

**REPORT TO:** Environment and Urban Renewal Policy and Performance Board

**DATE:** 15<sup>th</sup> November 2023

**REPORTING OFFICER:** Executive Director - Environment & Regeneration

**PORTFOLIO:** Environment and Urban Renewal

**SUBJECT:** Houses of Multiple Occupation – Supplementary Planning Document

**WARDS:** Borough wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To present the Board with a draft Supplementary Planning Document (SPD) on Houses of Multiple Occupation (HMO), as prepared by the PPB's HMO Working Party.
- 1.2 Supplementary planning documents (SPDs) 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. Any policies contained in a supplementary planning document must not conflict with the adopted development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.
- 1.3 This Supplementary Planning Document (SPD) will provide additional planning policy inputs on any planning applications submitted to create large HMOs (that is properties for 7 or more unrelated occupants). The SPD will introduce explicit planning controls on: concentration of HMOs; restricting sandwiching of properties by HMOs; restricting three or more adjacent HMOs; explicitly incorporate property standards; and introduce explicit criteria to protect the amenity of neighbours.
- 1.4 Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents.
- 1.5 In accordance with the Council's Statement of Community Involvement and the regulations set out in the Town and Country Planning Act, the Council are required to consult on the Draft HMO SPD for a minimum of 28 days. Any organisation or person requesting to be kept informed of the production of SPDs will be contacted and informed that the SPD is available at deposit locations. The SPD consultation will be advertised and made available on the Council's website.
- 1.6 Once all representations have been received and any amendments to the SPD made, a 'Statement of Consultation' will be produced. This will list all

representations received as a result of the consultation and will explain how they have been taken into consideration and, where appropriate, the SPD altered.

- 1.7 Following an internal approval process (Executive Board), prior to adoption the Council are required to produce an adoption statement. This is to include the following information:

- (a) the date on which a supplementary planning document was adopted,
- (b) if applicable, any modifications made pursuant to section 23(1) of the Act,
- (c) notice that any person with sufficient interest in the decision to adopt the supplementary planning document may apply to the High Court for permission to apply for judicial review of that decision, and
- (d) that any such application must be made promptly and, in any event, not later than 3 months after the date on which the supplementary planning document was adopted.

- 1.8 Once adopted the Supplementary Planning Document will form a material consideration in decision-making process.

**2.0 RECOMMENDATION: That the Board endorse the draft SPD for public consultation (Appendix 1).**

**3.0 SUPPORTING INFORMATION**

- 3.1 The rules for HMOs are slightly different between licencing (under Housing Act / Environmental Health) and town planning legislation, as explained below.

- 3.2 For licencing, a HMO is defined as a property occupied by 3 or more people who do not form a single household and share facilities such as a bathroom or kitchen. A large HMO is defined as a property occupied by 5 or more people who do not form a single household and share facilities such as a bathroom or Kitchen.

- 3.3 Since 2018 any large HMO occupied by 5 or more people who do not form a single household and share facilities such as a kitchen or bathroom must be licensed by the local authority.

- 3.4 The Town and Country Planning (General Permitted Development) Order 2015 (GPDO) provides permitted development rights for the change of use of a dwelling (Class C3) to a small HMO for 3-6 occupants (Class C4) without the need to apply to the council for planning permission.

- 3.5 Properties with 7 or more unrelated occupants still require planning permission.

- 3.6 Therefore smaller HMO's with 3-4 beds require neither a license or planning permission.

- 3.7 There are currently 121 licensed HMO's in Halton. (i.e. properties with 5 or more tenants). The number of smaller unlicensed HMO's is unknown. This position is not unique to Halton because there is no requirement to seek a license or planning permission there is no reason for the landlord to notify the council.

## **4.0 POLICY IMPLICATIONS**

- 4.1 Members wish to ensure that any HMOs or privately rented accommodation provide suitable standards of housing for their tenants and ensure the amenity of neighbours is protected.
- 4.2 In regard to certain issues, like the condition of premises, antisocial behaviour, and management of domestic refuse, the Council has existing powers that can be used to tackle persistent nuisances.
- 4.3 As a result of the PPB's HMO Working Party, a new supplementary planning document to introduce further planning controls on HMO has been drafted to ensure the amenity of neighbours is protected.

## **5.0 OTHER IMPLICATIONS**

- 5.1 The formal adoption and implementation of the recommended policies will require additional staff resources.
- 5.2 Formal policy adoption is undertaken by Executive Board. The PPB Board's recommendations will need to be presented to Executive Board in due course.
- 5.3 There is a formal process for the creation and adoption of supplementary planning document, and this includes a period of public consultation (28 days).

## **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **6.1 Children & Young People in Halton**

The objective of the HMO SPD is to ensure properties provide a safe and healthy environment for all residents, including children and young people to live.

### **6.2 Employment, Learning & Skills in Halton**

None

### **6.3 A Healthy Halton**

The objective of the HMO SPD is to ensure properties provide a safe and healthy environment for all residents to live.

### **6.4 A Safer Halton**

The objective of the HMO SPD is to ensure properties provide a safe and healthy environment for all residents to live.

## **6.5 Halton's Urban Renewal**

The HMO SPD supplements the Local Plan Policies CS(R)12, RD3, C2, and GR2, and upon formal adoption will become a material consideration when determining future planning applications for HMO's.

## **7.0 RISK ANALYSIS**

7.1 There are no legal or financial risks arising from this report.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

8.1 There are no equality and diversity implications arising from this report.

## **9.0 CLIMATE CHANGE IMPLICATIONS**

9.1 All private rental properties must by law meet a minimum energy efficient rating of E. This is set out in Environmental Health's Licensing Requirements and Amenity Standards Policy and so will be a consideration when determining all HMO licensee applications, where proposals require a licence.

## **10.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.

**APPENDIX 1 – Houses of Multiple Occupation Supplementary Planning Document**