

Council: Tuesday, 23 September 2014

Motion: Councillor Shimon Ryde

Proposed introduction of an Article 4 Direction in relation to HMOs

Council notes the proliferation, across the borough, of residential properties being used as houses in multiple occupation (HMOs). Existing dwellinghouses (Planning Use Class C3) can be converted to a HMO (Planning Use Class C4), which provides shared accommodation for three to six unrelated individuals as their only or main residence, without the need for planning permission.

Concerns have been expressed by residents living near HMOs regarding excess noise, parking problems, forests of "To Let" boards, untidy gardens and refuse problems. The Council notes these concerns, as it does the loss of family accommodation through houses being used in this way.

The introduction of an Article 4 Direction removing permitted development rights for change of use from C3 dwellinghouses to C4 HMOs will bring this use under the direct control of the Council and in line with the requirement for planning permission for change of use for larger HMOs of more than six unrelated individuals. Once designated, an Article 4 Direction maybe implemented with an immediate or non-immediate effect.

Council notes that the implementation of an Article 4 Direction with an immediate effect would leave the Council at high risk of compensation claims from applicants for HMOs, who may be able to submit a claim for compensation within 12 months of an Article 4 Direction designation under section 108 of the Town and Planning Act 1990 (as amended). There is, however, no provision for compensation claims in respect of non-immediate Article 4 Directions that come into effect after a minimum 12-month period following designation. It is therefore considered prudent to introduce a non-immediate Article 4 Direction designation which has the added benefit of allowing proper public notification of this planning change.

Council further notes the work being undertaken on HMOs by the Housing Committee and will take account of this when implementing planning controls.

Council instructs officers to establish a robust evidence base outlining the impact of HMOs in order to support the introduction of a borough-wide Article 4 Direction removing permitted development rights for change of use from C3 dwellinghouses to C4 HMOs, which is to come into effect after a minimum 12-month period following designation. Officers are invited to bring forward proposals to mitigate the adverse effects of HMOs, in line with any forthcoming recommendations of the Housing Committee.

Under Full Council Procedure Rule 23.5: if my item is not dealt with by the end of the meeting I ask that it be voted upon at the Council meeting.