

Meeting: Policy Development and Decision Group **Date:** 24 July 2017

Wards Affected: All

Report Title: Article 4 Direction for Houses in Multiple Occupation

Is the decision a key decision? No

When does the decision need to be implemented? After call-in

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1. Proposal and Introduction

- 1.1 This report is being put to the Policy Development and Decision Group for discussion and to agree the next steps on the issue of potentially taking forward an Article 4 Direction which would remove permitted development rights from properties which allow change of use from Use Class C3 Dwelling to C4 House in Multiple Occupation (HMO) (for between 3-6 persons) across Torbay.
- 1.2 A HMO is a building or part of a building that is being occupied as a main residence by more than one household, i.e. unrelated people who do not live together as a family and share some facilities such as a bathroom or kitchen. This report is specifically concerned with the Use Class C4 HMO which includes properties where 3-6 unrelated residents reside as their main residence.

2. Reason for Proposal

- 2.1 Members have raised concerns regarding the proliferation and management of HMOs in Torbay and are keen to investigate further ways that problems associated with HMOs can be better managed. This report specifically provides further information on the potential opportunities, limitations and implications relating to an Article 4 Direction in order to inform discussion on this issue. Please see the Supporting Information and Impact Assessment (Appendix 1) for further detail.

3. Recommendation(s) / Proposed Decision

- 3.1 That Spatial Planning and Community Services undertake to investigate any further potential to align Housing Licensing and Development Management processes to ensure that full opportunity for early intervention regarding breaches of existing planning and/or licensing requirements with regards to HMOs is undertaken.

Option 1

- 3.2. That Spatial Planning prepares a report and further develops a case for Council to make a decision on whether to prepare an Article 4 Direction which would have the effect of removing permitted development rights to change dwellings to small houses in multiple occupation (Class C3 Dwellings to C4 Small Houses of Multiple Occupation), without the need for express planning permission. That 12 months notice is given prior to the Article 4 Direction taking effect, and that the Direction only be confirmed by the Council if sufficient additional resources are provided to Spatial Planning to cover the further work required of the Spatial Planning function, including preparing an Article 4 Direction, dealing with additional planning applications, monitoring and enforcement.

Option 2

- 3.2. That Spatial Planning do not proceed with option 1 (3.2 above) set out in this report.

Appendices

Appendix 1: Supporting Information and Impact Assessment