



Warwick District Council
HMO Licencing and Planning Permission
Policy – Private Sector Housing

1 April 2021

1.0 Overview

The licensing of a House in Multiple Occupation (HMO) and planning permission have legally been two separate pieces of legislation and one could not be used to enforce the other. This created a perverse situation where if an HMO licence application was correctly made a licence would have to be issued even where planning permission had not been obtained, which is contrary to the Council's own Article 4 directive and H6 planning policy.

Planning permission is required for HMO's within Leamington Spa, and for larger HMO's within Warwick district (7 or more occupants).

References to planning permission in this policy include a certificate of lawful development. This would be granted by the Planning Enforcement Team if a property had been operating continuously as an HMO from before 1 April 2012, or for a period of 10 years for larger HMO's.

The Government have subsequently given guidance to help resolve this issue and together with case law and specialist Counsel's opinion means that, following consultation and Executive approval, this policy can be adopted to help resolve the conflict between HMO licensing and planning permission.

2.0 Purpose of this Policy

The purpose of this policy is to ensure that landlords of HMO's who require planning permission, apply for and obtain planning permission before they are granted an HMO licence.

Therefore, HMO licence applications will not be processed until planning permission has been obtained for the property.

3.0 Implementation

When an HMO licence application is received for the first time or in advance of an HMO licence being renewed the Private Sector Housing Team will check the planning status of the property with the Planning Enforcement Team.

Where planning permission is needed the landlord will be required to apply for planning permission within the following times scales:

- Landlords making an HMO licence application for the first time where there are no current residents will be advised to obtain planning permission before their licence can be issued.
- Landlords making an HMO licence application for the first time where residents are currently in occupation to be given two months to submit a valid planning application before enforcement action is taken.
- Landlords making an HMO licence application who submit a planning application within the required time but then who fail to provide any

required documentation within a two-month period will be subject to enforcement action.

- Landlords of properties where an HMO licence needs to be renewed, must submit a valid planning application in time for this to be considered before the current licence expires. A new licence will not be issued without planning permission being in place.

4.0 Enforcement

Landlords of HMO's that need a licence and continue to operate without applying for planning permission will face action under the Council's Enforcement Policy, to ensure compliance with the requirement under this policy to apply for planning permission.