

## **Dwellinghouses to Small HMOs Article 4 Direction: FAQs**

### **What is happening?**

*The Council is introducing a new mechanism called an 'Article 4 Direction' (A4D), which is coming into force in September, affecting small Homes in Multiple Occupation. Homes in Multiple Occupation (HMOs) are properties that are occupied by three or more unrelated people, who have shared amenities at the property. Small HMOs are properties which are occupied by between 3 and 6 people in separate households – if the property is occupied by more than 6 people in separate households, it is classed as a Large HMO.*

### **What does this mean?**

*Currently, family-sized houses can be converted into small Homes in Multiple Occupation (HMOs) without planning permission, if they are intended to be for between 3 and 6 people in separate households. This right was removed in Hanworth ward in 2018 through an Article 4 Direction (A4D). This latest A4D will remove the right all across the borough. It will therefore require planning permission for all of these conversions.*

### **What about conversions for more than six separate households?**

*Conversions for more than six people in separate households already require planning permission, and this situation is not changing.*

### **When is this happening?**

*The A4D was adopted by the Council last summer, and we are required to provide a one-year notice period. It will come into force on **Monday 4<sup>th</sup> September 2023**.*

### **Where will this apply?**

*It will apply borough-wide.*

### **Why have the Council decided to do this? What consultation has been carried out?**

*The Council adopted the A4D after Cabinet decided that there was evidence that the level of HMO conversions has reached the point where it is causing detrimental impact on local amenity and wellbeing. The Council carried out consultation on this proposal from July to September last year, and this highlighted strong support for the proposal.*

### **I am a prospective landlord/property owner. Does this change mean that I will not be able to carry out a conversion to a Small HMO?**

*No, not necessarily – the change simply means that you will require planning permission. So it doesn't mean that your planning application will necessarily be refused, just that it will be assessed against a number of planning criteria (see below). The Council acknowledges that HMOs are an important source of affordable housing for those who may be on a low income and aren't eligible for housing by the Council. So this decision is not about introducing a blanket ban on HMOs, but more to make sure the impact of such conversions can be assessed against key criteria, to ensure they do not have an unacceptable impact on local amenity/character and other planning considerations.*

### **I am in the process of having a property converted to a Small HMO. What will trigger a planning application being required on the implementation date?**

*Your property being newly occupied as a small HMO. In other words, when three or more people in separate households occupy your property. If there are three or more people in separate households occupying your property before the implementation date, you will not require planning permission.*

*However, if construction work has started before the implementation date, this does not mean that you will not require planning permission. It is only if the property is occupied by three or more people in separate households before the implementation date that you will not require planning permission. If the occupation of the property as a small HMO is taking place after the implementation date, then planning permission would be required.*

**I am a landlord/property owner of an existing small HMO. This hasn't received planning permission, but will I need to obtain permission or a Certificate of lawful Use now?**

*You can do this if you wish but there is no requirement to. Up to the implementation date, conversions of dwellinghouses to small HMOs do not require planning permission (other than in Hanworth ward, where an Article 4 Direction is in place). We will not enforce against existing HMOs after the implementation date, or against HMOs that completed conversion lawfully prior to the implementation date. We will only enforce in cases where a conversion was carried out after the implementation date without planning permission.*

**If I, as a landlord/property owner, was to submit a lawful development certificate application prior to the implementation date, will the application require full planning permission if the decision is being issued after the implementation date?**

*As stated above, landlords and property owners have the option to apply for a lawful development certificate for their small HMOs. If the submission for the certificate takes place before the implementation date, the decision will be made on the basis of this date (rather than the date the decision on the certificate is made).*

**What information will I need to provide as part of my planning application? How much will it cost, and how long will it take to make a decision on the application?**

*There is a range of information which all planning applications are required to submit, including site plans and application forms. This list can be viewed on our website, via the following link:*

[https://www.hounslow.gov.uk/downloads/file/2570/full\\_planning\\_-\\_change\\_of\\_use\\_application](https://www.hounslow.gov.uk/downloads/file/2570/full_planning_-_change_of_use_application)

*There is also a list setting out the range of information which all applications for certificates of lawfulness are required to submit, including site plans and application forms. This list is also on our website, via the following link:*

[https://www.hounslow.gov.uk/downloads/file/2568/certificate\\_of\\_lawfulness\\_-\\_checklist](https://www.hounslow.gov.uk/downloads/file/2568/certificate_of_lawfulness_-_checklist)

*In relation to applications for HMO conversions, as set out in the SPD, a management statement should be submitted setting out how the property will be managed to address the various criteria (see below). This statement is also required for the HMO license application.*

*The cost of submitting a planning application is £462. The Council aims to make a decision on such planning applications within 8 weeks.*

**Should I get pre-application advice from the Council?**

*The Council offers a formal application advice service where we will give you site-specific advice about the proposal and the likelihood of you being successful. There is a modest fee for this advice.*

*Applicants are strongly encouraged to take advantage of this service to establish areas of concern prior to the submission of a scheme. Failure to obtain advice prior to the submission of an application increases the chance of refusal and often results in frustration and an unnecessary waste of time and expense for an applicant.*

**If the Council refuses my application, what can I do?**

*As with any other refused planning application, you would be able to appeal to the Planning Inspectorate. One of their planning inspectors would then look at the case again, and issue a determination.*

**What happens if, on the date of implementation, the conversion works have already started at my property but I haven't had any occupiers yet?**

*You will need to apply for planning permission once three or more households are occupying the property. As stated above, if there are three or more households occupying your property before the implementation date, you will not require planning permission.*

**Will I still have to apply for an HMO licence, as well as applying for planning permission?**

*Yes – an HMO license is required in all instances. It is a criminal offence to operate an HMO without a licence.*

**On what basis will an HMO licence be granted? What criteria will my application be assessed against?**

*An HMO licence will be granted if:*

- *The house is or can be made suitable for multiple occupation*
- *The licence holder is a fit and proper person and the most appropriate person to hold the license*
- *Any proposed manager is a fit and proper person*
- *The management arrangements are satisfactory*

**On what basis will a planning application be granted? What criteria will my application be assessed against?**

*The application will be assessed against a range of criteria, including:*

- *Accessibility of location*
- *Floor area of original dwelling and sizes of rooms*
- *Impact on amenity, including:*
  - *Impact on vehicle and cycle parking*
  - *Provision of appropriate facilities for residents*
  - *Layout, design and condition of property*
  - *Layout of the property*
  - *Impact on neighbour amenity and on the locality, including cumulative impact*
  - *Provision of waste/recycling facilities*
  - *Impact on the street scene*
- *Additional criteria would apply where your property is in a conservation area, or is a listed building. Where the latter is the case, listed building consent will also be required for internal subdivision.*

- *Conditions are likely to apply to HMO permissions to manage the impact of conversions on issues such as parking, amenity space and other facilities. A section 106 agreement may also be considered necessary to secure any measures required to mitigate the impacts of the development that are not appropriate to be secured as conditions.*

*More detail about these criteria can be viewed in the Council's Supplementary Planning Document (SPD) on HMOs. This was adopted in 2017 and will be used as a framework for assessing the impact of HMO applications. This can be viewed via the following link:*

[https://www.hounslow.gov.uk/info/20034/planning\\_policy/1156/supplementary\\_planning\\_documents\\_and\\_guidance](https://www.hounslow.gov.uk/info/20034/planning_policy/1156/supplementary_planning_documents_and_guidance)

**If I apply for an HMO licence before the implementation date, will it still be granted even if I am intending to bring in the HMO before the implementation date (and therefore avoid the need for planning permission)?**

*Where planning permission is required, the Council's position is that we will expect you to have applied for planning permission before applying for a HMO licence, and that the Council will consider the planning status of the HMO as part of the licence application process. We already advise that any unauthorised use is likely to be reflected in a decision to grant a licence by either limiting the number of persons allowed to occupy, or by granting a reduced term, usually for a period of one year to enable you to regularise your planning status.*

*However, in situations where planning permission is not currently required (or not yet required), the fact that you are planning to introduce the HMO before the implementation date, thus avoiding the need for planning permission, will not of itself have a bearing either way on your application for an HMO licence. However, where the planning status of the property (i.e. its lack of permission for an HMO) affects consideration of the criteria against which HMO licences are assessed (such as whether the house can be made suitable for multiple occupation, or whether the management arrangements are satisfactory), this may be a relevant consideration.*

**What happens if a landlord wants to change an HMO back to a dwellinghouse?**

*This is permitted development (subject to the conditions set out in the General Permitted Development Order) and there are no plans to change this.*

**I have an HMO established near my home which I believe is causing harm to local amenity. Will this change mean that the planning department will start enforcement procedures against this HMO from the implementation date?**

*Provided the HMO has been established prior to the implementation date and does not exceed 6 persons it would be lawful and not require formal planning permission.*

**What should I do if am worried about an HMO near my home which I believe is causing harm to local amenity?**

*In the first instance residents should provide details of the HMO via-*  
[https://eforms.hounslow.gov.uk/ufs/ufsmain?formid=A105\\_PLANNING\\_ENFORCEMENT&ebz=1\\_1681212644667&ebd=0&ebz=1\\_1681212644667](https://eforms.hounslow.gov.uk/ufs/ufsmain?formid=A105_PLANNING_ENFORCEMENT&ebz=1_1681212644667&ebd=0&ebz=1_1681212644667)

**Will there be a threshold put in place above which new HMOs will not be permitted in a certain area?**

*The approach in the current SPD is to consider the cumulative impact of the proposal together with other similar developments in the surrounding area upon residential amenity and character. The Council will consider any known issues within an area which a HMO is proposed, such as enforcement cases or known cases of disturbance in an area. We will monitor the number and location of HMOs and consider introducing a threshold for a locality above which the number of such uses cannot exceed to prevent over-concentrations from occurring, if felt necessary.*

**As a tenant, I am worried that I will be displaced from the HMO I currently live in, due to this new policy coming in. What can the Council do to protect me from eviction?**

*Your landlord must follow strict procedures if they want you to leave their property, depending on the type of tenancy agreement you have and the terms of it. If they do not, they may be guilty of illegally evicting or harassing you. See link to the government's website for guidance <https://www.gov.uk/private-renting-evictions>.*

*If your landlord is not following the correct procedure or you are at risk of becoming homeless the council may be able to offer:*

- *assistance with keeping your home. For example, we can help mediate with your landlord or your family members*
- *help to prevent you from becoming homeless*
- *support to help you move into privately rented home*
- *advice to help you if you need supported housing*
- *advice to help you join the Housing Register help to move you into a new home*

*you can contact us at <https://www.hounslow.gov.uk/info/20000/housing/1808/homelessness/2>*

*Or call us on: 020 8583 3942 - between 9am-5pm, Monday to Friday.*