

Birmingham City Council

Report to Cabinet

14th May 2019



Subject: Houses in Multiple Occupation Article 4 Direction

Report of: Director, Inclusive Growth

Relevant Cabinet Members: Councillor Ian Ward, Leader of the Council
Councillor Sharon Thompson, Cabinet Member for Homes and Neighbourhoods
Councillor John Cotton, Cabinet Member for Social Inclusion, Community Safety and Equalities

Relevant O &S Chair(s): Councillor Penny Holbrook, Housing & Neighbourhoods

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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, name(s) of ward(s): All wards		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 006417/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1 Executive Summary

- 1.1 Cabinet approval is sought to authorise the making of a city-wide direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This will remove permitted development rights for the change of use of dwelling houses (C3 Use Class) to houses in multiple occupation (C4 Use Class) that can accommodate up to 6 people.
- 1.2 Cabinet approval is also sought to authorise the cancellation of the Selly Oak, Harborne and Edgbaston Article 4 Direction made under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 1995. This is to avoid duplication as the city-wide Article 4 Direction will cover these areas.

2 Recommendations

- 2.1 That Cabinet authorises the Director, Inclusive Growth to prepare a non-immediate Article 4 direction which will be applied to the City Council's administrative area to remove permitted development rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use).
- 2.2 That Cabinet authorise the cancellation of the existing Article 4 direction covering Selly Oak, Harborne and Edgbaston. The cancellation will take effect on the same day that the new city-wide Article 4 direction comes in to force.
- 2.3 That notice of the new Article 4 direction, and cancellation of the existing Article 4 direction, are publicised for a period of at least six weeks, to allow members of the public to submit comments on the proposals.
- 2.4 That Cabinet receive a further report following the end of the representation period to consider any comments received during the representation period and to consider whether in light of these comments, the new direction should be confirmed and the cancellation of the existing direction should be confirmed.

3 Background

- 3.1 The Government re-categorised the change of use of C3 family housing to C4 small HMOs as permitted development in April 2010. This means that any such proposals do not require a planning application to be submitted to the City Council. Larger HMOs accommodating more than 6 people continue to require planning approval. The proposed city-wide Article 4 Direction will therefore only apply to the creation of smaller HMOs but it will allow a consistent approach to be applied for all HMO developments throughout the city.
- 3.2 HMOs are recognised as meeting important and specific housing needs within the city. Policies TP27 and TP30 of the adopted Birmingham Development Plan (BDP) seek to create mixed, balanced and sustainable neighbourhoods by requiring all new residential development to deliver a wide choice of housing sizes, types and tenures. High concentrations of HMOs can present challenges to the future sustainability of neighbourhoods and impact on their character and residential amenity. In connection with this, the Community Cohesion Strategy identifies that insecure housing and high levels of transience are an area of concern in the city.
- 3.3 Local councillors and residents in a number of wards across the city have expressed concern about the high concentration of HMOs in their area. Some of these comments have suggested that it may be appropriate to apply further Article 4 directions, to enable the creation of new HMOs to be managed in these areas.
- 3.4 In response to these concerns, the City Council has undertaken an exercise to identify and map the existing distribution of HMOs across the city. The distribution of these HMOs confirms that there are significant concentrations in particular areas of the city, particularly in Bournbrook / Selly Oak / Harborne /

Edgbaston, North Edgbaston / Ladywood, Handsworth / Lozells / Soho, Erdington / Gravelly Hill and Balsall Heath West / Moseley. It also confirms that while there are concentrations in such areas, there is also a reasonably even spread of HMOs across the rest of the city with the exception of the far north where the distribution is more sparse.

- 3.5 Taking in to account this pattern of distribution, officers have identified a number of different options for how Article 4 directions could be applied. These are explained in more detail below but in summary they include a single city-wide direction, multiple area-based directions which are focused on the locations where concentrations have been identified, or not applying any further Article 4 directions.
- 3.6 Having considered the advantages and disadvantages of each option, officers recommend to Cabinet that a city-wide Article 4 direction should be applied, as this will enable the most consistent and comprehensive approach to be applied to manage the distribution of HMOs across the city.
- 3.7 All of the options are capable of being supported by the new preferred policy approach to manage the distribution of HMOs, which was recently subject to public consultation within the Development Management in Birmingham document. The preferred policy would carry forward the criteria contained within the Planning Policy Document for the existing Article 4 direction covering parts of Selly Oak, Harborne and Edgbaston Wards, i.e. that an over-concentration of HMO properties would be considered in cases where they constitute more than 10% of residential properties within 100 metres of an application site. The proposed new policy also includes criteria to prevent the sandwiching of C3 housing by C4 uses and other non-family housing, and also to prevent a continuous frontage of three or more non-family houses.
- 3.8 The existing Selly Oak, Harborne and Edgbaston Article 4 direction was confirmed by Cabinet in September 2014. It will be necessary to cancel the existing direction as the removal of permitted development rights will be covered by the proposed new city-wide Article 4 direction. It is proposed that the cancellation will take place at the same time as the confirmation of the new city-wide Article 4 direction.
- 3.9 The process for making and cancelling Article 4 directions is set out within Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This requires local authorities to publicise the proposed direction via the following means;
 - Local advertisements of the direction;
 - Display of a minimum of two notices in different locations for a minimum period of six weeks;
 - Notifying owners and occupiers within the affected area (these regulations can be relaxed where this would be impractical, for example across a very large area such as the entire city)

- Sending the above documentation to the Secretary of State for review.
- 3.10 Although not a statutory obligation, it is considered good practice for notice of the direction to be published on the local authority website.
- 3.11 Following this representation period and after considering any comments received, a further report to Cabinet will be required to consider any comments and seek approval to confirm the direction if appropriate. It is recommended that if Cabinet confirm the direction, the direction should not come into force until a period of 12 months has passed. This is because there is a risk that in the event of an immediate Article 4 direction, compensation claims could be made against the City Council by landowners and developers for abortive expenditure or losses and damages directly related to the withdrawal of permitted development rights. Allowing a 12 month grace period for enforcing the city-wide Article 4 direction would enable developers of new small HMOs to become aware of the removal of these rights before planning and commencing the conversion of such properties. The date that the Article 4 direction is confirmed must be within two years following the date on which the representation period began.
- 3.12 Once the Article 4 direction has been confirmed, the local planning authority must as soon as practicable:
- a) Give notice of the confirmation and date the Article 4 direction comes into force to affected owners and occupiers in the same way as required for the notification of the making of the direction (see paragraph 3.9 above);
 - b) Send a copy of the Article 4 direction to the Secretary of State.
- 3.13 The same process is to be followed in order to cancel the existing Article 4 direction covering the Selly Oak, Harborne and Edgbaston wards and it is proposed that this should take place alongside the process for the new Article 4 direction as set out above.
- 3.14 The evidence underpinning the proposed Article 4 direction can also be used to support the work of the Neighbourhood Directorate in exploring potential ways that selective and additional licencing can be introduced and monitored in the city, including addressing the impacts of increasing numbers of unregulated supported exempt providers.

4 Options considered and Recommended Proposal

Option 1: City-Wide Article 4 Direction

- 4.1 **This is the recommended option.** It will provide a blanket approach to be applied across the city, with an Article 4 direction put in place to remove permitted development rights for all future conversions of family housing to HMOs. The advantages of this option are that it would ensure consistency and more comprehensive management of HMO distribution in the future. The disadvantages include greater demands on the City Council's resources to process planning applications and enforce planning decisions.

Option 2: Area-Based Article 4 Directions

- 4.2 This option would involve applying a number of smaller Article 4 directions to cover locations where high numbers and concentrations of HMOs appears to be an issue and where the impacts of them are being felt. The advantages of this option are that it would be a more targeted approach that would be less resource intensive to administer, although the disadvantages would be that the designation process would be more resource intensive as it would require multiple periods of publicity and overall there would be an inconsistent approach to managing the creation of new small HMOs across the city.

Option 3: Do Nothing

- 4.3 This option would see a continuation of the existing approach, with the existing Article 4 direction covering Selly Oak, Harborne and Edgbaston remaining in place and no further Article 4 directions being applied. The advantages of this option would be that there would be no further resources required to apply further Article 4 directions but the disadvantages would include the lack of management and potentially increased proliferation of new HMOs across the city.

5 Consultation

- 5.1 The work has been led by officers in the Planning Policy and the Service Development teams within the Inclusive Growth Directorate. Officers from the HMO Licensing, Development Management and Council Tax teams have been heavily engaged, particularly in providing the data to identify the locations and extent of existing HMOs across the city. Meetings have been held with individual Elected Members who have raised concerns about the numbers and concentrations of HMOs within their Wards.
- 5.2 The views of all of the City Council's Elected Ward Members, residents, property owners and businesses within the city will be sought as part of the representation period for the direction. These views will then be considered as part of the process for confirming the Article 4 direction, which will be the subject of a further Cabinet Report.

6 Risk Management

- 6.1 With an immediate Article 4 direction there is potential for applicants to claim compensation from local planning authorities if they have had planning permission refused for a development scheme that they would normally be able to carry out under permitted development rights. Any such compensation claims can only be made against abortive expenditure or losses and damages directly related to the withdrawal of permitted development rights¹. To avoid the risk of such compensation claims being made against the City Council it is recommended that a non-immediate Article 4 direction is applied, with a lead-in

¹ Provision made under [Section 108 of the Town and Country Planning Act 1990](#)

time of 12 months to be provided before the direction would be brought in to force. The maximum period of time that an Article 4 direction can be applied after being confirmed is two years following the date on which the representation period began.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 The city-wide Article 4 direction will contribute towards the vision contained in the City Council's Plan 2018-2022, in particular Outcome 4 'Birmingham is a great city to live in'. It will also have a role to play in the City Council's management and control of 'insecure housing and high levels of transience' which is identified as a concern within the Community Cohesion Strategy (2018).

7.1.2 Implementation and enforcement of the direction will be supported by preferred policy DM10 in the Development Management in Birmingham document which has recently been subject to public consultation. It will also support policies PG3 (Place making), TP27 (Sustainable neighbourhoods), TP30 (The type, size and density of new housing), TP31 (Affordable housing), TP32 (Housing regeneration) and TP35 (The existing housing stock) of the adopted Birmingham Development Plan (2017).

7.2 Legal Implications

7.2.1 Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows local planning authorities to make Directions withdrawing permitted development rights where the authority considers it expedient that development should not be carried out unless express planning permission has been obtained for the same. Government Guidance contained in the National Planning Policy Framework and the Planning Practice Guidance advises that Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified. There should be a particularly strong justification for the withdrawal of permitted development rights relating to a wide area (e.g. those covering the entire area of a local planning authority).

7.2.2 Once a non-immediate Direction comes into force, a planning application will be required for any change of use from C3 (dwellinghouse) to C4 (small HMO) city wide. Permitted development rights will remain to change from C4 use to C3.

7.2.3 Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) also allows local planning authorities to cancel existing Article 4 directions so that permitted development rights which were previously removed are restored. Once the non-immediate Cancellation Direction comes into force, the new City-wide Article 4 Direction will also take effect which means that a planning application will be required for any change of use from C3 (dwellinghouse) to C4 (small HMO) city wide. Permitted development rights will remain to change from C4 use to C3.

7.3 Financial Implications

7.3.1 The total estimated revenue cost of publicising both the City-wide Article 4 Direction and the Selly Oak, Harborne and Edgbaston Cancellation Direction, principally through notices in the local press, is £5,000, to be funded from existing service budgets.

7.3.2 The resource cost implications arising from processing increased numbers of planning applications and enforcing the city-wide Direction are anticipated to be met from within existing Inclusive Growth planning budgets or from additional planning fee income generated as a result. However, this will be closely monitored to ensure that sufficient resources are available.

7.3.3 As detailed within Section 6 'Risk Management', there is potential for applicants to claim compensation from local planning authorities if they have planning permission refused for a development scheme that they would normally be able to carry out under permitted development rights. Whilst a lead-in time of 12 months is proposed to be provided before the city-wide Article 4 direction is brought into force to limit such compensation claims, it is anticipated that any residual compensation claims arising after this time will be limited and met from within existing budgets or from additional planning income generated as a result of the Direction.

7.4 Procurement Implications (if required)

7.4.1 No implications

7.5 Human Resources Implications (if required)

7.5.1 No implications

7.6 Public Sector Equality Duty

7.6.1 The proposal supports good relations and community cohesion between different communities by encouraging greater mixed housing provision. The initial findings of the equality assessment will be updated following the review of representations received.

7.6.2 The results of the public consultation on the draft document will be used to update the Equalities Analysis and inform the final policy when it is brought forward for adoption by the City Council.

7.6.3 Maintaining an appropriate proportion of HMOs in an area will provide more mixed and diverse communities, increase custom for local businesses, provide a greater local workforce and provide a greater choice of accommodation for local residents. The impacts and benefits of HMOs will become more manageable through the application of one or more Article 4 directions and the policy approach proposed within preferred policy DM10 of the Development Management in Birmingham DPD.

8 Appendices

8.1 Draft City-Wide Article 4 Direction

8.2 Draft Notice for Proposed City-Wide Article 4 Direction

8.3 Draft Selly Oak, Harborne and Edgbaston Article 4 Cancellation Direction

8.4 Draft Notice for Cancellation of Selly Oak, Harborne and Edgbaston Article 4 Direction

8.5 Technical Paper – Options for Applying Article 4 Directions for the Creation of New Small HMOs

9 Background Documents

9.1 Cabinet Member Report 9th September 2014; Policy for managing houses in multiple occupation in the proposed Article 4 Direction area

9.2 Cabinet Report 15th September 2014; Confirmation of Article 4 direction relating to houses in multiple occupation in parts of Selly Oak, Harborne and Edgbaston

9.3 Article 4 Direction and supporting Planning Policy Document for Selly Oak, Harborne and Edgbaston (2014)

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (AS AMENDED)****DIRECTION MADE UNDER ARTICLE 4(1)**

WHEREAS BIRMINGHAM CITY COUNCIL being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) Order 2015 (“the Order”), are satisfied that it is expedient that development of the description(s) set out in Schedule 1 below should not be carried out on the Land shown edged red on the attached plan at Schedule 2 (“the Land”), unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 as amended.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Order hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description(s) set out in Schedule 1 below:

SCHEDULE 1

Development consisting of a change of use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C4 (houses in multiple occupation) of that Schedule, being development comprised within Class L(b) of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 and not being development comprised within any other Class.

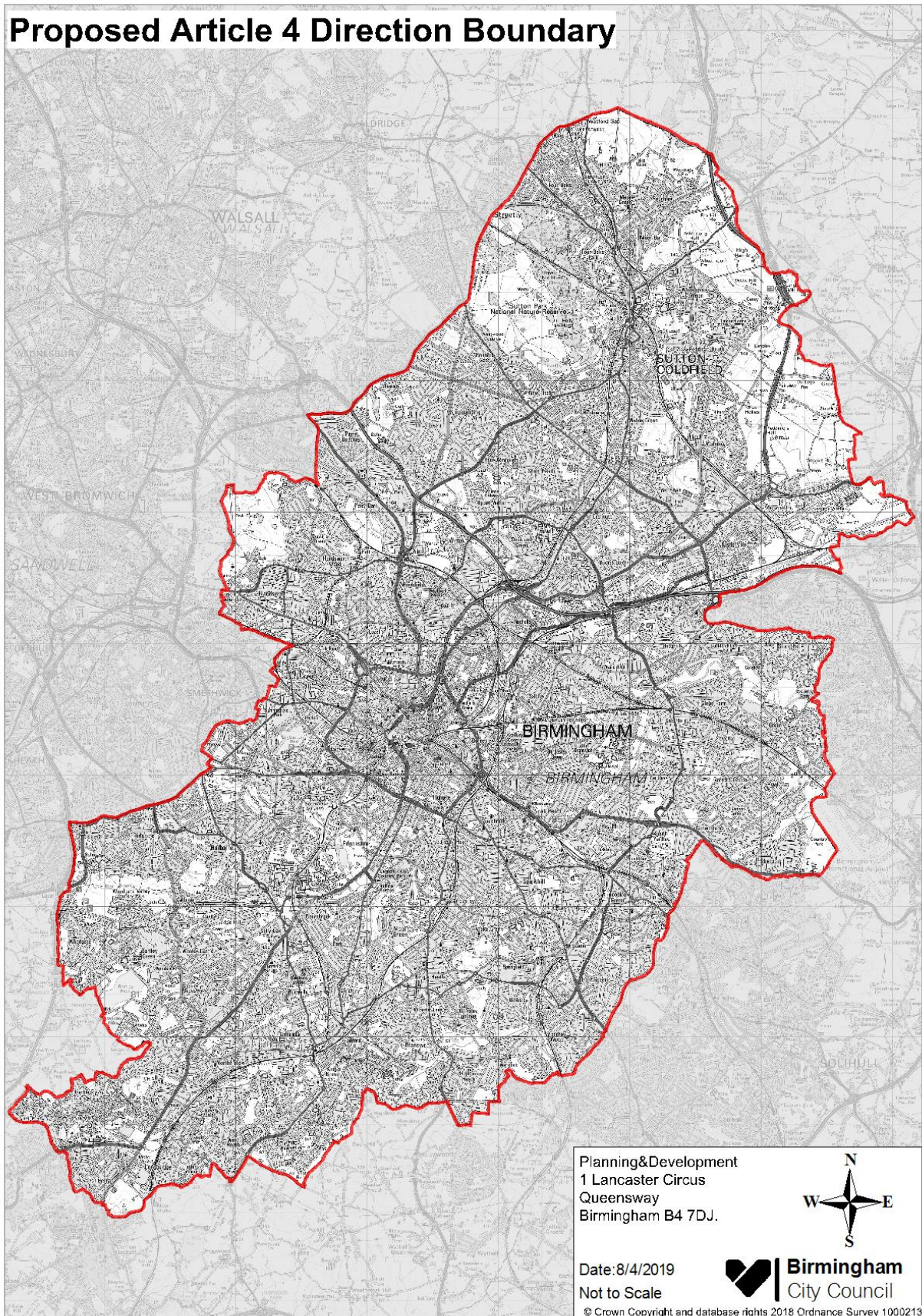
Made under the Common Seal of Birmingham City
Council this day of 2019.

The Common Seal of Birmingham City Council was
affixed to this Direction in the presence of:

Authorised signatory

SCHEDULE 2: PLAN

Proposed Article 4 Direction Boundary



STATUTORY NOTICE

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (AS AMENDED)**

**NOTICE OF INTENDED CITY WIDE ARTICLE 4 DIRECTION TO BE MADE
UNDER ARTICLE 4(1) OF THE TOWN AND COUNTRY PLANNING (GENERAL
PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (“the Order”)**

BIRMINGHAM CITY COUNCIL (“THE COUNCIL”) GIVES YOU NOTICE that the Council intend to confirm the City Wide Article 4 Direction (“the Direction”) relating to the Land in Birmingham City specified in Schedule 2 to the Direction.

The effect of the City Wide Article 4 Direction is that permission granted by Article 3 of the Order shall not apply to the Land specified in Schedule 2 to the Direction.

A copy of City Wide Article 4 Direction 2019 and a copy of the map defining the Land may be viewed at the offices of the Council’s Planning and Development Department, 1 Lancaster Circus Queensway, Birmingham, B4 7DJ during business hours or can be viewed on the Council’s website.

The Council invites representations concerning the City Wide Article 4 Direction 2019 between X 2019 and X 2019 that being a period of at least 21 days from the date of this Notice and 6 weeks from when the Notice was displayed within the land.

Subject to the outcome of consideration of any representations received between X 2019 and X 2019, the City Wide Article 4 Direction 2019 shall be confirmed by the Council and take effect on X 2020.

BIRMINGHAM CITY COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015
(AS AMENDED)

CANCELLATION OF DIRECTION MADE UNDER ARTICLE 4(1) OF THE TOWN AND COUNTRY
PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 USING ARTICLE 4(1) OF THE TOWN
AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

THE SELLY OAK, HARBORNE AND EDGBASTON ARTICLE 4 CANCELLATION DIRECTION 2019

WHEREAS

Birmingham City Council (“the Council”) being the appropriate local planning authority within the meaning of article 4 (5) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (“the Order”) is satisfied that it is expedient that the Selly Oak, Harborne and Edgbaston Article 4(1) Direction (a copy of which is attached as Schedule 1 to this Direction) should be cancelled.

NOW THEREFORE the Council in pursuance of the power conferred on them by article 4 (1) and Schedule 3(1) (13) of the Order hereby directs that the Selly Oak, Harborne and Edgbaston Article 4 Direction is cancelled.

THIS CANCELLATION DIRECTION if confirmed shall come into force on [insert date]

Made under the Common Seal of Birmingham City Council thisday of2019

The Common Seal of Birmingham City Council was hereto affixed to this Direction in the presence of

Authorised Signatory

SCHEDULE 1

BIRMINGHAM CITY COUNCIL**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 1995 AS AMENDED****DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH ARTICLE 5 APPLIES**

WHEREAS Birmingham City Council being the appropriate local planning authority within the meaning of Article 4(4) of the General Permitted Development Order, as satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on the land shown edged/coloured red on the attached plan, unless planning permission is granted on an application made under Part 3 III of the Town and Country Planning Act 1990 as amended.

NOW THEREFORE the said Council in pursuance of the power conferred on them by Article 4(1) of the Town and Planning (General Permitted Development) Order 1995 (as amended), hereby direct that the permission granted by Article 3 of the General Permitted Development Order shall not apply to development on the said land of the description(s) set out in the Schedule below.

THIS DIRECTION is made under Article 4(1) of the said Order, in accordance with Article 5, shall come into force on the 30th day of November 2014.

SCHEDULE

Development consisting of a change of use of a building to a use falling within Class C4 (houses in multiple occupation) of the Schedule of the Use Classes Order from a use falling within Class C3 (dwellinghouse) of that Schedule being development comprised within Class 1 of Part 3 of Schedule 2 of the General Permitted Development Order and not being development comprised within any other Class.

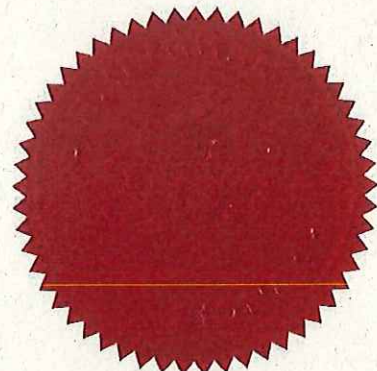
Confirmed under the Common Seal of Birmingham City Council on this 19th day of September 2014.

The Common Seal of Birmingham City Council was affixed to the Direction in the presence of



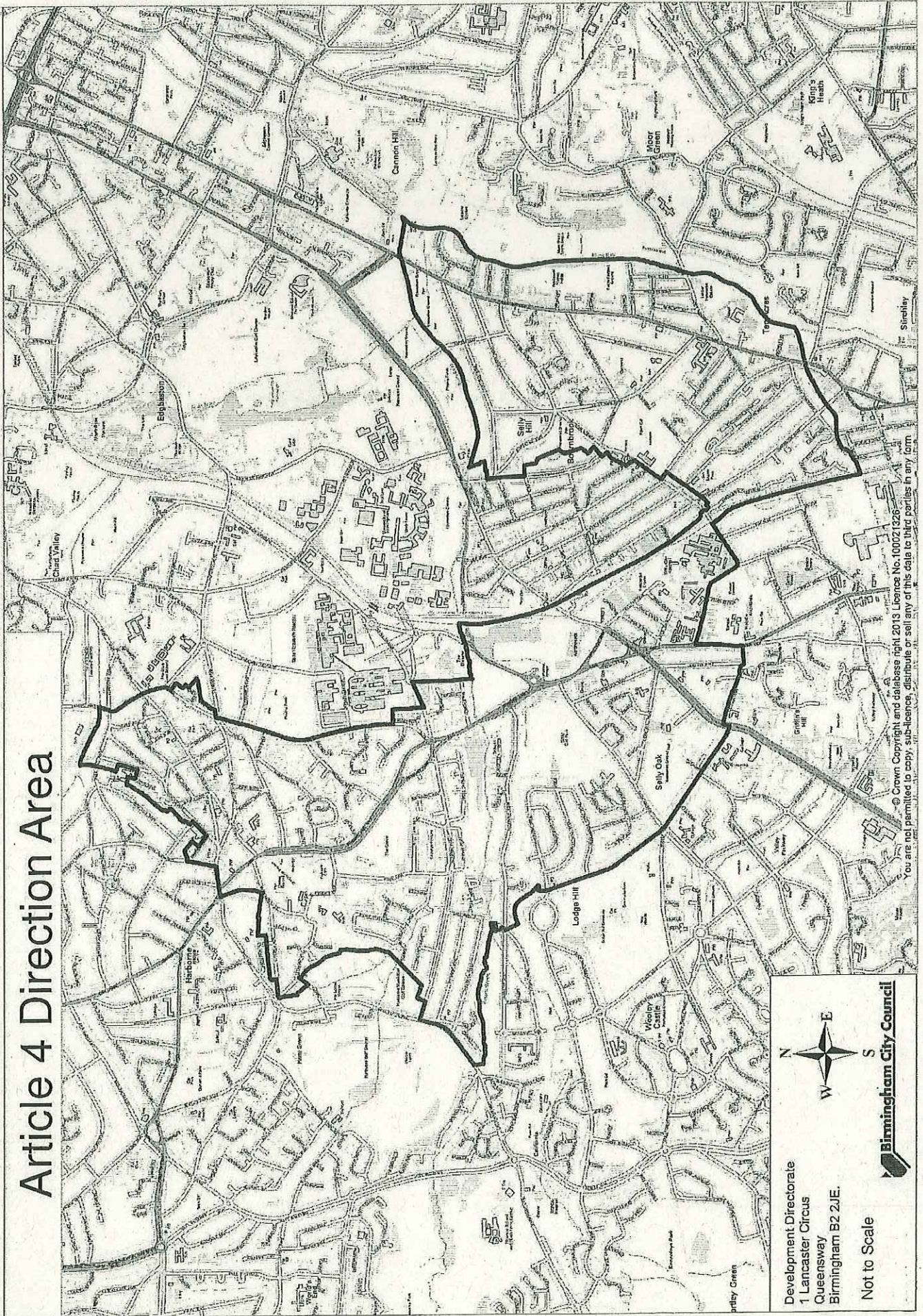
**Authorised
Signatory**

Chief Executive Officer



119636

Article 4 Direction Area



Development Directorate
1 Lancaster Circus
Queensway
Birmingham B2 2JF.



Not to Scale



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STATUTORY NOTICE

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (AS AMENDED)**

**NOTICE OF INTENDED CANCELLATION OF DIRECTION MADE UNDER
ARTICLE 4(1) OF THE TOWN AND COUNTRY PLANNING (GENERAL
PERMITTED DEVELOPMENT) ORDER 1995 USING ARTICLE 4(1) OF THE
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (“the Order”)**

BIRMINGHAM CITY COUNCIL (“THE COUNCIL”) GIVES YOU NOTICE that the Council intend to cancel the Article 4 Direction (“the Direction”) relating to the land in parts of the Selly Oak, Harborne and Edgbaston Wards.

The effect of the cancellation of the Direction is that permission granted by Article 3 of the Order shall apply to the land specified in Schedule 1 to the Direction and that such development can be carried out on the land in accordance with the Order.

A copy of the Selly Oak, Harborne and Edgbaston, Article 4(1) Cancellation Direction 2019 and a copy of the map defining the land may be viewed at the offices of the Council’s Planning and Development Department, 1 Lancaster Circus Queensway, Birmingham, B4 7DJ during business hours or can be viewed on the Council’s website.

The Council invites representations concerning the Selly Oak, Harborne and Edgbaston, Article 4(1) Cancellation Direction 2019 between X 2019 and X 2019 that being a period of at least 21 days from the date of this Notice and 6 weeks from when the Notice was displayed within the land.

Subject to the outcome of consideration of any representations received between X 2019 and X 2019, the Selly Oak, Harborne and Edgbaston, Article 4(1) Cancellation Direction 2019 shall be confirmed by the Council and take effect on X 2020.



Planning Policy Technical Paper

**Options Analysis for Applying New Article 4 Directions to Remove Permitted
Development Rights for the Change of Use of C3 housing to C4 HMOs**

May 2019

Executive Summary

This technical paper explores the evidence and options for Birmingham City Council to apply further Article 4 directions to manage the future creation of new Houses in Multiple Occupation (HMOs) that can accommodate between 3 and 6 unrelated people. Larger HMOs that can accommodate more than 6 people already require planning approval and so any Article 4 direction would only apply to the creation of smaller HMOs.

The paper includes an exploration of different options that have been identified for how Article 4 directions could be applied in the city. The options that have been identified are as follows;

- Option 1: a city-wide direction which would provide a blanket approach to the creation of all new HMOs;
- Option 2: a number of different Article 4 directions that cover specific areas of the city, where there are existing concentrations of HMOs or where there is a high potential for future concentrations, or;
- Option 3: a 'do nothing' approach to apply no further Article 4 directions in the city.

These options are explored in more detail at the end of this paper.

Summary of Main Points

- The City Council has previously applied an Article 4 direction to remove permitted development rights for the change of use from dwellings to HMOs in parts of Selly Oak, Edgbaston and Harborne.
- Further data gathering of HMO licencing, council tax and planning application records has shown that, whilst there are particular concentrations of HMOs in areas such as Selly Oak, Ladywood/North Edgbaston, Handsworth, Perry Barr, Erdington and Acocks Green, there is otherwise a reasonably even distribution of HMOs across the city. The exception is in the north of the city in and around Sutton Coldfield where the distribution of HMOs is relatively sparse.
- This suggests that the option to apply different Article 4 directions in specific areas could be applied, but there may be a risk that such an approach will push the creation of new HMOs to other nearby areas.
- A city-wide Article 4 direction would enable a consistent approach to be applied to manage the overall distribution of HMOs in the city, but this would also cover areas that do not have significant concentrations.
- The process of applying an Article 4 direction is prescribed by the Use Classes Order (2015). This requires a 28 day public consultation period whereby the proposed direction is publicised via advertisements, site notices and (where practical) notifying all owners and occupiers in the area affected.
- The consultation process would have to be followed each time an area-based Article 4 direction is proposed, but only once if a city-wide direction is applied.
- An increased number of planning applications will need to be submitted to, and processed by, the City Council as a result of new Article 4 directions. A city-wide direction will result in more planning applications than area-based directions.

- A non-immediate direction would allow for a specified period of time (e.g. 12 months) to allow future applicants to be made aware of the intention to remove permitted development rights.
- The Development Management in Birmingham Preferred Options Consultation Document contains a detailed preferred planning policy that could be applied whichever option is applied. This seeks to ensure that no more than 10% of residential properties in an area are HMOs, that there would not be continuous frontages of such properties, and that family houses do not become sandwiched between non family housing. Non family housing is defined as including HMOs, student accommodation, hotels, hostels, nursing homes and self-contained flats.
- Through the existing Selly Oak Article 4 direction, the City Council has developed effective mapping tools and officer experience which will aid decision making if further Article 4 directions are to be applied.

1. Introduction

Background

- 1.1 In 2009, the Government consulted on how best to address the impact of high concentrations of HMOs in certain areas. In 2010, the Government amended the Use Classes Order to create a new use class for HMOs, meaning that changes of use from a dwelling (Class C3) to a HMO (Class C4) would require a planning application.
- 1.2 This was followed by a further change to reduce bureaucracy in areas where HMOs were not a problem by removing the requirement for a planning application for changes of use from a dwelling to a small HMO accommodating six people or less. The Government allowed planning authorities to serve an Article 4 Direction removing permitted development rights for changes of use from C3 to C4 where this was an issue. This allows local authorities, for example, to prevent existing concentrations of HMOs from worsening and prevent new concentrations forming in other areas.

National Planning Policy and Legislation:

- 1.3 There are two national statutory instruments that are relevant to the use of buildings as HMOs; the Town and Country Planning (Use Classes) Order 1987 (as amended) – commonly referred to as the ‘Use Classes Order’ – and the General Permitted Development Order (GPDO, 2015).
- 1.4 The Use Classes Order defines two different categories of HMO as follows:
 - Smaller HMOs that contain between 3 and 6 people who are unrelated to each other. These are identified under use class C4.
 - Larger HMOs containing more than 6 unrelated people, which are identified as a ‘sui generis’ use.
- 1.5 The GPDO provides permitted development rights to convert ordinary family housing (C3 use class) to small C4 HMO use without the need for planning approval. Larger sui generis HMOs on the other hand will always require planning approval to be created from either C3 housing or any other land use.
- 1.6 The GPDO also includes measures for local planning authorities to remove such permitted rights from certain types of development and within certain defined locations. These measures are provided for within Article 4 of the GPDO and are therefore known as ‘Article 4 directions’.
- 1.7 Paragraph 53 of the revised National Planning Policy Framework (NPPF) states that “The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area”.
- 1.8 Planning Practice Guidance supplements this and states that “The potential harm that the direction is intended to address should be clearly identified” and that “There should be a particularly strong

justification for the withdrawal of permitted development rights relating to a wide area (e.g. those covering the entire area of a local planning authority”¹

- 1.9 It must be noted that introducing such a direction does not mean that future proposals for change of use from C3 to C4 housing would be refused but it would allow the City Council to have greater scrutiny of such proposals coming forward within the area affected by the direction. The City Council’s own local planning policies, such as that proposed within the Development Management in Birmingham DPD, can however set out criteria for when new HMOs would or would not be considered to be acceptable.

Local Planning Policy:

- 1.10 Policies TP27 and TP30 of the adopted Birmingham Development Plan (BDP) seek to create mixed, balanced and sustainable neighbourhoods by requiring all new residential development to deliver a wide choice of housing sizes, types and tenures. As HMOs are meeting a specific need for housing they do have a role to play in meeting these policy requirements for mixed and balanced communities but a proliferation of HMOs in an area can have the opposite effect.
- 1.11 To add further detail to the BDP policies, the Development Management in Birmingham Development Plan Document (DMB) Preferred Options Consultation Document includes a preferred policy (Policy DM10) which would manage the creation of new HMOs. The policy would apply to all applications for HMOs (large Sui Generis HMOs and small C4 HMOs where an Article 4 Direction exists). The criteria that it prescribes for considering whether or not a HMO would be appropriate are as follows;
- where it would not result in more than 10% of residential properties within a 100 metres radius of the application site being HMOs;
 - where it would not result in a C3 dwelling house being sandwiched between two HMOs or other non-family residential uses (e.g. hotels, care homes or student accommodation);
 - where it would not result in a continuous frontage of three or more non-family houses, and;
 - where it complies with relevant standards for HMOs and the DMB DPD policy relating to standards for residential development (Policy DM11).
- 1.12 The policy is worded in such a way that it can support either city-wide or area-based Article 4 Directions. Its implementation would be supported by mapped data showing the location of all residential properties and HMOs in the area affected by the direction. The City Council’s GIS team has been preparing this mapped data at a city-wide scale to help to inform the future approach. This is described in further detail below.
- 1.13 Once adopted, Policy DM10 will replace the existing policy on HMOs contained in the saved policies of the Unitary Development Plan (2005) and the planning policy for the Article 4 Direction Area of Selly Oak, Harborne and Edgbaston (2014).

¹ [Paragraph: 038 Reference ID: 13-038-20140306](#)

The impacts of concentrations of HMOs

- 1.14 The BDP recognises that different types of residential accommodation are important to meeting the wide ranging housing needs of people in the city. The housing market both nationally and locally has seen trends of rising house prices, falling ownership and an expanding – but increasingly unfit – private rented sector. The growth of the private rented sector is likely to correlate with a growth of HMOs. A balance must be struck between meeting the wide range of housing need, including people on low incomes and providing for larger family housing and managing the potential negative impacts of harmful concentrations of HMOs.
- 1.15 High concentrations of HMOs can cause a number of negative impacts on local communities. This is largely due to:
- harm to residential character and amenity, particularly through increased noise nuisance and disturbance, increased pressure on parking, additional refuse, and adverse impacts on the physical environment; and
 - imbalance to communities, due to higher levels of population transience and loss of housing suitable for families undermining objectives to create mixed communities;
 - a high proportion of privately rented accommodation with short-term lets where the standards of upkeep of the property are generally lower.
- 1.16 Larger HMOs are likely to have a proportionately greater impacts on surrounding occupants and neighbourhoods as each additional resident will increase the level of activity, for example through more frequent comings and goings, different patterns of behaviour and consequential noise and disturbance. A property occupied by a group of unconnected adults is likely to have a greater impact than a typical family home with a similar number of occupants as lifestyles and movement patterns will be less connected.
- 1.17 Equally, the cumulative effect of incremental intensification in an area caused by numerous changes of use from small HMO to large HMOs can be significant, affecting both immediate neighbours and the wider area. In connection with this, the Community Cohesion Strategy identifies that insecure housing and high levels of transience are an area of concern in the city.
- 1.18 Local councillors and residents in a number of wards across the city have expressed concern about the high concentration of HMOs in their area.. Some of these comments have suggested that it may be appropriate to apply further Article 4 directions, to enable the creation of new HMOs to be managed in these areas.
- 1.19 In response to these concerns, the City Council has undertaken an exercise to identify and map the existing distribution of HMOs across the city and explore how Article 4 Directions can be applied in the city.

2. Data and Evidence on HMOs in Birmingham

- 2.1 To provide evidence to determine whether or not Article 4 directions would be appropriate to apply at either an area-based or city-wide scale, the City Council's Planning Policy and GIS teams have

been undertaking an exercise to map existing HMO properties across the city. This has been informed by combining data from the following sources;

- licensed HMO properties;
- planning approvals for the creation of new HMOs;
- council tax records that show the property to be in a shared use.

2.2 In total, 6,128 individual HMOs have been identified across the city. Of these, 1,082 have been identified from the HMO licensing data, 443 from previous planning approvals for the creation of new HMOs and 3,594 have been identified from council tax records. This leaves 1,009 properties which have been identified from more than one of the above sources.

2.3 It must be noted that each of these data sources have been collated to meet the specific requirements of the service area that they originate from and so they each include or exclude different types of HMO accommodation. Further explanation on these differences is described below.

2.4 In regard to licensing of HMO properties, the City Council operates a mandatory only licensing scheme, as defined under Subsection 254(5) and Schedule 14 to the Housing Act 2004. This means that the following types of property are not considered to be HMOs for the purposes of licensing:

- properties managed by a local authority or registered social landlord;
- student halls of residence;
- buildings occupied by religious communities;
- predominantly owned by owner-occupiers;
- occupied by persons who form two households; or
- occupied by a resident landlord and a maximum of two other households who are not part of the landlord's household

2.5 Where properties do not fall within any of the above categories but can accommodate 5 or more people and include shared facilities such as kitchens and bathrooms, they will be categorised as an individual HMO licensable unit. In a converted or purpose built block of flats this can mean that there are multiple HMOs which are counted separately from owner occupied units within the same building.

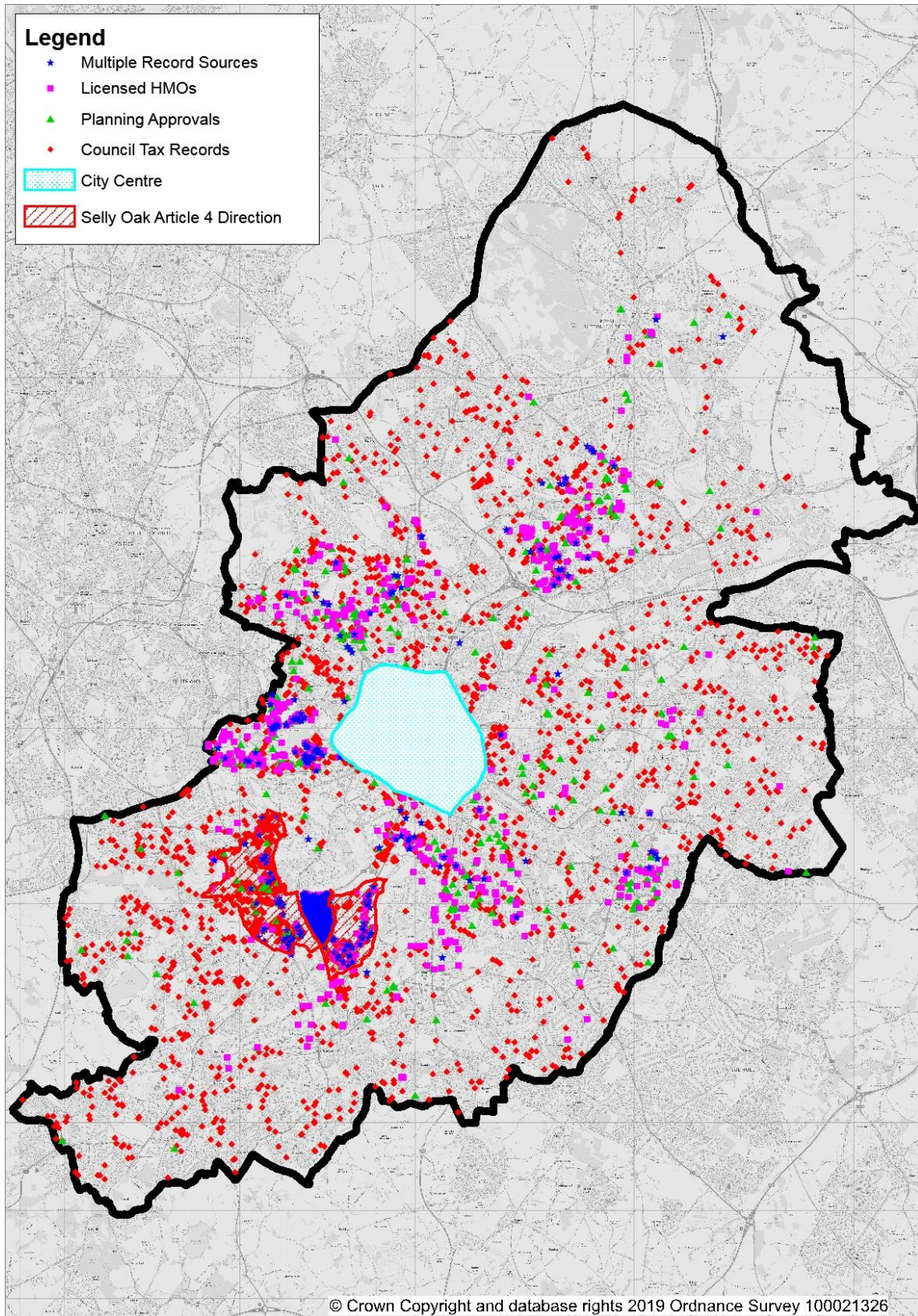
2.6 The planning approval data will identify larger HMOs accommodating more than 6 people that have been created since 2010, when the national planning regulations were changed. The exception to this is in Selly Oak, Edgbaston and Harborne where the creation of smaller HMOs accommodating between 3 and 6 people have been identified since 2014, when the Article 4 direction covering this area was brought in to force.

2.7 The council tax data includes only 'Class N' exempted properties, where the property is occupied solely by full-time students. This data has been filtered down further to exclude student halls of residence and any properties that are likely to be self-contained flats rather than HMOs.

- 2.8 The combined effect of all of these data sources means that the mapping exercise to identify existing HMOs across the city is as comprehensive as possible. There can be a high degree of confidence in the robustness of the data where a property has been identified as a HMO from all three sources.
- 2.9 As set out in the Annex to this paper, other local planning authorities have also included data from other sources such as the electoral register, 2011 Census and the 2015 Indices of Multiple Deprivation. Whilst these other sources can help to supplement the data that has already been collected by the City Council, they are unlikely to identify further HMO properties as they can only provide broader evidence to indicate areas where HMO properties may be concentrated.
- 2.10 While best efforts have been made to identify as many HMOs as possible using the above data, a complete picture of all HMOs in the city will always be difficult to achieve. The most significant reason for this is because smaller HMOs do not require mandatory licensing or planning approval. There may also be cases of unauthorised development of HMOs which have not yet been brought to the attention of planning enforcement, and due to the existing rules on permitted development many residential properties can fall in and out of HMO use quickly and easily without the City Council having a record of the change of use.
- 2.11 The data collected can therefore offer a detailed indication, but not a comprehensive picture of the prevalence and distribution of HMOs in the city.

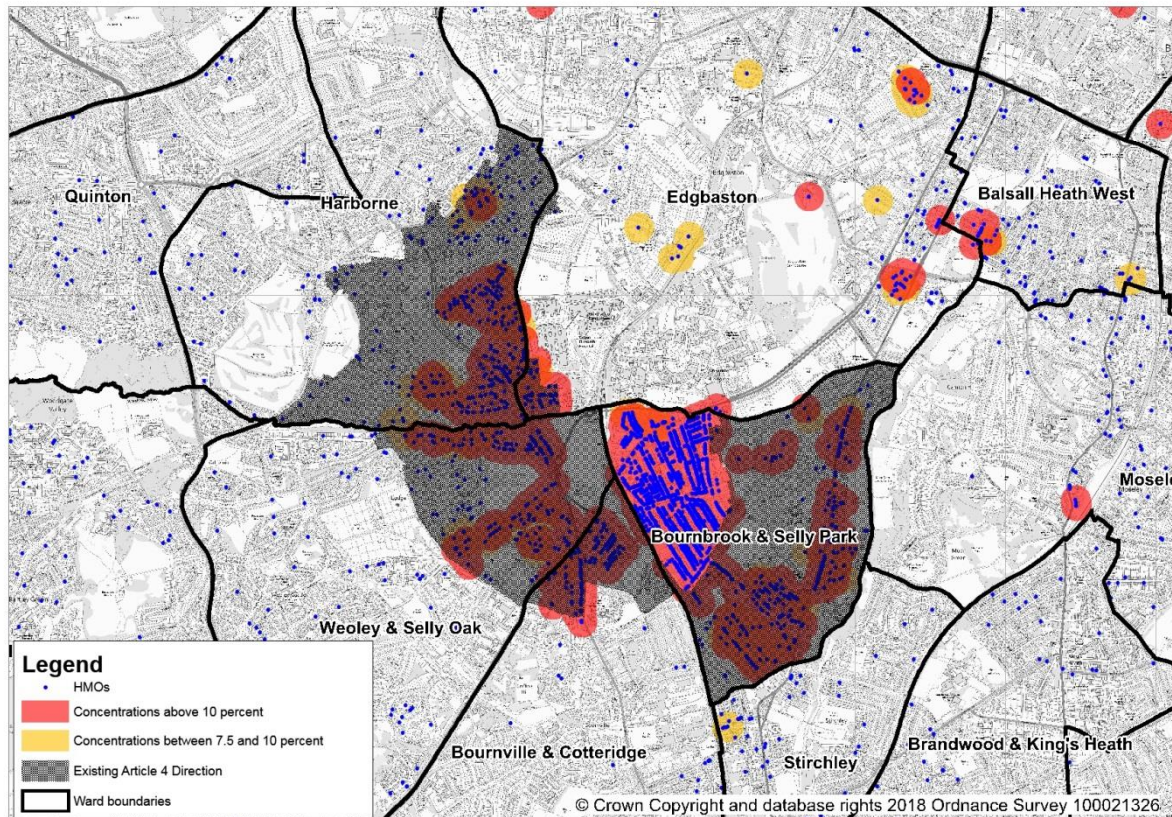
3. Spatial analysis of HMOs in Birmingham

- 3.1 The map on the next page shows the distribution of HMO properties across the city that have been identified through the City Council's mapping exercise, categorised by the data sources described above. It is intended that this mapped data will become a 'live' dataset which is kept continually up to date. The map shows a snapshot of the HMOs identified as of 21st February 2019.
- 3.2 Please note that the City Centre has been excluded from the mapping exercise. This is due to the high density pattern of development in the area which in recent years has predominantly comprised of 1 and 2 bedroomed apartments. Such properties are not capable or appropriate to be converted to HMOs.
- 3.3 The map shows that overall there is a reasonably even distribution of HMOs across the city, with particular concentrations in and around certain areas such as Bournbrook & Selly Park, North Edgbaston, Handsworth, Lozells, Erdington and Stockland Green. The existing Article 4 direction is also shown on the map and the high concentration of HMOs within that area is clearly evident. Only the north of the city has a relatively sparse distribution of HMOs.



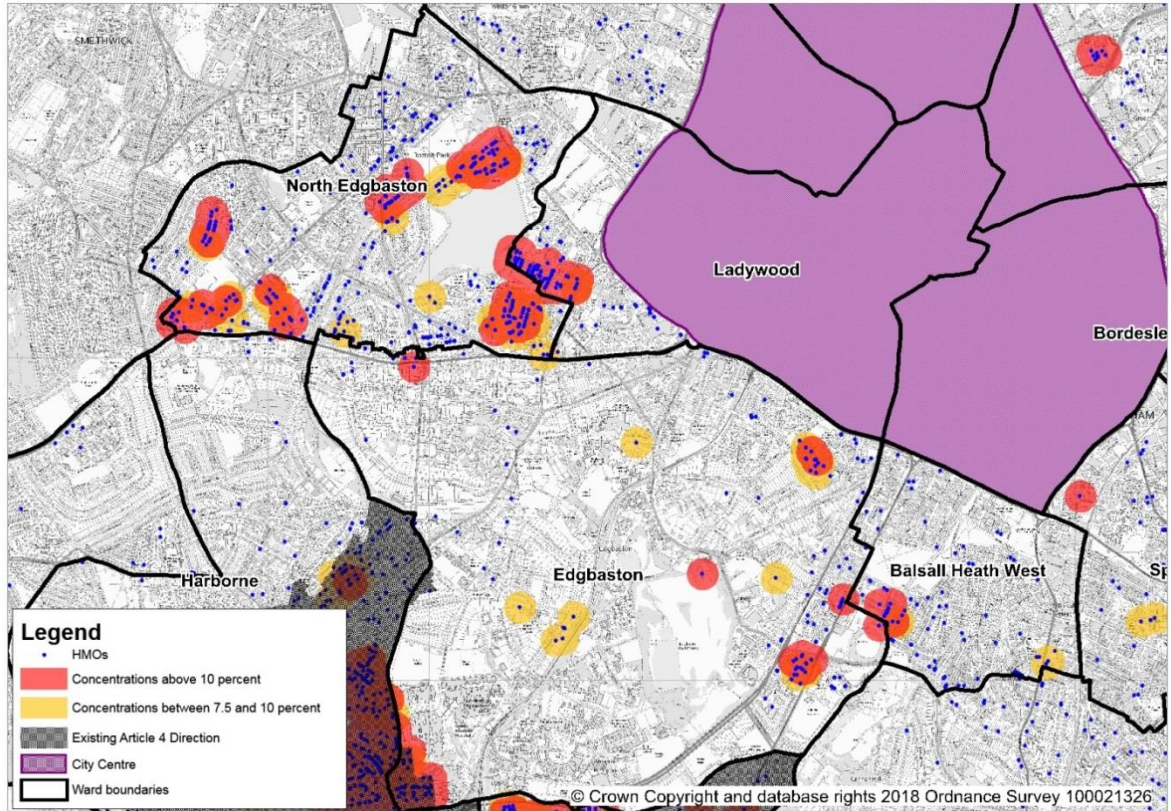
3.4 The following maps focus in on the areas of the city where greater concentrations of HMOs have been identified. The buffers shown have been drawn by applying the criteria proposed in preferred policy DM10 of the Development Management in Birmingham DPD, i.e. by applying a 100 metre

buffer around each individual HMO and then calculating the percentage of the housing stock that are HMOs within that buffered area. Areas shown in red already exceed the 10% threshold proposed in policy DM10 while areas shown in yellow are below, but close to exceeding the 10% threshold.

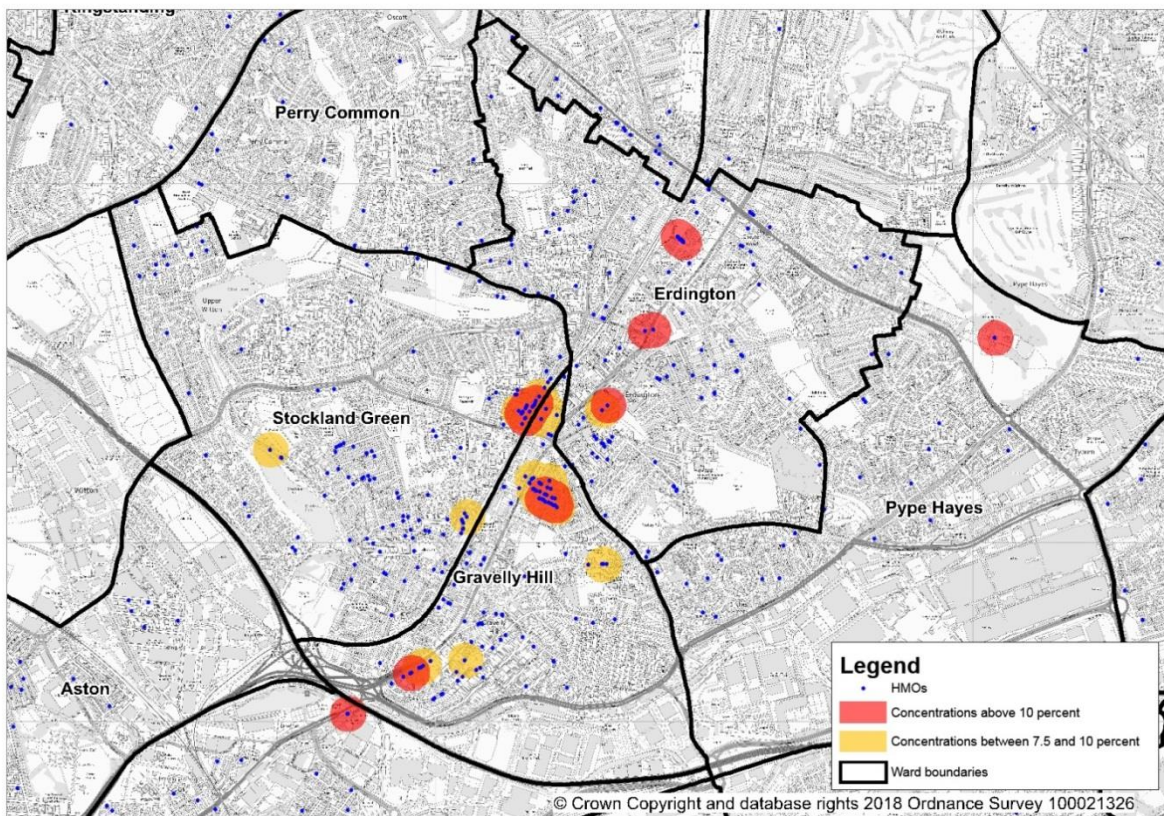


3.5 The above map clearly shows the scale of HMOs that are within and around the existing Article 4 direction area covering Selly Oak, Harborne and Edgbaston. After undertaking recent a site visit to this area, officers are of the view that the existing Article 4 direction continues to be appropriate.

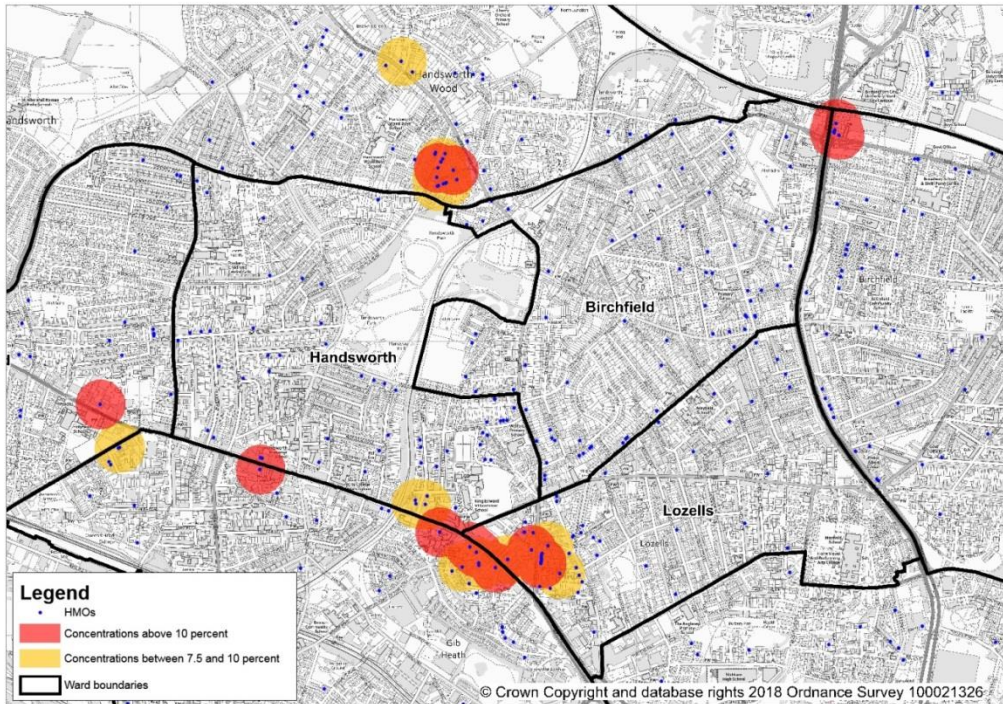
3.6 The next map shows particular concentrations of HMOs around the Edgbaston Reservoir and the City Road and Sandon Road areas. It also shows that there are further concentrations spread around the wider surrounding area, particularly around the Bristol Road and Pershore Road areas.



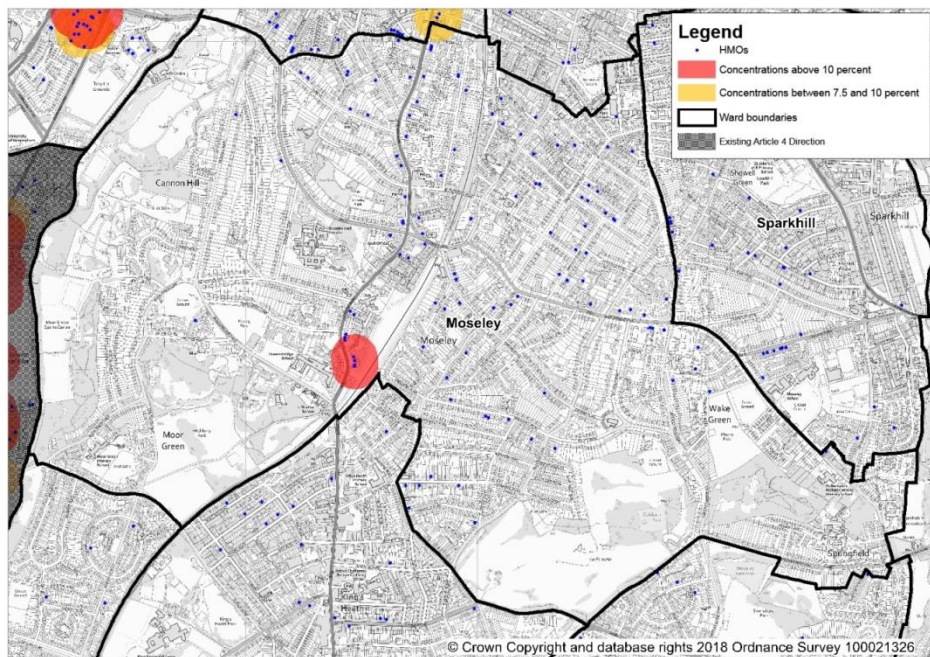
3.7 The next map below shows the concentrations of HMOs that have been identified around Gravelly Hill, Erdington, and Stockland Green. These are largely focused along a corridor following the A5127 and also around Erdington District Centre.



3.8 As the next map shows, the concentrations of HMOs in and around Handsworth, Birchfield and Lozells are very localised. The most significant concentrations are focused around Soho Road District Centre, in particular at the eastern end near the junctions with Hamstead Road and Villa Road. There are also smaller concentrations of HMOs at Perry Barr and the area around Selborne Road and Endwood Court Road in Handsworth Wood.



3.9 The above maps illustrate that HMOs are often focused on specific locations such as town and district centres and transport hubs, but beyond such locations their distribution is reasonably dispersed. A further example of this is shown on the map of Moseley below, where there is a single concentration at Alcester Road, Close to Kings Heath District Centre, but overall the area has a dispersed pattern of HMOs.



3.10 The implication of these localised concentrations is that if smaller area based Article 4 directions are applied to them, then this may not help to manage and address the impacts arising from a high proportion of HMOs that may be distributed across a wider area. In particular, a high wider distribution may have a cumulative impact on an area's transport, community and other infrastructure, due to the higher population numbers being accommodated within the HMOs.

3.11 As part of the research for this paper, officers undertook field visits to the many areas of the city illustrated above where higher proportions of HMOs are evident. This has helped to identify the following impacts, which appear to be linked to a prevalence of HMOs in an area;

- More vehicles parked in front of properties and on streets
- Some HMOs were poorly maintained, resulting in a degradation of the quality of the local environment and raising questions about the quality of the living environment for the inhabitants
- Higher numbers of wheelie bins cluttering streets and pavements
- Property frontages cluttered with 'rooms to let' signs, multiple satellite dishes, electricity and gas meters, doorbells and occasionally multiple front doors.

3.12 The photographs below demonstrate examples of locations where such impacts were observed.



3.13 Such impacts appeared to be magnified where an area also contained large concentrations of self-contained flats and other types of communal accommodation. These other types of residential accommodation will also be managed through the application of preferred DMB policy DM10.

3.14 In addition to these more immediate impacts, a high concentration of HMOs can also have wider impacts on the surrounding area which may be less obvious, such as;

- Increased traffic and demand for public transport
- More pressure on community facilities and infrastructure
- Less families, resulting in reduced demand for school places and undermining the viability of local schools

3.15 It must be noted that not all of the impacts of HMOs will be negative, and maintaining an appropriate proportion of HMOs in an area will provide more mixed and diverse communities, increase custom for local businesses, provide a greater local workforce and provide a greater choice of accommodation for local residents.

3.16 The impacts and benefits of HMOs will however become more manageable through the application of one or more Article 4 directions and the policy approach proposed within preferred policy DM10 of the Development Management in Birmingham DPD.

3.17 The evidence and data gathering that has been undertaken to identify the distribution of HMOs in the city will continue to be kept up to date and it will therefore be possible to monitor how the prevalence of HMOs across the city will change in the future. This monitoring will include reviewing the status of locations that currently exceed or come close to the 10% threshold, and identifying locations where new concentrations of HMOs have occurred.

4. Options for Applying Article 4 directions in Birmingham

4.1 This section explores the positive and negative implications of different options that have been identified by officers for how Article 4 directions could be applied in the city. These options have been identified from the analysis of the HMO distribution data, findings from officer site visits, examples from elsewhere as outlined in the Annex to this paper, and the requirements of national and local planning policy.

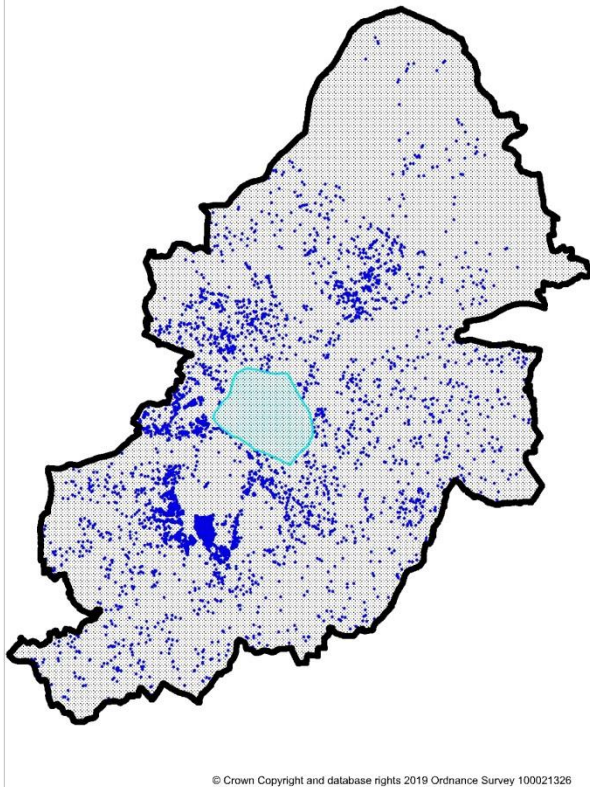
Option 1: City-Wide Article 4 Direction

4.2 This option would see a blanket approach applied across the city, with an Article 4 direction put in place to remove permitted development rights for all future conversions of family housing to Houses in Multiple Occupation.

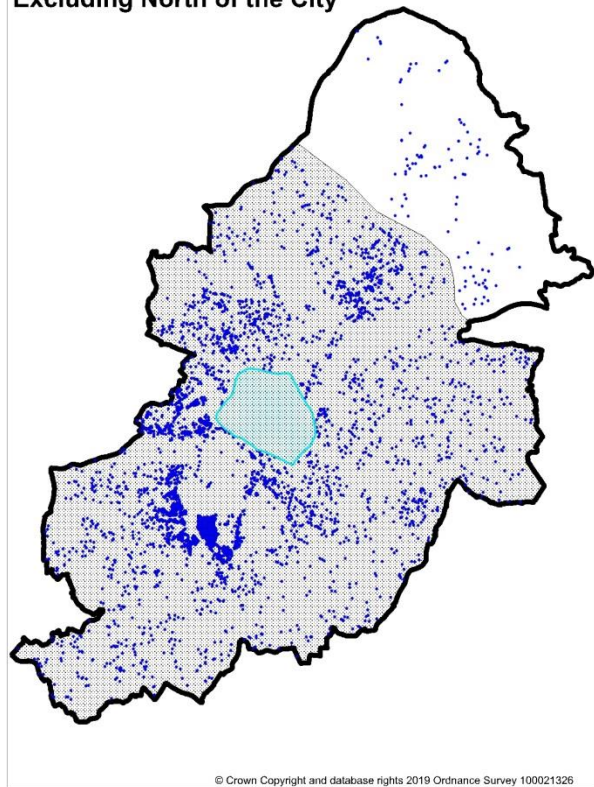
4.3 Another potential approach to exclude the northern part of the city from the Article 4 direction is also explored under this option, due to very small numbers of HMOs that have been identified in this part of the city.

4.4 Either of these alternatives would require the cancellation of the existing Article 4 direction covering Selly Oak, Harborne and Edgbaston as the new direction would apply the same approach across the city. The maps below illustrate the approaches that could be applied under this option.

City Wide Article 4 Direction



City Wide Article 4 Direction - Excluding North of the City



Advantages	Disadvantages
<ul style="list-style-type: none"> • This option would enable a consistent approach to be applied across the city, leading to greater clarity for landlords, applicants and decision-makers. • It would ensure that the concentrations of new HMOs are not simply moved around the city, i.e. applying an Article 4 direction in one area of the city may move the problem to an adjoining area. • Only one round of consultation would be required before applying the direction, rather than multiple consultations for different areas. • Excluding the northern part of the city from the Article 4 direction would provide flexibility for the creation of new HMOs in this area and support the objective to maintain an overall balance of communities across the city. 	<ul style="list-style-type: none"> • Consultation on the Article 4 direction would be a bigger exercise • A city-wide direction would lead to a greater number of planning applications being submitted for conversions that would normally take place under permitted development rights.

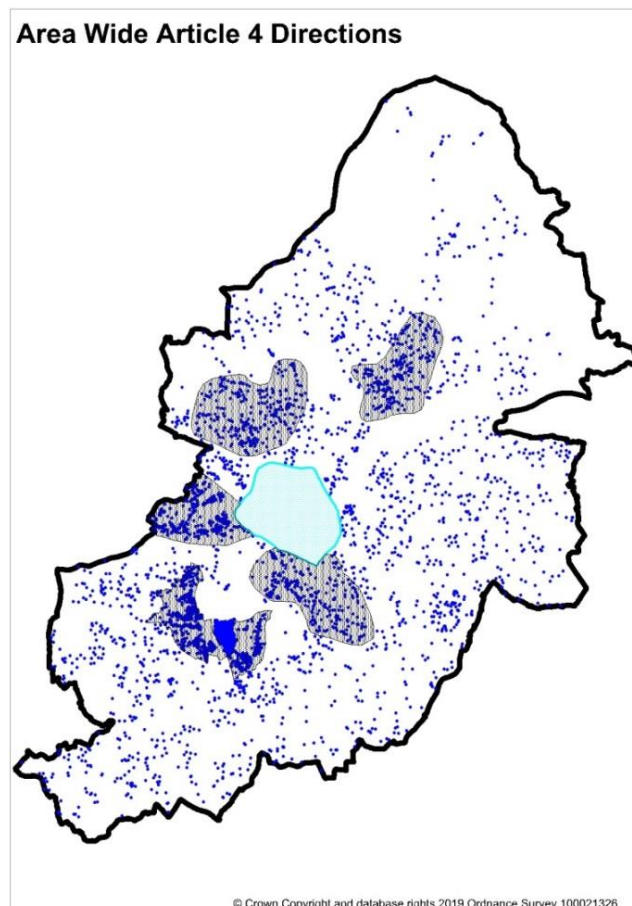
Option 1 Summary:

4.5 A city-wide Article 4 direction would ensure that a comprehensive and consistent approach could be applied throughout the city, making it easier and clearer for applicants and planning officers to understand when planning approval would be required for the creation of new small HMOs. It would

however lead to an increased workload for the City Council to process such planning applications. In regard to the designation process, this option would require a single and more simplified publicity period to be undertaken, but one which on the other hand could make it more difficult for residents, businesses and property owners to be aware of and engage in the process. A further alternative under this option would be to apply a slightly smaller Article 4 direction which would exclude Sutton Coldfield, as the identified distribution of HMOs in the north of the city is very sparse and indicates that there may be less of an issue to manage in this area. Excluding this area from the direction may however lead to local feeling that HMO creation is being pushed towards this area from the rest of the city.

Option 2: Area Specific Article 4 Directions

- 4.6 This option would involve applying a number of smaller Article 4 directions to cover locations where high numbers and concentrations of HMOs appears to be an issue and where the impacts of them are being felt. Whilst the actual areas where such directions would be applied would require further discussion and agreement, the analysis earlier in this paper has suggested that areas such as North Edgbaston, Ladywood, Balsall Heath, Gravelly Hill, Erdington, Handsworth and Lozells may benefit from applying Article 4 directions to some or all of their areas. Such locations are illustrated on the map below. Any such area based directions would be made in addition to the existing Article 4 direction covering Selly Oak, Harborne and Edgbaston which would continue to apply.



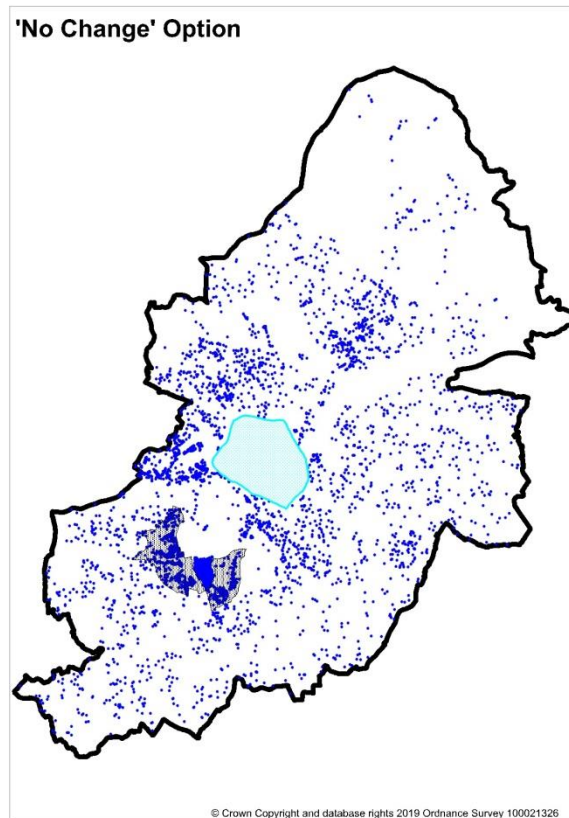
Advantages	Disadvantages
<ul style="list-style-type: none"> • Article 4 directions could be applied in a more targeted and focused way to tackle specific concentrations where they occur. • Applying smaller Article 4 directions would make it easier to notify all owners and occupiers within the affected area as part of the consultation exercise. • This option would result in a lower number of planning applications being received by the City Council for conversion from C3 to C4 housing. 	<ul style="list-style-type: none"> • There is a risk that applying an Article 4 direction to a specific area may push the creation of new HMOs to nearby areas not covered by the direction. • This may lead to an inconsistent approach to the rules concerning the conversion of C3 dwellings to C4 HMOs in different areas of the city. • Applying many different Article 4 directions would lead to individual consultation exercises having to be applied across the city.

Option 2 Summary:

- 4.7 This option would allow for a more focused approach to manage the creation of new small HMOs in areas where the evidence has identified that there are existing concentrations or potential future concentrations of such properties. Such areas would be applied in a similar way to the existing Article 4 direction in Selly Oak, Edgbaston and Harborne, the boundaries for which appear to continue to be appropriate when assessed against the current evidence.
- 4.8 This option would provide more potential for local communities to get involved in the process as there is a greater likelihood that the City Council will have to notify every property in the affected area. As a result, the process for designating each area could be more resource intensive and would have to be undertaken multiple times if different Article 4 directions are to be applied. It will also lead to different planning approaches being applied in different areas of the city, with properties outside the affected areas not requiring planning approval for new small HMOs but other similar proposals for properties nearby requiring approval.

Option 3: Do Nothing

- 4.9 This option would see a continuation of the existing approach, with the existing Article 4 direction covering Selly Oak, Harborne and Edgbaston remaining in place and no further Article 4 directions being applied. It must be noted that under this option, most of the requirements of preferred policy DM10 in the DMB consultation document would only be applicable to the existing Selly Oak, Harborne and Edgbaston Article 4 direction area. This existing situation is illustrated on the map below.



Advantages	Disadvantages
<ul style="list-style-type: none"> • This option would require the least resources, as no further publicising would be required and there will be no resulting increase in planning applications for the City Council to process. • It would provide clarity for developers of HMOs, as the same national permitted development rules as elsewhere will apply. • The existing Article 4 direction in Selly Oak, Edgbaston and Harborne will continue to apply, with no amendment of boundaries necessary. 	<ul style="list-style-type: none"> • This option will minimise the potential to manage the creation of small HMOs throughout most of the city. • As a result, areas with existing and increasing concentrations of HMOs may continue to proliferate. • It would be more difficult to identify and monitor the effects that new HMOs can have on local infrastructure and balanced communities. • Preferred Policy DM10 in the Development Management in Birmingham DPD would have a more limited scope and implementation.

Option 3 Summary:

4.10 This option would follow a business as usual approach. There would be no new Article 4 directions and no amendment of the existing Article 4 direction covering Selly Oak, Edgbaston and Harborne. No publicity or further decision making would be required, and the resource implications for the City Council would be minimised. It would however limit the ability of the City Council to manage the effects resulting from the creation of new small HMOs on local communities and infrastructure.

5. The Process for Applying Article 4 Directions

5.1 Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 prescribes the process that Local Planning Authorities have to follow in applying an Article 4 direction. This involves publicising the direction via the following means;

- Local advertisements of the direction
- Display of a minimum of two notices in different locations within the area affected, for a minimum period of six weeks
- Notifying owners and occupiers within the affected area (although the regulations are relaxed where this would be impractical, for example if the Article 4 direction is proposed to be applied across a very large area such as the entire city)
- Sending the above documentation to the Secretary of State for review

5.2 Once the direction has been publicised the City Council must allow a period of 21 days within which public comments can be made on it and then at least a further 28 days, or up to a maximum of 2 years, to confirm the direction. Where there is an urgent need to apply an Article 4 direction 'Immediate' directions can be brought in to force straight away and for a temporary period of six months. In such cases the above publicising arrangements must be carried out within that six month period or the direction will expire.

5.3 It is important to note that there is potential for applicants to claim compensation from local planning authorities if they have had planning permission refused for a development scheme that they would normally be able to carry out under permitted development rights. Any such compensation claims can only be made against abortive expenditure or losses and damages directly related to the withdrawal of permitted development rights². A way of reducing the likelihood of compensation claims being made against the City Council following the introduction of an Article 4 direction is to delay its introduction. This would allow a lead-in time for when the direction would be brought in to force. The maximum period of time that an Article 4 direction can be applied after being approved is two years.

6. Conclusions and Justification for Preferred Approach

6.1 HMOs are recognised as meeting important and specific housing needs within the city. Policies TP27 and TP30 of the adopted Birmingham Development Plan (BDP) seek to create mixed, balanced and sustainable neighbourhoods by requiring all new residential development to deliver a wide choice of housing sizes, types and tenures. High concentrations of HMOs can present challenges to the future sustainability of neighbourhoods and impact on their character and residential amenity. In connection with this, the Community Cohesion Strategy identifies that insecure housing and high levels of transience are an area of concern in the city.

6.2 The evidential work undertaken confirms the wide distribution of HMOs in the city and the identification of significant concentrations in particular areas of the city (with the exception of Sutton Coldfield where the distribution is more sparse) particularly in Bournbrook/ & Selly Oak/

² Provision made under [Section 108 of the Town and Country Planning Act 1990](#)

Harborne/ Edgbaston, Park, North Edgbaston/ Ladywood, Handsworth/, Lozells/ Soho, Erdington/ Gravelly Hill and Balsall Heath West/ Moseley and Stockland Green.

- 6.3 Taking in to account this pattern of distribution, officers have identified a number of different options for how Article 4 directions could be applied. These are explained in more detail below but in summary they include a single city-wide direction, multiple area-based directions which are focused on the locations where concentrations have been identified, or not applying any further Article 4 directions.
- 6.4 Having considered the advantages and disadvantages of each option, officers recommend to Cabinet that a city-wide Article 4 direction should be applied, as this will enable the most consistent and comprehensive approach for the distribution of HMOs across the city. On balance, whilst designating a city-wide Article 4 direction would be a large exercise and increase the demands on the planning service, particularly in the short term, it would reduce the risk of concentrations of HMOs being 'moved' around the city and provide a more consistent and comprehensive approach to the management of new HMOs.
- 6.5 The City Council will be in a good position to support future decision making under any approach. A criteria-based policy approach to manage the creation of new HMOs in Article 4 areas has been proposed within the Development Management in Birmingham Development Plan Document (DMB) preferred options consultation document and there is already an internal GIS tool that will enable quick decisions on such developments to be made whichever approach is applied.

Annex: Examples from Elsewhere

Data Sources used by other Local Planning Authorities to identify HMOs:

The tables below summarise the data sources that other local planning authorities have used to identify where existing HMOs exist, and thus provide an indication of whether an area wide or authority wide approach may be more appropriate in Birmingham.

Authority-wide directions:

LPA:	HMO Licences	Planning Applications	Council Tax Records	Electoral Register	Census 2011	IMD 2015	Environmental Health
Croydon Borough Council	✓	✓					
Manchester City Council	✓		✓				
Southampton City Council	✓	✓	✓	✓	✓	✓	
Wolverhampton City Council	✓	✓					

Area-based directions:

LPA:	HMO Licences	Planning Applications	Council Tax Records	Electoral Register	Census 2011	IMD 2015	Environmental Health
Leeds City Council			✓				✓
Liverpool City Council	✓						

The analysis suggests that the local authorities that have applied authority-wide Article 4 directions have drawn from the widest range of data available. All of them have used HMO licensing records and most have used planning application data. Manchester also used council tax records, as did Southampton who also went further and used data from the electoral register, Census 2011 and the Indices of Multiple Deprivation 2015.

Authorities that applied area-based Article 4 directions tended to use data from one or two sources. Leeds drew from council tax sources and environmental health case data, whereas Liverpool used HMO licensing data. This may suggest that the need to apply Article 4 directions could have originally been identified from these individual data sources, which may have identified specific patterns or concentrations of records being created in certain geographical areas.

Further explanation of the approach applied in each local authority area is provided below.

Southampton

Southampton City Council has been applying a city-wide Article 4 direction since 2012 and has recently reviewed its approach through a newly adopted SPD:

<http://www.southampton.gov.uk/planning/planning-policy/supplementary-planning/planning-hmo.aspx>

The approach followed in determining whether or not a new HMO might be appropriate is similar to that being explored in Birmingham's DMB preferred options document. The proportion that they have applied is also 10% but the distance that they have applied is 40 metres (100 metres in DMB). They have also included criteria for circumstances where less than 10 residential dwellings fall within the buffer and so it might not be possible to apply the 10% proportion (this may not be applicable in Birmingham as the distance of 100 metres suggests that this situation is unlikely to arise).

Interestingly, after 18 months of applying two different thresholds (10% and 20%) in different areas of the city, the council opted to simply apply a single 10% threshold across the city as a whole. A report to the City Council's Overview and Scrutiny Panel meeting on 12th June 2014 states the reasons for this as being that the National HMO Lobby and the National Organisation of Residents Associations identifying a 10% threshold as a tipping point for balanced communities, and that the neighbouring areas of Bournemouth and Portsmouth had also applied 10% thresholds.

As well as the three data sources that have been applied in Birmingham (see list above), Southampton also included data from the Electoral Register, i.e. identifying properties where there are more than two people registered to vote who are unrelated to each other.

Wolverhampton

Wolverhampton City Council has also applied a city-wide Article 4 direction to manage the creation of HMOs and has adopted an SPD to guide decision making on such proposals:

<http://www.wolverhampton.gov.uk/article/2424/Supplementary-Planning-Documents-and-Development-Briefs>. Unlike the Southampton example, this SPD and the strategic policy in the Black Country Core Strategy that it supports provide more general guidance on the matters to be considered in determining proposals for new HMOs. These include character and appearance, residential amenity, living space, parking and highway safety.

Sheffield

Sheffield City Council has applied an Article 4 direction to the city centre and adjoining areas to the south west. This area was identified as more than 10% of the residential properties falling within it are shared houses. There is a policy in the adopted local plan which restricts shared housing to 20% of all residential properties, so the area covered by the direction is intended to prevent areas with existing concentrations of shared housing from exceeding this limit. Information on the direction is available via the following link: <https://www.sheffield.gov.uk/content/sheffield/home/planning-development/planning-permission-hmo.html>

Liverpool

Liverpool City Council adopted a HMO Strategy in April 2017 to provide better coordination of council services and more joined up working in relation to the provision of HMOs in the city. This includes the City Council's HMO licensing, housing, environmental health and planning services, and registered providers operating in the city. It sets a framework to define the specific roles and

responsibilities of each service area, the circumstances under which each of the teams will take action and what information and data they will use when undertaking their work. For example it states that Planning Enforcement will focus on properties with 7 or more residents (i.e. larger sui generis HMOs) and that these will be identified from licensing records. It also states that any planning enforcement decisions related to HMOs will be guided by the adopted UDP, SPGs, Interim Planning Guidance and Article 4 directions where they have been applied.

Manchester

Manchester City Council applied an Article 4 direction to the entire local authority area. The main driver for this was to better manage the creation of new student HMOs. As this was the main reason, the data used to inform the direction were council tax records to identify student exemptions and HMO licensing records. Policy H11 of the adopted Core Strategy sets some very broad parameters for managing the creation of new HMOs; “Change of use from a C3 dwelling house to a C4 HMO will not be permitted where there is a high concentration of residential properties within a short distance of the application site”. Supporting justification states that a more detailed development management policy will be adopted to apply specific criteria to define what is meant by ‘high concentration’ and ‘short distance’. The submitted version of the policy was more specific but the Inspectors Report ruled that the figures applied in that version were not justified by the evidence. https://www.manchester.gov.uk/info/500207/planning_and_regeneration/4847/article_4_direction_changing_the_use_of_your_property

Leeds

Leeds City Council has applied an Article 4 direction which covers most of the built up area of the city, but not the entirety of the local authority area. The administrative area also covers some significant areas of countryside which wouldn't be appropriate to apply an Article 4 direction to. Most of the urban areas excluded from the Article 4 direction have little or no presence of HMOs identified within them.

There are no detailed criteria for managing the distribution of HMOs but the adopted Core Strategy contains a policy (H6) which sets out broad criteria for considering proposals that involve the creation of new HMOs within the Article 4 direction area. This includes ensuring that the needs for HMOs can be met whilst ensuring that they don't become concentrated in certain areas and have good access to employment and education opportunities.

<https://www.leeds.gov.uk/planning/planning-policy/supplementary-planning-documents-and-guidance/houses-in-multiple-occupation-article-4-direction>

Bristol

Bristol City Council has applied three Article 4 directions that cover most of the western part of the city, including the city centre and surrounding areas: <https://www.bristol.gov.uk/planning-and-building-regulations/additional-planning-restrictions-article-4>

The adopted Site Allocations and Development Management Policies document contains a policy to manage the creation of new HMOs. A Local Plan Review Consultation document has been published

which contains a proposed policy (ULH 7) that would apply a 10% threshold to HMOs within an as yet unspecified area, avoids sandwiching of residential properties and which will take account of student properties in the area. The last consultation on the Local Plan Review was under regulation 18 and so it is likely that these criteria will become more specific at the next consultation stage.

Croydon

Croydon Borough Council have recently been publicising a proposed Article 4 direction that would remove permitted development rights for the creation of small HMOs across the whole administrative area:

https://getinvolved.croydon.gov.uk/KMS/DMart.aspx?strTab=Activities&PageContext=PublicDMart&PageType=item&DMartId=536&breadcrumb_pc=PublicDMart&breadcrumb_pg=search&breadcrumb_pn=DMart.aspx&filter_Status=1. The evidence sources that were used to identify HMOs were the mandatory licensing records and planning approvals for the change of use and conversion of residential properties to large HMOs. These two data sources identified particular concentrations of HMOs in the northern part of the borough, but also a reasonably widespread distribution across the rest of the area. There is an overarching policy in the adopted local plan (DM1.2) which seeks to restrict the loss of 3 bedroom family housing or housing of less than 130m², which are the types of housing that had typically been converted to small HMOs. The proposed borough-wide Article 4 direction is intended to support the implementation of this policy.

Birmingham City Council

Report to Cabinet

17th December 2019



Subject: Houses in Multiple Occupation Article 4 Direction
Report of: Interim Director, Inclusive Growth
Relevant Cabinet Members: Councillor Ian Ward, Leader of the Council
Councillor Sharon Thompson, Cabinet Member for Homes and Neighbourhoods
Councillor John Cotton, Cabinet Member for Social Inclusion, Community Safety and Equalities
Relevant O &S Chair(s): Councillor Penny Holbrook, Housing & Neighbourhoods
Report author: Uyen-Phan Han, Planning Policy Manager,
Telephone No: 0121 303 2765
Email Address: uyen-phan.han@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All Wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 006884/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1 Executive Summary

- 1.1 On 14 May 2019, Cabinet approved the making of a city wide direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the removal of permitted development rights for the change of use of dwelling houses (C3 Use Class) to small houses in multiple occupation (C4 Use Class).
- 1.2 Following a six week period to publicise this direction, approval is now sought to confirm that the city wide direction will be brought into force from Monday 8 June 2020, and that the existing Selly Oak, Harborne and Edgbaston Article 4 Direction will be cancelled on the same date. The key issues raised during the

publicity period are summarised and addressed in this report. A statement providing further detail on the responses received is appended to this report.

2 Recommendations

- 2.1 That Cabinet confirms that from Monday 8 June 2020, the City Wide Article 4 Direction 2019 will be applied to the whole of the City Council's administrative area to remove permitted development rights for the change of use of dwelling houses (C3 use) to small houses in multiple occupation (C4 use).
- 2.2 That from the same date, Cabinet confirms that the existing Article 4 Direction covering Selly Oak, Harborne and Edgbaston will be cancelled.
- 2.3 That Cabinet consider the public comments received during the six week publicity period in making their decision on the above recommendations, and that a decision is also made to discharge petition number 2143 which was submitted in support of the City Wide Article 4 Direction 2019 and write to the Councillor and first-named petitioner.
- 2.4 That Cabinet authorises the Interim Director, Inclusive Growth to issue public notices of this decision and send a copy of the new and cancelled directions to the Secretary of State, in accordance with Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

3 Background

- 3.1 On 14 May 2019 Cabinet made a decision under the provisions of Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 to make a direction to remove permitted development rights for the change of use of dwelling houses (C3 Use Class) to small houses in multiple occupation (C4 Use Class) that can accommodate up to 6 people.
- 3.2 To avoid duplication in coverage, Cabinet also approved the cancellation of the existing direction covering the Selly Oak, Harborne and Edgbaston Wards, which came in to force on 30 November 2014. The existing direction also removes permitted development rights for the change of use of C3 dwelling houses to C4 houses in multiple occupation (HMOs).
- 3.3 A six week period to publicise these directions took place between Thursday 6 June and Thursday 18 July 2019. A summary of the issues raised during this publicity period is provided below and within the Publicity Statement that is appended to this report (Appendix 1).
- 3.4 To avoid duplication and to ensure that there is no gap in the period of time from when the current direction is cancelled and the new direction is made, the new city wide direction and the cancellation of the existing Selly Oak, Harborne and Edgbaston direction will need come in to effect on the same day.
- 3.5 Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 requires directions to come in to force no less than 28

days and no more than 2 years after being first publicised. The previous Cabinet Report suggested that a 12 month period should apply before bringing the City Wide Article 4 Direction in to force. This is to allow sufficient time for landlords and developers of new HMOs to become aware of the removal of permitted development rights so that they do not suffer financial losses as a result of the direction. Without this 12 month period there would be a risk that developers of HMOs affected by the Article 4 Direction might seek to make compensation claims to the City Council for their financial loss. The Planning Act 2008 and the Town and Country Planning (Compensation)(England) Regulations 2015 ensure that compensation claims cannot be made against local authorities after 12 months' notice has been given that permitted development rights will be removed through an Article 4 Direction.

3.6 As notification was given of the decision to make the City Wide Article 4 Direction on Thursday 6 June 2019, this suggests that Monday 8 June 2020 (first working day after the 12 month period has elapsed) would be the most appropriate day to bring the new direction in to force and to cancel the existing direction covering Selly Oak, Harborne and Edgbaston.

3.7 Methods of Engagement Undertaken to Publicise the Direction

3.7.1 As a minimum, Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 requires local authorities to publicise an Article 4 Direction through local advertisement, displaying a minimum of two notices in different locations in the area affected, notifying owners and occupiers within the affected area (the local planning authority need not serve individual notice on owners or occupiers where individual service is impracticable) and sending notification to the Secretary of State.

3.7.2 Although it was not practical to individually serve notice on every property owner and occupier within the city, the City Council has provided all of the other required notices as set out in paragraph 3.7.1 above as well as providing the following additional notices:

- Displaying at least one public notice per ward, with a notice also displayed in each district or local centre. Wards that have more than one centre also had more than one public notice displayed within it;
- A leaflet, frequently asked questions, and response form were made available in City Council Customer Service Centres.
- A dedicated page on the City Council's website with all of the above documents available to download, and a link to an online response form via BeHeard was set up, accessible via the following shortcut: www.birmingham.gov.uk/hmoarticle4;
- Posts on the City Council's Facebook and Twitter accounts throughout the publicity period;

- All contacts on the Planning Policy consultation database were sent an email or letter to provide notification of the publicising period;
- Officers attended councillor ward meetings, neighbourhood forum meetings and a meeting of the regional branch of the National Landlords Association to present information about the direction and to answer questions raised by attendees.

3.8 Matters Raised During the Publicity Period

3.8.1 251 individual comments were received in response to the publicity period for the new City Wide Article 4 Direction 2019. 151 (60%) of these comments expressed support for the direction, 89 (36%) were opposed to it and 10 (4%) did not express a view. A petition (number 2143) was also received in support of the City Wide Article 4 Direction 2019 which was signed by 452 individuals. A recommendation of this report is for Cabinet to make a decision to discharge this petition. No comments were received regarding the cancellation of the Article 4 Direction at Selly Oak, Harborne and Edgbaston.

3.8.2 The main issues raised by those who support the city wide direction are summarised as follows:

- Low levels of maintenance of HMO properties, resulting in poor quality living environments for occupants and neighbours;
- High amounts of litter and rubbish generated due to people occupying HMO properties;
- Noise generated from HMO properties;
- Incidences of crime and anti-social behaviour associated with some occupants of HMOs;
- Problems caused by parking and subsequent impacts on highway safety;
- Transient population and less community cohesion.

3.8.3 The main issues raised by those who object to the city wide direction are summarised as follows:

- The effect it will have on limiting the availability of different types of housing in the city;
- Knock-on effects that it will have on the affordability of housing and potential increases in homelessness as a result;
- That it will discriminate against students and younger age groups, who typically occupy such properties;
- That the case put forward to justify the Article 4 Direction was based on anecdotal and not factual evidence;

- That other mechanisms should be used instead to control the negative impacts associated with HMOs (e.g. Anti-Social Behaviour Orders and enforcing HMO Management Regulations)

3.8.4 Comments both in support of and against the City Wide Article 4 Direction 2019 also raised concerns regarding the resources required from the City Council to effectively enforce the direction and the need to apply selective licensing of HMOs across the city.

3.8.5 Many comments also raised concerns about types of accommodation that fall outside the scope of the Article 4 Direction, particularly properties managed by Registered Providers which are not classed as HMOs under national legislation.

3.9 Responses to the Matters Raised

3.9.1 As the purpose of the City Wide Article 4 Direction 2019 is to remove permitted development rights for the conversion of C3 dwelling houses to C4 HMOs, it cannot in itself address some of the more specific matters raised such as those concerning crime, noise, anti-social behaviour, litter, parking and highways. Addressing such matters will require close working between council officers, elected members and external organisations, such as West Midlands Police.

3.9.2 Whilst the Article 4 Direction will require further work from landlords to prepare and submit planning applications for the creation of small HMOs from dwelling houses, it is not considered that this will reduce the availability and affordability of housing in the city, or increase homelessness. The direction will provide a means for the City Council to properly consider the implications of new HMOs that are created, avoid excessive concentrations and to continue to monitor their distribution and the effects they have on the wider area.

3.9.3 The Article 4 Direction will be supported by planning policies in the 'Birmingham Unitary Development Plan Saved Policies 2016' and the 'Planning Policy Document Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne wards' until such time as the Development Management in Birmingham DPD is adopted. The DPD proposes a new policy for HMOs which will replace the policies in the above documents. The publication version of the DPD is currently subject to a final round of public consultation before it will be submitted to the Secretary of State for examination.

3.9.4 In regard to the evidence which informed Cabinet's decision to apply a City Wide Article 4 Direction, this was set out in the technical paper which supported the 14 May 2019 Cabinet report. A comprehensive mapping exercise had been undertaken which showed the extent of HMO distribution across the city and where high concentrations of them exist. As referred to in the previous Cabinet report, this data will be

updated using HMOs declared by landlords prior to the new Article 4 Direction coming in to force, and new planning approvals for HMOs once the Article 4 Direction is in place.

3.9.5 In regard to selective licensing, the City Council is already assessing the potential for this within the city. This will be subject to a separate Cabinet report.

3.9.6 Officers are also liaising with the City Council's legal officers to identify how the comments concerning properties managed by Registered Providers can be addressed.

3.10 Next Steps

3.10.1 Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 sets out the process that local authorities are required to follow in making and confirming Article 4 Directions.

3.10.2 The City Council must issue public notices of the decision to confirm the new City Wide Article 4 Direction 2019 and cancel the existing Article 4 Direction covering Selly Oak, Harborne and Edgbaston. This is to raise awareness of Cabinet's decision to confirm the directions, but there is no requirement for the City Council to consider any further public comments made in response to these notices at this stage of the process. Further details are provided in paragraph 5.1 below.

3.10.3 The public notices and directions are appended to this report. In line with the above regulations, the notices will be issued to the press and displayed in at least two locations across the city.

4 Options Considered and Recommended Proposal

4.1 Option 1 – confirm the previous Cabinet decision from 14 May 2019 to apply a City Wide Article 4 Direction, which will remove permitted development rights for the change of use of C3 dwelling houses to C4 HMOs, and confirm the cancellation of the existing Article 4 Direction covering parts of Selly Oak, Harborne and Edgbaston. **This is the recommended option.**

4.2 Option 2 – do not confirm the decision to apply a City Wide Article 4 Direction and to cancel the existing Article 4 Direction. This option will mean that the status quo will continue where the change of use from C3 dwelling house to a C4 HMO will not require planning permission. This will not help to better manage the growth of HMOs in the city.

5 Consultation

5.1 Paragraph 1(11) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that, as soon as practicable after the decision to confirm the new direction and the cancellation

direction, the City Council must give notice of the confirmation, including the date that the direction will come in to force as well as sending notice to the Secretary of State. Notice must be provided in accordance with paragraph 3.7.1 above however there is no opportunity for members of the public to make representations and no requirement for the City Council to consider any representations before the directions take effect on Monday 8 June 2020.

- 5.2 Officers from the Neighbourhoods and Inclusive Growth directorates are continuing to work together to progress the implementation and subsequent monitoring of the Article 4 Direction. Officers will also continue to liaise and engage with elected ward members, residents and landlords groups, and other key external partners including Registered Providers and West Midlands Police.

6 Risk Management

- 6.1 Section 108 of the Town and Country Planning Act 1990 makes provision for compensation claims to be made against local authorities where applicants have experienced abortive costs, losses or damages for developments that would otherwise have been undertaken under permitted development rights. No compensation is payable however if a local authority gives notice of the withdrawal of the permitted development rights between 12 months and 24 months in advance. The Article 4 Direction is proposed to come in to force on Monday 8 June 2020 and as this is more than 12 months after the publicity period commenced on Thursday 6 June 2019 there should be no risk of compensation claims being made against the City Council under this legislation.
- 6.2 Under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the Secretary of State retains the right to cancel or modify any Article 4 Direction made by a local authority at any time before or after its confirmation. As this is set out in national legislation the management of this risk is outside of the City Council's control.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The City Wide Article 4 Direction will contribute towards the vision contained in the City Council's Plan 2018-2022 (2019 Update), in particular Outcome 4 'Birmingham is a great city to live in'. It will also have a role to play in the City Council's management and control of 'insecure housing and high levels of transience' which is identified as a concern within the Community Cohesion Strategy (2018).
- 7.1.2 Implementation and enforcement of the direction will be supported by policy DM11 in the Development Management in Birmingham document. As reported at Cabinet on 29 October 2019, the Development Management in Birmingham document will be subject to

further public consultation before being submitted for an independent examination in 2020. Birmingham Development Plan policies PG3 (Place making), TP27 (Sustainable neighbourhoods), TP30 (The type, size and density of new housing), TP31 (Affordable housing), TP32 (Housing regeneration) and TP35 (The existing housing stock) also offer support for the Article 4 Direction.

7.2 Legal Implications

- 7.2.1 Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows local planning authorities to make Directions withdrawing permitted development rights where the authority considers it expedient that development should not be carried out unless express planning permission has been obtained for the same. Government guidance contained in the National Planning Policy Framework and the Planning Practice Guidance advises that Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified. There should be a particularly strong justification for the withdrawal of permitted development rights relating to a wide area (e.g. those covering the entire area of a local planning authority).
- 7.2.2 Once a non-immediate Direction comes into force, a planning application will be required for any change of use from C3 (dwellinghouse) to C4 (small HMO) city wide. Permitted development rights will remain to change from C4 use to C3.
- 7.2.3 Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) also allows local planning authorities to cancel existing Article 4 direction's so that permitted development rights which were previously removed are restored. Once the non-immediate Cancellation Direction comes into force, the new City Wide Article 4 Direction will also take effect which means that a planning application will be required for any change of use from C3 (dwellinghouse) to C4 (small HMO) city wide. Permitted development rights will remain to change from C4 use to C3.

7.3 Financial Implications

- 7.3.1 The actions to date in preparing the Direction have been undertaken using existing Inclusive Growth Directorate (Planning and Development) staff resources. Any additional work that is required to implement the Direction will be covered by existing staff resources within the Inclusive Growth directorate.

7.3.2 Costs in relation to undertaking the publicity period and any future consultation are being met from approved revenue budgets within the Inclusive Growth Directorate (Planning and Development).

7.3.3 Whilst there may be resource implications related to increased planning applications as a result of these changes these cannot be easily identified as there is currently no requirement to collect data in respect of change in use from dwellings to small HMOs. Any new applications resulting from these changes will generate increased planning applications income which will support additional resource requirements if needed.

7.4 Procurement Implications (if required)

7.4.1 No implications

7.5 Human Resources Implications (if required)

7.5.1 No implications

7.6 Public Sector Equality Duty

7.6.1 The main issue arising from the initial equality assessment is the potential impact on younger age groups and migrants, as it was suggested in many of the comments that opposed the direction that these social groups tend to be accommodated within HMOs. However officers are not aware of any specific evidence that has been identified or provided to support this assertion. The implementation of the Article 4 Direction and requirement for planning permission will encourage and maintain balanced and mixed communities and will therefore have a positive impact on the needs of all groups in society. The initial equalities impact assessment discloses that the report recommendations will not have a negative impact on protected groups and characteristics defined under the Equalities Act 2010, and therefore a full equalities impact assessment is not required.

8 Appendices

8.1 Statement of Publicity Responses for the City Wide Article 4 Direction

8.2 City Wide Article 4 Direction 2019

8.3 Notice for Proposed City Wide Article 4 Direction 2019

8.4 Selly Oak, Harborne and Edgbaston Article 4 Cancellation Direction 2019

8.5 Notice for Cancellation of Selly Oak, Harborne and Edgbaston Article 4 Direction 2019

8.6 Equality Impact Assessment

9 Background Documents

9.1 Cabinet Report 14th May 2019; Houses in Multiple Occupation Article 4 Direction

- 9.2 Cabinet Member Report 9th September 2014; Policy for managing houses in multiple occupation in the proposed Article 4 Direction area
- 9.3 Cabinet Report 15th September 2014; Confirmation of Article 4 direction relating to houses in multiple occupation in parts of Selly Oak, Harborne and Edgbaston
- 9.4 Article 4 Direction and supporting Planning Policy Document for Selly Oak, Harborne and Edgbaston (2014)

Appendix 1

Statement of Publicity Responses for the City Wide Article 4 Direction

1 Introduction

- 1.1 This statement summarises the main issues raised during the six week publicity period for the new City Wide Article 4 Direction, which will remove permitted development rights for the conversion of C3 dwelling houses to C4 Houses in Multiple Occupation (accommodating between 3 and 6 people).
- 1.2 Following Cabinet approval on 14 May 2019 to make this Article 4 Direction, the six week publicity period commenced on Thursday 6 June 2019 and closed on Thursday 18 July 2019.

2 Engagement Methods Undertaken During the Six-Week Publicity Period

- 2.1 The decision to apply the Article 4 Direction was made under the provisions of Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015. Schedule 3 of this Order prescribes the process which must be followed by local authorities in making and publicising Article 4 Directions, as follows:
 - Notice of the direction to be given by local advertisement;
 - Site display of the notice at no fewer than 2 locations within the area to which the direction applies, for a period of not less than 6 weeks;
 - Serving the notice on the owner and occupier of every part of the land within the area to which the direction relates – unless the number of owners or occupiers within the area makes individual service impracticable;
 - Sending the notice and the direction to the Secretary of State.
- 2.2 Given the size of the city, it was determined to be impracticable to serve the notice on all owners and occupiers in the Article 4 Direction area. However the rest of the requirements were met and exceeded by the following measures:
 - Displaying at least one public notice per City Council ward, with a focus on prominent locations in each District or Local Centre. This was usually a central location within each centre, close to an area of high public activity such as a bus stop or pedestrian crossing. An

example of one of these locations at Hawthorn Road Local centre is provided below.



Figure 1: Notice on display at Hawthorne Road Local Centre

- Where a ward contains more than one centre then a corresponding number of notices was displayed. In wards that do not contain a centre then, as with the locations in centres, the notice was placed in a location with high public activity such as a bus stop, pedestrian crossing near to a post office or postbox.
- Copies of an information leaflet, a frequently asked questions document, and the publicity response form were made available in the reception areas of the Council House and 1 Lancaster Circus, and at Druids Heath, Erdington and Northfield Customer Service Centres.
- A dedicated page on the City Council's website was set up, with the all of the above documents available to download, and a link to an online response form via BeHeard was set up. An internet shortcut was used to access this webpage, using the following address: www.birmingham.gov.uk/hmoarticle4;
- Posts were placed on the City Council's Facebook and Twitter accounts to provide information and links to the above webpage at various times throughout the six week publicity period;
- Letters or emails were sent to all contacts on the Planning Policy consultation database to provide notification of the start of the publicising period;
- Officers attended councillor ward meetings, neighbourhood forum meetings and a meeting of the regional branch of the National

Landlords Association to present information about the direction and to answer questions raised by attendees.

3 Summary of Responses Received

Overview:

- 3.1 251 individual comments were received in response to the publicity period. 151 (60%) of these comments expressed support for the City Wide Article 4 Direction, 85 (34%) were opposed to it, 4 responses (2%) instead supported an area-based approach to applying Article 4 Directions and 10 (4%) did not express a view. This illustrated in the pie chart below.

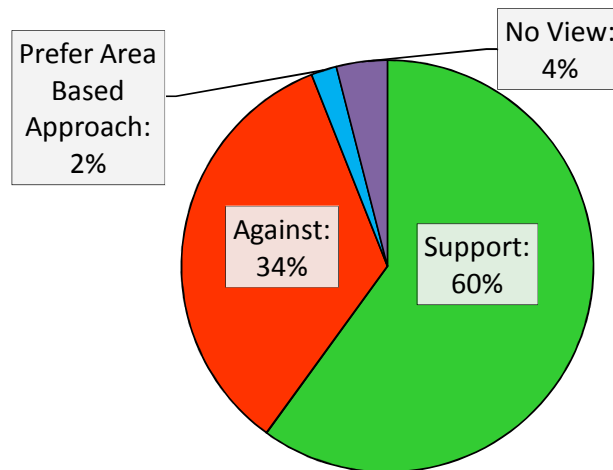


Figure 2: Views on the City Wide Article 4 Direction

- 3.2 A petition was also received in support of the City Wide Article 4 Direction, entitled;

“We the undersigned are concerned about the increase in family housing being converted to Houses in Multiple Occupation (HMOs) across Birmingham. Often this is done without planning permission using permitted development rights. Therefore we support the introduction of an article four directive and call on Birmingham City Council to introduce an article four directive to limit the conversion of houses into HMOs and to place covenants on all land and housing that Birmingham City Council disposes of, including right to buy properties, preventing their later conversion to HMOs and for the Government to introduce legislation to prevent the conversion of houses to HMOs without planning permission”

- 3.3 The petition was signed by 452 individuals. As it also raises matters relating to the disposal of City Council properties, it will also need to be

considered by Birmingham Municipal Housing Trust and Birmingham Property Services.

Summary of Supporting Comments:

3.4 The main issues raised by those who support the city wide direction are as follows:

- Concerns about crime and anti-social behaviour generated from HMO properties
- Impacts of transient population on community cohesion
- Degradation of local environment
- Poor condition/maintenance of HMO properties
- Demands on local services and infrastructure
- Problems with litter and waste
- Noise problems generated from HMO properties
- Concerns about overcrowding
- Pressure on car parking and highway safety
- Concerns about supported accommodation
- Support for more licensing of HMOs
- Concerns about the health and wellbeing of HMO residents

3.5 The chart below shows the main issues that were raised within the supporting comments, in order of the number of comments that raised them.

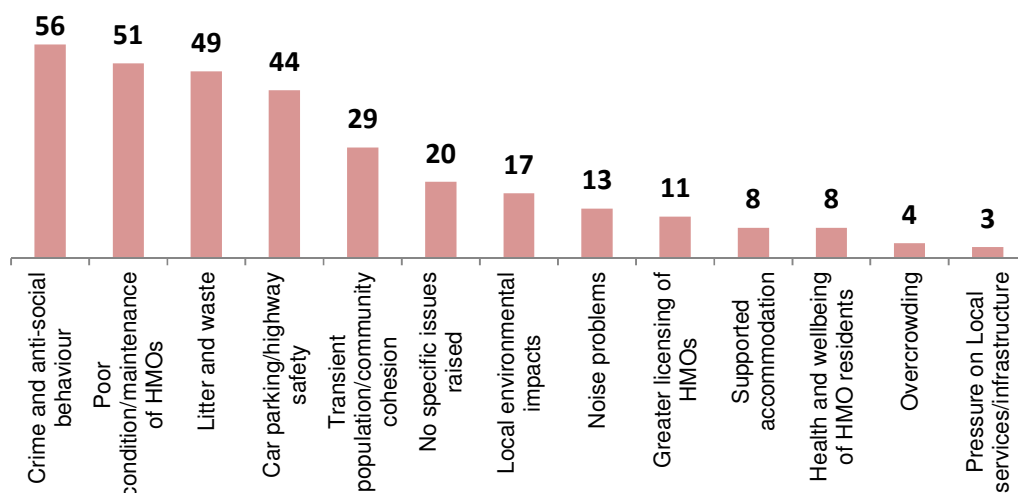


Figure 3: Number of supporting comments that raised each main issue

- 3.6 The most common issues raised relate to crime and anti-social behaviour arising from HMOs, the condition and maintenance of HMO properties, litter and waste generated from HMO properties, and pressures on parking and highway safety.

Officer Response to Main Issues Raised in Supporting Comments:

- 3.7 Most of the issues raised relate to the impacts associated with HMOs, which have either been perceived or experienced by the respondents. The Article 4 Direction won't directly address these issues but, in combination with the policy approach set out in the Development Management in Birmingham document, it will provide a means for the City Council to improve its data on HMOs and to manage their distribution. This will help to reduce the intensity of the negative impacts associated with high concentrations of HMOs by ensuring a more even distribution across the city.
- 3.8 To have a more direct impact in addressing these issues it will be important for the City Council to work collaboratively across teams and departments, particularly in the Inclusive Growth and Neighbourhoods directorates, and also with external partners – particularly West Midlands Police and Registered Providers of social housing.

Summary of Objecting Comments:

- 3.9 The main issues raised by those who object to the city wide direction are as follows:
- The effect it will have on limiting the availability of different types of housing in the city;
 - Potential effects on the affordability of housing, as HMOs are seen as less expensive options for people to live in;
 - Potential increases in homelessness due to the reduced availability and affordability of housing;
 - Potential discrimination against students and younger age groups, who may typically occupy such properties;
 - The evidence to justify the Article 4 Direction was not robust as it was seen as being anecdotal and not factual;
 - That other mechanisms should be used instead to control the negative impacts associated with HMOs (e.g. Anti-Social Behaviour Orders and enforcing HMO Management Regulations)
 - The resources required to enforce a City Wide Article 4 Direction

- That many of the concerns regarding private HMO properties were confused with issues arising from exempt housing and supported accommodation.

3.10 The chart below shows the main issues that were raised within the objecting comments, in order of the number of comments that raised them.

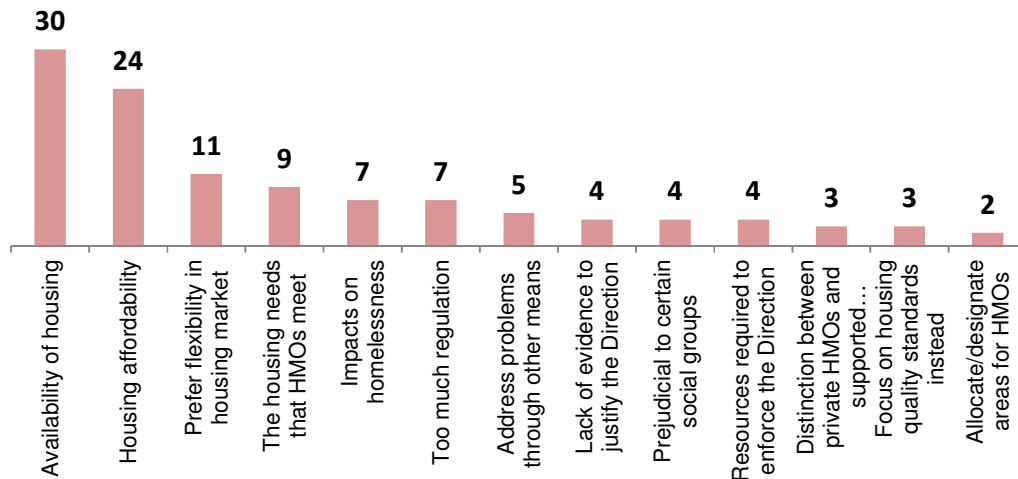


Figure 4: Number of objecting comments that raised each main issue

3.11 The most common issues raised relate to the impacts that the Article 4 Direction might have on the availability and affordability of housing in the city. Related to these, comments also supported greater flexibility in the housing market, a recognition of the specific housing needs that HMOs cater for, potential resulting increases in homelessness, and that the Article 4 Direction and existing rules regarding HMOs results in too much regulation.

Officer Response to Main Issues Raised in Supporting Comments:

3.12 The purpose of the Article 4 Direction is not to reduce the overall number of HMOs in the city, but to provide a tool to support better management and monitoring of new HMOs proposed to be created from the existing housing stock. The 14 May 2019 Cabinet report emphasised the important role that HMOs play in meeting specific housing needs and this will continue after the Article 4 Direction is brought in to force. In combination with the policy approach contained within the Development Management in Birmingham document, the Article 4 Direction will help to prevent further concentrations of HMOs in specific areas of the city and, as referred to in the response to the supporting comments, reduce the intensity of some of the negative impacts associated with high concentrations of HMOs.

3.13 It is not considered that the Article 4 Direction will result in increases in homelessness, as the reasons for homelessness are diverse and

complex. These are detailed in the City Council's Homelessness Prevention Strategy 2017+ which also sets out how the City Council and partners will pursue actions to prevent households from becoming homeless. The City Council's Planning Services will continue to work with other teams in the Inclusive Growth and Neighbourhoods directorates to achieve these aims.

- 3.14 Other more general comments referred to the increased regulation and resources required to monitor and enforce the direction. The resourcing requirements were referred to in the previous Cabinet report and were one of the matters that Cabinet considered in making their decision to apply a City Wide Article 4 Direction at their meeting on 14 May 2019. While the direction will increase regulation for landlords, it will ensure that the City Council is more able to manage and monitor the prevalence of HMO properties in the city.

4 Conclusion

- 4.1 The comments received during the six week publicity period have helped to highlight the issues surrounding HMOs in the city, and the potential impact that the City Wide Article 4 Direction may have. Whilst some of the comments relate to perceived issues surrounding the HMOs and the Article 4 Direction, many of them also referred to very real and specific experiences of landlords and residents which could be either positive or negative.
- 4.2 It is clear that there are wider issues surrounding HMOs which the Article 4 Direction will not be able to address, including problems with poor property maintenance, litter, car parking, noise and anti-social behaviour. Addressing such issues will require collaborative working across City Council departments and with external partners such as Registered Providers and West Midlands Police. The direction will however provide the City Council with a tool to support the coordination, management and monitoring of new HMOs that are created from the existing housing stock, by enabling their potential impacts to be thoroughly considered and addressed through the assessment of planning applications for all new HMOs in the city in the future.

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (AS AMENDED)**

**DIRECTION MADE UNDER ARTICLE 4(1) OF THE TOWN AND COUNTRY
PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER
2015 (AS AMENDED)**

CITY WIDE ARTICLE 4 DIRECTION 2019

WHEREAS BIRMINGHAM CITY COUNCIL being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) Order 2015 (“the Order”), are satisfied that it is expedient that development of the description(s) set out in Schedule 1 below should not be carried out on the Land shown edged red on the attached plan at Schedule 2 (“the Land”), unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 as amended.

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Order hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description(s) set out in Schedule 1.

THIS CITY WIDE ARTICLE 4 DIRECTION 2019 is confirmed and shall take effect on Monday 8 June 2020.

SCHEDULE 1

Development consisting of a change of use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C4 (houses in multiple occupation) of that Schedule, being development comprised within Class L(b) of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 and not being development comprised within any other Class.

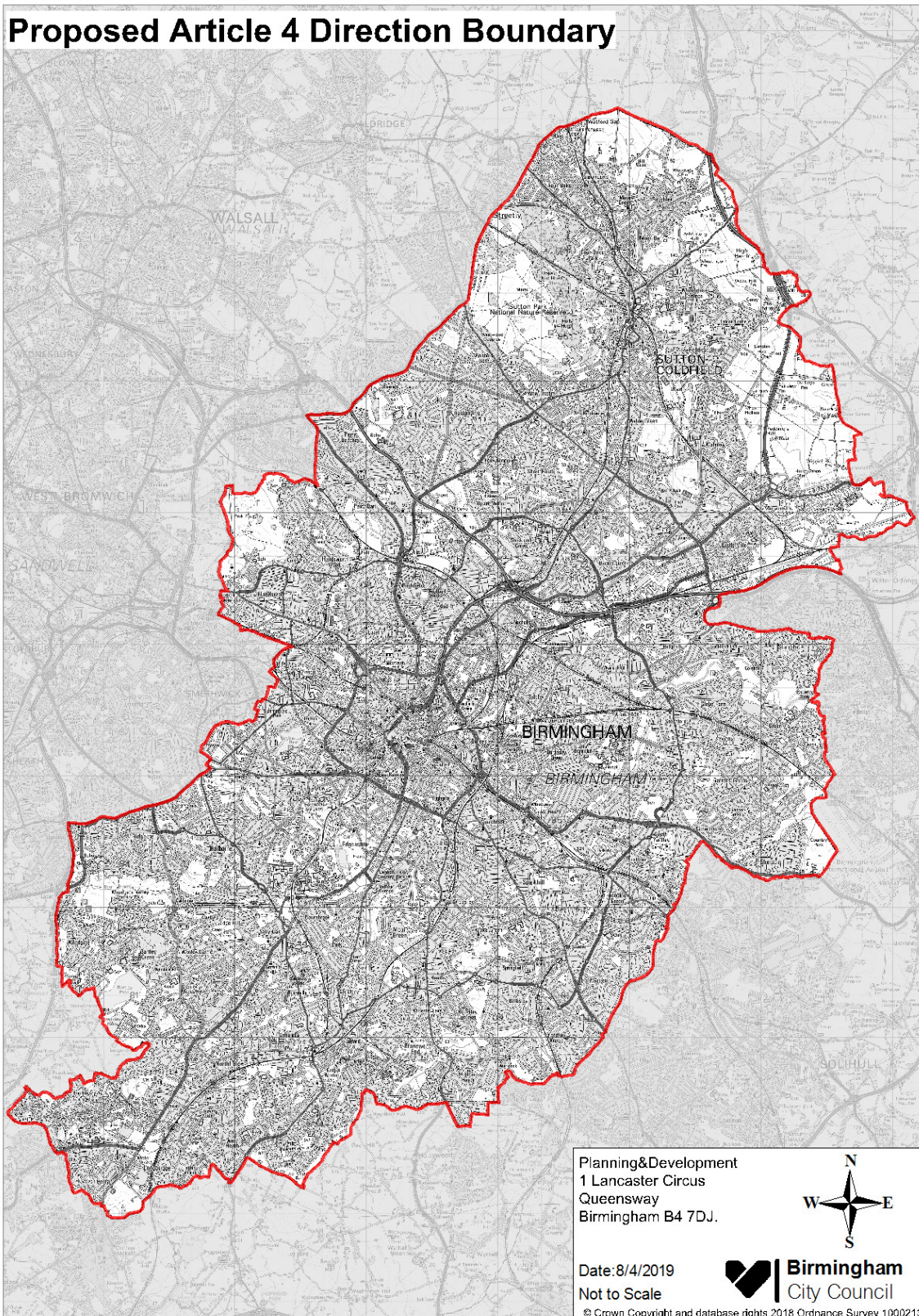
Confirmed under the Common Seal of Birmingham City Council this day of
2019.

The Common Seal of Birmingham City Council was affixed to this Direction in the presence of:

Authorised Signatory

SCHEDULE 2: PLAN

Proposed Article 4 Direction Boundary



Planning & Development
1 Lancaster Circus
Queensway
Birmingham B4 7DJ.



Date: 8/4/2019
Not to Scale



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STATUTORY NOTICE

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)

CONFIRMATION NOTICE OF CITY WIDE ARTICLE 4 DIRECTION TO BE MADE UNDER ARTICLE 4(1) OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (“the Order”)

CITY WIDE ARTICLE 4 DIRECTION 2019

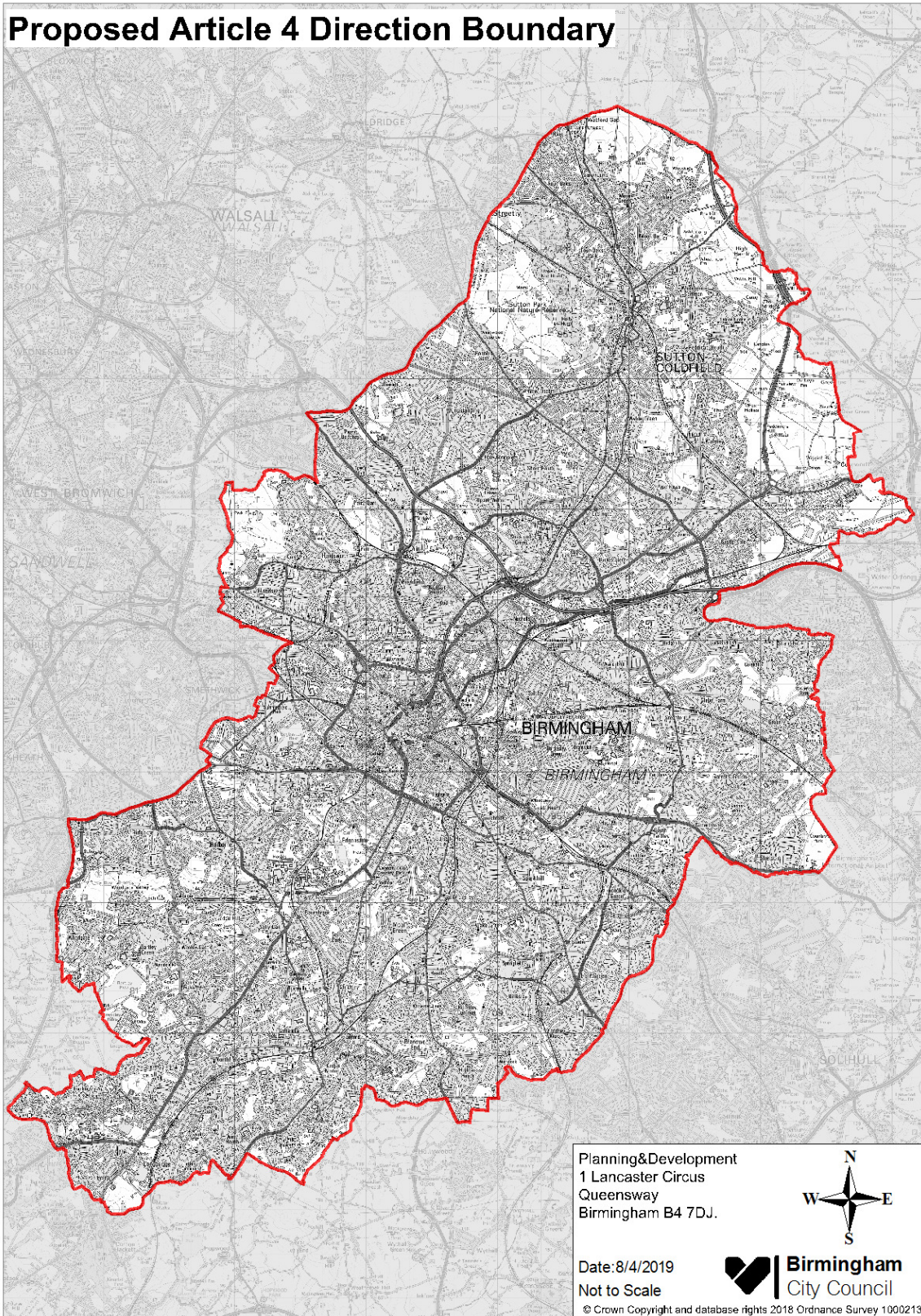
Birmingham City Council confirmed the City Wide Article 4 (1) Direction on **[insert the date when the Confirmation Direction is sealed]**, under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Direction relates to development consisting of a change of use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C4 (houses in multiple occupation) of that Schedule, and removes permitted development rights for this type of development from Monday 8 June 2020. Planning permission will therefore be required for change of use from Class C3 to Class C4 once the City Wide Article 4 Direction is in force.

The City Wide Article 4 Direction applies to the area outlined in red on the attached Plan. A copy of the Direction, map and public report can be viewed at the Council House or at 1 Lancaster Circus Queensway, Birmingham, B4 7DJ during business hours or can be viewed at www.birmingham.gov.uk/hmoarticle4.

Dated: TBC

PLAN:

Proposed Article 4 Direction Boundary



TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (AS AMENDED)

CANCELLATION OF DIRECTION MADE UNDER ARTICLE 4(1) OF THE TOWN
AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER
1995 USING ARTICLE 4(1) OF THE TOWN AND COUNTRY PLANNING
(GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

THE SELLY OAK, HARBORNE AND EDGBASTON ARTICLE 4 CANCELLATION
DIRECTION 2019

WHEREAS BIRMINGHAM CITY COUNCIL (“the Council”) being the appropriate local planning authority within the meaning of article 4 (5) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (“the Order”) is satisfied that it is expedient that the Selly Oak, Harborne and Edgbaston Article 4(1) Direction (a copy of which is attached as Schedule 1 to this Direction) should be cancelled.

NOW THEREFORE the Council in pursuance of the power conferred on them by article 4(1) and Schedule 3(1) (13) of the Order hereby directs that the Selly Oak, Harborne and Edgbaston Article 4 Direction is cancelled.

THE SELLY OAK, HARBORNE AND EDGBASTON ARTICLE 4 CANCELLATION DIRECTION 2019 is confirmed and shall come into force on Monday 8 June 2020

Confirmed under the Common Seal of Birmingham City Council thisday of2019

The Common Seal of Birmingham City Council was hereto affixed to this Direction in the presence of:

Authorised Signatory

SCHEDULE 1

STATUTORY NOTICE

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015
(AS AMENDED)**

CITY WIDE ARTICLE 4 DIRECTION 2019

**CONFIRMATION NOTICE OF CITY WIDE ARTICLE 4 DIRECTION MADE UNDER ARTICLE 4(1) OF THE
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015**

AND

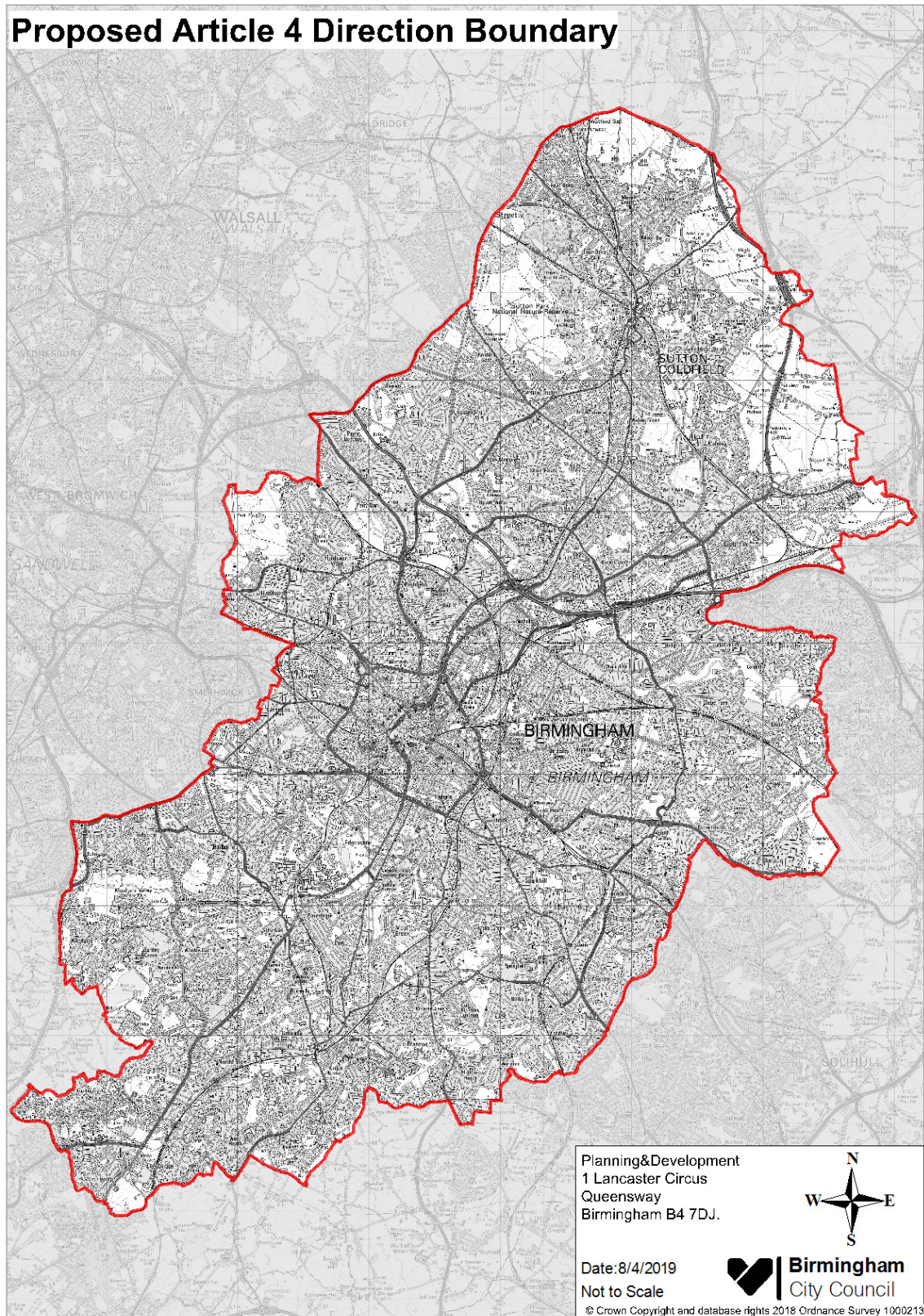
THE SELLY OAK, HARBORNE AND EDGBASTON ARTICLE 4 CANCELLATION DIRECTION 2019

**CONFIRMATION NOTICE OF CANCELLATION OF DIRECTION MADE UNDER ARTICLE 4(1) OF THE
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 USING
ARTICLE 4(1) OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015**

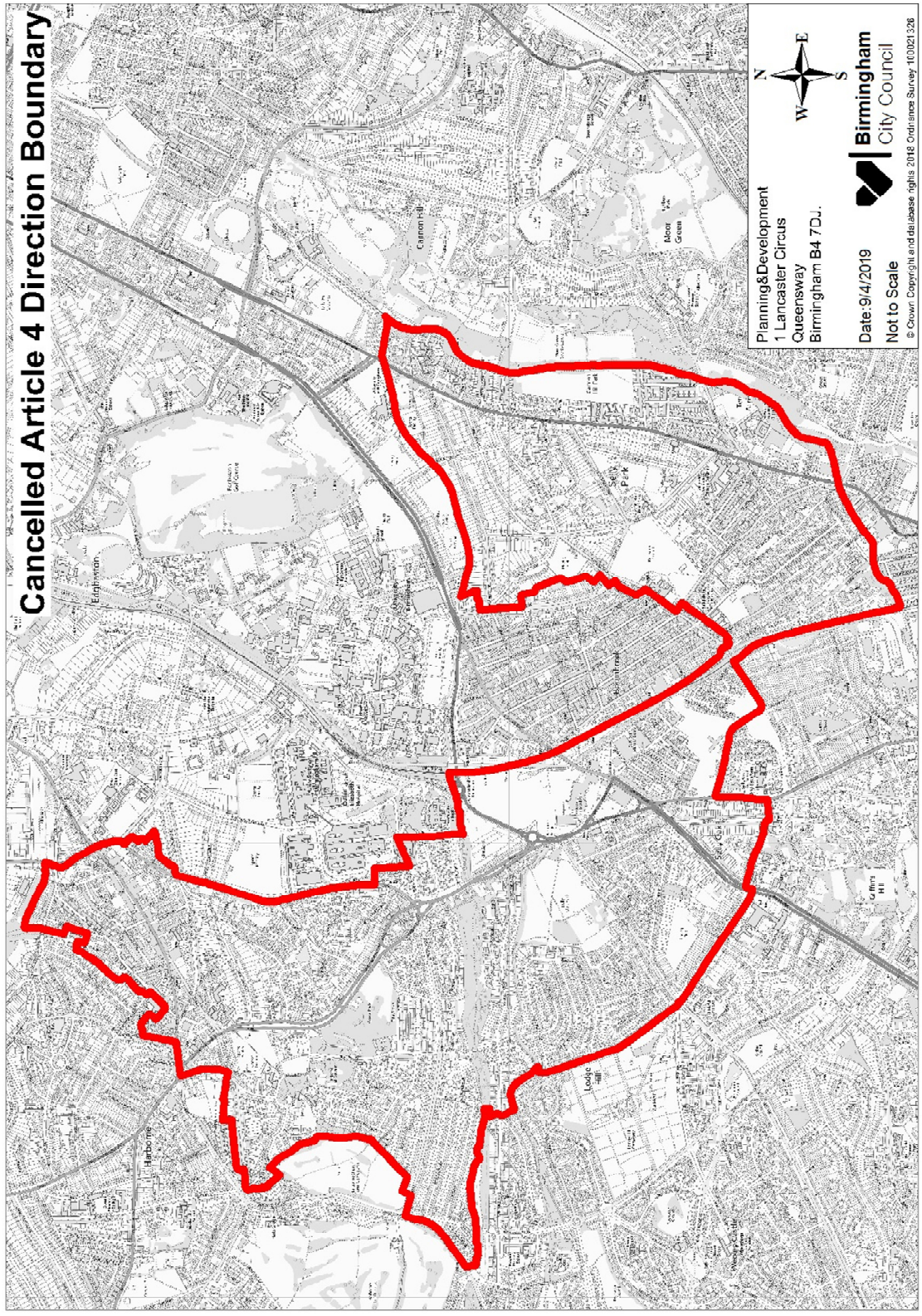
1. Birmingham City Council confirmed the City Wide Article 4 Direction 2019 on [insert date that confirmation direction is sealed] 2019, under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”). The Direction relates to change of use from Class C3 (dwellinghouse) to Class C4 (houses in multiple occupation) of the Town and Country Planning (Use Classes) Order 1987 (as amended), and removes permitted development rights for this type of development from Monday 8 June 2020.
2. Planning permission will therefore be required for change of use from Class C3 to Class C4, once the City Wide Article 4 Direction 2019 comes into force on Monday 8 June 2020. The City Wide Article 4 Direction 2019 applies to the area outlined in red on the attached Plan 1.
3. The Council also confirmed The Selly Oak, Harborne and Edgbaston Article 4 Cancellation Direction 2019 (“the Cancelled Direction”) under the Order. The Cancelled Direction reinstates permitted development rights for a change of use from Class C3 to C4. The Cancelled Direction applies to the area outlined in red on the attached Plan 2.
4. *Please note* that the City Wide Article 4 Direction 2019 referred to in paragraph 1 above seeks to remove permitted development rights for change of use from Class C3 to C4. The Cancellation Direction has been made to avoid duplication, as the City Wide Article 4 Direction 2019 will cover the Selly Oak, Harborne and Edgbaston areas. The Cancelled Direction will take effect on the same day that the City Wide Article 4 Direction 2019 comes into force.
5. A copy of both Directions, plans and public report can be viewed at the Council House or at 1 Lancaster Circus Queensway, Birmingham, B4 7DJ during business hours or can be viewed at www.birmingham.gov.uk/HMOArticle4.

Dated:

PLAN 1: City Wide Article 4 Direction 2019 applies to the area edged red



PLAN 2: Cancellation Direction applies to the area edged red



Title of proposed EIA	Confirmation of City-Wide Article 4 Direction
Reference No	EQUA408
EA is in support of	Amended Policy
Review Frequency	Annually
Date of first review	21/06/2021
Directorate	Inclusive Growth
Division	Planning Policy
Service Area	Planning and Development
Responsible Officer(s)	<input type="checkbox"/> Stewart Donohue
Quality Control Officer(s)	<input type="checkbox"/> Richard Woodland
Accountable Officer(s)	<input type="checkbox"/> Waheed Nazir
Purpose of proposal	To confirm the Cabinet decision to apply a city-wide Article 4 Direction which will remove permitted development rights for the change of use of family housing to small HMOs.
Data sources	Survey(s); Consultation Results; relevant reports/strategies; Statistical Database (please specify); relevant research; Other (please specify)
Please include any other sources of data	Public comments received during the six week publicising period in June and July 2019. A petition (number 2143) was submitted in support of the direction which was signed by 452 individuals. Comments raised at public meetings (Councillor Ward meetings, Neighbourhood Forums and a meeting of the regional branch of the National Landlords Association). The main issues arising from this publicity are summarised in the Consultation Statement which is appended to the Cabinet Report. These are in addition to the evidence which informed the May 2019 Cabinet decision which comprised of HMO licensing records, council tax records, planning application records, national planning policy

and legislation, local planning policy documents, the existing Article 4 Direction and supporting policy guidance, examples from other local authorities, site visits, meetings with residents, Elected Members and other Council Officers.

ASSESS THE POTENTIAL IMPACT AGAINST THE PROTECTED CHARACTERISTICS

Protected characteristic: Age

Not Applicable

Age details:

Comments received during the publicity period raised concerns that the Article 4 Direction will negatively impact on younger age groups who are perceived to be typically accommodated within Houses in Multiple Occupation. However none of the submitted comments provided any evidence to support this claim and Council Officers are unaware of any specific evidence to confirm this.

Protected characteristic: Disability

Not Applicable

Disability details:

No direct relationship has been identified. New and converted housing is expected to comply with the relevant requirements of building regulations and legislation such as the Disability Discrimination Act.

Protected characteristic: Gender

Not Applicable

Gender details:

No relationship identified with Houses in Multiple Occupation and gender.

Protected characteristics: Gender Reassignment

Not Applicable

Gender reassignment details:

No relationship identified with Houses in Multiple Occupation and gender reassignment.

Protected characteristics: Marriage and Civil Partnership

Not Applicable

Marriage and civil partnership details:

No relationship identified with Houses in Multiple Occupation and relationship status.

Protected characteristics: Pregnancy and Maternity

Not Applicable

Pregnancy and maternity details:

No relationship identified with Houses in Multiple Occupation and pregnancy or maternity.

Protected characteristics: Race

Not Applicable

Race details:

No relationship identified with Houses in Multiple Occupation and race.

Protected characteristics: Religion or Beliefs

Not Applicable

Religion or beliefs details:

No relationship identified with Houses in Multiple Occupation and religion or beliefs.

Protected characteristics: Sexual Orientation

Not Applicable

Sexual orientation details:

No relationship identified with Houses in Multiple Occupation and sexual orientation.

Please indicate any actions arising from completing this screening exercise.

None

Please indicate whether a full impact assessment is recommended

NO

What data has been collected to facilitate the assessment of this policy/proposal?

Public comments received during the six week publicising period in June and July 2019. A petition (number 2143) was submitted in support of the direction which was signed by 452 individuals. Comments raised at public meetings (Councillor Ward meetings, Neighbourhood Forums and a meeting of the regional branch of the National Landlords Association). These are in addition to the evidence which informed the May 2019 Cabinet decision which comprised of HMO licensing records, council tax records, planning application records, national planning policy and legislation, local planning policy documents, the existing Article 4 Direction and supporting policy guidance, examples from other local authorities, site visits, meetings with residents, Elected

Members and other Council Officers.

Consultation analysis

The main issues arising from the six week publicity period are summarised in the Consultation Statement which is appended to the Cabinet Report. In summary, the main issues raised in favour of the Article 4 Direction related to poor maintenance of HMO properties, crime and anti-social behaviour (including noise and litter) and demands on local services and infrastructure. The main issues raised in opposition to the Article 4 Direction relate to impacts on the availability and affordability of housing, subsequent impacts on homelessness, too much regulation and lack of flexibility in the housing market, and potential impacts on certain social groups.

Adverse impact on any people with protected characteristics.

Some comments raised concerns that the Article 4 Direction will negatively impact on younger age groups and migrants who are perceived to be typically accommodated within Houses in Multiple Occupation. However none of the submitted comments provided any evidence to support this claim and Council Officers are unaware of any specific evidence to confirm this. It is therefore considered that there is no identifiable impact on such groups.

Could the policy/proposal be modified to reduce or eliminate any adverse impact?

The effectiveness and potential impacts arising from the direction will be monitored (see below). Alternative or further measures may be considered if it is evident that the direction is having negative impacts on any particular social group.

How will the effect(s) of this policy/proposal on equality be monitored?

Annual monitoring of the effects of the Article 4 Direction will be undertaken, commencing from the first anniversary of the direction coming in to force. As the recommendation to Cabinet is to bring the direction in to force from Monday 8th June 2020, the first review of its impacts and effectiveness will be undertaken after June 2021. This will be reported through the monitoring of the HMO policy in the Development Management in Birmingham document which will be published within the AMR at the end of each year. It is anticipated that monitoring will involve updating the information on the number and distribution of HMOs across the city.

What data is required in the future?

The main data will be planning applications received for the change of use of family housing to small HMOs. This can be supplemented by HMO licensing and council tax data, as presented in the technical paper which supported the May 2019 Cabinet Report.

Are there any adverse impacts on any particular group(s)

No

If yes, please explain your reasons for going ahead.

Initial equality impact assessment of your proposal

Whilst some concerns were raised during the six week publicity period that the Article 4 Direction will have negative impacts on younger age groups and migrants, officers have seen no specific evidence to support this perception. Furthermore, no relationship has been identified between the Article 4 Direction and the other social groups specified within this assessment. The Article 4 Direction will be monitored on an annual basis to ensure that it is having its intended

effect and that there are no unintended consequences arising from it. The implementation of the Article 4 Direction and requirement for planning permission will encourage and maintain balanced and mixed communities and will therefore have a positive impact on the needs of all groups in society.

Consulted People or Groups

Informed People or Groups

Summary and evidence of findings from your EIA

The main issues arising from the six week publicity period are summarised in the Consultation Statement which is appended to the Cabinet Report. See previous answers regarding the monitoring of the Article 4 Direction.

QUALITY CONTROL SECTION

Submit to the Quality Control Officer for reviewing?

No

Quality Control Officer comments

Decision by Quality Control Officer

Proceed for final approval

Submit draft to Accountable Officer?

Yes

Decision by Accountable Officer

Approve

Date approved / rejected by the Accountable Officer

23/10/2019

Reasons for approval or rejection

APPROVED

Please print and save a PDF copy for your records

Yes

Content Type: Item

Version: 33.0

Created at 14/10/2019 04:22 PM by Stewart Donohue

Last modified at 23/10/2019 10:43 AM by Workflow on behalf of Waheed Nazir

Close

Appendix 2: Appeal decisions relating to HMOs

Relevant planning appeal decisions 2009-2019 (includes proposals for change of use from C3 to C4, C3 to SG HMO and intensification of existing SG HMO)

	Allowed	Dismissed	Total
Within Article 4 Direction Area	0	2	2
Outside Article 4 Direction Area	9	4	13
Total	9	6	15

Within the existing Article 4 Direction Area

Within the Selly Oak, Harborne and Edgbaston Article 4 Direction Area, only two appeals have been held in relation to a refusal of planning permission for HMOs and both were dismissed.

The planning inspector considered that the 10% threshold in the Selly Oak Article 4 Direction Area Planning Policy provided an *“appropriate balance between settled residents and a transient population to maintain a sustainable community”* in the appeal on 875 Pershore Road. (Paragraph 11 of Appeal Decision APP/P4605/W/18/3212007). The proposal would have taken the % concentration of HMOs over the 10% and the inspector concluded *“that the proposal would harm the character of the area in conflict with Policies PG3 and TP27 of the Birmingham Development Plan 2017 which seeks to create a strong sense of place, sustainable and balanced communities/neighbourhoods and the PPD which seeks to avoid an overconcentration of HMOs.”*

In the appeal decision on 68 Oak Tree Lane (APP/P4605/W/19/3228708) where HMO development comprised 46.8% of properties in the 100m radius, the planning inspector considered that the change of use from a small C4 HMO to a large Sui Generis HMO would *“represent a further “over-concentration” of what is already a HMO intensive area...”*

“... the development further contributes towards the imbalance of HMO development in the area and therefore exacerbates the harm this has upon the character of Selly Oak, and subsequently living conditions of existing residents.”

Outside the existing Article 4 Direction Area

Outside the Article 4 Direction Area, the main issues for appeals being dismissed were:

- Impact on the supply of family homes in the city contrary to Policies PG3 and TP27 of the BDP; and
- Adequate living conditions of existing and future occupiers contrary to Policies PG3 and Places for Living SPG.

PA Reference	Address	Description	Date	Article 4 Area	Inspector's Conclusions
2015/02198/PA	563 Kingsbury Road, Erdington, Birmingham, B24 9NJ	Change of use from 6 bedroom HMO (C4) to 7 bedroom HMO (Sui Generis) use	16-Dec-15	Outside	The proposal would be an unsatisfactory intensification of use which would cause harm to and adversely affect the internal and external living environment of existing and future occupants and would exacerbate this pressure to the detriment of highway safety in the area.
2017/01571/PA	2J Reddings Lane, Birmingham, B11 3HB	Change of use from residential dwelling to 8 bed HMO (house in multiple occupation)	15-Nov-17	Outside	There is an identified need for family sized dwellings in the City. The proposal would increase this need and therefore fail to make a positive contribution to the creation of a sustainable neighbourhood. The proposal would fail to provide adequate living conditions for future occupants, contrary to the PG3 of the BDP, which seeks to ensure that development demonstrates a high design quality.
2017/07156/PA	101 Friary Road, Handsworth, Birmingham, B20 1BA	Retrospective application for change of use from residential dwellinghouse (Use Class C3) to a 7 bedroom house in multiple occupation (HMO) (Sui Generis)	10-Jul-18	Outside	The development has resulted in cramped, unsatisfactory living conditions in six of the seven rooms. The house has been in use as a smaller HMO prior to the application so development has not resulted in the loss of housing that has harmed the creation of a sustainable neighbourhood.
2018/03440/PA	875 Pershore Road, Selly Oak, Birmingham, B29 7LR	Change of use from dwelling house (Use Class C3) to 7 bed HMO (Sui Generis)	22-Mar-19	Inside	The 10% threshold in the Selly Oak Article 4 Direction Area Planning Policy provides an appropriate balance between settled residents and a transient population to maintain a sustainable community. The proposal would have taken the % concentration of HMOs over the 10%. The proposal would harm the character of the area in conflict with Policies PG3 and TP27 of the BDP and PPD which seeks to avoid an overconcentration of HMOs.

2018/04340/PA	2 Hayes Grove, Birmingham, B24 0HR	Retention of use from 6 persons HMO (Use Class C4) to 8 persons HMO (Sui Generis).	27-Feb-19	Outside	The development would result in poor living conditions for occupiers and would not provide sufficient or appropriate internal private and communal living space. The provision of private outdoor amenity space is significantly below the level set in the Places for Living SPG. The singular nature of such a type of accommodation is out of step with the prevailing single-family type of housing in the immediate area and have a detrimental, if limited, impact on the established character of the area.
2018/09320/PA	68 Oak Tree Lane, Selly Oak, Birmingham, B29 6HY	Retrospective application for change of use from Class C3 dwellinghouse or small HMO (Use Class C4), to large HMO (Sui Generis)	27-Aug-19	Inside	The change of use from a small C4 HMO to a large Sui Generis HMO would represent a further over-concentration of what is already a HMO intensive area. The development further contributes towards the imbalance of HMO development in the area and therefore exacerbates the harm this has upon the character of Selly Oak, and subsequently living conditions of existing residents.

Allowed appeals

All the allowed appeals relate to properties that were already in use as a lawful HMO. The appeals were generally allowed based on the fact that the proposals would not have an effect on the number of HMOs in the area and that the addition of 1 or 2 bedrooms would not materially harm the amenity of nearby residents or cause significant harm to the character and appearance of the area through an unacceptable change to the housing mix or to the balance of the community.

However, the Council recognises and is concerned about the cumulative effect of incremental intensification caused by numerous changes of use from small HMOs to large HMOs and the intensification of existing HMOs.

PA Reference	Address	Description	Date	Article 4 Area	Inspector's Conclusions
2014/09400/PA	13 & 15 Gravelly Hill North, Erdington, Birmingham, B23 6BT	Retention of the change of use from two dwellinghouses (C3) to two houses in multiple occupation (Sui Generis)	28-Oct-15	Outside	The development has not eroded residential character or amenity by reason of over-concentration or led to a discernible increase in crime or the fear of crime. Change of use has already taken place.
2017/06867/PA	40 Carlyle Road, Edgbaston, Birmingham, B16 9BJ	Change of use from small HMO (Use Class C4) to a large HMO (Sui Generis)	13-Jun-18	Outside	Currently in use as 6 bed HMO. Not persuaded that sufficient evidence has been provided to substantiate that the proposed 2 additional occupants would unbalance the local community.
2018/05084/PA	8 Edgbaston Road East, Birmingham, B12 9QQ	Retention of change of use from residential dwelling (Use Class C3) to 7 bed HMO (Sui-Generis)	11-Mar-19	Outside	The appellant makes a compelling argument that when considered in the context of the wider locality, using a 100m radius, the only HMOs are those on Edgbaston Road East, which represent fewer than 10% of the approximate total residential properties within this catchment area. In the absence of any alternative form of assessment to establish an overconcentration of HMOs I consider that it is a reasonable approach.
2018/06071/PA	74 Heeley Road, Birmingham, B29 6EZ	Change of use from HMO (Use Class C4) to large HMO (sui generis)	18-Mar-19	Outside	Property already has consent for use as a 7-bedroom HMO. The proposal would have no effect on the actual number or concentration of HMOs in the area.

2018/02572/PA	68 Harrow Road, Selly Oak, Birmingham, B29 7DW	Change of use from a 6-bed HMO (Use Class C4) to a 8-bed HMO (Sui Generis)	19-Mar-19	Outside	Given that the increase in bedroom numbers is relatively low and having regard to the nature of the adjoining properties and the immediate surrounding area which appears to be dominated by rental accommodation including other HMOs, I do not consider that any intensification of use and increase in comings and goings is likely to be materially harmful to the living conditions of the occupiers of adjoining premises.
2018/08175/PA	100 Dale Road, Selly Oak, Birmingham, B29 6AG	part demolition of existing single storey rear extension, external alterations and retrospective change of use to a large 11 bed HMO (Sui-Generis).	09-Sep-19	Outside	The appeal proposal would increase the number of bedrooms in the HMO from the previously permitted number of 8 to 11. No material impact on the concentration of HMO uses in the area compared to the previously permitted development. I therefore find no harm to the character of the area in this respect.
2018/08237/PA	269 Dawlish Road, Birmingham, B29 7AU	Change of use from 7 bedroom HMO to 9 bedroom HMO (Sui Generis)	18-Mar-19	Outside	Due to the already high level of existing HMOs in the Bournbrook area, which includes the appeal site, the area was purposely omitted from the Council's Article 4 Direction area. Planning permission has already been approved to use the property as a 7-bedroom HMO. The proposal would not have a materially adverse impact upon the living conditions of the occupiers of neighbouring properties in respect of noise and disturbance.
2018/09577/PA	67 Heeley Road, Selly Oak, Birmingham, B29 6DP	Retrospective change of use from 7 bedroom HMO (Sui Generis) to 8 bedroom HMO (Sui Generis)	06-Jun-19	Outside	The property can already, lawfully, operate as a large HMO for 7 people (2018/064/81/PA), which is a material consideration carrying significant weight as part of this appeal. The proposal requires no physical alterations to the property and does not have an effect on the actual number or concentration of HMOs in the area due to the existing consent.

					There would be no significant harm to the amenity of nearby residential occupiers.
2018/09222/PA	486 City Road, Harborne, Birmingham, B17 8LN	Change of use to 7 bedroom HMO (Sui Generis), Installation of footway crossing and window to rear elevation.	12-Jul-19	Outside	The proposed development would result in a modest intensification of the residential use through the introduction of an additional bedroom. However, given it is already a lawful 6-person HMO, the proposal is unlikely to lead to any discernible change in the nature or level of the residential use of the appeal property. The development would cause no significant harm to the character and appearance of the area through an unacceptable change to the housing mix or to the balance of the community.

Appendix 3: Photographs of HMO Concentrations across Birmingham







Appendix 4: Other Local Authority HMO policy

Local Authority	Article 4 Direction	HMO policy in Article 4 area
Southampton	City-Wide	<p>Houses in Multiple Occupation SPD (adopted May 2016)</p> <p>Planning permission will not be granted:</p> <ul style="list-style-type: none"> i) where the proportion of HMO dwellings will exceed 10% of the residential properties where their curtilage of the residential property lies wholly or partly within a circle of radius 40 metres from the application site. Where the circle does not include a minimum of 10 residential properties, the threshold will apply to the 10 residential properties nearest to the application site located on all frontages of the street (with the same street address); or ii) where it would result in any residential property (C3 use) being ‘sandwiched’ between two HMOs. <p>When the threshold has been breached already, planning permission will only be granted in <i>exceptional circumstances</i>. Notwithstanding the threshold limit and exceptional circumstances, other material considerations (such as intensification of use, highway safety, residential amenity of future and existing occupiers) arising from the impact of the proposal will be assessed in accordance with the council’s relevant development management policies and guidance.</p> <p>Exceptional Circumstances are defined as: Where 80% of existing properties surrounding the application site within the defined area of impact are HMO dwellings, the applicant should submit a supporting statement with the planning application to demonstrate that there is no reasonable demand for the existing residential property as continued C3 use. No reasonable demand would be demonstrated by a period of at least six months on the property market offered at a reasonable price (based on an assessment of the property market in the local area) or rental level to be verified in writing by a qualified person in a relevant profession such as estate agent.</p> <p>https://www.southampton.gov.uk/Images/160420-Final-HMO-SPD-v2_tcm63-383554.docx</p> <p>Policy H4 – Houses in Multiple Occupation’ of the Local Plan Review and ‘CS16 – Housing Mix and Type’ in the Core Strategy</p> <p>https://www.southampton.gov.uk/Images/160420-Final-HMO-SPD-v2_tcm63-383554.docx</p>
Plymouth	Article 4 implemented in City Centre and surrounding wards.	<p>Development Guidelines SPD First Review (adopted May 2013)</p> <p>The following planning considerations will be taken into account when assessing a HMO application.</p> <ul style="list-style-type: none"> • Impact on residential character, including the mix of housing stock, and creation of sustainable communities. • Impact on neighbour • Standard of accommodation • Transport and parking <p>In Plymouth’s case, it is considered that a threshold of 25% is an appropriate to maintain balanced communities. This figure is the number of buildings that are in HMO use as a percentage of all residential buildings. Changes of use that would result in a concentration of HMOs higher than 25% will normally be resisted. A balanced judgement will be sought depending on the circumstances of the planning application and it is recommended that consideration is given to the concentration of HMOs in the local area, the census output area and at the street level.</p> <p>For the purpose of this assessment a ‘local area’ will normally be a cluster of contiguous Census Output Areas. For the purposes of this assessment a ‘street’ will normally be a 100m distance in each direction measures along the adjacent street frontage on either side, crossing any bisecting roads and also continuing round street corners.</p> <p>In some circumstances, the concentration of HMOs in an individual street may be so high that it would not be appropriate to restrict the remaining family housing room conversion. There will be a presumption in favour of applications for change of use to HMOs in streets where in excess of 90% of the properties are already in use as HMOs.</p> <p>Para 2.5.8 in Development Guidelines SPD, first review (May 2013).</p>

		<p>Policy CS15 Overall Housing Provision in Core Strategy (adopted April 2007)</p> <p>3. Conversions of existing properties into flats or houses in multiple occupation will be permitted only where the gross floor area of the property is more than 115 sq.m., where the accommodation provided is of a decent standard, and where it will not harm the character of the area having regard to the existing number of converted and non-family dwellings in the vicinity.</p> <p>https://www.plymouth.gov.uk/planningandbuildingcontrol/localdevelopmentframework/corestrategy</p>
Charnwood	Article 4 covering the whole city	<p>Housing Supplementary Planning Document (adopted December 2017)</p> <p>Policy HSPD 11 Concentrations of Houses in Multiple Occupation</p> <p>In accordance with Core Strategy Policy CS4 the Council will manage the proportion of Houses in Multiple Occupation by seeking to resist further Houses in Multiple Occupation (small or large) where there is already 20% or more Houses in Multiple Occupation within a 100m radius of the application site.</p> <p>An assessment of the current concentration of Houses in Multiple Occupation will be undertaken using the following methodology:</p> <ul style="list-style-type: none"> • the 100m radius will be measured from the centre of the proposed HMO for which the application applies; • the number of Houses in Multiple Occupation will be measured as a proportion of the total number of residential properties within the radius; • each dwellinghouse within the radius will be counted as a single property, regardless of number of bedrooms; • each House in Multiple Occupation will be counted as a single property, regardless of the number of bedrooms; • a property will be included in the calculation where the centre of the property falls within the radius; • halls of Residence and purpose built student accommodation will not be included within the calculations; • and any Halls of Residence and purpose built student accommodation falling within the radius will be recorded and the impacts considered as part of the decision making process. <p>The assessment of the current level of concentration of Houses in Multiple Occupation will be an important material consideration, but it cannot be regarded as the determining factor in deciding any planning application.</p> <p>https://www.charnwood.gov.uk/files/documents/housing_supplementary_planning_document_2017/SPD%20Update.pdf</p> <p>Policy CS4: Houses in Multiple Occupation in the Charnwood Local Plan Core Strategy (adopted November 2015)</p> <p>We will support the well-being, character and amenity of our communities by managing the proportion of houses in multiple occupation. We will do this by preventing houses in multiple occupation that, either in themselves, or cumulatively with other houses in multiple occupation:</p> <ul style="list-style-type: none"> • damage the social and physical character and amenity of a street or residential area; or • generate noise and disturbance which is detrimental to the amenity of the street or residential area; or • generate a demand for on-street car parking that would prejudice the safe operation of the highway, or cause detriment to amenity. <p>We will also prepare further policy and guidance in our Site Allocations and Development Management Development Plan Document and Supplementary Planning Document on Houses in Multiple Occupation.</p> <p>https://www.charnwood.gov.uk/pages/corestrategydpd</p>
York	Article 4 covering the whole city	<p>Controlling the Concentration HMOs Supplementary Planning Document (Approved April 2012, amended July 2014)</p> <p>Applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:</p> <ul style="list-style-type: none"> • It is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent

		<p>and are known to the Council to be HMOs; and</p> <ul style="list-style-type: none"> • Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and • The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity. <p>https://www.york.gov.uk/downloads/file/9547/houses_in_multiple_occupation_draft_spd</p> <p>City of York Local Plan Publication Draft (February 2018) Policy H8: Houses in Multiple Occupation Applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:</p> <ol style="list-style-type: none"> it is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMOs; and less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning permission or are known to the Council to be HMOs; and the accommodation provided is of a high standard which does not detrimentally impact upon residential amenity
Worcester	Article 4 covering the whole city	<p>Houses in Multiple Occupation SPD (adopted October 2014) To support mixed and balanced communities, planning permission will be granted for proposals for use class C4 small Houses in Multiple Occupation or sui-generis large Houses in Multiple Occupation, provided that:</p> <ol style="list-style-type: none"> The proportion of HMO dwellings does not exceed 10% of all residential properties within a 100 metre radius of the application site; AND The granting of planning permission will not result in the creation of more than two adjacent properties in HMO use; AND The proposal does not have an adverse impact on the amenity of nearby properties by ensuring: <ul style="list-style-type: none"> • adequate provision for off street parking; ☒ highway safety and ease of access for emergency vehicles; • regard is given to Secured by Design guidance, particularly relating to occupier security, as published by the Association of Chief Police Officers (ACPOS) • sufficient provision for waste and recycling; • the proposal is in keeping with the character of the area; AND The HMO accommodation will meet the Council's prescribed housing standards as set out in Appendix 3 of this SPD. In exceptional circumstances, within areas that have a very high concentration of HMOs, planning permission for HMO use may be granted where it can be demonstrated that there is no market demand for continued C3 occupation. https://www.worcester.gov.uk/documents/10499/318130/HMO-SPD-final2014.pdf/871a2211-4891-4ba1-be6b-9c9a61bf3a50 <p>SWDP 14: Housing Mix in the South Worcestershire Development Plan (adopted February 2016) D. An application for change of use to a House in Multiple Occupation (HMO) will only be permitted where it does not lead to, or increase an existing over-concentration of such uses in the local area. The use of Article 4 Directions to control changes of use will be considered. https://www.swdevelopmentplan.org/wp-content/uploads/2016/06/The-Adopted-SWDP-February-2016.pdf</p>
Brighton and Hove	Article 4 covering several areas. Consultation to extend	<p>Policy CP21 Student Housing and Housing in Multiple Occupation in Brighton & Hove City Plan Part One (adopted March 2016) In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for new build HMO, and applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:</p>

	citywide.	<ul style="list-style-type: none"> More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use. <p>https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/FINAL%20version%20cityplan%20March%202016compreswith%20forward_0.pdf</p> <p>Policy DM7 Houses in Multiple Occupation in Brighton & Hove Draft City Plan Part Two (July 2018)</p> <p>1. Planning permission will be granted for the conversion of sui generis Houses in Multiple Occupation to self-contained family homes (use class C3).</p> <p>2. Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:</p> <p>a) fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;</p> <p>b) the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;</p> <p>c) the proposal does not lead to a continuous frontage of three or more HMOs;</p> <p>d) The internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;</p> <p>e) communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants.</p> <p>https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Draft%20CPP2%20Post%20Committee%20with%20Covers.pdf</p>
Milton Keynes	Article 4 covering two areas in the city	<p>Houses in Multiple Occupation SPD (adopted April 2012)</p> <p>The number of Houses in Multiple Occupation should not exceed 35% of the total number of properties within a 100 metre diameter buffer of the application property.</p> <p>For the purposes of this SPD:</p> <ul style="list-style-type: none"> HiMOs will be counted by the number of bedrooms (e.g. a 5 bedroom HiMO = 5 HiMO properties in the concentration calculation). Non HiMO houses will be counted as a single property, regardless of number of bedrooms (e.g. a 4 bedroom house = 1 non-HiMO property in the concentration calculation) One bedroom flats are counted towards the concentration of HiMOs and each flat is counted as a single property. Flats with more than one bedroom do not count towards the concentration of HiMOs and each flat is counted as a single property. <p>https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/houses-in-multiple-occupation</p> <p>Policy H7 Houses in Multiple Occupation in Milton Keynes Local Plan 2016-2031 (adopted March 2019)</p> <p>To maintain mixed, balanced, sustainable and inclusive communities, proposals for Houses in Multiple Occupation will be approved where they would not create an over concentration of such accommodation resulting in an imbalance within local communities or other significant adverse impacts. Proposals should comply with the Council's Houses in Multiple Occupation Supplementary Planning Document.</p> <p>https://www.milton-keynes.gov.uk/planning-and-building/plan-mk</p>
Portsmouth	Article 4 covering whole city	<p>Houses in Multiple Occupation SPD (revised July 2018)</p> <p>In accordance with policy PCS20, the City Council will seek to refuse planning applications for HMO uses (Class C4, HMOs in Sui Generis use and mixed C3/C4 use) where a community is already 'imbalanced' by existing HMO uses or where granting the application would create an 'imbalance'.</p> <p>A community will be considered to be 'imbalanced' where:</p> <ul style="list-style-type: none"> more than 10% of residential properties within a 50m radius of the area surrounding the application property are already in HMO use <p>The 'development' (proposed HMO use) that is the subject of the planning application will create an imbalance where:</p> <ul style="list-style-type: none"> granting the application would 'tip' the ratio of HMOs to Class C3 residential uses within the area surrounding the application property over the 10% threshold <p>Where planning permission is sought to change the use of a Class C4 or mixed C3/C4 use to a HMO in Sui Generis use, the City Council will seek to refuse applications 'in areas where concentrations of</p>

		<p>HMOs already exceed the 10% threshold.'</p> <p>The City Council will seek to refuse applications for HMO development where proposals would fail to protect the amenity of, and the provision of a good standard of living environment for future occupiers.</p> <p>https://www.portsmouth.gov.uk/ext/documents-external/revised-hmo-spd-july-2018.pdf</p> <p>Policy PCS20 (Houses in multiple occupation (HMOs) in the Portsmouth Plan (adopted 2012)</p> <p>In order to support mixed and balanced communities, and to ensure that a range of household needs continue to be accommodated throughout the city, applications for changes of use to a House in Multiple Occupation (HMO) will only be permitted where the community is not already imbalanced by a concentration of such uses or where the development would not create an imbalance.</p> <p>For the purposes of this policy, dwellings in use as Class C4, mixed C3/C4 use and HMOs in Sui Generis use will be considered to be HMOs.</p>
Canterbury	Article 4 covering whole city	<p>Policy HD6 Houses in Multiple Occupation in the Canterbury District Local Plan (adopted July 2017)</p> <p>In order to maintain an appropriate housing mix and to safeguard the character of local communities, the proportion of HMOs within the areas subject to Article 4 Directions should not exceed 10% of the total number of dwellings within a 100m radius of any application property. The City Council will not permit changes of use to HMOs, or extensions to existing HMOs, where that proportion would be exceeded.</p> <p>However, in areas where there is already an exceptionally high proportion of HMOs, for example, in any particular block of properties, consideration will be given to permitting further conversions. In all cases, regard will also be had to the following factors:</p> <ul style="list-style-type: none"> a. whether the proposals would lead to a level of car-parking that would exceed the capacity of the street; b. whether the proposals could provide acceptable arrangements for bin storage and other shared facilities; and c. whether the design of any extension would be appropriate in terms of the property itself or the character of the area. <p>https://www.canterbury.gov.uk/downloads/file/868/canterbury_district_local_plan_adopted_july_2017</p>

WardName	LLPG_Res	HMOs	Percent
Bournbrook & Selly Park	7279	2041	28.04
North Edgbaston	9460	379	4.01
Harborne	10494	390	3.72
Weoley & Selly Oak	10234	286	2.79
Gravelly Hill	4581	111	2.42
Bournville & Cotteridge	8932	190	2.13
Edgbaston	9775	193	1.97
Balsall Heath West	4711	81	1.72
Birchfield	4506	74	1.64
Stockland Green	9834	138	1.4
Handsworth	3903	54	1.38
Erdington	9670	130	1.34
Lozells	3719	48	1.29
Alum Rock	7177	83	1.16
Moseley	10100	116	1.15
Stirchley	4530	52	1.15
Aston	7053	69	0.98
Handsworth Wood	7408	69	0.93
Bordesley Green	4146	38	0.92
Acocks Green	9775	83	0.85
Bordesley & Highgate	6337	53	0.84
Soho & Jewellery Quarter	10920	88	0.81
Sparkhill	5911	48	0.81
Ladywood	15328	115	0.75
Holyhead	4112	31	0.75
Bartley Green	10340	77	0.74
Sparkbrook & Balsall Heath East	7822	57	0.73
Nechells	9145	63	0.69
Perry Barr	8684	59	0.68
Yardley West & Stechford	4396	30	0.68
Quinton	8970	53	0.59
Newtown	5403	31	0.57
Heartlands	3685	21	0.57
Pype Hayes	4770	26	0.55
Shard End	5569	30	0.54
Allens Cross	4465	23	0.52
Ward End	4132	21	0.51
Brandwood & King's Heath	8406	42	0.5
Sutton Trinity	4618	23	0.5
Frankley Great Park	5188	25	0.48
Castle Vale	4285	20	0.47
Yardley East	4523	21	0.46
King's Norton South	5333	24	0.45
Small Heath	5674	25	0.44
Rubery & Rednal	4601	20	0.43
Garretts Green	4261	18	0.42
Perry Common	4900	20	0.41
Northfield	4829	20	0.41
Tyseley & Hay Mills	4627	19	0.41

South Yardley	4240	17	0.4
Glebe Farm & Tile Cross	9418	37	0.39
Longbridge & West Heath	10034	38	0.38
Hall Green North	7653	28	0.37
Bromford & Hodge Hill	7544	28	0.37
Kingstanding	8568	31	0.36
Druids Heath & Monyhull	5256	19	0.36
King's Norton North	4667	17	0.36
Billesley	8333	28	0.34
Sutton Reddicap	4467	15	0.34
Hall Green South	4150	14	0.34
Oscott	8798	29	0.33
Sheldon	8313	25	0.3
Highter's Heath	4550	13	0.29
Sutton Vesey	8488	23	0.27
Sutton Mere Green	4617	10	0.22
Sutton Walmley & Minworth	7208	13	0.18
Sutton Roughley	4579	7	0.15
Sutton Wylde Green	3885	6	0.15
Sutton Four Oaks	4127	2	0.05
			4.66 Average
			0.955 Median
			0.41 Mode

Planning Policy Document

Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne wards

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Appendix I: Map of the Article 4 Direction Area

Planning Policy Document

Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne wards

1. Purpose

- 1.1 This Planning Policy Document is to provide a policy approach to apply to planning applications seeking a change in use from residential property to Houses in Multiple Occupation (HMOs) in the Article 4 Direction area (see map at Appendix I).
- 1.2 A decision to introduce an Article 4 Direction in this area has resulted from an analysis of city wide concentrations of HMOs revealing the particularly high levels found in Bournbrook and the spread to surrounding areas of Selly Oak, Harborne and Edgbaston wards.
- 1.3 The Planning Policy Document will be a material planning consideration until the policy is included in the forthcoming Development Management Development Plan Document.

2 Aim of the policy

- 2.1 The policy aims to manage the growth of HMOs by dispersing the locations of future HMOs and avoiding over-concentrations occurring, thus being able to maintain balanced communities. The neighbourhoods included in the confirmed Article 4 area have capacity to accommodate further HMOs in the right locations. Existing high concentrations in parts of Selly Oak ward have led to a significant loss of amenity for residents.

3 Scope

- 3.1 Conversion from a C3 to a C4 use¹ is a permitted development right and owners of property would normally have no need to inform the local authority that a family dwelling is changing to a small (C4) HMO. However in November 2014, an Article 4 Direction will be brought into effect that will remove these permitted development rights for change of use to C4 HMOs, within a designated area of Selly Oak, Edgbaston and Harborne wards.
- 3.2 Within the area covered by the Article 4, planning permission will be required to convert a family dwelling into a C4 HMO. Planning permission is already required for a change from a dwelling to a larger (Sui Generis)² HMO. In this way the planning authority can make a judgement as to whether any further HMOs should be permitted and the basis for their decision will be the city's planning guidance as to whether such a use would harm local amenity, the proper planning of the area, and/or lead to creating an unbalanced neighbourhood. This guidance is further strengthened by the adoption of this policy.
- 3.3 The policy will not apply to purpose-built student accommodation and will not be applied retrospectively to existing C4 HMOs.

¹ The Use Classes Order defines a C3 as a single family house and a C4 as a house occupied by 3 - 6 unrelated people sharing as a 'house in multiple occupation'.

² A Sui Generis HMO is not in a planning use class and is defined as a large HMO with more than 6 people sharing. This use always requires planning consent.

4 Planning policy approach

4.1 In this area a planning application must be submitted to the city council and planning permission granted in order to convert a dwelling into an HMO regardless of size.

4.2 Where planning applications for such conversions are brought forward the city council will take account of the following when determining the application.

- The ability to maintain sustainable, mixed communities. Account will be taken of the proportion of HMO properties in the local area.

4.3 Policy HMO1

Conversion of C3 family housing to HMOs will not be permitted where there is already an over concentration of HMO accommodation (C4 or Sui Generis) or where it would result in an over concentration. An over-concentration would occur when 10% or more of the houses, within a 100m radius of the application site, would not be in use as a single family dwelling (C3 use). The city council will resist those schemes that breach this on the basis that it would lead to an over-concentration of such uses.

4.4 Should the application not cause an over concentration, or the exacerbation of an existing over concentration, the city council will then apply the existing policies that apply to HMOs city wide in determining planning applications for C4 HMOs, as well as large HMOs in the Article 4 Direction area. The proposal would also need to satisfy these criteria in order to be granted planning consent.

4.5 Existing policies that apply to HMOs are contained in Residential Uses (Specific Needs) SPG adopted 1992:

www.birmingham.gov.uk/resspecificneeds

and the Birmingham Unitary Development Plan (2005) see extract at paragraph 7.2 of this policy document.

These policies are being reviewed and will be incorporated into a Development Management DPD (Development Plan Document) in due course.

5 Maintaining sustainable neighbourhoods

5.1 The government encourages local planning authorities to help maintain balanced communities. A balanced community is defined as one that is not dominated by one particular household type, size or tenure. There is no possibility of a sustainable community without an appropriate balance between settled residents and a transient population. The key issue with imbalance in neighbourhoods, which the government has recognised, is that it leads to rising problems and declining community, and potentially to unsustainability. Over-concentrations of HMOs can cause this imbalance.

5.2 It is recognised that HMOs are an important element of the city's housing stock and it is not the aim of the policy to reduce their overall numbers. Shared and/or rented housing fulfils a need for students and residents other than students, especially at the lower cost end of the housing market.

5.3 The neighbourhoods included in the proposed Article 4 area have capacity to accommodate further HMOs in the right locations, but over-concentrations will be avoided. In the Bournbrook area of Selly Oak, the existing concentration of HMOs is already so great that the community here can no longer be regarded as mixed, balanced and sustainable. Bournbrook therefore is excluded from the Article 4 by virtue of its existing over-concentration of HMOs. Not only does this area contain very high levels of student only HMOs it also contains a significant number of other, non-student, HMOs. The imperative here is to prevent the leakage of these same high levels to streets adjacent to Bournbrook.

5.4 The council will continue to work with all its partners (the University, private landlords, letting agents, purpose built specialists, the Police etc) to support the best management, maintenance and provision of student only accommodation in the Bournbrook area, and also with local families and residents and families to ensure their amenity is protected.

5.5 Proposals to convert C4 HMOs back into family accommodation do not need planning permission and are encouraged where there is no longer demand for shared housing.

6 Assessing concentrations of HMOs

6.1 An assessment of the proportion of households that are known HMOs has been undertaken across the city. The council has used:

- council tax records – students in full time education can apply for exemption from council tax and this data has been used to identify properties
- properties licensed as an HMO³
- properties with C4 or Sui Generis HMO⁴ planning consent or issued with a certificate of lawful development

These data sets have been collated to calculate the proportion of shared households as a percentage of all households. The data will be reviewed at least annually and an assessment will be based on data at a single point in time.

6.2 The subsequent calculation to provide a percentage concentration in any area **will only use this data**⁵. It is accepted that although these sources provide the most robust approach to identifying the numbers and location of HMOs in an area, it will not identify all such properties.

6.3 In assessing planning applications for new HMOs, a circle with a radius of 100 metres will be drawn from the address point of the property. The percentage calculation will count residential properties whose address point⁶ falls within the circle. The assessment will include only residential properties and will exclude commercial uses, such as retail or office units.

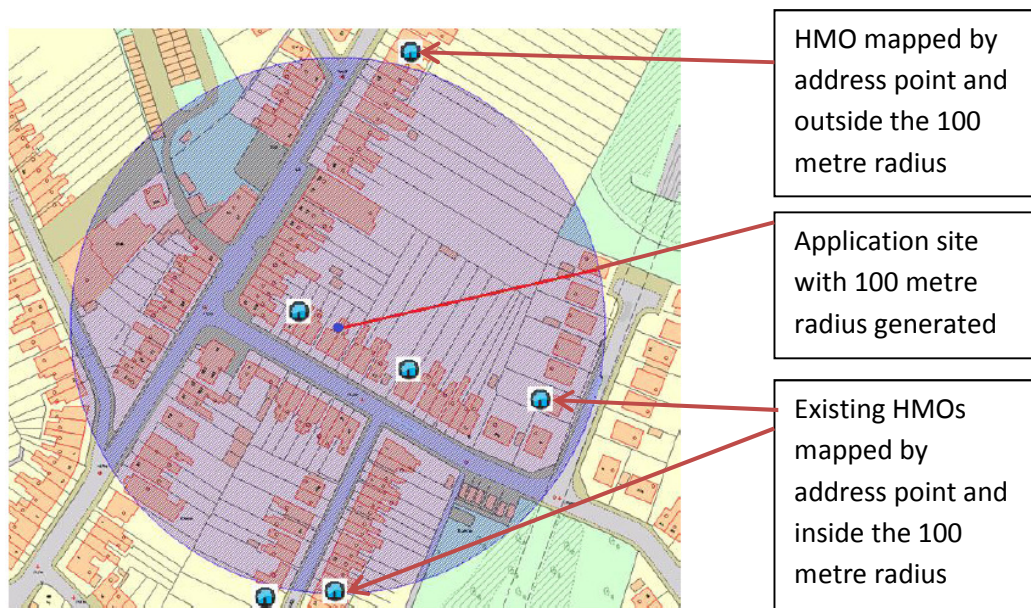
³ Mandatory HMO licensing is separate to the Article 4 Direction and applies to a building of three or more storeys and occupied by five or more tenants in two or more households. Details can be found at <http://www.birmingham.gov.uk/hmo>

⁴ A Sui Generis HMO is not in a planning use class and is defined as a large HMO with more than 6 people sharing. This use always requires planning consent.

⁵ Should other verifiable and appropriate data sets become available, these will be accessed and this Planning Policy Document amended accordingly.

⁶ The number of properties will be calculated using the Council's GIS (Geographic Information Systems) mapping software. Each property has a unique address point defined on the Local Land and Property Gazetteer (LLPG) and the location point of the proposed HMO will be the centre of the 100m radius. The number of residential properties falling within the 100m radius of the proposed HMO will be assessed by totalling the address points falling within that defined radius. For properties that fall partly within the 100 metre radius, they will only be included if the address point, as depicted on the LLPG, falls within this buffer.

6.4 Illustration of mapping a 100 metre radius from an application site:



6.5 Following a review of the current percentage of HMOs in Birmingham’s wards, coupled with analysis of percentage thresholds used in other local authorities and best practice advice, a 10% threshold for HMOs will be introduced. This policy will lead to a more even spread of HMOs across the Article 4 area. A 10% threshold is the equivalent of 1 in 10 households being an HMO.

6.6 The threshold based policy approach tackles concentrations of HMO properties and identifies a point beyond which issues arising from concentrations become harder to manage and a balanced community is undermined. Whilst there is no formal definition of what this point is there is a view⁷ that imbalance occurs at around 10% of the residential properties in an area.

7.0 Policy context

7.1 National Planning Policy Framework (NPPF)

7.1.1 The NPPF includes the aim to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. Also, planning should “enhance and improve the places in which people live their lives” (paragraph 17).

7.1.2 Paragraph 56 refers to the need to makes places better for people. This includes “safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion”.

7.1.3 The NPPF states that Local Plans should identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation (paragraph 157).

7.2 Birmingham Unitary Development Plan (2005)

⁷ The National HMO Lobby identifies 10% of properties or 20% of the population as the ‘tipping-point’ for HMO-dominance in a neighbourhood: see the discussion in Chapter 2 of *Balanced Communities & Studentification* (2008).

- 7.2.1 The Unitary Development Plan (UDP) contains policies and proposals that currently guide development and land use across the city and is the existing Development Plan for Birmingham. In time, it will be replaced by the Birmingham Development Plan (see below) and a Development DPD (Development Plan Document). Once approved, these will be the main basis for planning application decisions.
- 7.2.2 The UDP refers to the loss of housing - paragraph 5.19A "The loss to other uses (through conversion or redevelopment) of housing which is in good condition, or could be restored to good condition at reasonable cost, will normally be resisted. Such loss of residential accommodation will only be permitted if there are good planning justifications or an identified social need for the proposed use".
- 7.2.3 In addition the area character affected by HMOs is covered by paragraph 5.19B "Some residential areas contain properties which have been converted into "institutional" uses such as hotels, hostels, "foyers," day nurseries or nursing homes, subdivided into flats, or are in multiple occupation. Although these are normally appropriate in residential areas, concentrations of such uses can have an adverse effect upon the essential residential character of a particular street or area".
- 7.2.4 Student accommodation in residential areas: paragraph 5.19C "In addition there are areas of the City where the quality of the residential environment has been adversely affected by high levels of student and other private rented accommodation. These areas are identified in the appropriate Constituency chapter. (Paragraph 20.18 states that there is a need to deal with the high concentration of privately rented properties and HMOs in Selly Oak). In such areas the City Council will take appropriate measures to prevent further erosion of the residential environment and will seek to improve the existing residential environment".
- 7.2.5 The UDP contains policy for Houses in Multiple Paying Occupation, namely paragraphs 8.23-8.25.

"This policy applies to dwellings which are either let in one or more separate tenancies, or are occupied by persons who do not form a single household.

The following criteria will be referred to in determining planning applications:

- The effect of the proposal on the amenities of the surrounding area, and on adjoining premises;
- The size and character of the property;
- The floorspace standards of the accommodation;
- The facilities available for car parking;
- The amount of provision in the locality.

- 7.2.6 The following guidelines will also apply:
Generally, the use of small terraced or small semi-detached houses for multiple paying occupation will cause disturbance to the adjoining house(s), and will be resisted. The impact of such a use will depend, however, on the existing use of adjoining properties and on the ambient noise level in the immediate area.
- 7.2.7 Where a proposal relates to a site in an area which already contains premises in similar use, and/or properties converted into self-contained flats, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area".

7.3 Birmingham Development Plan

The Birmingham Development Plan is currently in draft having been submitted to the Secretary of State, but awaiting Examination in Public.

- 7.3.1 Chapter 5 'Spatial Delivery of Growth' refers to promotion of The Selly Oak and South Edgbaston area for major regeneration and investment (Policy GA9 Selly Oak and south Edgbaston). The aims are to maximise the potential of the University and Hospitals, promote economic diversification and to secure significant spin off benefits from new development.
- 7.3.2 Paragraph 5.108 " Finally, the policy seeks to address some of the problems faced by residential areas and make Selly Oak/Bournbrook an attractive, balanced and sustainable residential community. The policies in this plan will be supported by other measures to address these issues including an Article 4 Direction and the Student Accommodation SPD."
- 7.3.3 In addition, paragraph 5.109 "A SPD is being prepared for Selly Oak/South Edgbaston that will be used to guide investment decisions on the major sites and realise the vision for the area".
- 7.3.4 Chapter Eight, Homes and Neighbourhoods Policy, refers to Policy TP34 - The existing housing stock. "Best use will be made of the existing dwelling stock". "The city council will prevent the loss to other uses (through conversion or redevelopment) of housing which is in good condition, or could be restored to good condition at reasonable cost. Such loss of residential accommodation will only be permitted if there are good planning justifications or an identified social need for the proposed use."

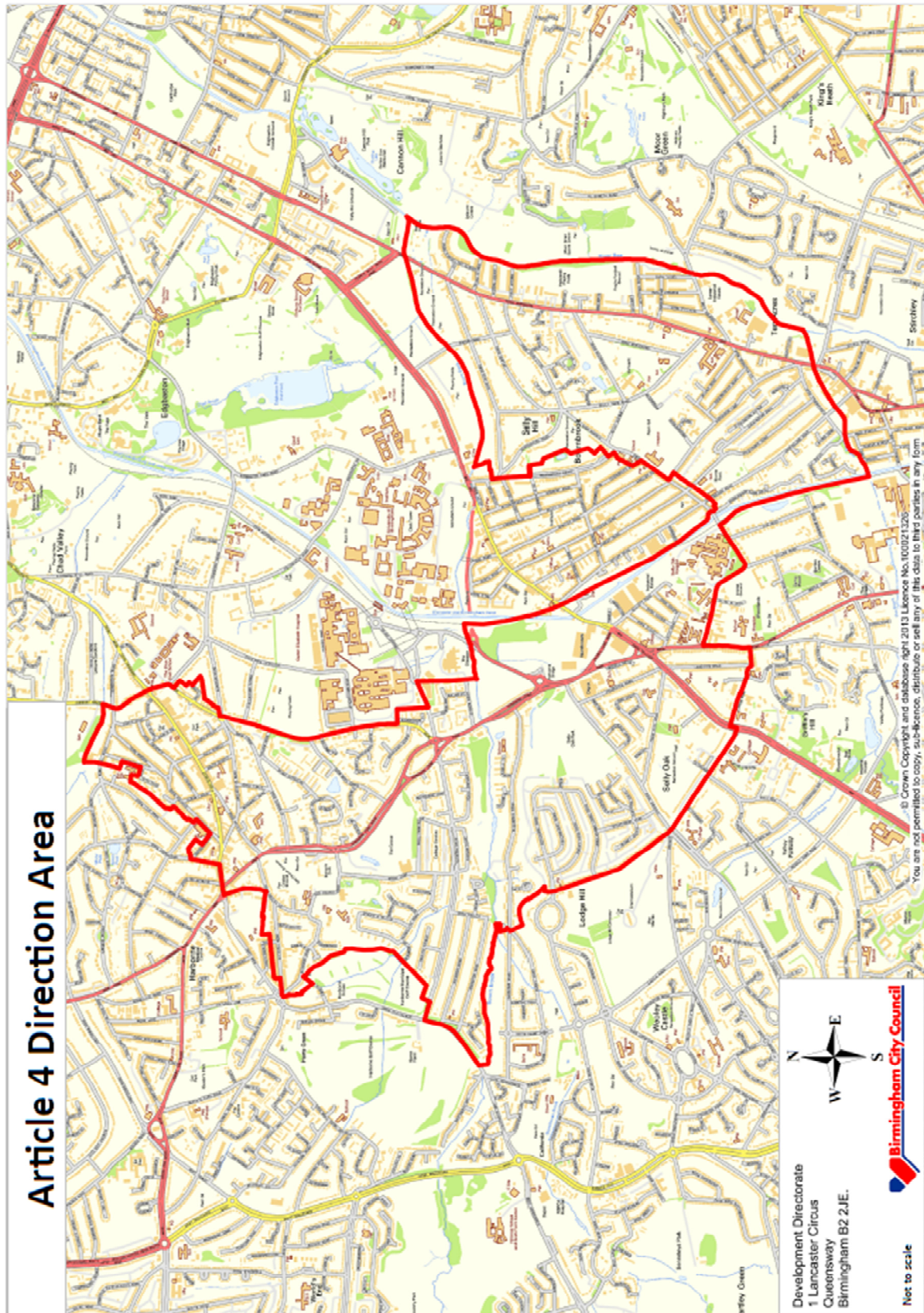
8 Monitoring and Review

- 8.1 The policy approach and in particular the threshold will be reviewed annually to ensure that it is effective in preventing the over concentration of HMOs occurring. The data record of the number and location of new HMOs approved through the planning process, new HMO licences and properties containing students exempt for council tax will be updated as appropriate. Percentage concentrations of known HMOs in the Article 4 area and immediate surrounds will be monitored and the council will review periodically.

9 Pre-application Advice

- 9.1 In order to check if a property is likely to get planning permission before a formal application is submitted, the city council's Planning and Regeneration service provide free pre-application advice. A check can also be made to advise on the relevant information needed for an application so it gets decided as quickly as possible. Further information and a guide to the pre-application advice service can be found on the city council's website: <http://www.birmingham.gov.uk/preappadvice>.

Appendix I
Map of the Article 4 Direction Area



National HMO Lobby

Balanced Communities & STUDENTIFICATION *Problems and Solutions*



2008

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Note HMOs are defined as in housing legislation throughout the UK (see the National HMO Lobby's Briefing Bulletin [What is a HMO?](#))

Foreword

THE NATIONAL HMO LOBBY is a network of local community associations trying to redress the impact on their communities of concentrations of shared houses or houses in multiple occupation (HMOs). Begun in 2000, the Lobby now comprises some fifty groups in over thirty towns, in all the countries and regions of the UK. Information on the Lobby and its lobbying is available on the website at www.hmolobby.org.uk.

Over the years, the Lobby has provided support for its members. It has circulated information on HMOs in Briefing Bulletins, and it has enabled debate through its Discussion Documents. And the Lobby of course has lobbied - for recognition of the problem of HMOs, and for national legislation to tackle this, especially in housing and planning - specifically for licensing of HMOs and for planning controls in the UK's Use Classes Orders. In this, we are supported by our elected representatives.

Nationally, last year, many of our MPs joined forces to set up the All-Party Parliamentary Group for Balanced & Sustainable Communities, and in Parliament, members of this Group have raised the issue of HMOs.

Locally, also last year, many of our local councillors joined forces to set up the Councillors Campaign for Balanced Communities. Meanwhile, councils have sent delegations to Westminster, and have adopted motions calling for national action on the issue of HMOs.

In fact, national government has acknowledged that concentrations of HMOs cause problems for communities. Three recent reports have identified different aspects of these problems - CLG Housing Research Summary 228 [Dealing with 'Problem' Private Rented Housing](#) (2006), House of Commons, CLG Committee [Coastal Towns](#) (2007) and CLG, [Evaluating the impact of HMO and Selective Licensing: the baseline before licensing in April 2006](#). (2007).

Local government has recognised the problems caused by concentrations of HMOs in very practical ways. In their planning policies, some have sought to resist concentrations (like Leeds), or have proposed thresholds (like Loughborough) or again have promoted purpose-built developments as an alternative to student HMOs (like Newcastle).

There is after all no question that the major market for HMOs is student demand, or studentification - hence the emphasis of *Balanced Communities & Studentification*

Universities have admitted that there is an issue. In 2006, Universities UK published *Studentification: a guide to opportunities, challenges and practice*. Unfortunately, this guide fudged the real issue, and offered answers only to the superficial effects of studentification.

In 2007, the National Union of Students published *Students in the Community: Working together to achieve harmony*. Unfortunately, this denied the existence of the problem altogether.

Balanced Communities & Studentification for the first time publishes the perspective of those at the sharp end, the community. But that is not the only way it is innovative. For the first time, it suggests a workable idea of 'balanced community'. For the first time, it provides a systematic analysis of 'studentification'. And for the first time, it proposes a programme of action which tackles the root cause of the problem (rather than tinkering with its effects). In a gesture of collegiality, *Balanced Communities & Studentification* is launched at the Conference of the Councillors Campaign for Balanced Communities in Nottingham on 13 March 2008.

Dr Richard Tyler, Co-ordinator, National HMO Lobby

1 Introduction

01 Community *BALANCED COMMUNITIES & STUDENTIFICATION* is essentially about community, its loss and restoration, what it should be, why it goes wrong, how it can be put right. But what is a community, what is meant by the word? A quick search of a language corpus shows that the term ‘community’ is used in numerous contexts, and in many ways. And the reason for this is that it has a long history of positive ‘warmly persuasive’ associations. Consequently, the term is frequently appropriated for polemical purposes, to give a positive gloss to a measure which has nothing to do with community in any meaningful sense. A prime example was the infamous Community Charge - immediately recognised for what it was, and re-christened the Poll Tax. In cases like this, ‘community’ is used simply as a synonym for ‘people’, implying that a random group of people has something in common, when in fact it does not. This is the *meaningless* sense of ‘community’.

02 Spirit Any *meaningful* use of the term ‘community’ must go beyond the sense simply of ‘population’. The origin of the word indicates what this is - it derives from the term ‘common’. A *community* then is in fact a group of people with *something in common*. The word implies *many* acting ‘as one’. This commonality is sustained by what social scientists call social capital - which includes things like social networks (simple contacts between people, companionship) and social norms (ways of behaving - like neighbours looking after each others’ children, pets, gardens, taking in parcels, holding keys, keeping the neighbourhood clean and quiet and safe) and social sanctions (penalties for mis-behaviour) - otherwise known as *community spirit*.

03 Categories Of course, there are many kinds of communities. And most people belong to several at once. But they tend to fall into three main groups.

There are *original communities*, and what they have in common (looking back) is their origins. The main examples are ethnic communities.

There are those which look around, *local communities* - what they have in common is a concern for the neighbourhood in which they find themselves.

Looking forward, there are *vocational communities*, groups of people with common goals - such as a religious vocation or an occupational vocation (like being a student).

04 Policy With the new millennium, the idea of ‘community’ figured large in government policy. A key principle in the Housing Green Paper *Quality & Choice* (DETR, 2000) was ‘Promoting sustainable development that supports thriving, balanced communities.’ When the Office of the Deputy Prime Minister succeeded the DETR in 2002, it adopted the motto *Creating Sustainable Communities*, and in 2006, it was succeeded in turn by the Department for Communities & Local Government. Local authority plans frequently refer to ‘balanced communities’. The idea of the ‘balanced community’ therefore is prominent in national and local policy, frequently combined with ‘sustainable community’. But has government given adequate consideration to the concept of community?

See for instance, Belfast: *Issues Paper on HMOs: ‘3 Balanced Communities’*; Coleraine: *Balanced Communities Review Group*; Durham: *Planning for Housing: ‘8 Provision of Balanced Communities’*; Loughborough: *Student Housing Provision: ‘In search of a balanced community’*; Nottingham: *Building Balanced Communities*.

② **Balanced Communities**

05 Sustainability ALL LOCAL COMMUNITIES, as communities, want to be sustainable. The Department for Communities & Local Government explains [‘sustainable communities’](#) as ‘places where people want to live and work, now and in the future. They meet the diverse needs of existing and future residents, are sensitive to their environment, and contribute to a high quality of life. They are safe and inclusive, well planned, built and run, and offer equality of opportunity and good services for all.’ CLG identifies eight components – sustainable communities are active, inclusive & safe, well run, environmentally sensitive, well designed & built, well connected, thriving, well served, and fair for everyone. But this definition entirely overlooks the obvious fact that what’s necessary for a sustainable community is a resident population willing and able to sustain that community.

06 Polarisation Local populations can be disabled in a number of ways, all of which are types of polarisation. Polarisation can mean *opposition* – where the neighbourhood becomes a place of contest between competing factions. Or polarisation can mean *one-sidedness*. Again, this can take a variety of forms – exclusive communities (dominated by gated enclaves of the privileged) or excluded communities (dominated by ghettos of the deprived). Another is domination by *transience*. A transient population lacks the *ability* to be sustainable (community campaigns often take years of concerted action). It also lacks the *will* (clearly, members of the population are only briefly committed to the neighbourhood). Of course, one type of polarisation can easily slide into the other.

07 Balance Localities certainly need balanced communities. There is no possibility of a sustainable community without an appropriate balance between settled residents and a transient population. But balance is also needed for social justice. All forms of polarisation are based on exclusion - the voluntary segregation of an exclusive group, or the disadvantaged, excluded involuntarily. And balance is also needed for the common welfare. Every social grouping has its strengths and weaknesses, whether this arises from age or gender or culture. A balance between diverse groups maximises the potential social capital of any local community. But government makes no attempt to define what is meant by ‘a balanced community’. It is nowhere defined in national policies, and rarely in local policies.

The Belfast Metropolitan Area Plan *Issues Paper on HMOs* (2005) defined a balanced community as ‘one that is not dominated by one particular household type, size or tenure.’ This would imply a community made up, for instance, of equal shares of the three main housing tenures - owner-occupation, social renting and private renting. But this would be a very odd community, quite at odds with normal experience, where owner-occupation dominates.

08 Definition The key problem identified by the members of the Lobby is *demographic imbalance* in their neighbourhoods, which leads to rising problems and declining community, in short, to unsustainability. The imbalance arises from concentrations of HMOs, whose distinctive demographic (typically, young, high-density, transient, and unstructured) destabilises the local community. The members of the Lobby seek to restore *balance* to their communities, in order to restore their *sustainability*. Belfast’s effort shows that *equal* proportions in the mix are not the answer. As an alternative, the Lobby proposes reference to *normal* proportions, that is, the mix or balance which is experienced by most people.

A balanced community is a community which approximates national demographic norms. A number of points must be made.

- First of all, this definition is not *prescriptive*: it is not intended to specify that all communities should match these norms (rather, it provides guidance to those communities who feel that they have become imbalanced).
- Secondly, it is *descriptive*: that is, it is based on the norms as they are, here and now (they were different in the past and will change in the future, they are different in other countries) – the point being that they reflect contemporary experience.
- Thirdly, the reference is to *approximations*, not tight criteria.
- Finally, the definition is *variable* – different norms will be relevant in different circumstances.

09 Norm A whole range of norms might be invoked in different situations. The latest [Census](#) provides a variety of statistics, such as the five main age bands of the population – children (up to 15 years) comprise 20%, ‘young adults’ (16-29) comprise 17.5%, adults (30-44 and 45-59) comprise 41.5% together, and older people (60 plus) comprise 21%. The current [Survey of English Housing](#) provides the proportions of different forms of housing, such as – *Housing Tenure*: 70% are owner-occupied, 18% social rented, and 12% private rented (Table 1); *Household Type*: 64% are families, 29% one-person, and 7% HMO (Table 5) [previous year, *Accommodation Type*: 82% are houses, and 17% flats (1% other)]. The Lobby’s concern is with the sustainability of communities – the most relevant *balance* therefore is between household types (since families in general have a stronger commitment to permanence than single people or multiple households [indeed, private rented housing which includes HMOs has an average tenancy of only eighteen months]). Allowing for a degree of deviation from the norm [see para 10 below] the Lobby’s particular criteria for a *balanced community* are (a) *not less than 60% families*, (b) *not more than 33% one-person households*, and (c) *not more than 10% HMOs*. (It is important to note that household proportions and population proportions are not the same, as households vary in size. One-person households are single of course, while the average family household comprises about two-and-a-half persons, and the average HMO at least five persons. On this basis, the normal population balance is 72% in families, 12% single people and 15% in HMOs.)

10 Approximation What degree of deviation from the norm remains acceptable? A standard deviation could be adopted (10%, 20%, 25%, 33%, 50%). But a low figure is clearly inappropriate if the norm is low (for instance, a 10% deviation from a 7% norm allows for a range of 6-8% only) – while a high figure is equally inappropriate for a high norm (a 50% deviation from 66% allows for a range from 33-99%!). The answer evidently is a variable deviation – that is, a deviation which varies from low for a high norm, rising to a high deviation for a low norm. (Thus, the Lobby’s criteria in para 09 above are based on a 10% deviation for family households [norm 66%], a 20% deviation for single persons [norm 28%] and a 50% deviation for HMOs [norm 7%]. As a rule of thumb, the deviation [Y] from a norm [X] can be calculated as $Y = (100 - X) \div 2$.)

11 Application How large should the area covered be? There is a range of possibilities. (a) *Street* or block (which is the basis for [Glasgow](#)’s policy on HMOs – not more than 5% per street generally, or 10% in certain areas). (b) *Neighbourhood*, comprising several streets (the basis for [Loughborough](#)’s ‘Threshold Approach’ to student housing – using Small Output Areas from the Census, a neighbourhood is understood as the Home Output Area plus all other Small Output Areas sharing a boundary with that area). (c) *Community*, comprising several neighbourhoods (Leeds City Council defines Community Areas for the purpose of allocating Section 106 funds – they correspond to areas recognised as communities by local residents [for a variation, based on Output Areas, see R Unsworth & J Stillwell, *Twenty-First Century Leeds*, University of Leeds, 2004, pp18-20]).

12 Tipping Point The tipping-point is the threshold at which a deviation departs so far from the norm that a community tips from balance to un-balance. With regard to HMOs, the tipping-point can be expressed in terms both of population (20%) and of properties (10%).

(1) The HMO tipping-point occurs *when HMO occupants exceed 20% of the population*. Normally, HMO occupants account for about 15% of the population – the tipping-point represents a 33% deviation. It also significantly exceeds the whole of the ‘young adult’ band of the population (16-29 year-olds are 17.5%). (Any community begins to seem unbalanced when any of the five main age-bands exceeds one-in-five of the population.)

(2) The HMO tipping-point also occurs *when HMOs exceed 10% of the properties*. Normally, HMOs account for 7% of households – the tipping-point represents a 50% deviation. At the same time, given the comparatively large numbers in HMO households, if HMOs are 10% of households, then their occupants account for about 20% of the whole population (depending on the local balance of families and one-person households).

The most common cause of a tipping-point for HMOs is demand by students for shared houses - or studentification.

③ Studentification

13 Concept STUDENTIFICATION is a term coined (by Darren Smith in 2002) to identify the process and the product of concentrated student settlement in university towns in the UK. It may be defined as **the substitution of a local community by a student community**. Here, ♦ ‘substitute’ means displacement of one community, and replacement by another, ♦ ‘community’ means a group of people with a common ground and continuity through time (para 02), ♦ ‘local community’ means one whose ground is their locality, and ♦ ‘student community’ means one with a vocational ground (para 03).

14 Structural problems Studentification comprises different sorts of problem. The principal, *structural problem* is demographic: studentification entails demographic imbalance. Until the last decade, high concentrations of students were unusual. But now, in the new millennium, it is common in university towns for a core of several (or many) streets to be dominated by a student population, with three particular characteristics – this population is transient (moving annually, leaving after three years), it is seasonal (resident for two-thirds of the year) and it is young (late teens, early twenties). The demographic pattern varies: Leeds, for instance, is a large city, with a large student population concentrated in a very compact area (though proportionately small in the city as a whole) [the redbrick model]; Loughborough by contrast is a small town with a proportionately very high student population [the smalltown model].

15 Functional problems The secondary, *functional problems* (effects) arise directly and indirectly from the primary problem, the cause. At least fifteen ‘symptoms of studentification’ may be identified (para 20). On the one hand, these include a *rise* in a range of problems, social, environmental, economic (especially crime, squalor and a resort economy). On the other hand, secondary problems consist of *decline* of local social capital (or community spirit).

16 Experiential problems Studentification is also an *experience*, which produces a sense of alienation among residents. This feeling arises from a number of factors. The structural problems (the demographic imbalance) lead to a sense of oppression in public places (the crowding), and by contrast a sense of isolation at home (the loss of networks). The functional problems lead to fear of crime, to a revulsion from the squalor of the environment, and a sense of rejection by the resort economy. Underlying these, residents feel anger at the self-interest of universities & landlords, and despair at their neglect by government.

17 Cause Many parties bear responsibility for the development of studentification.

- *National government* has expanded HE, but has failed to provide the resources and powers necessary to manage the accommodation implications.
- *Universities* have left the accommodation of their students to an unregulated market.
- *Students* have usually congregated in what are perceived to be ‘student areas’.
- *Landlords* and their agents have exploited the demand for student housing.
- *Local government* has neglected the management of local housing developments.
- *Communities* have sometimes panicked and fled areas perceived as being invaded.

18 Course Typical stages may be identified in the process of studentification.

(1) The *Ivory Tower* stage: the university establishes a campus to accommodate its core business (classrooms, libs, labs, offices, etc)

(2) The *Cloister* stage: the university provides purpose-built accommodation for non-local students, usually close to the Ivory Tower, and cloistered from the host community.

(3) The *Settlement* stage: student overspill from the Cloister settles in private accommodation in the neighbouring host community.

(4) The *Studentification* stage: expansion of student numbers leads to further pressure from, and domination by, students of the areas already settled around the Cloisters: this is the moment of *studentification*. If the proportion remains at (or below) one in five, it is readily accommodated (and indeed has been for many years in many university towns). But one-in-five is the ‘tipping-point’ (para 12). When it exceeds this proportion, stresses appear. When students number *one in four*, this impacts on the character of the area, and challenges social cohesion. If students number *one in three*, the disproportion is marked, the student community achieves autonomy and becomes the dominant social group (being larger than any other segment), and cohesion is lost. In some cases, imbalance may increase, and students equal (or even outnumber) the rest of the population combined.

(5) The *Destudentification* stage: in the aftermath of *studentification* (already experienced by some communities), evacuation of the neighbourhood (to new ‘Cloisters’ or purpose-built housing) leads to loss of demand, and collapse of the local housing market.

19 Consequence Studentification includes a number of *effects* of demographic imbalance (para 20). In particular, it also generates difficult relationships between the two communities at the sharp end – local residents and students themselves. And different perspectives on those relationships have developed.

Residents adopt a range of stances.

- *Militants*: some residents (especially local youth) develop strong antipathy to students.
- *Passivists*: the majority of residents maintain a low profile, and respond to circumstances; eventually, pushed by declining amenity, and pulled by rising property prices, many emigrate.
- *Idealists*: some residents empathise with, support and defend students.
- *Realists*: some resident activists attempt to analyse *studentification* as a problem, and to address its causes.

Students also manifest a range of stances (in parallel with residents).

- *Colonists*: some students assert territorial claims to ‘student areas’.
- *Camp-followers*: the majority of students follow their predecessors into ‘student areas’, and pursue their own interests, oblivious of their circumstances.
- *Idealists*: some students identify with the local community, and try ‘to put something back’.
- *Realists*: some students recognise *studentification* as a problem.

The Groundhog Effect: relations between residents and students are complicated by the range of different reactions (and their inter-relations). But on-going dialogue is made almost impossible by the ‘groundhog effect’ of *studentification*. ● As temporary residents, students are unaware of the *past* of an area, and have no knowledge that it was ever otherwise. ● Similarly, as temporary residents without a *future* in the area, many students are unable to engage in long-term strategies. ● Relations between residents and students therefore remain in an eternal *present*, and have to be renewed every year, with each new cohort of students.

Despite the aspirations of the Idealists on both sides, residents and students remain distinct communities. The only possible relation between Colonists and Militants is confrontation (like the Belfast Incident of 23 Nov 2004). Camp-followers and Passivists remain largely oblivious of each other. But even Idealists follow parallel paths: in Leeds 6, for instance, there are many local community associations addressing neighbourhood issues (Headingley Network, Far Headingley Village Society, South Headingley Community Association, etc, etc); but nevertheless, students (in good faith) have independently established the ‘LS6 Project’ to do exactly the same. A Realist approach is the only viable option.

4 Problems

20 Symptoms of Studentification FIFTEEN SYMPTOMS may be identified. They arise directly and indirectly from the primary problem of demographic imbalance. On the one hand, they include a *rise* in a range of problems (especially crime, squalor and a resort economy): some problems are social, some problems are environmental, and some are economic; affecting all these are traffic problems, and overwhelming pressure on public services. On the other hand, secondary problems include *decline* of local social capital (or community spirit), and loss of services.

INCREASE OF PROBLEMS

Social Problems

(1) Anti-Social Behaviour: endemic low-level ASB, including noise nuisance, minor vandalism, public drunkenness, evacuation.

(2) Crime: high rates, especially burglary.

(3) Insurance: owners pay top premiums for house, contents, vehicle insurance.

Environmental Problems

(4) Squalor: surrounded by litter, rubbish, flytipping.

(5) Dereliction: neglect of houses and gardens, over-development of houses and gardens.

(6) Street Blight: letting boards, flyposting, security grilles.

Economic Problems

(7) Distorted Retail: orientation towards a very specific market, manifest in the particular range of lines in shops, and the range of retail outlets (especially increased numbers of pubs, take-aways and letting agencies).

(8) Fluctuating Market: from high demand (term-time) to low demand (in vacations).

(9) Casualised Employment: local employment becomes increasingly seasonal (term) and part-time (evening).

Generic Problems

(10) Carparking: obstructs pavements for pedestrians, and access by emergency vehicles, cleansing, buses, and residents.

(11) Services Overwhelmed: not only disproportionate demands on public services like cleansing and policing, housing and planning, but also indirectly the drain of resources away from provision in other areas [and neither students nor landlords pay Council Tax or Business Tax].

DECLINE OF COMMUNITY

(12) Decimation: student demand gives rise to high property prices and low amenity, encouraging emigration and making immigration almost impossible, with the result that there are fewer elders (retaining past memories), fewer adults (present activists) and fewer children (the community's future).

(13) Disruption: most owners and occupiers are absentees (hence disengaged), the young and the old especially are isolated (losing their peers), and the neighbourhood loses its social capital or 'community spirit' (its social networks, social norms and social sanctions).

(14) Distress: deep and rapid changes are felt acutely: the population imbalance itself is stressful (public oppression, private isolation), the declining amenity is alienating (fear of crime, revulsion from squalor, exclusion from the economy), and residents feel anger and despair at their disempowerment.

(15) Services Underwhelmed: school closures as families depart (ironically, reducing education).

5 Solution

21 Ten Point Plan IS THERE A SOLUTION? In many communities, the damage has been done, and there will be no return to the previous balance. Also, there is no single solution - numerous measures are necessary. Dealing with the problems of polarisation, and restoring sustainability, requires concerted action. No one policy will resolve polarisation, nor will one party. All concerned must act together, council and community, universities and students, and landlords. Since polarisation in general, and **studentification** especially, involve a particular pattern of land-use, *planning* measures are crucial. At the same time, the actual land use is residential, so *housing* measures have a vital bearing. Finally, if cumulative action is necessary, it needs to be co-ordinated – so *management* measures are needed. In all, ten key actions need to be taken. (NB the measures considered here could be applied to any form of polarisation caused by high turnover.)

22 First, Accommodation Audit The first requirement is to establish the breadth and depth of the problem – where is the transient population located, and to what degree of penetration? How does it change, year by year? The local university is the key actor here, as it knows where its students live (of course, collective not individual data on distribution is what is needed). Students of course provide their university with this information. If necessary, the council and the community may need to lobby the university to provide it.

The University of Leeds provides annual data on the distribution throughout the city of its students.

Leeds and Nottingham have established a Shared Housing Group and a Student Strategy Leadership Group respectively, comprising representatives of all local stakeholders.

23 Second, Co-ordination In order to work together, stakeholders need some form of forum. All are responsible for actively engaging, but it is up to the local authority to set up such a forum.

24 Third, Action Plan Each stakeholder will need its own strategy (see Section 6). But these will be ineffective without coordination. Again, the local authority needs to take the initiative, but other stakeholders must support the council.

Leeds and Nottingham have both adopted Student Housing Action Plans.

The National HMO Lobby has produced a *Notification Form* for licensable HMOs. See also [‘What is a HMO?’](#)

25 Fourth, Mandatory HMO Licensing Through the Housing Act 2004, the government has introduced licensing of HMOs in England & Wales. With regard to polarisation, licensing’s most useful role is in identifying the location of HMOs, hence where the transient population is located. By law, local authorities now have to issue licences, and the landlords have to apply for them. (HEIs are also required to adopt codes of practice for their properties.) Communities and students have a shared interest in supporting licensing – for instance, by reporting licensable HMOs to the council. (In Scotland, all HMOs are already subject to licensing. In Northern Ireland, all are in selected areas, and very large HMOs elsewhere.)

26 Fifth, Additional HMO Licensing Mandatory licensing applies only to larger HMOs. But the Housing Act provides also for the licensing of all additional HMOs in designated areas, in England & Wales. Additional HMO licensing is essential, to take full advantage of licensing (and to remove an escape route for any landlords trying to avoid mandatory licensing). The local authority has to apply to government to introduce additional licensing. Responsible members of the private rented sector (PRS) can support the council. The community, students and universities have a shared interest in lobbying the authority to take action. And the government should support the authority’s application.

Southampton is committed to applying for additional HMO licensing throughout the city.

[Headingley Development Trust](#) in Leeds is reviving local amenity, and planning a Community Land Trust to intervene in the local housing market.

27 Sixth, Restoration of Balance A destabilised neighbourhood will not easily re-balance itself. Studentification makes this very difficult. In due course, 'de-studentification' may provide opportunities. Only the resident population itself can restore sustainability to a community. Above all, it needs commitment, in order to do so. But all stakeholders can lobby for, and provide support to, the re-introduction of long-term residents, especially families (whether partners only, or partners with dependants, or single people with dependants), especially within policy frameworks set by local and national government.

28 Seventh, Areas of Restraint Local planning authorities around the country are adopting a range of [local HMO plans](#) to deal with the problems of concentrations of HMOs or student accommodation (the new planning regime of [Local Development Frameworks](#) gives opportunities to do this). One of these plans is the idea of an 'Area of Restraint', in order to resist further development where there are already high concentrations. The council is of course the lead actor here. Community associations can lobby for some form of restraint, while universities, students and the PRS can offer their support. National government too, through the Planning Inspectorate, can support such policy initiatives.

The best-known such policy is Leeds [ASHORE](#) (Area of Student Housing Restraint), which has been supported by Planning Inspectors, though redesignated an 'Area of Housing Mix'.

[Glasgow](#) has set ceilings for the proportion of HMOs in a neighbourhood. [Loughborough](#) is adopting a series of thresholds which will govern planning permission.

29 Eighth, Threshold Policy Another measure that has been proposed by local councils is the idea of some sort of threshold, beyond which further development of HMOs or student accommodation will be resisted. This is meant to prevent concentrations developing in the first place. Again, the council takes the lead. Universities, students and the PRS can support the council by encouraging the dispersal of student accommodation. The community can lobby for both. And the Planning Inspectorate can support such a policy initiative.

30 Ninth, Purpose Built Development Some councils also support the development of purpose-built housing for students. Such housing takes the pressure off conversion of family homes into HMOs (and in a time of housing shortage, this is far better than the conversion of family homes into seasonally-occupied second homes). At the same time, the siting of purpose-built development has to be carefully handled, so that it does not in fact increase polarisation. Universities, student unions and developers can take initiatives, independently or together. The council can suggest locations, and communities can lobby for this sort of development. The Planning Inspectorate can be supportive of developments endorsed locally.

There are many joint HEI/PRS ventures of this sort. Of particular interest was NUS's plan for purpose-built co-operative student housing. [Newcastle](#) has published guidance on purpose-built sites.

The National HMO Lobby has been [lobbying](#) for years. In Northern Ireland, the Dept of the Environment has in fact changed its own Use Classes Order. On 15 January, Planning Minister Iain Wright reported to Parliament that the Use Classes Order in England & Wales in relation to HMOs was to be subject to consultation.

31 Tenth, Use Classes Order Many council ideas are hamstrung by national planning legislation. They can control only developments which need planning permission. Restraint and threshold policies in particular are undermined by the limitations of the current Use Classes Order – which allows family homes to be converted to HMOs without planning permission. A change of the Use Classes Order (redefining HMOs, and subjecting them to planning permission) would make an enormous difference to the power of local councils. Here, it is up to government to take action – and all local stakeholders should lobby the government on this issue.

6 Conclusion

32 Stakeholders WHAT THEN CAN WE DO? Five local stakeholders are involved in studentification, and one national. The local stakeholders include both sides of Higher Education, the universities and their students, they include both local councils and the communities they represent, and they include the private rented sector (PRS), which dominates studentified housing. The national stakeholder is of course the government. All stakeholders supporting the Ten Point Plan need to adopt a strategy towards the polarisation which arises from concentrations of student housing.

33 Community Associations (CAs) The local community has the strongest motive to adopt a strategy, as its very survival depends on resisting polarisation – yet at the same time, it is the weakest of the stakeholders. The community’s first job therefore is to build its capacity – organisation is essential (and in a large town, where more than one community association may be involved, co-ordinated action is invaluable - Leeds HMO Lobby and the Nottingham Action Group are examples of umbrella community organisations.). The community may look for outside help – it may even consider setting up a local Development Trust. Otherwise, the local community depends on lobbying – for local housing and planning policies especially – and community associations can support their council’s initiatives (especially the introduction of a local Student Housing Strategy). It is important therefore to adopt a clear guiding strategy.

35 Student Unions (SUs) Regrettably, NUS remains in denial over the issue of studentification, though it is students who are at its sharp end (see NUS, *Students in the Community: Working together to achieve harmony*; unfortunately, despite its subtitle, this libels the Lobby). This is not always the case however with local student unions (and not at all with many individual students). Student unions can support housing and planning initiatives by their local councils, and there are some issues where they share an interest with the local community (like additional HMO licensing). Certainly, they too have an interest and an obligation in preparing a strategy for the accommodation of their members.

34 Local Authorities (LAs) The council is the local ringmaster. It has a responsibility to its communities (not to mention a self-interest) to maintain their sustainability. It also has many powers and resources (though not as many as it needs). So, the local council has to take the initiative – in setting up a management structure, in licensing HMOs, and in introducing planning policies. It can support initiatives by other local stakeholders, and it can lobby local universities and national government for supportive action. All councils have a housing strategy – this should include a specific *Student Housing Strategy*, so that developments take place to benefit both students and communities.

36 Higher Education Institutions (HEIs) For too long, universities kept aloof from their effect on their host communities (and their government department, the DIUS, still does). But their organisation, Universities UK, has now acknowledged the problems, in their report *Studentification: a guide to opportunities, challenges and practices* (2006): “it is incontrovertible that the negative effects of studentification are evident in several towns and cities across the UK” (para 3.12). Universities can of course provide accommodation for their students, and indeed most do – though rarely for more than a minority. So universities should also support initiatives taken by their local councils to deal with the problems raised by their students living in the private rented sector – ‘in the community’. Indeed, since it is universities which recruit students, they have an obligation to develop a strategy for housing them (see for instance, Leeds University’s [Housing Strategy](#)).

37 Private Rented Sector (PRS) It is both practically and logically difficult for the PRS to develop a strategy. Logically, the PRS is the main agent in developing **studentification**, and it has the least interest in doing anything about it (in fact, many landlords vigorously oppose local housing and planning strategies). At the same time, practically, the PRS is the least co-ordinated stakeholder – it is made up not only of landlords in competition with each other, but also increasingly with the developers of large-scale purpose-built housing (it also includes letting and managing agents). Nevertheless, responsible landlords and developers can act on and support local council strategies, such as local accreditation and licensing schemes. (A unique organisation grounded in the PRS is [Unipol](#), the student housing charity based in Leeds, which has now organised several national conferences on the issue of studentification.)

38 Her Majesty's Government (HMG) The ultimate responsibility for the mess of **studentification** however lies with the government, and its incoherent policy development. On the one hand, the government has (laudably) promoted access to higher education – but without a moment's thought to its housing implications, still less to the local effects these will have. On the other hand, national government has steadfastly resisted giving local government the powers it needs to pick up the pieces. Government has turned a deaf ear to lobbying over **studentification**, and a blind eye to its consequences. (Indeed, ODPM commissioned Universities UK's *Studentification* Guide – but specifically excluded any attention to changes in legislation from its terms of reference.) Stakeholders around the country badly need a coherent strategy for student accommodation from the government.

39 Restoration Since its inception, the National HMO Lobby has lobbied for legislation, both housing and planning, to enable regulation of HMOs. All parts of the UK now have some form of licensing. Northern Ireland has shown the way with planning legislation. The Lobby trusts that the other national authorities will follow suit. With adequate powers, local authorities throughout the UK will be able to address the problem of concentrations of HMOs - whether student HMOs in university towns, or claimant HMOs in seaside towns, or migrant worker HMOs in market towns. Not only may local communities be saved from further erosion - but maybe also, they can begin to see a restoration of their balance and cohesion, and hence their sustainability.

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Universities UK, [Studentification: a guide to opportunities, challenges and practice](#) UUK, London, January 2006
National Union of Students, [Students in the Community: Working together to achieve harmony](#), NUS, London, 11 June 2007

National HMO Lobby, [What is a HMO?](#)

National HMO Lobby, [Local HMO Plans](#)

WEBSITES

Local Some members of the National HMO Lobby:

[Broomhill Action & Neighbourhood Group](#) Sheffield

[De Havilland Resident's Association](#) Hatfield

[Egham Residents Association](#) Surrey

[Highfield Residents Association](#) Southampton

[Hillhead Community Council](#) Glasgow

[Jesmond Residents Association](#) Newcastle-upon-Tyne

[Leeds HMO Lobby](#) Leeds

[Nottingham Action Group](#) Nottingham

[Redland & Cotham Amenities Society](#) Bristol

[Spon End & Chapelfields Community Forum](#) Coventry

[Talbot Village Residents Association](#) Poole

[Winton Community Forum](#) Bournemouth

National

[National HMO Lobby](#) an association of community groups concerned to ameliorate the impact of concentrations of HMOs on their communities

[National HMO Network](#) aims to promote a wider understanding of all aspects of HMOs

International

[Town Gown World](#) on town and gown planning from around the world

Other Organisations

[Department for Communities & Local Government](#) responsible for housing and planning in England & Wales

[The Scottish Government](#) responsible for housing & planning in Scotland

[Northern Ireland Executive](#) responsible for housing & planning in Northern Ireland

[Local Government Association](#) representing local authorities

[Universities UK](#) representing Higher Education Institutions

[National Union of Students](#) representing students

[Landlords UK](#) providing links to landlord associations

Balanced Communities and Studentification



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