



Hull Local Plan: 2016 – 2032

SPD20: Houses in Multiple Occupation (HMOs)

Supplementary Planning Document

Adopted September 2022

Supplementary Planning Document (SPD) 20: Houses in Multiple Occupation

Contents

1. Introduction
2. Definitions
3. National and Local Policy
4. Article 4 Directions
5. Consultation and Stakeholder Involvement
6. Issues for Consideration
7. Guidance for HMOs
8. Examples

Supplementary Planning Document (SPD) 20: Houses in Multiple Occupation (HMOs)

1. Introduction

This Supplementary Planning Document (SPD) provides additional guidance on implementing Policy 7: 'Houses in Multiple Occupation' in the Hull Local Plan 2016 to 2032. It provides specific advice on avoiding concentrations of houses in multiple occupation (HMOs) and safeguarding residential amenity.

The Council has embarked on a review of the Local Plan and it is anticipated that a revised plan will be adopted by the end of 2023. This review will consider the need for a more fundamental review of the Policy 7 in light of practical experience of how the policy has been implemented across the city since the plan was adopted in 2017. This SPD is seen as an interim approach which seeks to refine and add further guidance on the existing policy insofar as it relates to defining 'concentrations' of HMOs.

Status of the Document

This document is intended to provide guidance for anyone who is considering submitting an application to change an existing C3 dwelling house into a HMO. It will also be of interest to others in the city who live in areas where there are HMOs and who may be concerned about numbers of such properties increasing.

This document will be a material consideration when considering planning applications.

2. Definitions

C3 Dwelling-houses (whether or not as main residence) – use by: (a) a single person or single household; (b) a single household of not more than six residents where care is provided; or (c) a single household of not more than six residents where no care is provided (other than a use within class C4)

C4 Houses in multiple occupation – Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

Sui generis – Houses in multiple occupation with more than six residents.

3. National and Local Policy

National Planning Policy Framework (NPPF):

The NPPF states that achieving sustainable development means the planning system has three overarching objectives, i.e. economic, social and environmental.

The social objective is *'to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being'* (Paragraph 8b).

Planning Practice Guidance (PPG):

PPG states that supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development. (Paragraph: 008 Reference ID: 61-008-20190315)

Local Plan 2016-32:

Policy 7 Houses in multiple occupation

1. Conversion of a dwelling house into a house in multiple occupation (HMO) for 7 or more unrelated people will only be allowed if the property has a minimum internal floorspace of at least 150m² before conversion.

2. Conversion of a property into a house in multiple occupation (HMO) will not be allowed if it would:

a. result in a concentration of similar uses adversely affecting local amenity and the character of the area;

b. introduce a potential source of noise and disturbance greater than that normally associated with a dwelling to the detriment of neighbouring residential amenity, which could not be mitigated by careful planning of room layout and the use of sound insulation; or

c. create unacceptable parking problems to the detriment of local amenity.

3. An Article 4 Direction requiring planning permission for small HMOs for between 3 and 6 unrelated people, and/ or a limit on the number of HMOs allowed, will be introduced in areas of the city where family housing needs to be protected or a specific need for such measures can be evidenced.

4. Where an Article 4 Direction exists for small HMOs, and if the concentration of HMOs and flats exceeds 50% in a specific street, then further HMOs will not be allowed, with the exception of streets within the University Quarter as shown on the Policies Map.

5. Houses in multiple occupation (HMOs) should meet the minimum internal space standards set out in Table 5.5.

6. Minimum parking standards for HMOs are set out in Policy 32 and Appendix C.

7. Adequate provision must be made for the storage of refuse and recycling containers whereby the containers are not visible from an area accessible by the public, and the containers can be moved to and from their collection point along a route external to the property.

This SPD is primarily concerned with part 2(a) highlighted above.

4. Article 4 Directions

Article 4 Directions can be introduced by local planning authorities to withdraw permitted development rights, where such restriction can be justified. They can be used to withdraw the permitted development right to change a C3 use dwelling-house into a C4 use house in multiple occupation (for between three and six unrelated people), i.e. under permitted development, this change can take place without the need for planning permission. Larger HMOs (for over six people) are classed as 'sui generis' and always need planning permission.

At the time the plan was adopted, an Article 4 Direction regarding HMOs was in operation (from October 2013) in one part of the city, Avenues & Pearson Park, where historically HMOs have been concentrated in connection with the nearby university. In recent years, a prevalence of HMOs has extended to other areas, most likely as a consequence of growth in the numbers of migrant workers and the financial barriers to home ownership encountered by many local people. Many houses in these areas, that traditionally were popular with first-time buyers, were changing to HMO use. Additional Article 4 Directions have been introduced (in August 2019) in the Spring Bank & Beverley Road South, Newington & St Andrews and Holderness Road Corridor areas. This seeks to maintain a supply of low-cost family homes in these areas and safeguard residential amenity.

5. Consultation and Stakeholder Involvement

As with any new SPD, the Council is committed to ensuring that anyone with an interest in this subject has the opportunity to influence the outcome of the exercise. Accordingly, a formal 6-week consultation exercise was undertaken whereby the document was publicised and made available for comment (31st January to 14th March 2022). This was followed by a second round of consultation for a 4-week period (13th July to 10th August 2022). Comments received during the consultations were reviewed, but no changes to the SPD were considered necessary (most comments related to policy which cannot be addressed in SPD).

The SPD has now been formally adopted. The Council can refer to the guidance set out in the SPD as a 'material planning consideration' when dealing with any planning application involving a new HMO.

6. Issues Considered

HMOs are acknowledged as contributing towards meeting identified housing needs, often providing cheaper accommodation for people whose housing options are limited. Such housing will often be occupied by students and migrant workers but also increasingly by young professionals. The quality and range of such housing varies considerably and although often associated with poor standards of accommodation, this is not always the case.

As outlined above, a specific policy is included in the Local Plan in recognition of the role that such housing can make in meeting identified needs but also setting out a range of factors that need to be considered in determining applications for any new HMO.

In some areas of the city where HMOs are prevalent, issues are continuing to arise regarding excessive noise and disturbance and general anti-social behaviour (ASB). This is having a negative effect on residential amenity and quality of life for residents in these areas. Such matters are regularly raised when the Council considers planning applications for new HMOs and it is often the case that there is considerable local opposition to such proposals.

Concentrations of HMOs can undermine the creation of mixed and balanced communities, a key aim of both the City Council and national government. The Police are usually consulted on applications for new HMOs and in many cases, concerns are expressed about the impact of such housing on the local area – with a clear indication that more HMOs will result in higher levels of ASB and/ or that tenants of such properties may be put at risk. The extent to which this is actually the case will be considered further through the review of the Local Plan.

Policy 7 in the Local Plan addresses some of the issues arising from the use of residential properties as HMOs. As referred to above, a number of additional Article 4 Directions have been introduced in the city which have resulted in many more properties requiring planning permission for use as a HMO, and as a consequence greater control on such development

The issue of concentrations of HMOs is addressed in the policy by limiting the proportion of HMOs in any given street to 50%. Research and experience has indicated that this percentage is likely to be too high and that mixed and balanced communities have a much lower percentage of properties in HMO use. This issue will be considered fully in the forthcoming local plan review.

In the meantime (and within the parameters of the current 50% threshold) further clarification is needed in terms of defining what constitutes a concentration of HMOs, and this SPD assists by setting out how this can be assessed in any given street. The amenity of existing residents may be compromised by the proximity of HMOs, particularly if located adjacent to single family dwellings. This can be reduced by limiting the number of HMOs that can be located next to a single household dwelling, and the number of HMOs that can be located next to each other.

Many local authorities have produced SPDs that aim to protect residential amenity by introducing a 'no sandwiching' principle. This means that no family dwelling (i.e. C3 use) should have a HMO (i.e. C4 or sui generis use), or a dwelling converted into flats, adjacent on both sides. (Flat conversions represent an intensification in the use of a property through it being occupied by more than one household). In addition, to avoid concentrations of HMOs, no more than two HMOs should be located adjacent to each other. This would not apply where properties are separated by a public highway or front on to a different street. Examples are shown in section 8 below. This approach seeks to minimise the impact of a proliferation of HMOs in any given street and to protect the amenity of individual family dwellings.

These principles now apply in Hull, in order to limit concentrations of HMOs and protect residential amenity (recognising that the overall 50% threshold remains). Some exceptions may apply, in particular in streets where a large majority of dwellings (i.e. 80% and over) are already in use as HMOs or flat conversions. A homeowner in these areas may have difficulty in selling their house for single family use, and a predomination of HMOs and flat conversions will already have been established.

7. Guidance for HMOs

1. An application for HMO use is unlikely to be supported if it would result in a family dwelling being 'sandwiched' by HMOs on both sides of the dwelling.
2. An application for HMO use is unlikely to be supported if it would result in 3 or more adjacent dwellings in use as HMOs.
3. Exceptions to (1) and (2) may be supported in specific circumstances, such as in streets where at least 80% of the dwellings are already in use as HMOs or flat conversions.

This approach is intended to assist in determining applications involving new HMOs. It is not intended to influence the existing pattern of development in a street, for example where there may already be a 'run' of HMOs. However, should an application be received in such cases to change the use of a property from a HMO to a dwelling house, then this would be a material consideration in determining any such application.

In arriving at a decision on whether or not to support a new HMO, as is the case at present in relation to the application of Policy H7, the Council will consider a range of different sources of information to establish what properties in any given street are already used as HMOs. This will include the planning status of properties, information held by the Council's Private Sector Housing Team and Environmental Health. These sources of information collectively provide the best available information on such matters.

8. Examples

