

# Houses in Multiple Occupation

## Supplementary Planning Document (SPD)



October 2014



## **Worcester City Council**

### **Adoption Statement for Houses in Multiple Occupation Supplementary Planning Document (SPD) (Regulation 11 (2) of The Town and Country Planning (Local Planning) (England) Regulations 2012.**

This adopted statement has been prepared in accordance with Regulation 11 of the Town and Country (Local Development) (England) Regulations 2012.

The Houses in Multiple Occupation Supplementary Planning Document forms part of Worcester City's Local Development Framework (LDF). The document sets out guidance to be used when deciding planning applications for a change of use to C4 or Sui Generis Houses in Multiple Occupation (HMO).

Notice is hereby given that:

- a) On 16<sup>th</sup> September 2014 the Council adopted the Houses in Multiple Occupation Supplementary Planning Document (SPD).
- b) That any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for permission to apply for judicial review of that decision, and
- c) That any such application must be made promptly and in any event not later than 3 months after the 16<sup>th</sup> September 2014, which is when the SPD was adopted.

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## **1. Foreword**

- 1.1. Homes that provide purpose built shared accommodation or are properties that have been converted to provide accommodation for a group of unrelated adults are known as Houses in Multiple Occupation (HMOs). Section 3 of this document provides a definition of a HMO under planning, as well as housing, legislation. HMOs are an important part of Worcester City's housing stock, providing a much needed affordable form of accommodation for many people.
- 1.2. Whilst HMOs are an important type of housing, high concentrations can have a negative impact on the city's communities. These negative impacts can include increased noise nuisance, anti-social behaviour or unkempt gardens. Some parts of the city, especially those close to the University, are becoming home to a high number of HMOs which are causing problems for other residents.
- 1.3. This document sets out how the city council intends to control the number of HMOs in the future, to ensure that our residential areas are home to mixed and balanced communities. It will be used when deciding planning applications for new HMOs.

## 2. Purpose, scope and status

### Purpose

2.1. This *Houses in Multiple Occupation Supplementary Planning Document* (SPD) accompanies saved policy **H17: Sub-division or multi-occupancy of dwellings**, in the City of Worcester Local Plan 1996-2011. The relevant parts of this policy state that:

**Planning permission for the sub-division or multi-occupancy of dwellings, including changes of use to hostels and guest houses, will normally be granted provided:**

...

**b. The proposals do not have an adverse effect on the character of the locality and is not detrimental to the amenity of adjoining or nearby dwellings**

2.2. The SPD equally relates to policy **SWDP 14: Housing Mix** in the emerging South Worcestershire Development Plan<sup>1</sup>. The relevant part of this policy states:

***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 community. The use of Article 4 Directions to control changes of use will be considered.***

2.3. Objective B. Stronger Communities of the SWDP sets out that the sub-region should aim:

***To provide a balanced mix of house tenures and types, including extra care provision, to satisfy the full range of housing needs and help create active / inclusive / sustainable communities.***

2.4. The policy approach is needed as the City Council has introduced an Article 4 Direction<sup>2</sup> on 1<sup>st</sup> July 2014 in accordance with the decision made by Cabinet on 11 June 2013<sup>3</sup>. This removes previous permitted development rights which allowed changes of use from C3 (dwelling house) to C4 use (HMO) without the need for planning permission. From 1<sup>st</sup> July 2014, a planning application to the City Council must be made if a change of use to a C4 HMO is proposed.

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<sup>1</sup> [Track Changes Version of the Proposed Submission Document \(May 2013\)](#). The SWDP is currently at examination. As such policy SWDP 14 is subject to change.

<sup>2</sup> Article 4(1) of the [Town and Country Planning \(General Permitted Development\) Order 1995](#) (as amended)

<sup>3</sup> [Cabinet Report \(11<sup>th</sup> June 2013\) Article 4 Direction for conversion from residential dwellinghouses to houses in multiple occupation](#)

2.5. This SPD will help both potential applicants and Council officers to implement the above policies, by setting out how the Council will assess where there is an over-concentration of HMOs (as referred to in the SWDP policy) and by listing criteria which will be used when considering proposals for HMO uses.

### **Scope**

2.6. The SPD provides advice on proposals for change of use of existing properties or new build C4 HMO uses, and includes a percentage threshold guidance that will be used in determining planning applications. It also applies to proposals for large HMO uses (accommodating more than six persons) which are classed as sui generis use and are not affected by the removal of permitted development rights.

2.7. Whilst the planning system can influence the location of new HMOs and change of use of existing properties to HMOs, it cannot act to address existing areas with high concentrations of shared residential properties. Planning policies cannot be used to reduce the number of HMOs where they already exist. The Council's departments will therefore work collaboratively and, where necessary, will use other statutory powers to address any issues arising from existing HMO properties.

### **Status of the Supplementary Planning Document**

2.8. The HMO SPD is, in the first instance, linked to saved policy H17: Sub-division or Multi-occupancy of dwellings from the City of Worcester Local Plan 1996-2011, as this is the existing Local Plan policy for HMOs<sup>4</sup>. Emerging policy SWDP14, will provide the future 'parent' policy for this SPD. This policy is part of the South Worcestershire Development Plan (SWDP), which is currently being examined and thus has not yet been finalised. Linking the SPD to both a current and emerging policy will allow it to be adopted in time for July 2014 to assist the implementation of the Article 4 Direction, whilst also having an up-to-date policy basis once the SWDP is finalised. Dependent on the outcome of the SWDP examination and any changes made to policy SWDP 14, it may be necessary to revise and readopt this SPD.

2.9. The adopted HMO SPD is part of the planning policy framework for Worcester and is to be used in the determination of planning applications for development of C4 and sui generis HMO accommodation.

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<sup>4</sup> Policy H17 has been tested for conformity with the National Planning Policy Framework in a report presented to [Planning Committee on 23<sup>rd</sup> May 2013](#).

### 3. Policy background and context

#### Background

What is a house in multiple occupation (HMO)?

3.1. A house in multiple occupation (HMO) can be defined in simple terms as a shared residential property where a certain number of occupants are not related to each other and they share basic amenities such as kitchen areas and bathroom facilities.

3.2. For planning purposes, small HMOs fall within use class C4, which are defined as:

*"small shared houses or flats occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom."*<sup>5</sup>

3.3. Larger HMOs, occupied by more than six unrelated individuals, fall within the sui generis use class (meaning *of their own kind*). Planning permission has always been required for proposals for large HMOs (sui generis use), whether this be purpose built accommodation or the change of use of an existing property.

3.4. The definition of a HMO under use class C4 is very similar to that under Housing Legislation as set out in Section 254 of Housing Act 2004<sup>6</sup>. This definition is more detailed (an extensive definition is provided under Section 254-260 and Schedules 4 and 14 of the Housing Act 2004), referring to matters outside of the control of the planning system, stipulating that a HMO is a building or part of a building (i.e. a flat) which:

- Is occupied by at least three persons who do not form a single household;
- Is occupied as their only or main residence;
- Rents are payable by at least one of those occupying the property; and
- Two or more households share one or more basic amenities (where basic amenities are defined as a toilet, personal washing facilities or cooking facilities).

3.5. The Section 254 Housing Act 2004 definition of HMOs has the same meaning as for the purposes of Class C4, with the exception of Section 257 which relates to converted blocks of flats and also

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<sup>5</sup> [Circular 08/2010](#) – Changes to planning regulations for dwellinghouses and houses in multiple occupation

<sup>6</sup> [Housing Act 2004](#): Meaning of "house in multiple occupation"

buildings listed in Schedule 14 of the Act. Schedule 14 states that buildings which are not HMOs are as follows:

- Registered Provider or Local Authority housing
- Care Homes
- Bail Hostels
- Children's Homes
- Student accommodation which is managed by an education establishment (e.g. University Halls of Residence)
- Managed by other Public Sector bodies such as the Fire and Rescue Authority or Health Service
- Occupied by religious communities, for the purposes of prayer, contemplation, education or the relief of suffering
- Occupied by one or more persons who are the owners or a member of the owner's household
- Occupied by only two persons who form separate households

Further detail on the Housing Act definition of a HMO is provided at Appendix 2.

#### Why do we need to control HMOs in Worcester?

- 3.6. In October 2010 the Government made changes to the Use Classes Order to remove the need to apply for planning permission to change from a dwellinghouse to a small HMO. This amendment was made to make it easier for people to let their properties out to tenants, without being required to apply to their local Council for permission or pay an application fee. However, in some towns and cities, high concentrations of shared properties let to tenants can cause problems, often because the occupiers are transient and do not become a proper part of the community. This frequently leads to a lack of maintenance of properties as the occupiers expect to move on and lack a sense of belonging to their temporary home. Councils have therefore been given powers to remove permitted development rights which will enable them to bring the change of use of residential properties back into their control.
- 3.7. HMOs provide an important source of affordable accommodation for a number of sections of society including students, temporary workers, those on low incomes and young professionals. They play a particularly key role in the context of housing affordability, where open market housing is often inaccessible for many people living in the city. In recent years, with the expansion of the University Of Worcester, including the creation of a city centre campus, there has been a rise in demand for privately rented student accommodation. Further information on the demand for HMOs in Worcester is set out in the evidence base in Section 4.



## Article 4 Direction

- 3.8. On 11<sup>th</sup> June 2013, Worcester City Council approved the making of an Article 4 Direction for the removal of permitted development rights in relation to changes of use from Use Class C3 to Use Class C4 (as defined in the Town and Country Planning (Use Classes) Order 1987, as amended). The Article 4 Direction will apply to all C3 properties within the city.
- 3.9. The decision to introduce the Article 4 Direction followed a period of public consultation carried out in Spring 2013 in accordance with the related regulations. Similarly, in accordance with the Regulations, 12 months notice of the introduction of the Article 4 Direction has been given, with the Direction coming into effect on the 1<sup>st</sup> July 2014.

## **Wider Policy Context**

### National Policy – Planning

- 3.10. Government planning policy is set out in the National Planning Policy Framework (NPPF). Of relevance to this document, paragraph 50 of the NPPF seeks to “deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities...”
- 3.11. The NPPF also states that local planning authorities should “*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)*”.
- 3.12. The NPPF constitutes guidance for local planning authorities and decision takers both in drawing up plans and as a material consideration in determining applications. Both the South Worcestershire Development Plan and this Supplementary Planning Document therefore need to conform with the policies in the NPPF.

### Use Classes

- 3.13. The Town and Country Planning (Use Classes) Order 1987 (as amended) categorises the different types of land and building uses, and these are known as ‘Use Classes’. These act as a general guide for Local Planning Authorities, by assisting them in determining which class a particular use falls into<sup>7</sup>. This is then used to determine

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<sup>7</sup> [House of Commons Library – Use Class Order](#) [Accessed January 2014]

whether a change from a certain use to another would require planning permission, as stipulated in the Use Classes Order.

### National Policy – Housing

3.14. As detailed above, HMOs are also guided by separate legislation under the Housing Act 2004. This sets out the definition of HMOs and controls the standard and safety of accommodation. Internal requirements for room sizes and cooking/washing facilities are outside of the control of the planning system, but these matters fall under Housing regulations.

3.15. The Housing Act also includes provisions for large HMOs to be licensed. This is often referred to as mandatory licensing. Licenses are required for HMOs which are:

- Three or more floors high
- Used to accommodate five or more tenants, belonging to two or more households

Both criteria must apply for the HMO to be licensable. A licence holder must ensure that the dwelling is compliant with national minimum standards relating to sanitary conveniences and personal washing facilities. These are prescriptive standards and in licensable HMOs the Council must consider and apply these when setting the number of occupants permitted in the property. These standards are set out in the Council's local requirements for HMOs as detailed further in para 3.18.

3.16. Owners/managers of all HMOs are required by The Management of Houses in Multiple Occupation (England) Regulations 2006<sup>8</sup> to ensure that the property is maintained in a safe condition, that gas and electricity supplies are maintained and that reasonable standards of management are applied.

### Local Policy – Planning

3.17. The local planning policy context in Worcester has already been set out in Section 2 of this SPD, specifically where the purpose of the document is defined at paras 2.1-2.4. The local planning policy framework is being supplemented by using statutory planning powers to introduce the Article 4 Direction as detailed at paras 3.8-3.9.

### Local Policy – Housing

3.18. The Council's Strategic Housing Service is responsible for issuing licenses for relevant HMO properties in the city in line with para 3.15. Supplementary information is required alongside any application for a

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<sup>8</sup> [The Management of Houses in Multiple Occupation \(England\) Regulations 2006](#)

HMO Licence to ensure that the property meets safety, facilities and condition standards. The Council sets local requirements for amenities, such as the number of bathrooms and kitchen facilities in each property. These requirements vary depending on the number of tenants at the HMO. See Appendix 3 for further details of accommodation standards.

- 3.19. The Council requests that landlords/owners of non-licensable HMOs (e.g. properties of two storeys or less, or those over 3 storeys but accommodating only 3-4 tenants) also identify their properties to the Private Sector Housing and Emergency Resilience Team. This will be particularly important in order to identify all existing HMOs in this city to aid the implementation of this SPD. Details of how to register a HMO property with the Council are set out in Section 7: Monitoring and Review.

## 4. Evidence Base for Worcester

### Purpose of section

- 4.1. The purpose of this section of the SPD is to review Worcester's current housing stock, including the demand for private sector rented accommodation and the role that Houses in Multiple Occupation play. It will also explain what is required to ensure the city maintains mixed and balanced communities.

### Worcester's housing stock

- 4.2. Worcester's House Condition Survey (HCS) was produced by consultants Professional Partnership Services PLC and dates from 2004. Of the estimated 40,500 dwellings<sup>9</sup> in Worcester in 2004, the survey took a sample of 1,020 private sector dwellings across the city and looked at their age, condition and the amenities available. It provides a useful snapshot of overall conditions in the city, including those dwellings in HMO use. Of the total dwelling stock, 4,500 properties were privately rented. The report recognises that even in 2004 there was a greater than average number of HMOs in Worcester with 3% of those surveyed being HMOs, compared to 0.4% in England as a whole. The report also notes that HMOs are commonly in worse conditions than other private sector stock.
- 4.3. In 2012, the City Council commissioned consultants Housing Training & Consultancy Ltd who produced a report titled the Strategic Housing Project. This report suggests that the information contained within the 2004 HCS provides a good indication of private sector housing issues facing the Council. Worcester City Council is currently in the process of commissioning an up to date Housing Stock Conditions Survey.
- 4.4. The Strategic Housing Project Final Report suggests that in 2012 the overall housing stock in Worcester had risen to 42,650, of which 35,860 were private sector dwellings. The report suggests that if Worcester has followed national trends in tenure split, the proportion of privately rented dwellings will have increased substantially since the 2004 House Condition Survey to a minimum of 5,900 dwellings.
- 4.5. Data from the 2011 Census indicates that in March 2011, the total number of dwellings<sup>10</sup> in Worcester City stood at 43,272 dwellings.

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<sup>9</sup> 40,500 excludes Council owned dwellings

<sup>10</sup> A *dwelling* is defined as 'a single self-contained household space (an unshared dwelling) or two or more household spaces at the same address that are not self-contained, but combine to form a shared dwelling that is self-contained. [DCLG\(2012\) The 2011 Dwelling Count](#) [Accessed January 2014]

The Census 2011 reported 42,042 households<sup>11</sup> in the city, of which 7,645 (18%) were privately rented. As the most up to date and verified figure, this has been used in calculating the percentage of HMOs in Worcester's wards in Table 1 below.

- 4.6. The Council's own HMO database, which is constantly being updated, shows that in 2013 there were 837 accredited or licensed HMOs currently in the city. This is an increase of 46% over the number known to the City Council in 2012, when 572 properties had formally been identified as being in HMO use. The large rise in the number of HMOs since 2012 is likely to be due to improvements in data capture including landlords making their properties known to the Council, rather than being totally ascribed to an upsurge in the number of properties being converted into shared accommodation in the last year.
- 4.7. The University of Worcester has expanded significantly over the last eight years. The University Strategic Plan 2013-2018 shows that the number of applications since 2005, when the institute gained full university status, rose significantly from 5,000 per annum to over 13,000 per annum. Since 2006, admissions to study at Worcester have grown faster than the national average. In 2011-12 the student population at the University of Worcester was 10,695<sup>12</sup>. The University currently offers over 1000 rooms in their purpose built halls of residence. These rooms are largely taken up by first year students, leaving the majority of other students (excluding those that live at home) to find private accommodation.
- 4.8. Properties occupied entirely by full-time students are exempt from paying Council Tax and hence this information forms another indicator of likely HMO properties. In 2012, Council Tax records indicated that 606 properties in the City were occupied solely by students. Data available at November 2013 showed that 634 properties were exempt from paying Council Tax as they were occupied by students<sup>13</sup>. This shows a steady rise in the number of properties occupied by students in the city.
- 4.9. The Council's records of licensed or accredited HMO properties have been combined with the Council Tax data and duplicate entries have been removed to avoid double counting. As at November 2013, 1070

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<sup>11</sup> A *household* is defined as 'one person living alone or a group of people (not necessarily related) living at the same address who share cooking facilities and share a living room or sitting room or dining area.' [DCLG\(2012\) The 2011 Dwelling Count](#) [Accessed January 2014]

<sup>12</sup> Higher Education Statistics Agency – All students by HE institution, level of study, mode of study and domicile 2011/12 - <http://www.hesa.ac.uk/content/view/1897/239/> [Accessed January 2014]

<sup>13</sup> Council Tax student exempt properties are used as a proxy for HMO dwellings. It should be noted that Council Tax exempt student properties may not all necessarily be HMOs as they may be solely occupied by only one or two students, and therefore not be a HMO.

properties were assumed to be in use as a HMO. This equates to 2.47% of the total housing stock. Whilst 2.47% amounts to less than the estimated 3% reported in the 2004 HCS report, it still amounts to more than the national average (0.4% in 2004). The 2012 Strategic Housing Project suggests that the 3% reported in the HCS in 2004 was likely to have been an overestimate as it was based on a very small sample size which was then used to predict the number in the whole city.

<b>Ward</b>	<b>Number of HMOs (Local data 2014)</b>	<b>No. of dwellings (2011 Census)</b>	<b>Percentage HMOs</b>
Arboretum	130	2951	4.41%
Batenhall	14	2329	0.60%
Bedwardine	51	3319	1.54%
Cathedral	174	5278	3.30%
Claines	18	3572	0.50%
Gorse Hill	19	2331	0.82%
Nunnery	20	3263	0.61%
Rainbow Hill	42	2468	1.70%
St. Clement	214	2168	9.87%
St. John	327	3630	9.01%
St. Peter's	6	2536	0.24%
St. Stephen	13	2317	0.56%
Warndon	5	2668	0.19%
Warndon Parish North	14	2258	0.62%
Warndon Parish South	11	2184	0.50%
<b>Worcester</b>	<b>1058</b>	<b>43272</b>	<b>2.44%</b>

*Table 1. HMOs by ward (February 2014)*

4.10. The above table illustrates the distribution of HMOs in Worcester, with some of the highest numbers evident in the west of the city (St John, St Clement and Bedwardine wards), correlating with the location of the Henwick University Campus on Henwick Road in St Clement ward. There are also notable levels of HMOs in the centre of the city in the wards of Cathedral and Arboretum, where there is a large number of migrant workers using shared accommodation.

## Demand for privately rented housing and HMOs

- 4.11. The Strategic Housing Project (2012) suggests there will be a continuing strong demand from buy to let investors for HMO accommodation into the future. The report also shows, through consultation with estate agents, that the number of HMOs is continuing to increase, with the expansion of the University of Worcester remaining a powerful factor in driving this demand.
- 4.12. In 2012, local estate agents reported that over 60% of house sales in the lower end of the housing market were those for buy to let properties. Investors were seeking properties suitable for use as shared houses for students in particular, but were avoiding three-storey or larger properties because of the need for mandatory licensing. Buy to Let investors were providing additional competition to first time buyers (see paragraph 4.26 of the 2012 Strategic Housing Project report).
- 4.13. Demand within the private rented sector is also growing, with the Worcestershire Housing Strategy 2011-2016 highlighting that this is both because of limitations in social housing supply, and because first time buyers cannot afford owner occupation until much later in life.

## Impact of high concentrations of HMOs

- 4.14. The Government report 'Evidence Gathering – Housing in Multiple Occupation and Possible Planning Responses' (CLG 2008) looks at the problems caused by high concentrations of houses in multiple occupation and considers the current and potential mechanisms to address these problems.<sup>14</sup> Within this report, the following issues are associated with high concentrations of HMOs:
- anti-social behaviour, noise and nuisance;
  - imbalanced and unsustainable communities;
  - negative impacts on the physical environment and streetscape;
  - pressures upon parking provision;
  - increased crime;
  - growth in private rented sector at the expenses of owner-occupation;
  - pressure upon local community facilities and;
  - restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population.
- 4.15. The Strategic Housing Project report (2012) also considers the impacts and effects of a high concentration of HMOs in Worcester specifically. It concludes that there are a range of possible impacts, including displacement of established residents with a younger,

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<sup>14</sup>[CLG \(2008\) Evidence Gathering – Housing in Multiple Occupation and possible planning responses](#)

transient population which can in turn lead to “*changes in the local infrastructure, for example with fewer children potentially threatening the viability of schools. Numbers of hot food takeaway shops, licensed premises, accommodation letting agencies and discount food retailers all tend to increase.*”

#### Maintaining a balance of HMOs

- 4.16. As shown in Table 1 and paragraph 4.10 there are certain wards within the city that currently have a higher than average proportion of HMOs, most notably the wards of St. Clement and St. John. As discussed in the paragraphs above, this can have a negative impact on the existing residents and on the range of uses and services available in those areas.
- 4.17. However it is important that a balance is struck between managing the concentration of HMOs in the city with the need to ensure that a mix of house tenures and types is available to satisfy the full range of housing needs in Worcester’s communities. Defining what constitutes a *balanced community* is not an exact science, and whilst the broad aim is set out in both national and local planning policy (see sections 2 and 3), there is little information which elaborates on these high level aims.
- 4.18. A number of other local planning authorities have introduced policy measures in order to control the proliferation of HMOs in their areas. Analysis of the thresholds and percentage limits that other authorities have used to limit further HMOs in their areas has been undertaken to inform the selection of a policy approach for Worcester. The National HMO Lobby, a voluntary association of local community action groups which are concerned with the impacts of HMOs on their communities, has attempted to define what they view as a high concentration of HMOs, and the level above which new HMOs should be limited. The National HMO Lobby suggests that 10% of properties or 20% of the population is the ‘*tipping-point*’ for HMO-dominance in a neighbourhood.<sup>15</sup> Whilst the HMO Lobby is an informal collection of community groups, it brings together evidence from over 50 locations around the country where there are perceived high concentrations of HMOs. Their research provides a good starting point to assess how to judge what constitutes a balanced community against Worcester’s own specific housing needs.

#### Worcester’s demographics

- 4.19. In order to assess the possible future impact of allowing further HMOs, it is therefore important to understand the current mix of

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<sup>15</sup> [National HMO Lobby – Local HMO Plans](#) [Accessed December 2013]



households in Worcester, and to assess how the existing HMO population has affected the city’s demographics.

4.20. Data from the 2011 Census can be used to illustrate the population mix in Worcester. The city has a young population when compared with the rest of the West Midlands region and England. Table 2 provides a snapshot of the age structure of the city, illustrating the number of persons in the age brackets who are most commonly HMO residents. The Government commissioned report into HMOs and possible solutions, defines the profile of HMO occupiers as “*young and single forming households and tend to be transient, only living in the premises for a short time. They tend to be low-income households, mainly because they are economically inactive, full-time students or working in low-paid jobs.*”<sup>16</sup> Evidence suggests that the majority of residents living in HMOs are below the age of 34. For ages over 18 (typical age that persons first attend University) to 44, Worcester has a higher percentage of residents in these ranges than the West Midlands and England.

	<b>Worcester</b>	<b>% Worcester</b>	<b>West Midlands</b>	<b>% West Mids</b>	<b>England</b>	<b>% England</b>
All residents	98768	-	5601847	-	53012456	-
Age 18 to 19	3142	3.2%	151468	2.7%	1375315	2.6%
Age 20 to 24	7417	7.5%	380909	6.8%	3595321	6.8%
Age 25 to 29	7080	7.2%	363286	6.5%	3650881	6.9%
Age 30 to 44	21430	21.7%	1109645	19.8%	10944271	20.6%

*Table 2: Snapshot of Age Profiles (Census 2011)*

4.21. Information from the 2011 Census also shows that the percentage of full-time students in Worcester is higher than the regional and national figures. Table 3 illustrates this point. The number of full-time students in Worcester in March 2011 gives a good indication of the total enrolment at the University of Worcester, indicating that there is a pool of potentially over 6000 students (not excluding those living at home) that are housed in private sector accommodation, when linked to the 1000 rooms available in university halls of residence (para 4.7).

	<b>Worcester</b>	<b>% Worcester</b>	<b>West Midlands</b>	<b>% West Mids</b>	<b>England</b>	<b>%Eng</b>
All residents	98768	-	5601847	-	53012456	-
All Full-Time Students	7246	7.34%	366074	6.53%	3504299	6.61%

<sup>16</sup>[CLG \(2008\) Evidence Gathering – Housing in Multiple Occupation and possible planning responses](#)

Aged 16 to 74						
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*Table 3: Full time students in Worcester (Census 2011)*

4.22. Moving to consider the household types in Worcester at the 2011 Census, the city again demonstrates an above average percentage of multi-person households, where all occupiers are full-time students, being almost twice the percentage in the wider West Midlands. Table 4 below details household type data for Worcester.

	<b>Worcester</b>	<b>% Worcester</b>	<b>West Midlands</b>	<b>% West Mids</b>	<b>England</b>	<b>% Eng</b>
All Households	42042	-	2294909	-	22063368	-
One Person Household	13135	31.24%	678248	29.55%	6666493	30.22%
Married Couple Household; With Dependent Children	6728	16.00%	380930	16.60%	3607557	16.35%
Married Couple Household; No Dependent Children	10563	25.12%	637428	27.78%	5919659	26.83%
Same-Sex Civil Partnership Couple Household; With Dependent Children	5	0.01%	222	0.01%	3122	0.01%
Same-Sex Civil Partnership Couple Household; No Dependent Children	35	0.08%	2118	0.09%	32175	0.15%
Cohabiting Couple Household; With Dependent Children	1924	4.58%	104037	4.53%	942613	4.27%
Cohabiting Couple Household; No	3477	8.27%	142964	6.23%	1509667	6.84%

	<b>Worcester</b>	<b>% Worcester</b>	<b>West Midlands</b>	<b>% West Mids</b>	<b>England</b>	<b>% Eng</b>
Dependent Children						
Lone Parent Household; With Dependent Children	3210	7.64%	192067	8.37%	1747646	7.92 %
Lone Parent Household; No Dependent Children	1450	3.45%	94124	4.10%	846752	3.84 %
Multi-Person Household; All Full-Time Students	343 <sup>17</sup>	0.82%	11084	0.48%	120874	0.55 %
Multi-Person Household; Other	1172	2.79%	51687	2.25%	666810	3.02 %

*Table 4: Household Type (Census 2011)*

4.23. Whilst one person households comprise the biggest single percentage of households in Worcester, married couples with and without children also make up a significant proportion of the household types. A supply of two and three-bedroomed properties is therefore essential to ensure there is adequate accommodation for Worcester's main communities.

4.24. The tenure mix of properties in Worcester also illustrates the strength of the private rented sector in the city. Whilst the proportions of other tenure types (owned outright, social rented etc) are similar or below national and regional averages, the percentage of properties owned by a landlord or letting agency is above average. Table 5 provides a snapshot of tenure types in Worcester.

	<b>Worcester</b>	<b>% Worcester</b>	<b>West Midlands</b>	<b>% West Mids</b>	<b>England</b>	<b>% Eng</b>
All Households	42042	-	2294909	-	22063368	-
Private Rented; Private Landlord or Letting Agency	7093	16.9	293988	12.8	3401675	15.4
Private Rented; Other	552	1.3	27682	1.2	314249	1.4
All Private Rented	7645	18.2	321670	14	3715924	16.8

*Table 5: Snapshot of Tenures (Census 2011)*

<sup>17</sup> Local data on Council Tax exemptions from November 2013 indicates there are 606 properties in the city occupied wholly by students.

## Conclusion

4.25. Analysis of Worcester's population and housing stock demonstrates that students are having a clear impact on the city's demographics and its tenure mix. Referring back to the local data at Table 1, it is clear that if allowed to continue at the current rate of growth, the level of HMOs in some of Worcester's wards could potentially threaten the supply of housing available to families, couples or first time buyers wishing to enter the housing market. The amenity of existing residents in certain parts of the city is already being affected, with issues of on-street parking and noise nuisance among others that have been reported to the Council in recent times. It is therefore felt that a policy response is required to halt the dilution of Worcester's housing offer, to deliver balanced communities for the city, helping to ensure sustainability of local services and facilities into the future. It is hoped that the implementation of such a policy will make all of Worcester's neighbourhoods equally attractive to permanent and temporary residents alike.

## 5. Policy and Threshold Assessment

### Defining 'over concentration'

- 5.1. The policy basis for this SPD in the South Worcestershire Development Plan (reproduced in full at Appendix 1) refers to permitting HMOs where they do not lead to or increase an existing over-concentration. Setting a percentage threshold in Worcester will implement this policy by limiting the number of HMOs in communities that already contain an above average concentration of HMOs, and will also control the growth of HMOs in other parts of the city to prevent the displacement of the problem to other neighbourhoods. Those neighbourhoods adjacent to the wards with the highest concentrations are particularly at risk of increased levels of HMO properties, should a limit only be introduced for certain wards in the city. For this reason, a percentage threshold will therefore be introduced on a city wide basis, reflecting the Article 4 Direction which will remove permitted development rights for residential dwellings in all wards. In the 2013 consultation exercise about the introduction of the Article 4 Direction, majority support was received for implementation across Worcester.
- 5.2. Whilst a percentage threshold will provide control, it must also allow for future capacity for further HMOs above that of the existing stock within Worcester. This is in recognition of the important role that HMOs play in providing accommodation to certain sectors of society in Worcester. The Council also recognises that certain parts of the city are more popular for transient residents and students, especially those close to the University or city centre with a good range of local services and public transport links.
- 5.3. Following a review of the current percentage of HMOs in Worcester's wards (Table 1), coupled with analysis of percentage thresholds used in other local authorities and best practice advice, a 10% threshold for HMOs will be introduced. The Council feels this represents the over-concentration referred to in the SWDP policy. This policy will lead to a more even spread of HMOs across the city, and therefore displacement to other wards, streets, areas where there are currently fewer HMOs. A 10% threshold is the equivalent of 1 in 10 households being an HMO.
- 5.4. Consideration of the existing levels of HMOs in the city shows that St Clement (9.87%) and St. John's (9.01%) wards lie just below the 10% threshold of HMOs of the total number of dwellings, whilst the Arboretum, Bedwardine and Cathedral ward also contain above average percentages of HMOs. This indicates that there would be capacity for a small amount of new HMOs in St. John ward, and

more modest growth in the Arboretum, Bedwardine and Cathedral wards, subject to other criteria also being taken into consideration. Existing levels of HMOs in the other areas of the city are well below the 10% threshold and the introduction of such a threshold is unlikely to restrict growth in the short-medium term. On the basis of ward level statistics, few HMOs would be permitted in St. Clement and St John's ward, however it is proposed that the existing number of HMOs in a defined area around the site of a proposal are taken into account, reflecting real local communities rather than administrative geographic boundaries. This approach is set out in paragraphs 5.7-5.9 below.

- 5.5. Several thresholds were considered for introduction in Worcester. Whilst both a 5% and 7.5% threshold were considered, they could not sensibly be applied to the most HMO concentrated wards, as this would effectively stop new HMO growth in many areas within the St. Clement, St. John and Arboretum wards. This would be counter to the continuing demand for HMOs in Worcester, and the need to ensure there is an on-going supply of this type of accommodation. A percentage threshold of 15% would allow for too much growth above the current level of HMOs in the already highly concentrated wards of St. Clement and St. John, of which the number of known HMOs currently sit at 9.87% and 9.01% respectively.
- 5.6. A two-tiered approach, that would set a different percentage threshold for the most affected wards compared to the rest of the city, was also considered. However, it is believed this would cause a greater degree of displacement of HMOs to areas just outside the affected wards. Setting a blanket threshold throughout the city, consistent with the application of the Article 4 Direction, would lower this risk as HMO demand would be met and distributed evenly throughout the city.

#### Defining the 'local community'

- 5.7. The Council will use a radius approach around the application site to calculate the number of residential properties surrounding a proposal to apply a threshold limit. Using a fixed radius will be a clear way, to both applicants and Planning Officers dealing with the applications, to assess the percentage of HMOs in an area. It is a consistent way to measure the impact of new HMOs in different areas of the city. Assessing the concentration of HMOs by street was considered as an alternative to using a fixed radius approach. However, as streets vary greatly in length and nature, with some only having residential properties on one side, and thus contain differing numbers of properties, it was considered that using the

fixed radius was a more suitable and consistent approach. Using the ward boundaries to assess against the percentage threshold would offer too large an area to judge if an over concentration of HMOs has occurred in a local community.

- 5.8. When determining the appropriate radius to use, the Council tested a number of different lengths. During testing, a 100m radius captured an average of 89 properties, which is thought to be a good sample size when assessing the mix of properties in the area to ensure the appropriate mix of dwelling houses and HMO properties. It also is a manageable number of properties to review when determining a planning application or responding to an enquiry. When a 50m radius was tested, this only captured an average of 23 address points, which is not considered to be representative of the 'local community' which would be affected by the creation of a new HMO.
- 5.9. The number of properties will be calculated using the Council's GIS (Geographic Information Systems) mapping software. Each property has a unique location 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 location points falling within that defined radius. For properties that fall partly within the 100 metre radius, they will only be included if the location point, as depicted on the LLPG, falls within this buffer.
- 5.10. For the purpose of this approach, dwellings that are either within purpose built blocks of flats or within houses that have been subdivided into separate flats are all counted as one single property, and only the first address point is counted. This will avoid counts becoming 'skewed' by a high proportion of flats in one small area, such as typically terraced streets, thus reducing the concentration of HMOs that are reported. When counting HMOs, properties that contain flats already in HMO use will only be counted as one HMO, irrespective of how many HMO flats are already in existence within the whole building. In instances where there are already several HMO flats within one dwelling, the effect of allowing further HMO uses will be assessed in relation to the impact it would have on the character of the area.

*Ensuring a minimum number of properties are assessed*

- 5.11. In circumstances where HMOs are proposed on the periphery of the city, or in low density areas, officers will ensure that an appropriate number of residential properties are included within the threshold assessment to determine the percentage of HMOs. This will ensure

that the impact of the proposed HMO is assessed proportionately, in light of its likely impact on nearby properties.

Applying the threshold policy

- 5.12. The Council will use the following guidance to determine planning applications for Houses in Multiple Occupation. Paragraph 6.7 of this document provides a definition of what constitutes a HMO and residential dwelling/property, in the context of the guidance below:

**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:**

- a. The proportion of HMO dwellings does not exceed 10% of all residential properties within a 100 metre radius of the application site; AND**
- b. The granting of planning permission will not result in the creation of more than two adjacent properties in HMO use; AND**
- c. The proposal does not have an adverse impact on the amenity of nearby properties by ensuring:**
  - 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**
- d. 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.**

Planning applications will be assessed against all parts of the policy and must satisfy each criteria to be granted planning permission.



## Clustering

5.13. It is also important when assessing planning applications for HMO uses to ensure that further smaller concentrations, or clustering, of HMOs do not occur within the 10% threshold.

5.14. To achieve this, HMOs will not be permitted if the application property falls:

- adjacent to two existing HMO uses, or
- between two existing HMO uses and would therefore result in more than two HMOs in a row within a street.

## Amenity

### *Parking standards*

5.15. Table 6 provides parking standards for consideration when determining planning applications for HMO uses, according to the number of bedrooms proposed in the application property.

<b>HMO MINIMUM OFF-STREET PARKING STANDARDS BASED ON UNALLOCATED GROUPED PROVISION (i.e. optimum usage).</b>			
<b>No. of Bedrooms</b>	<b>Parking Spaces</b>		
	<b>Zone 1</b>	<b>Zone 2</b>	<b>Zone 3</b>
<b>3</b>	2	2	2
<b>4</b>	2	2	3
<b>5</b>	2	2	3
<b>6</b>	2	2	3
<b>7</b>	2	3	3
<b>8</b>	3	3	4
<b>9</b>	3	3	4
<b>10</b>	3	4	5
<b>11</b>	4	4	5
<b>12</b>	4	5	6
Beyond 12 bedrooms - % provision (rounded downwards)	33%	40%	50%

*Table 6: Parking Standards for HMOs*

5.16. The parking standards provided in this Supplementary Planning Document apply to the three parking zones, as shown in the Plan 6 of the City of Worcester Local Plan, in relation to policies TR12: Parking Standards and TR13: Car Parking Restraint. The parking

standards in Table 6 are based on adopted standards for residential development in the City of Worcester Local Plan.

- 5.17. Notwithstanding the parking provisions in Table 6, it is important for each planning application to be assessed on an individual basis, especially in relation to on-street parking. For example, on-street parking may be permissible on a wide and quiet street, but this may not be the case on a narrow street that already incurs problems with on-street parking. Tandem parking will not be acceptable due to the potential of fellow occupants not being available for the removal of obstructing vehicles, giving rise to on-street parking for convenience.

*Cycle parking*

- 5.18. A minimum of one secure cycle parking space per bedroom should be made available irrespective of the parking zone that the application site is located in.

*Storage of waste and recycling*

- 5.19. Poor management of rubbish and recycling at HMOs can lead to unattractive frontages, problems with vermin and raise concerns over health and safety. Such issues can affect the amenity of nearby properties and may lead to complaints from neighbouring residents. These matters should therefore be appropriately addressed at the planning application stage. Applications will be expected to be accompanied with appropriate details of how household waste and recycling will be stored and presented for collection at the property. This should include layout drawings of the application site and its surroundings, clearly indicating the bin storage area.
- 5.20. This requirement is in accordance with policy BE1: Environmental Standards for Development of the City of Worcester Local Plan, and policy SWDP21: Design of the South Worcestershire Development Plan. The city council will assess applications against these standards.

Exceptional circumstances

*Existing high concentrations of HMOs*

- 5.21. As noted earlier in the SPD, the policy cannot be used to reduce the number of existing HMOs in Worcester. Where there is an existing over proliferation of HMO properties, it is recognised that remaining owner occupiers may wish to sell their property and leave the area, but that there may not be any demand for the property as a C3 dwelling house, thus preventing them from selling. In such circumstances where a HMO use is sought, applicants should submit

a supporting statement alongside their application demonstrating that there is no reasonable demand for the existing property as a C3 use. This would be demonstrated by a period of at least six months on the property market at a reasonable price or rental level. This is to be verified in writing by a qualified person in a relevant profession, such as an estate agent. It is not possible to define an upper limit to the percentage threshold of HMOs at which these exceptional circumstances would apply as each proposal will be assessed on its own merits.

#### *Intensification of existing HMOs*

- 5.22. A change of use from a small C4 HMO to a large sui-generis HMO, or to intensify or increase the size of an existing large HMO will both require planning permission, but will not be assessed against the threshold percentage. This is because the existing HMO will already be shown on the Council's GIS mapping and the proposal will not affect the overall proportion of HMOs. Such applications will be assessed on a case by case basis against criteria c and d of the guidance in this document, plus other relevant policies and guidance.

#### *Flexible planning conditions*

- 5.23. Where requested, planning conditions could be applied to permissions for new C4 uses that would allow for the flexible use of the dwelling to change between a C3 and C4 use as permitted development (without the need for planning permission). This will provide landlords the opportunity to be flexible to changing market trends, by allowing them to let their property either as a single dwellinghouse or HMO. This will also create an opportunity to re-provide family housing from the existing HMO stock in the city.
- 5.24. This flexible planning use will allow for the lawful use of the dwelling to continuously change between C4 and C3 occupation use for a maximum of 10 years from the date of planning approval, under the Town and Country Planning (General Permitted Development) Order 1995 Part 3 Class E<sup>18</sup>. Upon the end of the 10 year period, the occupied use will become the lawful use of the dwelling, unless the applicant reapplies for a new planning permission to continue the flexible use.
- 5.25. This condition will only be applied to new permissions for HMO dwellings, and can not apply to large HMOs which are a sui-generis use. In instances where the property is already occupied as a C4 HMO dwelling, it will be possible to obtain flexible planning

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<sup>18</sup> A provision under the Town and County Planning (General Permitted Development) Order 1995 Part 3 Class E - <http://www.legislation.gov.uk/ukxi/1995/418/made/data.pdf> (Accessed January 2014)

permission if the applicant can demonstrate that the property was established as a C4 HMO before 1<sup>st</sup> July 2014, when the Article 4 Direction comes into effect (see section 7 on lawful use). Properties granted a flexible C3/C4 use will be counted as HMOs for the purposes of the threshold calculation, regardless of the use in operation at the time of assessment.

*Character of an area*

- 5.26 The character of the area will be assessed as part of the planning application process to ensure development is appropriate. For example, an area might be characterised by terraced family houses, or larger detached properties and Development Management will need to consider if the proposed change would have an unacceptable impact on the character of the area.

*Secured by design*

- 5.27 Applications should give regard to Secured by Design guidance as published by ACPOS. In particular, applications should give regard to the Secured by Design document 'New Homes 2014'<sup>19</sup>

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<sup>19</sup> ACPO Secured by Design 'New Homes 2014'  
<http://www.securedbydesign.com/pdfs/SBDNewHomes2014.pdf> (Accessed July 2014)

## 6. Implementation

### Making a planning application

- 6.1. The Council will not currently charge a fee for the submission of a planning application for a change of use from a dwelling house (C3) to a small House in Multiple Occupation (C4). This is because by introducing the Article 4 Direction, the Council have removed an applicant's permitted development rights whereby they could normally change the use of their property without having to seek planning permission. Fees will continue to be applied for applications for sui-generis (large) HMOs, or to intensify the use of an existing HMO. Where a new build small or large HMO or external alterations to an existing property are proposed, a planning application and the associated fee will be required.

### Using this SPD

- 6.2. Planning Officers will use this Supplementary Planning Document to provide informal pre-application advice and determine applications for:
- Change of use or new development applications for C4 small HMOs
  - Change of use or new development applications for sui-generis large HMOs
  - Proposals for mixed C3/C4 uses, or "flexible permissions"
  - Proposals to intensify an existing HMO use (only criteria c and d of the policy guidance).
- 6.3. The guidance within the SPD will not be used to determine applications for purpose built student accommodation for educational institutions such as the University of Worcester, as this is not classed as a HMO.
- 6.4. The SPD cannot be used to reduce the number of HMOs in an area where they were existing at the time that the Article 4 Direction is introduced on 1<sup>st</sup> July 2014. Where the percentage of HMOs around an application site already exceeds the 10% threshold, further HMOs will not normally be permitted. However the Council does not have powers to bring the proportion of HMOs below the 10% threshold.
- 6.5. When identifying properties in HMO use, the Council will use:
- Properties on the Council's Strategic Housing Service HMO record (consisting of Licensed and/or Accredited HMOs)

- Council Tax data, namely exemptions due to occupation solely by full-time students
  - Planning application information on consented HMOs (C4 or sui-generis)
  - Applications for Lawful Development Certificates
  - Planning Officer knowledge, particularly from enforcement cases.
- 6.6. The above sources will provide the Council with the best insight available into the numbers and location of HMOs within the city. However, it is important to emphasise that despite best efforts it will not be possible to provide a 100% accurate count, as there may be existing properties in HMO use that are unknown to the Council. Prior to the introduction of the Article 4 Direction, it is hoped that further existing HMOs will be made known to the Council, thus improving the accuracy of the Council's data. It is also envisaged that in the early period of implementing the SPD, further HMOs may come to light through applications for Lawful Development Certificates.
- 6.7. The 10% percentage threshold will be applied by the Council's officers by following the three stages below:

**1. Identifying residential properties**

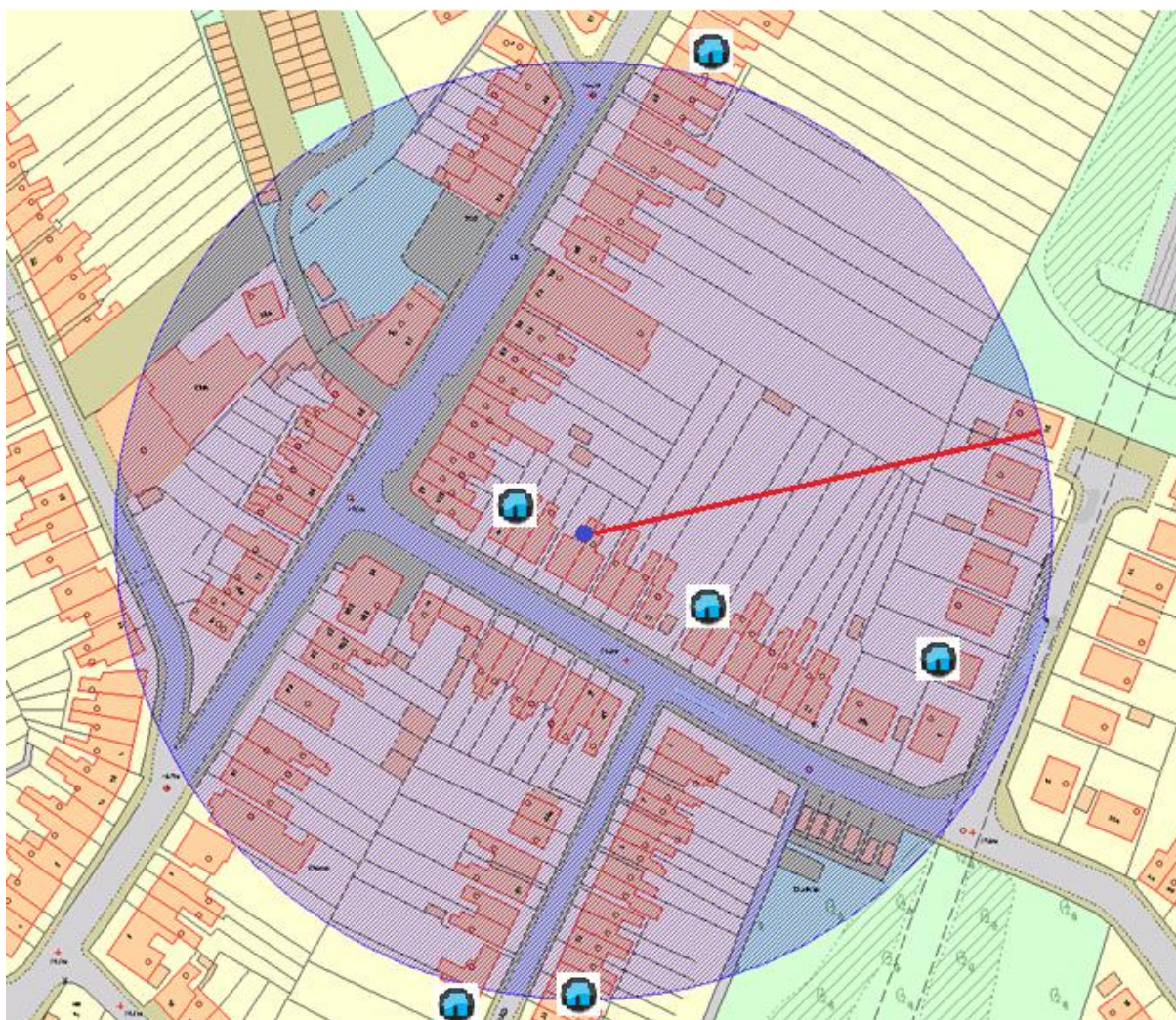
A 100 metre radius surrounding the application property will be measured from the location point, as identified from the Local Land and Property Gazetteer. The residential properties (excluding dwellings within blocks of flats) that fall within the 100 metre radius will be counted. Properties within purpose built blocks of flats or dwellings that have been sub-divided into separate flats are counted as one property.

**2. Counting the HMOs**

Using the Council's identified sources of HMOs, the residential properties within the 100m radius will be considered to determine whether or not they are already in HMO use. Where several flats are already in HMO use within a larger building they will only be counted as one HMO.






**3. Calculate the percentage**

The percentage of HMOs within the 100 metre radius will then be calculated against the total number of residential properties. An assessment will then be made as to whether permitting a HMO use at the application property will exceed the 10% threshold in the defined 100 metre radius.



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*Figure 1. Example of threshold assessment for planning applications*

-  = 100 Metre radius
-  = Area surrounding application property
-  = Application property
-  = Properties already in HMO use
-  = LLPG defined location point

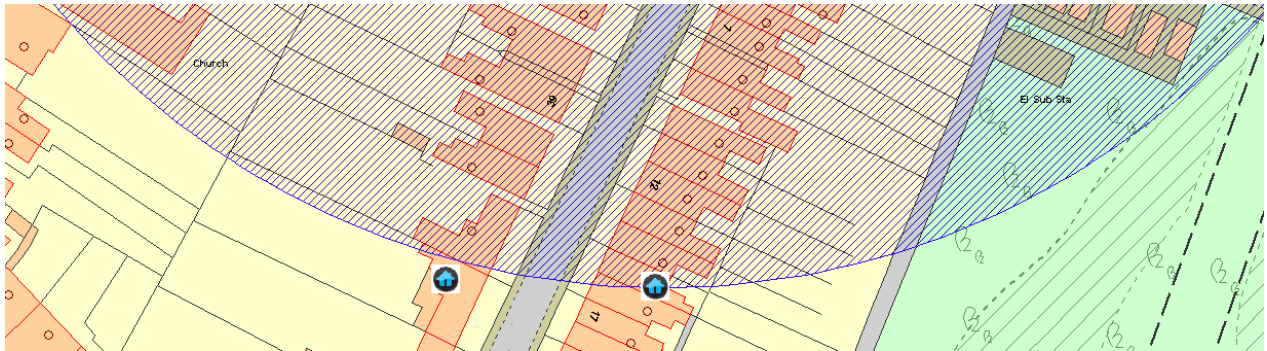


Figure 2. Illustration of a property which would not be counted using the radius approach

Worked examples

6.8. Figure 1 depicts how the Council’s GIS mapping software will be used to calculate the level of existing HMOs. It illustrates an example where a HMO is proposed (the application property). For the purpose of this example, the number of residential dwellings captured within the 100m radius is 105, and the number of HMOs is counted to be 5. Figure 2 illustrates that the LLPG point for the HMO property at no.35 on the western side of the street on the above example is outside of the radius circle, and is therefore not included in the count. However, the HMO property at no. 15 on the opposite side of the street would be counted, as the LLPG point is captured within the radius circle.

6.9. As such, the percentage of HMOs within the 100m radius as depicted can be calculated as:

$$\frac{5}{105} \times 100 = 4.76\%$$

6.10. Percentages will be rounded to one decimal place, therefore in this instance, 4.8% of the properties within 100m of the application site are already HMOs. Granting planning permission for an additional HMO would take the total to 6, or 5.7% of the properties.

**Therefore, in this example, a proposal for change of use to a HMO would not be refused for reason of an over concentration of existing HMOs.** The proposal would need to satisfy the other criteria in the policy for planning permission to be granted.



## **7. Monitoring and review**

### *Monitoring*

- 7.1 HMO numbers will be continually monitored and updated as necessary. Monitoring information on the number of HMOs in the city will be reported in the annual Authority Monitoring Report (AMR) or via reports to Planning Committee as requested.
- 7.2 Monitoring the numbers of HMOs will be important to assess whether or not there is any displacement effects between certain areas of the city, leading to higher concentrations elsewhere in the city.

### *Lawful Development Certificates*

- 7.3 Landlords and owners may be eligible to apply for a 'Certificate of Lawful Use'. This will ensure that landlords/owners can 'regularise' an existing HMO dwelling that is currently not listed the Council's current records as a lawful HMO use before the 1<sup>st</sup> July 2014 (when the Article 4 direction becomes effective). Satisfactory evidence will be required to demonstrate the lawful occupation of the HMO before the 1<sup>st</sup> July 2014. Appropriate evidence could include current or historic tenancy agreements, floor plans or internal photographs. In order for the use to be deemed lawful, it must be demonstrated that it has been in continuous use as a HMO in excess of 10 years.

### *Registration of properties as HMO*

- 7.4 There will be an opportunity for landlords and owners to register their properties as existing HMOs, using the Worcester City Council website prior to the Article 4 direction coming into effect on the 1<sup>st</sup> July 2014. This will make the Council aware that their property is currently in use as a HMO, and therefore potentially avoid unnecessary enforcement action. When registering, it will be very important that evidence of the property's use as a multiple occupancy home (such as current and historic tenancy agreements) can be provided.
- 7.5 A HMO registration form will be available on the Worcester City Council website during the consultation period for the draft HMO SPD.

### *Enforcement Action*

- 7.6 Enforcement action may be taken against owners' who cannot demonstrate, through providing sufficient documentation to the Council, that their property was in lawful use as an HMO prior to 1<sup>st</sup> July 2014. For the use to be lawful, the HMO use must have been implemented meaning that tenants have been living in the property as a HMO. If this is not the case prior to the July 2014 deadline, the lawful use in planning terms will remain as the last implemented

use. It is therefore important for owners and landlords of current HMOs to register their properties or retain sufficient documentation to demonstrate lawful use as a HMO property before 1<sup>st</sup> July 2014.

## **Appendix 1 - Relevant Local Policies**

### **South Worcestershire Development Plan (May 2013)**

#### **SWDP 14: Housing Mix (tracked changed version)**

A. All new residential developments of **5 five** or more units should contain a viable mix of sizes, housing types and tenures to help meet the identified range of locally **evidenced** housing needs. These developments should provide a choice of housing, including the provision of ~~more affordably less costly, smaller-sized homes and bungalows,~~ of different tenures and ~~including where appropriate bungalows and~~ custom-build homes ~~as appropriate,~~ to reflect ~~local need,~~ the suitability of the site and the viability of the development.

B. Worcester and the main / other towns will be the focus for housing to help meet **the needs of** residents with specific housing requirements, such as people with disabilities. Elsewhere, proposals to help meet these specific needs should demonstrate that the scheme is situated in a sustainable location – having good access to public transport, healthcare, shopping and other community facilities.

C. Permission for the sub-division or multiple occupancy of dwellings within the city boundary or development boundaries, including changes of use to hostels and guest houses, will be granted (subject to the other policy and sustainability requirements of the SWDP) provided that the property is larger than average (**4 four** or more bedrooms) and is no longer suitable for single family occupation. ~~i~~In the case of hostels, the property must be detached.

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 community. **The use of Article 4 Directions to control changes of use will be considered. This is intended to support the provision of mixed and balanced communities and to ensure that a range of household needs continue to be accommodated.**

### **Worcester City Local Plan 1996-2011 (adopted 2004)**

#### **POLICY H17 SUB-DIVISION OR MULTI-OCCUPANCY OF DWELLINGS**

Planning permission for the sub-division or multi-occupancy of dwellings, including changes of use to hostels and guest houses, will normally be granted provided:-

- a. the property is larger than average and no longer suitable for single family occupation and in the case of hostels the property must be detached;
- b. the proposal does not have an adverse effect on the character of the locality and is not detrimental to the amenity of adjoining or nearby dwellings; and
- c. adequate provision is made for:
- soundproofing between individual units of accommodation or lettable rooms which provides reasonable resistance to airborne sound and vibration;
  - on site parking to accord with the city council's recommended standards for car parking except in the city centre or in the case of accommodation for the homeless;
  - landscaping of not less than 100 square metres [1076 square feet] of communal amenity space; and
  - satisfactory means of escape from fire which respects the existing character of the building and amenity of adjacent occupiers.

## **Appendix 2 – Housing Act 2004 Definitions**

The Housing Act 2004 defines Houses in Multiple Occupation as the following<sup>20</sup>:

### Section 254: Meaning of “house in multiple occupation”

- (1) For the purposes of this Act a building or a part of a building is a “house in multiple occupation” if—
- (a) it meets the conditions in subsection (2) (“the standard test”);
  - (b) it meets the conditions in subsection (3) (“the self-contained flat test”);
  - (c) it meets the conditions in subsection (4) (“the converted building test”);
  - (d) an HMO declaration is in force in respect of it under section 255;
  - or
  - (e) it is a converted block of flats to which section 257 applies.
- (2) A building or a part of a building meets the standard test if—
- (a) it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;
  - (b) the living accommodation is occupied by persons who do not form a single household (see section 258);
  - (c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);
  - (d) their occupation of the living accommodation constitutes the only use of that accommodation;
  - (e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and
  - (f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.
- (3) A part of a building meets the self-contained flat test if—
- (a) it consists of a self-contained flat; and
  - (b) paragraphs (b) to (f) of subsection (2) apply (reading references to the living accommodation concerned as references to the flat).
- (4) A building or a part of a building meets the converted building test if—
- (a) it is a converted building;
  - (b) it contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats);

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<sup>20</sup> Housing Act 2004, c.34, Meaning of “Houses in multiple occupation, section 254  
<http://www.legislation.gov.uk/ukpga/2004/34/section/254>

- (c) the living accommodation is occupied by persons who do not form a single household (see section 258);
- (d) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);
- (e) their occupation of the living accommodation constitutes the only use of that accommodation; and
- (f) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation.

(5) But for any purposes of this Act (other than those of Part 1) a building or part of a building within subsection (1) is not a house in multiple occupation if it is listed in Schedule 14.

- (6) The appropriate national authority may by regulations—
- (a) make such amendments of this section and sections 255 to 259 as the authority considers appropriate with a view to securing that any building or part of a building of a description specified in the regulations is or is not to be a house in multiple occupation for any specified purposes of this Act;
  - (b) provide for such amendments to have effect also for the purposes of definitions in other enactments that operate by reference to this Act;
  - (c) make such consequential amendments of any provision of this Act, or any other enactment, as the authority considers appropriate.

(7) Regulations under subsection (6) may frame any description by reference to any matters or circumstances whatever.

- (8) In this section –
- “basic amenities” means—
- (a) a toilet,
  - (b) personal washing facilities, or
  - (c) cooking facilities;

“converted building” means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed;

“enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30));

“self-contained flat” means a separate set of premises (whether or not on the same floor)—

- (a) which forms part of a building;
- (b) either the whole or a material part of which lies above or below some other part of the building; and
- (c) in which all three basic amenities are available for the exclusive use of its occupants.

## **Appendix 3 - Housing Requirements for HMOs**

### **Introduction**

The Council's Strategic Housing Service has set local standards for HMO properties in Worcester. Landlords and agents of HMOs have a responsibility to meet certain requirements.

These housing requirements cover both licensed and non-licensable HMOs. These requirements may be revised from time to time and therefore to ensure that these requirements are current, please check the City Council's website on [www.worcester.gov.uk/housing](http://www.worcester.gov.uk/housing).

Due to the variation in the way that HMOs are occupied and in the health and safety risks that may exist, the requirements may be adapted to suit circumstances. However, the exception is in relation to licensable HMOs where national minimum HMO standards must be complied with.

More information about property standards for privately rented accommodation is available on the Council's website including mandatory licensing and the Housing Health and Safety Rating System (HHSRS).

### **What is a House in Multiple Occupation?**

The Housing Act 2004 provides an extensive definition of what a HMO is. Under housing legislation, a HMO is defined as:

- An entire house or flat which is let to 3 or more tenants who form 2 or more households and who share a kitchen, bathroom or toilet.
- A house which has been converted entirely into bedsits or other non-self-contained accommodation and which is let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.
- A converted house which contains one or more flats which are not wholly self contained (i.e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by 3 or more tenants who form two or more households.
- A building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies.

In order to be an HMO the property must be used as the tenants' only or main residence. Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges.



The following are exempt from the HMO definition:

- Buildings occupied by two people who do not form a single household
- Buildings managed by educational establishments, Local Housing Authorities, Registered Social Landlords, Police, Fire, Health Authority or regulated by other legislation such as residential care homes etc.
- Buildings occupied by religious communities
- Buildings predominately owner occupied, including residential landlords where the owner occupier (and family members) occupied the building (or flat) with no more than two other persons
- Buildings converted into self-contained flats, where the conversion meets 1991 Building Regulations.

If you require confirmation on whether your property is a HMO, please contact the Private Sector Housing and Emergency Resilience Team.

### **Responsibilities of Landlords/Agents**

- Providing information to occupiers.
- Taking safety measures, including fire safety measures.
- Maintaining the water supply and drainage.
- Supplying and maintaining gas and electricity, including having it regularly inspected.
- Maintaining common parts, fixtures, fittings and appliances.
- Maintaining living accommodation.
- Providing waste disposal facilities.

If a landlord fails to comply with the above responsibilities then they could be committing an offence under the Housing Act 2004, which could result in enforcement and/or prosecution.

### **Accommodation Requirements**

The information in the table below shows the requirements for washing facilities required in a HMO. Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household the following shall be provided (see over the page):

Schedule of Amenities in relation to number of persons sharing a property		
Number of Persons	Requirements	Notes
<b>1 – 4</b>	At least 1 bathroom, 1 Water Closet (WC) and 1 Wash Hand Basin(WHB)	The bathroom and WC may be combined
<b>5</b>	1 bathroom (Including WHB) <b>AND</b> 1 separate WC with WHB (but the WC can be contained within a second bathroom)	The WC and WHB must not be more than 1 floor away from any one sleeping room
<b>6 – 10</b>	2 bathrooms (including WHB) <b>AND</b> 2 separate WCs with WHBs (but one of the WCs can be contained within one of the bathrooms)	The WC and WHB must not be more than 1 floor away from any one sleeping room
<b>11 – 15</b>	3 bathrooms (including WHB) <b>AND</b> 3 separate WCs with WHBs (but the WHBs can be contained within 2 of the bathrooms)	The WC and WHB must not be more than 1 floor away from any one sleeping room

**NOTE:**

- Sleeping rooms that are more than one floor away from facilities MUST have a WHB in the room.
- Please note that the bathroom can contain either a bath or a shower.
- Other requirements are made concerning washing facilities and are laid out below.

There are standards that must be satisfied for heating, kitchens and fire precaution facilities in all HMO's. Prescribed standards for deciding the suitability for occupation of an HMO by a particular maximum number of households or persons.

**Heating**

Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.

## **Kitchens**

Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food they must be:

- Adequately sized and suitably located kitchen in relation to the living accommodation
- The kitchen must be equipped with the following equipment:
  - Sinks with draining boards and a supply of cold and constant hot water.
  - A cooking appliance.
  - Electrical sockets.
  - Worktops for the preparation of food.
  - Cupboards for storage.
  - Refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers).
  - Appropriate refuse disposal facilities.
  - Appropriate extractor fans, fire blankets and fire doors.

Where there is a HMO without shared basic kitchen amenities i.e. this could be where a kitchen facilities is available for the exclusive use of the individual household. It must provide:

- A cooking appliance
- A sink with a supply of cold and constant hot water.
- A work top for the preparation of food.
- Sufficient electrical sockets.
- A cupboard for storage.
- A refrigerator.

## **Fire Precaution and Emergency Services**

The HMO should have appropriate fire precaution facilities and equipment **must be provided of such type, number and location as is considered necessary.** For further information on fire precautions please see the Worcester City Council website.

Applicants should consult with the following relevant emergency services representatives:

Adrian Elliot, Group Commander, Technical Fire and Safety Department,  
Hereford & Worcester Fire and Rescue Service

Tel: 01905 368233

Email: [AElliot@hwfire.org.uk](mailto:AElliot@hwfire.org.uk)

Mike Stephenson, Crime Prevention Design Advisor, West Mercia Police

Tel: 01905 368233

Email: [Robert.stephenson@westmercia.pnn.police.uk](mailto:Robert.stephenson@westmercia.pnn.police.uk)

## **Appendix 4 – Glossary**

- Article 4 Direction** Worcester City Council will make an Article 4 Direction on 1<sup>st</sup> July 2014. This will remove permitted development rights which currently allow a use class C3 (dwellinghouse) to change to a use class C4 (small house in multiple occupation) without requiring planning permission. After this date, a planning application to the Council will be required.
- C3 use** A dwelling house which is occupied by a single person or people living together as a family. This is as defined in the Town and Country Planning Use Classes Order 2010.
- C4 use** A dwelling house used by not more than six residents as a house in multiple occupation. This is known as a small HMO. This is as defined in the Town and Country Planning Use Classes Order 2010.
- Clustering** Where two or more HMOs are located adjacent to each other.
- Exceptional circumstances** The conditions required to go against the policy.
- Flexible permission** A planning permission which allows the continuous change of use between separate use classes without requiring planning permission on each occasion.
- GIS** Geographical Information Systems – computer based mapping where the user has the ability to interact with the data.
- HMO** House in Multiple Occupation. In broad terms a house or flat occupied by a certain number of people who share basic amenities.
- A **small HMO** is defined as ‘small shared houses or flats occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom’.
- A **large HMO** is defined as a property ‘occupied by more than six unrelated individuals, fall within the sui generis use class (meaning of their own kind).

<b>LLPG</b>	Local Land and Property Gazetteer – a mapping layer in GIS containing location point and property information for all land in Worcester
<b>Parent Policy</b>	The higher order policy set out in a Development Plan on which a Supplementary Planning Document must be based.
<b>Permitted Development</b>	Development that can be carried out without needing planning permission.
<b>Sui generis</b>	This is latin meaning “of their own kind”. It means that there is not a specific type of use class for the use in question. With regard to houses in multiple occupation, large HMOs (those accommodating over six residents) are sui-generis HMOs.
<b>SPD</b>	Supplementary Planning Document
<b>SWDP</b>	The South Worcestershire Development Plan. This is the planning policy document currently being produced for the three south Worcestershire authorities of Worcester City, Wychavon District and Malvern Hills District Council. At December 2013, the plan is at examination and will be finalised for adoption after the examination ends.

## **Contacts and where to view documents**

**If you have any queries, please contact the Planning Policy team:**

**By telephone: 01905 721170**

**By email: [ldf@worcester.gov.uk](mailto:ldf@worcester.gov.uk)**

**You can view the SPD and supporting documents in person at:**

<p><b>St Johns Library</b> Glebe Close St. John's Worcester WR2 5AX</p>	<p><b>Warndon Library</b> The Fairfield Centre Carnforth Drive Worcester WR4 9HG</p>	<p><b>Worcester Library</b> The Hive Sawmill Walk The Butts Worcester WR1 3PB</p>
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**This information is available in large print, Braille, PC, CD-Rom and audio tape on request.**

Call 01905 722 230 or Tynetalk (text telephone for people who are hearing impaired): 1800 01905 722233, or Email: [worcestershirehub@worcester.gov.uk](mailto:worcestershirehub@worcester.gov.uk) for your copy.

If you need help communicating in English please contact the Customer Service Centre on 01905 722 233 or at [customerservicecentre@worcester.gov.uk](mailto:customerservicecentre@worcester.gov.uk)

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