

Briefing Note in respect of Council Motion relating to Houses in Multiple Occupation 16 November 2010 Prepared by Strategic Director, Service Delivery

Background to Current legislation

The previous Government amended the legislation to require planning permission for a change of use from dwelling houses to houses in multiple occupation (HMOs).

These changes were carried out in response to representations that it had received regarding the impact that concentrations of HMOs were having on certain areas. The issue of student accommodation was suggested to be part of the reasoning.

The current Government have reversed this decision by amending the General Permitted Development Order and changes that came into effect in October 2010 effectively take the situation back to where it was before. That is planning permission is not required for a change from dwelling to a HMO (with certain conditions).

The recent amendments were adopted following representations the Government received regarding the impact of the legislation. It was also concerned that the previous changes would generate additional planning application workloads for Local Authorities.

Some Practical implications of using Article 4 Directions

Implications of Article 4 Directions are considerable, and where made they represent a significant extension of the powers of local authorities to control development.

Ministerial guidance is strongly against the ad lib use of Directions.

Traditionally Article 4 Directions are used for previously defined areas such as a Conservation Area or an Area of Outstanding Natural Beauty.

Additional work would be needed to ascertain the true extent within the city where HMOs have proliferated and seek to control them in those areas. However that may tend to encourage the expansion of HMOs into areas at the edges of the controlled areas.

We could seek to not control the areas which already have high concentrations and control the areas around such areas to prevent the spread. It could be anticipated that there would be high levels of complaint from the residents in the areas where high concentrations of HMOs exist already with this approach.

The use of a city wide Direction could be considered but this type of Article 4 Direction requires the agreement of the Secretary of State and given the current guidance on the use of Article 4 Directions it is unlikely that a SofS would agree to a city wide approach.

Conclusion

More work is required to properly assess the practicality of using an Article 4 Direction to control HMO's. It is recommended that Officers undertake a review and report their findings back to Council.