



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

1 April 2021(as amended 31 May 2022)

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 situation where if an HMO licence application was correctly made a licence would have to be issued where planning permission had not been obtained, potentially contrary to the Policy H6 of the current local plan.

Planning permission is required for HMOs within Leamington Spa, and for larger HMOs within Warwick District (7 or more occupants).

In addition to the need for planning permission, under planning legislation, an application can be made for a certificate of lawful development which may be granted in the circumstances where there is sufficient evidence submitted to demonstrate that a property has been operating continuously as an HMO for a period of 10 years.

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 the jointly manage the HMO licensing and planning regimes.

2.0 Purpose of this Policy

The purpose of this policy is to ensure that, where it is required landlords of HMO's which 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 either planning permission for the change of use to an HMO has been obtained for the property, a certificate of lawful HMO use has been granted or the Council is satisfied that there is sufficient evidence of historic use as an HMO.

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.

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 considered.

- Landlords making an HMO licence application who submit a planning application within the required time but then who fail to provide sufficient required documentation within a two-month period will be subject to the consideration of 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.