



## **Public consultation on a Kegworth Article 4 Direction relating to Houses in Multiple Occupation (HMOs)**

### **Frequently Asked Questions**

**Consultation Period: 4 May – 15 June 2020**

#### **Introduction**

Shared accommodation or Houses in Multiple Occupation (HMOs), are recognised as meeting an important and specific housing need, for example, they provide a form of rented, affordable accommodation at a time when many people cannot afford to buy a property. They also provide a suitable form of accommodation for students and others who may only want to stay in the area on a temporary basis. However, high concentrations of HMOs can present challenges to the future sustainability of neighbourhoods and have a negative impact on their character, amenity and well-being.

Under current planning rules, the conversion of family homes to small HMOs does not require planning approval if the converted property will accommodate between 3 and 6 people. Properties larger than this always require planning approval.

To ensure that the distribution and concentrations of HMOs across Kegworth can be managed, North West Leicestershire District Council has decided to introduce an Article 4 Direction to the village of Kegworth.

This document provides background information and answers to frequently asked questions about the Kegworth Article 4 Direction.

#### **What is being proposed?**

From Friday 5 February 2021, the District Council will introduce an Article 4 Direction that will apply to the village of Kegworth for the conversion of family housing to small HMOs.

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

An Article 4 Direction removes 'permitted development rights' for certain types of development, so that planning permission must be obtained before development can take place.

#### **What is a HMO?**

HMOs are Houses in Multiple Occupation, or 'shared housing' where the occupants are unrelated to each other and share facilities such as bathrooms and kitchens. This includes properties occupied as

shared houses and student houses. Over recent years, occupants of this form of accommodation has expanded to now include young professionals and single workers.

The planning system defines two types of HMO; small HMOs that are shared by between 3 and 6 people (Class C4 Use), and large HMOs that are shared by more than 6 people (Sui Generis use).

### **What effect will the Article 4 Direction have?**

Once the Article 4 Direction comes into force planning permission will be required within Kegworth before a single family dwelling house can be converted into a small house in multiple occupation (Class C4 Use). As a result, the Council will be able to better manage the creation of HMOs and their impact on the well-being of the area.

Larger Sui Generis HMOs already require planning permission.

### **Does this mean that no more HMOs will be allowed?**

No, it simply means that planning permission is required to change from a family house to a small HMO. It allows the local planning authority to assess proposals for small HMOs in accordance with local planning policies.

The Local Plan Review will give consideration to the inclusion of a policy in respect of HMOs, which will set out how decisions will be made on new HMOs to manage their distribution. This Review is ongoing and full weight would only be achieved when the Local Plan has been adopted (more information about this is provided below).

### **What area is covered?**

It is proposed that the new Article 4 Direction will apply to the entire village of Kegworth, as shown on the map at the end of this leaflet.

### **What if a property is already a HMO?**

If a property is already a small HMO, planning permission is not required to continue this use. However, we do ask that such properties are declared to the District Council so that we can record it as a HMO. A declaration form is available to download or complete online at [www.nwleics.gov.uk/kegwortharticle4](http://www.nwleics.gov.uk/kegwortharticle4)

They can also be requested by email at [planning.policy@nwleicestershire.gov.uk](mailto:planning.policy@nwleicestershire.gov.uk)

If an HMO property is declared after the Article 4 Direction comes in to force, it is likely that an application for a Lawful Development Certificate for the existing use will be required. This will incur a fee and evidence will need to be provided to show that the property had already been established in a HMO use.

### **How does this relate to HMO licensing?**

Mandatory HMO licensing is separate to the Article 4 Direction and applies to buildings occupied by five or more tenants in two or more households. This will not change when the Article 4 Direction comes into effect. Further information about HMO licensing can be viewed at [www.nwleics.gov.uk/licence\\_homes\\_in\\_multiple\\_occupancy](http://www.nwleics.gov.uk/licence_homes_in_multiple_occupancy)

### **What planning policies are relevant to HMOs?**

The current [adopted Local Plan](#) includes a policy designed to protect the amenity of an area (Policy D2 - Amenity). Policy D2 could be used, in individual cases, where it can be demonstrated that a proposed HMO would represent an impact upon the amenity of the area.

There is evidence however that a concentration of HMOs is affecting the well-being of the area. Therefore, the ongoing [Local Plan Review](#) will provide an opportunity to prepare a new policy that seeks to manage the concentration of HMOs in Kegworth. It is anticipated that a draft plan will be published within the next 18 months.

### **Is the Article 4 Direction intended to concentrate on student properties?**

No. The Article 4 Direction does not relate to specific occupiers. It covers properties occupied by between 3-6 unrelated people irrespective of whether they are students or not.

### **What happens next?**

Any comments received to the consultation will be presented to a future District Council Cabinet meeting, as part of the decision making process on whether to confirm the Article 4 (1) Direction. If confirmed, the new direction will therefore come into force on Friday 5 February 2021. After that date, all new small HMOs in Kegworth will require an application for planning permission.

### **Where do I find out more details?**

Further information can be viewed on our website at [www.nwleics.gov.uk/kegwortharticle4](http://www.nwleics.gov.uk/kegwortharticle4)