

## Houses in Multiple Occupation and Article 4 Direction

### Frequently Asked Questions

#### **1) What is an Article 4 Direction?**

The Planning Acts allow for some types of development or changes of use to take place without planning permission – for example, small extensions to dwellings or changing the use of a building from a bank to a shop. These exceptions are set out in the “General Permitted Development Order”. An Article 4 Direction allows local planning authorities to respond to the specific needs of their area by removing ‘permitted development’ rights that would normally apply. When brought into force, this particular direction will remove current permitted development rights in relation to changes of use from planning Use Class C3 (Dwelling Houses) to Use Class C4 HMO, meaning that planning permission for this change of use will be required.

#### **2) What does this particular Article 4 Direction relate to?**

The proposed Article 4 Direction only relates to changes of use from a house or flat (occupied by a single person, couple or family) to a small HMO (a house or flat shared by between 3 and 6 unrelated people). Normally, planning permission is only required for a change of use from a house or flat to an HMO where more than 6 unrelated people will occupy the dwelling. The Article 4 Direction will mean that planning permission would be required for the change of use of a flat or house to an HMO where 3 or more unrelated people will occupy the dwelling. Permission would not be required, however, to change from a small HMO back to a dwelling.

#### **3) Why is Worcester City Council removing permitted development rights?**

Removing permitted development rights for changes of use from a dwelling house (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4) through an Article 4 Direction will provide more control over the numbers and distribution of HMOs to avoid overconcentration and promote a balanced and mixed community, assought in the South Worcestershire Development Plan. The Council is aware that there is a high concentration of shared houses in the city, particularly close to the University’s main campus, so this is one of the ways we can take more control.

#### **4) What is a House in Multiple Occupation (HMO)?**

Generally a HMO is a house or flat shared by an unrelated group of people. Usually they have their own bedroom and share the bathroom and/ or kitchen facilities. Where 3 or more unrelated people share a house or flat in this way it is defined as an HMO. It does not include a house converted to self contained flats where everyone has their own facilities.

#### **5) What are Class C3 and Class C4 uses?**

A Class C3 use is a planning term meaning a dwelling house, including family houses, or houses occupied by up to six residents who live together as a single household, where they share meals together. This includes a household where care is provided for residents

Use Class C4, houses in multiple occupation, are small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

**6) There are too many HMOs in my street. What is the Council doing about this?**

Worcester City Council have produced a draft supplementary planning document (SPD) on HMOs to go alongside the Article 4 Direction. This document provides guidance that will help to control the distribution and location of HMOs throughout the city. This will ensure that there is not an over concentration of HMOs in the city.

**7) Will the Supplementary Planning Document on Houses in Multiple Occupation come into effect at the same time as the Article 4 Direction?**

Yes. Subject to the responses we get to the public consultation, it is intended that the HMO SPD will go to Cabinet in June for adoption, prior to the Article 4 Direction coming into effect on 1<sup>st</sup> July 2014.

**8) Do all HMOs require planning permission?**

Yes. From the 1<sup>st</sup> July 2014, after the implementation of the Article 4 Direction, all properties will require planning permission to change from a dwelling house (C3 use class) to a shared property/HMO (C4 use class). Planning permission to build a new HMO has always required planning permission and this will remain the case. Similarly changing the use of a building other than a house into a HMO has always required planning permission.

**9) Do I need planning permission to rent my property out to more than six people?**

Yes, large houses in multiple occupation are a different use class known as *sui generis* and the change in July 2014 does not affect this. If you wish to rent your property out to more than six unrelated people who share cooking or washing facilities, this constitutes a change of use, and planning permission will continue to be required.

**10) How do I apply for planning permission to change the use of my property from class C3 to class C4?**

Planning applications for a change of use can be submitted online at the Planning Portal website ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), or alternatively application forms can be downloaded from the Worcester City Council website (<http://www.worcester.gov.uk/index.php?id=1604>). You will **not** be required to pay a fee for the planning application.

**11) Do I need planning permission to change from a C4 HMO use to a C3 dwelling house use?**

No. This change of use is permitted without the need for planning permission. However, any external physical changes to the building may require permission and should be discussed with the Council's planning department prior to work being undertaken. Internal alterations to the building may require Building Regulations approval to ensure the property meets safety and construction standards.

**12) I am a landlord of a HMO. Why do I need to register my property with the Council?**

Completing the Registration Form on the website will allow us to learn more about the location of HMOs across the city, so that we can plan and respond to any issues appropriately. Submitting copies of current and historic tenancy agreements to the Council, or other evidence such as floorplans and photographs, will help to help demonstrate to us that the property was an HMO prior to permitted development rights being revoked, therefore making it easier for us to respond to enquiries about the lawful use of the property. It may also mean that enforcement action in the future is less likely.

It is important to note that registering your property with the Council does not mean it becomes a Licensed or Accredited HMO. This is a separate process which incurs a fee. There is no fee for informing the Council of your HMO by completing the Registration Form.

**13) What happens if I do not register my property as an HMO?**

If you do not register your property as a HMO, then you may be subject to enforcement action where the Council will investigate the lawful planning use of the property. You will be required to demonstrate that the property was a HMO prior to 1<sup>st</sup> July 2014 cut-off, and has continued to be so. If you cannot satisfy the Council that is the case, you will be required to apply for retrospective planning permission for a change of use.

**14) I have a property that is currently in C3 use. I am intending to use this as an HMO property to be occupied after the 1<sup>st</sup> July 2014. I will, however, have contracts signed by the tenants before this date. Do I still need to apply for planning permission?**

Yes. The use class will only change to C4 (HMO) use from C3 use upon occupation when the use is implemented. As the occupation will occur after the Article 4 Direction date of July 1<sup>st</sup> 2014, then the property owner will need to apply for planning permission for a change of use.

**15) Will I be required to pay a fee for planning permission for a change of use from a dwelling house (Use Class C3) to a House in Multiple Occupation (Use Class C4)?**

No. Fees do not apply for applications required for cases where permitted development rights have been specifically removed through the use of an Article 4 direction.

**16) Do I require an HMO license?**

If your property is over three storeys with five or more residents, in more than one household who share facilities, then you will require an HMO license under the 2004 Housing Act. These are issued by the Council's Housing department. More information on licensing, including fees, can be found at this link (<http://www.worcester.gov.uk/index.php?id=2595>)

**17) If I have planning permission for an HMO, do I also need a license?**

That depends on the size of your property. Planning permission and housing licensing are separate from each other. After the 1<sup>st</sup> July 2014, all proposals for houses in multiple occupation will require planning permission. However, a license is required for all houses in multiple occupancy that:



- are three storeys or more;
- have five or more residents, in more than one household; and
- involve shared facilities.

For further details on licensing, please follow the link in question 16 above.

***18) The residents in the shared houses in the road where I live are causing problems with noise and litter. Who can I contact about this?***

We would first suggest that you talk to your neighbours about the issues you have. If you know who the landlord is then speaking to them to highlight your concerns would also be a good course of action. If the problems persist, you can contact the Council for assistance.

For noise issues contact the Environmental Health team via [Worcester Regulatory Services](#) on **01905 822799**.

For litter issues contact the Cleaner and Greener team via the [Worcestershire Hub](#) on **01905 765765**.