

# Houses in Multiple Occupation and the Stanmore Article 4 Direction

Winchester City Council made an Article 4 Direction<sup>1</sup> on 16 April 2015 to withdraw permitted development rights for the change of use of a dwelling house within Class C3 of the Order to a house in multiple occupation within Class C4 of the Order in the Stanmore area. The Direction will come into force on 2 May 2016. Further information is available in the FAQs below.

*<sup>1</sup>Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)*

## Frequently Asked Questions

1. What is the Article 4 Direction (the Direction)?

Councils can use their planning powers to make an 'Article 4 direction' that removes specified permitted development rights within a defined area. Permitted development rights allow certain types of development, including some changes of use of premises, to take place without needing planning permission from the Council. However when an Article 4 Direction comes into effect, changes of use covered by it will need consent from the Council.

2. When will the Direction come into effect?

It will come into force on 2 May 2016.

3. What will be the affect of the Direction?

The Direction will mean that from 2 May 2016, planning permission will be required for a change of use from a C3 (dwelling house) to a Class C4 (small house in multiple occupation - HMO). Planning permission is already required for larger HMOs.

4. Where will the Direction apply?

The Direction will apply within the area of Stanmore identified on the Article 4 Direction map, which can be viewed via the following link: [Confirmed Article 4 Direction Public Notice](#)

5. What is a C3 (dwelling house)?

This is a home occupied by a single family unit .e.g. mum, dad and children; or a couple; or a single person etc. However it also covers a few other circumstances

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6. What is a Class C4 (small house in multiple occupation - HMO)?

This is a property occupied by between three and six individuals who do not form a single household. i.e. a group of students, or friends, or work colleagues living together in a property and sharing kitchen and bathroom facilities etc. Alternatively, it can be a more traditional bedsit- type HMO occupied by between three and six individuals who do not form a single

household and rent a room on an individual basis, but share kitchen and bathroom facilities etc. A precise definition in planning terms can be found in the Use Class Order<sup>2</sup>.

7. After the 2nd May 2016 will I need to get planning permission to convert an HMO back to a Dwelling House?

The Article 4 Direction does not affect other permitted development rights which currently allow for a change of use from HMO (C4) to dwelling house (C3). It will therefore still be possible to change from an HMO to a single dwelling house without needing to apply for planning permission from the Council.

8. What happens if I sell the house?

Where planning permission is granted for a change of use it remains with the property regardless of whether the premises is sold on. This means that a person buying an HMO can continue to use it as an HMO if they wish to.

9. Is planning permission required for an HMO with more than six tenants?

Yes, even without the introduction of the Direction, planning permission is required for a change of use between a C3 (dwelling house) and a larger HMO occupied by seven or more tenants.

10. When does an HMO require a licence under the Housing Act 2004 ?

If an HMO is occupied by 5 or more tenants forming more than a single household AND it is a property of 3 storeys or more e.g. a 2 storey house with an attic

room, or a town house, or two floors of accommodation above a shop etc. it will legally be required to be licensed with the Council under the Housing Act 2004. The Article 4 Direction will apply to HMOs whether they are required to be licensed or not and to a HMO of any number of storeys.

11. Why is the Direction being introduced?

The Council decided to make the Direction to bring within the scope of its control the number of new HMOs in the Stanmore neighbourhood.

12. What is it hoped the Direction will achieve?

The aim of the Direction is to assist in maintaining a mix of residential accommodation in the neighbourhood (family homes and HMOs). This was in response to considerable local concern that the number of HMOs in Stanmore was increasing and reaching a point where it was affecting the stock and availability of family accommodation.

13. Is the Direction retrospective?

No, it is not retrospective and therefore HMOs which existed and were 'up and running' before it comes into effect will not require planning permission. Please be aware however, that you may want or need to prove that the HMO existed before the Article 4 came into effect i.e. If the Council were to receive a complaint about an alleged unauthorised HMO. You should

therefore keep any paperwork relating to use of the HMO for example, copies of tenancy agreements.

14. Where planning permission is needed for an HMO how long with the process take?

The target date for deciding planning applications for new HMOs is usually 8 weeks. Some applications will take less time to determine and other may take longer. The time taken will depend the nature and circumstances of the case.

15. How will the Council assess an application for an HMO?

The Council is proposing to include a specific planning policy in the Winchester District Local Plan Part 2 against which planning applications for new HMOs will be assessed: Policy WIN9 - Houses in Multiple Occupation. Details of the policy are available on our website at: <http://www.winchester.gov.uk/planning-policy/local-plan-part-2/> . Other planning policies will be taken into account where relevant to the application in question.

5.2.2016

2 Definitions can be found in the Town and Country Planning (Use Classes) Order 1987 (as amended). According to the Use Classes Order “For the purposes of Class C3(a) a “single household” shall be construed in accordance with section 258 of the Housing Act 2004”. Links to the Town and

Country Planning (Use Classes) Order 1987 (as amended) can be found on the Planning Portal webpage provided below.