

# Homes in Multiple Occupation

**Supplementary Planning Document Draft Scoping Report**

February 2020





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# 1. Introduction

Sunderland City Council intends to produce and formally adopt a Homes in Multiple Occupation (HMO) Supplementary Planning Document (SPD). This scoping report acts as an opening consultation paper to discuss the relevant issues, themes and potential format. It will form the initial stage of the process towards developing the SPD. Appendix 1 sets out the response form which can be used to respond to this consultation.

The technical definition of an HMO is complex, they can take a number of different forms, from large shared student houses to individual bedsits with shared facilities. In common with other cities, particularly those which host higher education establishments and coastal communities, Sunderland has experienced pressure from HMOs, with a significant increase in the number of HMOs in the city in recent years.

The Council's intention to prepare and formally adopted a HMO SPD, stems from known problems of high concentrations of HMOs which can lead to negative impacts for their host communities. Such negative consequences can include; anti-social behaviour, disturbance, imbalanced communities, impacts on the streetscape, pressure on parking provision, increased crime and otherwise changes associated with the impact on the character of neighbourhoods.<sup>1</sup> Although the impact of HMOs can be significant, it is acknowledged, that HMOs can play a role in a sustainable housing market, as a sub component in the growing private rental tenure. It is also acknowledged that trends in the housing market are making it increasingly difficult, especially for low-income and single person households, to find suitable accommodation that meets as well as suiting their own needs and preferences. There is therefore a role for HMOs within the overall housing mix.

The concentration and increase of HMOs is not just a phenomenon exclusive to Sunderland. Many communities across the UK have seen similar trends. Other Local Authorities have set out a range of policy tools, utilising both housing and planning powers to tackle high concentrations of HMOs. One of the most typical has been through adoption of planning guidance, such as SPDs.

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<sup>1</sup> Evidence Gathering – Housing In Multiple Occupation and Possible Planning Responses, Department for Communities and Local Government <https://webarchive.nationalarchives.gov.uk/20120919230509/http://www.communities.gov.uk/documents/planningandbuilding/pdf/evidencegatheringresearch.pdf>



## 2. Background

HMOs are generally defined as a property rented out by at least three people who do not form a single 'household'. The Housing Act 2004<sup>2</sup> clarifies the definition of an HMO. HMOs are where three or more people forming separate households and live together in a residence. The different forms of sharing households are set out below.

**Figure One: Classification of cohabiting household**

### Two people sharing



Not an HMO

Use class  
C3

### Three to six people forming more than one household



Small HMO

Use class  
C4

### Six+ people forming more than one household



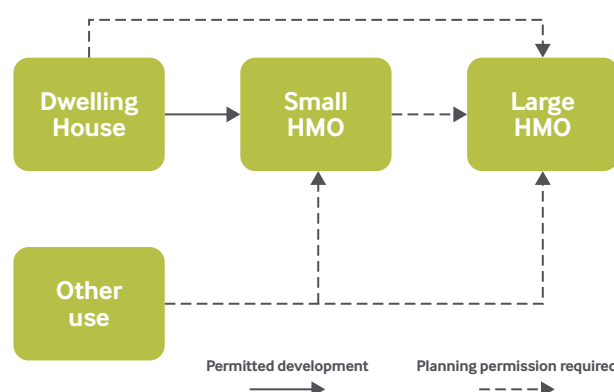
Large HMO

Use class  
Sui Generis

On 6 April 2010, amendments were made to the Use Class Order, 1987 (as amended) and the General Permitted Development Order, 2018 (as amended). This change made possible change of use between a conventional dwelling house (use class<sup>3</sup> C3) in to a 'small HMO'<sup>4</sup> (use class C4) without requiring planning permission.<sup>5</sup> However, as 'large HMOs'<sup>5</sup> sit outside, as a

Sui Generis Use, planning permission is required for conversion from an alternative use to a Large HMO.

**Figure Two: HMO Permitted Development and where Planning Permission is required**



As illustrated in Figure Two, the current permitted development regulations, mean a dwelling house can be converted into a 'small HMO' without planning permission. This potentially leaves open the possibility for unfettered conversion of the City's private owned housing stock, (the majority tenure in Sunderland), freely being converted into small HMOs, excluding where Article 4 Directions are established. Further details on where Article 4 Directions have been established within Sunderland is set out later in this report.

## National Planning Policy and Guidance

The National Planning Policy Framework<sup>6</sup> 'the Framework' (NPPF 2019) sets out the Government's planning policies for England and how these should be applied. The Framework does not include any specific policies on HMOs, however Chapter 5 (Paragraphs 59 to 79) does include a range of policies covering general housing issues. The Framework is also supported by more detailed planning guidance set out in the Planning Practice Guidance<sup>7</sup>. However, there is no specific guidance on HMOs contained within the PPG.

<sup>2</sup> Housing Act 2004, Part 7, Provision 254 to 260.

<https://www.legislation.gov.uk/ukpga/2004/34/contents>

<sup>3</sup> 'Use class' is a planning term, different uses are compartmentalised into separate use classes, planning permission is generally needed to change use unless it is considered to be permitted development as set out in the General Permitted Development Order.  
[http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi\\_20150596\\_en.pdf](http://www.legislation.gov.uk/uksi/2015/596/pdfs/uksi_20150596_en.pdf)

<sup>4</sup> 'Small HMOs' is defined where three to six people forming more than one household live in a dwelling house.

<sup>5</sup> 'Large HMOs' is defined where more than six people forming more than

one household live in a dwelling house.

<sup>6</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

<sup>7</sup> <https://www.gov.uk/government/collections/planning-practice-guidance>

## Local Planning Policy

The council's Core Strategy and Development Plan (CSDP) was adopted in January 2020<sup>8</sup>. It forms part of the adopted development plan for the city alongside the existing International Advanced Manufacturing Plan (IAMP) Area Action Plan (AAP) and forthcoming Allocations and Designations Plan (A&D Plan).

Policy H6 of the CSDP, sets out the council's proposed policy with regard to HMOs. The policy indicates that development for HMOs should ensure that:

- The property is located where increased traffic and activity would not be detrimental to local amenity;
- The intensity of use would not adversely affect the character and function of the locality;
- The proposal would not be detrimental to the amenities of neighbouring properties by causing undue noise and disturbance;
- Adequate provision for parking, servicing, refuse, recycling arrangements and the management and maintenance of the property can be demonstrated through the submission of a management plan; and
- The proposal would not result in an over concentration of HMOs within the locality.

The CSDP sets out in background text to support the policy<sup>9</sup> that proposed HMOs should demonstrate that they would not have a detrimental effect on the character and function of the locality, its local amenity or neighbouring properties. In addition, it sets out that when considering whether there is an over concentration of HMO properties within the locality, the council will consider each proposal on its individual merits, taking into account the number of existing HMOs, clustering and the character of the area. The background text also sets out that particular attention will be given to ensure that a good standard of amenity is in place for future occupiers of the HMO and proposals will need to retain acceptable levels of privacy and protect amenity.

## Article 4 Directions

The Council, as a Local Planning Authority, has the power to introduce Article 4<sup>10</sup> directions, which remove certain permitted development rights. Where these have been introduced, it requires development which would normally be considered permitted development (and therefore not requiring planning permission) to submit a planning application for determination by the council.

An Article 4 Direction can only be made where the Local Planning Authority is satisfied that it expedient that development that would normally benefit from permitted development should not be carried out unless planning permission is first granted on an application through the formal planning process. As such, an Article 4 Direction should only be made in exceptional circumstances where evidence suggests that the exercise of the permitted development rights would cause harm.

## Article 4 Directions In Sunderland

The Council has established an Article 4 direction in specific parts of Sunderland, for the purposes of controlling the conversion of dwelling houses (C3) to small HMOs (C4)<sup>11</sup>. In September 2012, Cabinet approved the establishment of an Article 4 direction, which took permitted development rights for conversion from C3 to C4 uses away in the Barnes, Hendon, Millfield St Michaels and St Peter's wards (see Figure Three). The Cabinet Report indicates that these wards contain the highest concentration of HMOs within the city. Indeed, in 2012, 92.5 percent of known HMOs within the Sunderland administrative area were within the five wards covered by the Article 4 direction.

The Article 4 Direction was subject to a public consultation process and the provision of a minimum of 12 months prior notice before taking effect. The Direction thus brought into force on the 16 December 2013<sup>12</sup>. The Article 4 Direction remains in force.

<sup>8</sup> Core Strategy and Development Plan  
<https://www.sunderland.gov.uk/article/15978/Core-Strategy-and-Development-Plan->

<sup>9</sup> CSDP, paragraph 6.36, page 63.

<sup>10</sup> Article 4 relates to Article Four of the General Permitted Development Order (1995) (as amended) which sets out the power for Local Planning Authorities to remove relevant permitted development rights.

<sup>11</sup> See Sunderland City Council Cabinet, 5 September 12, Report for more information.

<sup>12</sup> [https://www.sunderland.gov.uk/media/20955/SP-56-HMO-Article-4-Direction/pdf/SP56\\_HMO\\_Article\\_4\\_Direction.pdf?m=636803146831970000](https://www.sunderland.gov.uk/media/20955/SP-56-HMO-Article-4-Direction/pdf/SP56_HMO_Article_4_Direction.pdf?m=636803146831970000)





University of  
Sunderland



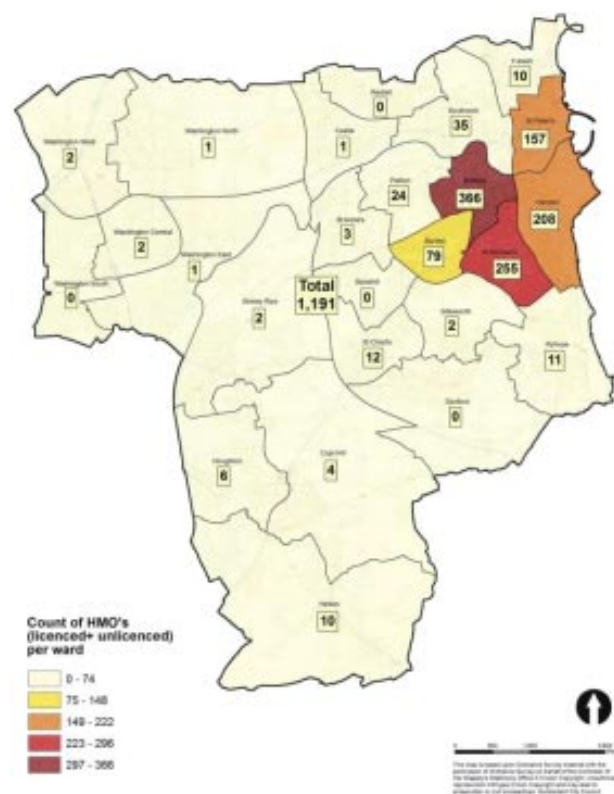
### 3. Evidence

The following section sets out a brief high-level summary of applicable evidence and research associated with HMOs.

One of the most comprehensive assessments of HMOs and the problems caused by high concentration of HMOs, (particularly in relation to a concentration of student population), is the Department Of Communities and Local Government 'Evidence Gathering – Housing in Multiple Occupation and Possible Planning Response' document. It described the social, economic, physical and environmental impact of HMOs. In terms of the social impact, the report having a specific regard to student housing HMOs, indicates that increasing student population can lead to the displacement of established residents, to be replaced with an increasingly younger and transient population. It was argued that this can have an impact on associated community infrastructure. The report also linked an increasing number of student housing HMOs to a diminishing community cohesion and identity. In terms of the physical and environmental impacts, the report set out that private rented stock is often the poorest quality when compared to other tenures and thus the concentration of such stock can lead to a poor-quality local environment.

In November 2011, evidence was gathered to support the Article 4 direction regarding the quantum of HMOs across the city. 856 HMOs across the Sunderland Administrative Area (licenced and unlicensed) were identified. Furthermore, in October 2018, approximately 1,200 HMOs within the city. The spatial distribution of these is set out in figure four.

**Figure Four: Location of HMOs Within Sunderland by Ward (October 2018)**



The workstream also identified that the majority of HMOs were located within the five wards which benefit from Article 4 Directions. These five wards contained 89 percent of all HMOs within the Sunderland Administrative Area. The number of HMOs in each of these Wards is set out in Table One below.

**Table One: HMOs In The Five Wards Benefiting From Article 4 Directions**

Wards	Number HMOs (2012)	Number HMOs (2018)
Barnes	57	79
Hendon	111	208
Millfield	324	366
St Michaels	182	255
St Peters	118	157
<b>Total</b>	<b>792</b>	<b>1,065</b>



## 4. Scope of the HMO Supplementary Planning Document

The purpose of a Supplementary Planning Document is to expand policy or provide further detail and support policies in the Core Strategy Development Plan. It does not have Development Plan status, but it can be accorded significant weight as a material planning consideration in the determination of planning applications. The provisions of an SPD cannot therefore be regarded as prescriptive, but it can provide a tool in the interpretation and application of policy. Preparation of an SPD requires a number of steps, which are set out within the anticipated timescales for the document (see table three). In order to prepare an SPD, justified

evidence is required, followed by consultation and other Council procedural matters.

The SPD document will expand upon and support the delivery of draft Policy H6 Homes in Multiple Occupation (HMOs) of the CSDP. It is proposed that the SPD could provide further guidance and detail on the following matters with regard to Policy H6:

**Table Two: Potential issues to be covered by the HMO SPD**

Topic	Details
The Definition of Locality	Other Local Planning Authorities which have set out HMO policies and guidance have differed on the definition of locality. This regards to how many HMOs would be permissible in the context of a given area. Some have taken a radius of a given proximity (e.g. 40 metre radius, nearest ten dwellings, or the street in question). The SPD could provide further clarification on what is considered to be a locality within the context of Policy H6.
The Definition Of Over Concentration	The HMO SPD could also define what is meant by an overconcentration. Different options could be taken with regard to the quantum or concentration of HMOs referring to the number of HMOs within a given locality. (e.g. 10 percent with a 40-metre radius, or on the street in question). It may also be appropriate to set different concentrations depending on the character of a particular area, for example the impact of introducing a HMO in an a locality already heavily saturated by HMOs may differ to the impact of introducing a HMO to a locality with few existing HMOs.
Clustering of HMOs	The HMO SPD could also set out guidance regarding the clustering or sandwiching of HMOs. Thus, could involve limiting the number of HMOs which can be clustered together and restricting new HMOs where they would result in an existing dwelling being sandwiched by any adjoining HMOs on both sides.
The Character of An Area	The Character of the area could be described within the SPD for each neighbourhood area or sub area to set out different approaches to the suitability of HMOs. This could clearly audit and describe what specific elements reinforce the character of neighbourhoods and how HMOs could negatively impact upon these features. For example, it has been argued that HMOs result in the loss of garden space to be given over to car parking which could negatively impact on neighbourhood character.
Large HMO guidance	The HMO SPD could also set out specific guidance for the development of Large HMO, (which as identified above, are set as a 'Sui Generis' use and are defined as HMOs with more than six people). Consideration would need to be given to whether the impact of a large HMO would differ from that of a small HMO.
Other Article 4 Areas	The HMO SPD could also suggest other areas of the Sunderland Administrative Area which could benefit for Article 4 Directions or alternatively it could set out that the Sunderland Administrative Area as a whole should benefit from an Article 4 Direction, taking away permitted development rights from dwelling house (C3) to small HMOs (C4).
Extensions To Existing HMOs	The HMO SPD could also set out how extensions to existing HMOs are treated

In addition to any comments on the specific issue identified above, the council would also welcome any other specific issues which you consider be addressed through the SPD. For clarity, the SPD will only apply to HMO development which requires planning permission and is not able to retrospectively apply to existing HMOs

## 5. Timetable and next steps

The SPD will be produced, consulted upon and adopted according to the timetable set out below.

Table Three: Timetable Production Of The Homes In Multiple Occupation SPD	
Stage	Date
Scoping Report Consultation	February 2020
Preparation Of The SPD and Evidence	Spring 2020
Cabinet	Summer 2020
Consultation (6 Weeks Statutory)	Summer 2020
Preparation of Final SPD	Autumn 2020
Adoption	Autumn 2020

As part of the process for delivering the House In Multiple Occupation Supplementary Planning Document, you are invited to respond to the consultation.

All comments should be made in writing to the council's Planning Policy Team using the contact details provided below:

Online via the council's consultation portal at <https://sunderland-consult.objective.co.uk/portal/>

Email : [planningpolicy@ Sunderland.gov.uk](mailto:planningpolicy@ Sunderland.gov.uk)

In writing to: Planning Policy Team, Room 2.66,  
Sunderland Civic Centre, Burdon Road, Sunderland  
SR2 7DN









