Policy Title:

LP15 - Houses in Multiple Occupation (HMO)

Relating to the management of planning applications for new HMOs formed of seven or more unrelated residents or three to six people if located within an Article 4 Direction Area (A4D)

Existing Policies Which adopted Core Strategy or Policies Sites and Places (PSP) policy would eventually be replaced	**Policies Sites and Places policy PSP39 – Residential Conversions, Sub-Divisions and Houses in Multiple Occupation**
Non-Strategic / Strategic	**Non-Strategic**

Purpose

Houses of Multiple Occupation (HMOs) are properties rented out to at least 3 people who are not from one household (for example, a family) but share facilities like a bathroom or kitchen. These types of homes meet a variety of needs for private rented housing, ranging from young professional 'house-shares' and students wanting to live off campus, as well as providing a vital source of housing supply for people on lower incomes. In accordance with Objective 1, HMOs therefore help to provide a diverse portfolio of housing types in South Gloucestershire and for many people.

Evidence shows that there has been an increase in this type of development in South Gloucestershire over recent years. This has resulted in concentrations of HMOs in particular parts of the district which has, in some cases, created a perception of issues for the neighbouring properties and the wider community. These issues mainly relate to increased parking pressures, noise, management of waste and recycling, and anti-social behaviour. Concentration of HMOs in any one area also gives rise to concerns that it impedes delivery of achieving housing mix which accommodates a range of different households and housing needs, which supports a sustainable community demographic, social interaction and a sense of wellbeing.

This policy aims to ensure that new HMOs are of a sufficiently high standard and are located appropriately, such as to avoid harmful impacts on local amenity and to HMO occupants, as well as to ensure that a diversity of housing can be maintained. Until replaced, this policy should be read alongside adopted policy CS17.

Policy wording

Location and concentration of HMOs

1. **Where a planning application is required for:**
    a. **A change of use from residential dwelling (Use Class C3) or any other use to a small HMO (Use Class C4)**
    b. **A change of use from residential dwelling (Use Class C3) or any other use to a large HMO (Sui Generis)**
    c. **Intensification of a small HMO (Use Class C4) to a large HMO (Sui Generis)**
    d. **New build HMO properties**
2. **development will be supported if the location of the proposed HMO would not result in:**
    a. **any single residential dwelling being 'sandwiched' between two HMOs; or**
    b. **three or more adjacent HMO properties; or**
    c. **a harmful and inappropriate concentration of HMOs in a locality, when measured as:**
        i. **an additional HMO in localities where known HMO properties already representing more than 10% of households; or**
        ii. **more than 20% of households within a 100m radius of the application property ate licenced/ licensable HMOs.**

Standard of HMO accommodation

3. **Where the location of HMO development is found acceptable in accordance with Part 1 of the policy, development will be supported if the proposed HMO would:**
    a. **Respect the character of the host property, street scene and surrounding are with regard to consistency, compatibility and congruence; and**
    b. **Provide sufficient room space for everyday activities and enable flexibility and adaptability by meeting appropriate space standards; and**
    c. **Contribute to the Council's work on the Climate Emergency by achieving an Energy Performance Certificate (EPC) rating of C or higher; and**
    d. **Ensure that adequate amenity space is retained; and**

e. **Provide sufficient recycling and refuse facilities; and**

f. **Not prejudice the amenity of neighbours.**

4. **Where HMO development is new build or includes extension of an existing building, the development should be consistent with other relevant Local Plan policies and guidance relating to new build residential accommodation and residential extensions.**

Car parking and bicycle parking provision

5. **Where the location and standard of HMO development is found acceptable in accordance with Part 1 and Part 2 of the policy, development will be supported if an appropriate level of car and bicycle parking can be provided which:**

   a. **Accords with the Council's car and bicycle parking standards; and**

   b. **Maintains the character of the street-scene and host property; and**

   c. **A minimum number of 0.5 car parking spaces per bedroom must be provided in new HMO development. If this cannot be provided within the curtilage of the property, the availability of sufficient on-street parking must be evidenced through a parking survey. This should be undertaken not more than 6 months before and identify any changes in between the submission of the planning application, with the data being collected in term time including taking account of parking availability at both weekday and weekend periods. For further details see the Parking Surveys Technical Advice Note.**

Supporting text

Application of the policy

1. In most areas of South Gloucestershire, a residential dwellinghouse, which is defined in planning terms as Use Class C3, can be converted to a small HMO (Use Class C4) without the need for planning permission, under what is termed permitted development rights.
2. Currently, HMOs require planning permission once they exceed six people if that change results in a material change in use. Large HMOs, formed from seven unrelated residents or more, become Sui Generis. Sui Generis is a "class of its own", and no Permitted Development Right exists to change an HMO with seven or more residents from any use. Consequently, for the change of use of any premises to a HMO for seven or more residents, an assessment has to be made as to whether a material change of use from the prior lawful use has occurred and, if it is determined that it has, then planning permission is required.
3. The provision of additional rooms within an existing HMO may also require planning permission. For example, an existing small HMO with six unrelated residents would require planning permission for the occupation of 1 further resident where this represents a material change of use. Existing large HMOs may require planning permission for the occupation of further residents if they have a previous planning permission that states the number of residents within the application description, or they have a restrictive condition.
4. For the purposes of assessing impact of the location of an HMO on a local community, the distribution of licensable HMOs will be used. This requires landlords to have a licence if renting out an HMO to 5 or more people living in 2 or more households.in England or Wales. This is often referred to as "Mandatory Licensing." Licensing is independent of any planning restrictions and is there to protect tenant safety and ensure suitable amenities.

Article 4 Direction areas

5. Two areas of South Gloucestershire are the subject to an Article 4 Direction. Within these areas, the conversion of a dwelling house (Use Class C3) to small HMO (Use Class C4) is no longer permissible through permitted development rights set out above.
6. In areas where Article 4 Directions apply, the development or intensification of any HMO in the Article 4 Direction area would require planning permission and be subject to this policy. Further information about areas subject to an Article 4 Direction is available here.

Supporting mixed communities

7. This policy should be read alongside existing adopted Policy CS17 Housing Diversity, which aims to support mixed communities and the delivery of different types of housing to meet local needs. It is supported by the HMO Supplementary Planning Document (SPD) which provides further definition of criteria for the acceptable location of new HMOs, set out as follows, alongside the expected standard of new HMO development in order to create an acceptable living environment for occupants and neighbours.

8. **Sandwiching and adjacent HMOs**: 'Sandwiching' situations can occur even where there are limited breaks in the building line, including across private or unadopted adjacent access tracks within the curtilage of properties. 'Sandwiching' is unlikely to occur across separating roads.
9. An **'adjacent property'** is considered to be any property that shares one or more boundaries with the application boundary. For example, in any streets, this would include the immediate neighbouring property or those where the rear garden is adjoining.



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Figure 2.Example of 'Sandwiching' of an existing CS Dwelling House

10. In relation to **calculating concentration of HMOs**, the HMO SPD provides further guidance regarding the number of HMOs as a proportion of all residential households in a locality which will be considered harmful and inappropriate. It provides detailed guidance on how the concentration will be calculated in determining applications for new HMO development.

Achieving Good Standards of Accommodation:

11. All proposals for HMO development should have regard to the contents of the HMO SPD which provides further guidance on how this policy will be applied and identifies additional considerations for proposed HMO development and operation, such as licensing requirements.
12. In addition, specific guidance on the following criteria can be found in the following documents:
13. Car parking:
    i. the Residential Parking Standards SPD, December 2013 which provides further guidance as to what parking provision is required with new residential development.

ii. Parking Survey Technical Advice Note, February 2022. which provides guidance on how applicants should demonstrate 'appropriate evidence of the availability of on-street car parking during evenings and weekends' to support planning applications for Houses in Multiple Occupation (HMOs) in South Gloucestershire. Refuse and recycling: Waste and Recycling Collection: Guidance for New Developments SPD, March 2020 which provides further guidance on ensuring local waste requirements are considered during the earliest stages of the planning process to prevent adverse effects on the environment and residents.

Additions	
Key evidence	
Other relevant policies to cross-reference?	CS17 – Housing Diversity