



Warwick District Council

Article 4 Direction

In respect of
Changes of Use to Small HMOs

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The Need for Planning Permission

- Town & Country Planning Act 1947 – planning permission required for all types of development
- Definition of “Development” –

“the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any building or other land...”

The Need for Planning Permission

- The General Permitted Development Order (GPDO) allows for some “permitted development” e.g. house extensions
- The GPDO classifies some uses and allows a change of use within classes and, in some cases, between classes
- The Planning Acts allow local planning authorities to remove permitted development rights by way of an “Article 4 Direction”

Residential Use Classes

Some, but not all, residential uses classified within the Use Classes Order:

- C1 Hotels
- C2 Residential Institutions
- C3 Dwellinghouses
- **C4** Houses in Multiple Occupation (3-6 occupants) *Introduced in early 2010*

Larger HMOs (>6 people) and hostels not classified – “sui generis”

Residential Use Classes

- In 2010 the current Government removed the need for planning permission to change the use from C3 (single dwellinghouse) to C4 (small HMO)
- The Government recommended the use of Article 4 Directions in areas where small HMOs are an issue

Definition of Dwellinghouse

Dwellinghouse (Class C3):

- A house or flat occupied by a single person, couple or family.
- It also includes dwellings occupied by people “living together as a single household” where care is provided

NB Prior to the 2010 changes to the Use Classes Order, a dwellinghouse was classified as a dwelling occupied by up to 6 people living together as a single household

Definition of HMO

House in Multiple Occupation:

House or flat shared by an unrelated group of 3 or more people under a single or shared tenancy.

Usually the occupants have their own private bedroom but share a bathroom and/or kitchen and have a common front door.

HMO Definitions for the Purposes of Planning Permission

- HMOs with between 3 and 6 occupants : Use Class C4

*Planning permission for change of use from dwellinghouse **not** currently required*

- HMOs with more than 6 occupants and hostels : Not Classified (Sui Generis)

Planning permission required

The Role of an Article 4 Direction

- To remove certain permitted development rights
- The Planning Acts allow Local Planning Authorities to introduce an Article 4 Direction

“where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area”

Why an Article 4 Direction in respect of Small HMOs?

Background

- Concern from local residents about HMOs
- Planning Committee asked Officers to investigate – is there evidence of an impact on residential amenity?
- Officers looked at the evidence:
Interviewed various bodies e.g. University, landlords, public bodies, residents, Councillors, and mapped existing HMOs

Conclusions of Study into HMOs

Some Statistics:

90% HMOs in the District located in Leamington Spa

92% HMOs in the District were shared houses

95% of shared houses located in Leamington Spa

66% HMOs located in Brunswick & Willes wards

Shared Houses

Area	No.	% Total
Leamington Spa	1,191	95.1
Kenilworth	42	3.4
Warwick	18	1.4
Rural Area	1	0.1
TOTAL	1,252	100.0



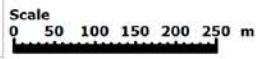
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House in Multiple Occupation
■ HMOs

Key



Map 1: HMOs in Leamington Spa (Central South)



SP3264 1:8000 @ A4 14/12/2010 DR
Grid Reference: 432272 E, 264543 N

Policy, Projects & Conservation, Development Services
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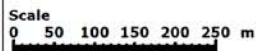
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Key

House in Multiple Occupation
■ HMOs



Map 2: HMOs in Leamington Spa (Central North)



SP3265 1:8000 @ A4 14/12/2010 DR
Grid Reference: 432292 E, 265869 N

Policy, Projects & Conservation, Development Services
ldf@warwickdc.gov.uk (01926) 456504

Conclusions of Study into HMOs

- Private rented sector an important part of District's housing stock
- HMOs concentrated in certain parts of central & south Leamington Spa
- Good working relationship between landlords, the University & the Council to reduce negative issues
- Negative issues associated with areas **where HMOs are concentrated** especially south Leamington Spa

Conclusions of Study into HMOs

Negative issues include:

- Noise & anti-social behaviour, particularly late at night & in the early hours
- Increased crime
- Negative impact on physical environment
- Lower levels of community involvement/pride in the area
- Impact on local services
- Reduction in stock of lower priced housing for first time buyers



Conclusions of Study into HMOs

Recommendation:

To prevent further ***concentrations*** of HMOs in Leamington Spa by bringing ***within planning control*** all changes of use from:

single dwellings (Class C3)

to

small HMOs (Class C4)

The Article 4 Direction

- Applies to Leamington Spa wards only
- Direction made on 25th March 2011
- Direction confirmed on 27th July 2011
- Direction comes into force on 1st April 2012

The Implications

- Any HMO use as existing on 31st March 2012 not affected (including shared houses with between 3 and 6 people)
- After 31st March 2012, permission will be required for all changes of use to HMOs (i.e. 3 or more unrelated people sharing a house or flat)

The Implications

...continued

- The change of use takes place at the time at which the dwelling is ***occupied*** by 3 or more unrelated people

How will the Council decide Planning Applications?

- Lack of suitable policy in the adopted Local Plan so new planning policy will be drawn up
- Policy likely to include all HMO uses and be incorporated into New Local Plan
- Examples from other authorities so far include area thresholds; areas of restraint; or criteria based policies

What happens next?

- Council to decide on timetable for producing new HMO policy
- This will include a period of public consultation on the Draft Policy
- Monitoring the effects of the policy will be important
- Landlord's Forum will be kept informed



Thank You!

