

	PLANNING COMMITTEE JULY 29TH	Agenda Item No.
Title: CLG Consultation on Houses in Multiple Occupation (HMOs)		
For further information about this report please contact	John Edwards 456541 John.edwards@warwickdc.gov.uk	
Service Area	PLANNING SERVICES	
Wards of the District directly affected	ALL	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	NO	
Date and meeting when issue was last considered and relevant minute number		
Background Papers	Houses in multiple occupation and possible planning responses – consultation by CLG May 2009	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	20.7.2009	Bill Hunt
Chief Executive		
CMT		
Section 151 Officer		
Legal	20.7.2009	Peter Oliver
Finance	20.7.2009	Marcus Miskinis
Portfolio Holder(s)	20.7.2009	Cllr John Hammon
Consultation Undertaken		
None – internal discussion within WDC with Environmental Services.		
Final Decision?		N/A
Suggested next steps (if not final decision please set out below)		

1. SUMMARY

- 1.1 A research document into Houses in Multiple Occupation (HMOs) (particularly those occupied by students) commissioned by Communities and Local Government (CLG) was published in 2008.
- 1.2 CLG are now consulting on possible changes to the Town and Country Planning (Use Classes) Order 1987 in relation to Houses in Multiple Occupation which would increase the level of planning control over such properties.

2. RECOMMENDATION

- 2.1 That CLG be advised that this Council supports the proposed change to the Use Classes Order (Option 2 in the Consultation Paper) which would create a new HMO threshold based on three or more people sharing who are not members of the same family.
- 2.2 That the responses to the specific questions contained in the consultation document set out in Appendix A be forwarded to CLG

3. REASONS FOR THE RECOMMENDATION

- 3.1 Local concern has been expressed at the problems often associated with high concentrations of HMOs within established residential areas in part due to the fact that currently Use Class C3 permits the occupation of dwellings by either a family or by “not more than six persons living together as a household”. The lowering of this threshold to three would extend planning controls such that in future a significantly increased number of HMOs would need Planning Permission to operate.(Existing established HMOs would not be affected by the proposed change).

4. ALTERNATIVE OPTION CONSIDERED

- 4.1 The alternative option would be for this Council to make no submission to CLG as a result of the invitation to respond to the Consultation Paper. In view of concerns that have been expressed at the local level about problems associated with high concentration of HMOs in particular localities, this option is not considered appropriate.

5. BUDGETARY FRAMEWORK

- 5.1 The contents of this report do not relate to the Council’s Budgetary Framework.

6. POLICY FRAMEWORK

- 6.1 The recommendation in this report has no direct impact on the Council’s existing Policy Framework.

7. BACKGROUND

- 7.1 Problems caused by high concentrations of Houses in Multiple Occupation (HMOs) have been highlighted as an issue in a number of towns and cities across the country. HMOs make an important contribution to the Private Rented Sector by

providing housing to meet the needs of specific groups and by making a contribution to the overall provision of affordable housing stock.

- 7.2 Currently under the Use Classes Order, groups of unrelated people are able to live together in a dwelling house which falls into Use Class C3 if they are living together as a “household”. In such cases, the properties are not internally subdivided into physically separate units and usually a single rental contract would operate, such that the legal facility for occupation by a “single household” is maintained. As a result, there is thus no effective way by which a Local Authority can implement restraint or threshold policies on such dwellings in order to respond to issues of concerns such as overconcentration, potential noise nuisance, parking problems and changes to the character of established residential areas.
- 7.3 Concerns about the overconcentration of properties in multiple occupation have been expressed to CLG by a number of planning authorities leading to the research document and consultation paper on a potential increase in planning controls, to which a response is required by August 7th.

Response to CLG Consultation on HMOs by Warwick District Council

Q1 Do you experience problems/effects which you attribute to high concentrations of HMOs?

Yes

Q2 Do you consider the current planning framework to be a barrier to effective management of HMOs by local planning authorities?

Yes

Q3 Could promotion of best practice measures as opposed to changes in the planning framework sufficiently deal with the problems associated with HMOs, in particular those problems often associated with high concentrations of HMOs with student occupants?

No

Q4 If planning legislation is seen as a barrier to the effective management of HMOs in an area how should planning legislation be amended – along the lines of option 2 (introduce a definition along the lines of the Housing Act 2004) or option 3?

Option 2 is supported.

Q5 Do practitioners have a preference for one approach listed as part of option 2 over the other?

A specific definition may be preferable.

Q6 What effect would a change to the Use Classes Order as described in option 2 have on those local planning authorities that do not encounter problems with high concentrations of HMOs?

Some increase in applications received.

Q7 Would a change to the Use Classes Order as described in option 2 or 3 have any impact on the homeless and other vulnerable groups?

Yes

Q8 Would a change to the Use Classes Order as described in option 2 or 3 have any unintended consequences, for example an impact on small scale care homes or children's homes, which are currently classed as C3 dwelling houses?

Only insofar as similar uses need to seek planning permission.

Q9 Would a change to the Use Classes Order as described in option 2 or 3 impact unfairly – directly or indirectly – on any equality strands?

Not necessarily

Q10 Would a change to the Use Classes Order reduce the supply of HMO accommodation in your area?

Yes by enabling elimination of sub-standard housing.

Q11 If amendments are made to the Use Classes Order, should a property that has obtained planning permission for use as an HMO require planning permission to revert back to a C3 dwelling house?

No

Q12 Would a change to the Use Classes Order as described in option 3 place a new burden on local planning authorities?

Yes

Q13 Under option 3, would the removal of the current requirement for HMOs to seek planning permission pose a problem for practitioners in managing land use impacts in their area?

Option 3 would be cumbersome and demanding in terms of staff resource.

Q14 Should the compensation provisions included in Section 189 of the Planning Act 2008 be applied to change of use between C3 dwelling house and an HMO if option 3 were to be implemented?

Yes

Q15 How important would the risk of compensation be in the decision to use Article 4 directions under option £?

This could be significant

Q16 Would the extra certainty of greater control bring benefits that outweigh the burdens placed by the need to process more planning applications?

Yes – it would align more closely with community expectations.