector	Summary Response
National Landlord Association	<ul style="list-style-type: none"> • Article 4 Direction should be the option of last resort • Believe that the creation of a small HMO is not a material change of use compared to a family house (citing appeals) • Limiting the number of HMOs will have a negative impact on accommodation for young people on low incomes • They cite a whole raft of existing statutory powers that can be used to control anti-social behaviour • Considerable need for rental accommodation in Bath because of high demand for housing • Will have a distorting impact on housing market as properties in existing HMO use will be regarded as premium investment assets • The Council should engage further with local landlords

<p>Residential Landlords Association</p>	<ul style="list-style-type: none"> • Repeat that they have already submitted a document entitled “The Case Against Article 4 Directions” • As yet not one of the 35 local authorities who have made these directions have made any changes as a result of the confirmation procedures • They will scrutinise any relevant planning policy <p>The key reasons for opposition already cited in their paper are:</p> <ul style="list-style-type: none"> • HMOs play a vital role in providing housing for students and working people. Alternative living arrangements for these people should be considered in the absence of HMOs. • The impact of the Article 4 will be felt by local residents as properties will be worth less after the Direction is in place • Restricting HMO supply will force up rents • Resultant planning applications can trigger no fee and this is therefore expensive for Council’s to implement • Displacing HMOs to other areas will bring new problems • Existing powers for dealing with issues such as anti-social behaviour should be used first • The Article 4 is not enforceable in reality as there is often no real change of use between a family house and an HMO
<p>Mr N Smith</p>	<ul style="list-style-type: none"> • Opposed on the basis of cost to the Council of implementation • Considers there is no evidence of harm caused by HMOs that has been presented by the Council to justify the approach • Believes that the Feasibility report is biased and written with a pre-supposed outcome • B&NES is targeting the most disadvantaged (lower paid workers, singles on housing benefit, asylum seekers) who are likely to be displaced further from the city centre thereby increasing the social divide • Planning policy is a blunt instrument to deal with the issues - enforcement and action around community cohesion is recommended instead • HMOs are not the main cause of anti-social behaviour • The B&NES Accreditation licencing scheme should be enhanced instead
<p>Mr A. Masters – Bath University Student</p>	<p>On balance considers other measures to control anti-social behaviour should be employed rather than Article 4 Direction with Policy and Additional Licencing.</p> <p>Suggests further monitoring and more on campus student accommodation and later re-evaluate the need for an Article 4 Direction.</p>

<p>University of Bath Student's Union and Bath Spa University Student's Union</p>	<ul style="list-style-type: none"> • Both are opposed to an Article 4 Direction for HMOs in Bath – many of membership are reliant on HMOs in order to live in Bath • There is no sustained argument as to why people living in HMOs are any worse than those in regular houses • There has been no proof that high concentrations of HMOs are a problem apart from rising house prices • Assert that the Article 4 Direction is not justified • Planning controls will not address the problems associated with inefficient management of HMOs • An Article 4 Direction will restrict the ability of the Housing Market to respond to local needs • Believe that all other options have not been tried • Equalities impact assessment shows that some groups are more adversely affected this contravenes B&NES equal opportunities policy • Financial implications of implementing the Article 4 Direction and associated policy are highlighted as being very costly • Objections raised by the Bath Chamber of Commerce to the introduction of an Article 4 Direction are highlighted • Conflicts with the Council's strategy of increasing graduate retention • Practical issues with implementation in relation to transport need further consideration. Students rely on public transport access to dedicated services to the Universities is important in deciding where to live. There is already a bottleneck at the city centre at peak times and further dispersal of HMOs will exacerbate this problem. Travelling home at night is also a consideration and students prefer to be on the main bus routes.
<p>Cllr Nicholas Coombes</p>	<ul style="list-style-type: none"> • In principle objection that restriction in converting between family house and a small HMO implies that the latter is less desirable, not all HMOs cause issues. • Restricting the supply of HMOs will allow existing HMOs to fall in quality. This is counter-productive in terms of improving areas with concentrations of HMOs. • It is not retrospective so it will not lead to improvements or reduction in concentrations of HMOs in areas with existing high HMO concentrations

A full schedule of all of the comments made is available in a background paper to this report.