

**Houses in
Multiple
Occupation
Update**

DLP BRIEFING NOTE 25

Prepared by
DLP Planning Ltd

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Revisions to how houses in multiple occupation are dealt with by the planning system

Following increasing concerns regarding the impact concentrations of Houses in Multiple Occupation (HMOs) were having upon local communities, the Government has revised the Use Classes Order to include a new classification for residential properties, in particular dwelling houses and HMOs.

Definition of a HMO

The revisions define a HMO as being any residential property let to 3 or more unrelated people whom essentially form two or more separate households. The definition applies to all residential properties irrelevant of whether one or individual tenancy agreements have been completed.

In effect the changes divide the definition of a dwelling house as follows:

Class C3 – dwelling house: comprising occupants living together as single household, i.e. a family, a home owner and up to two lodgers or those living together and receiving care (for example a small sheltered housing scheme of no more than 6 individuals).

Class C4 – HMOs: comprising a dwelling house shared by three to 6 unrelated individuals who share basic amenities, for example bedsits or student accommodation. Where a property is shared by more than 6 unrelated individuals it will be considered as a HMO, unless the use intensifies to the extent it results in an impact in excess of that which could normally be associated with a HMO (in which case further planning permissions will be required).

Impact on Landlords

The changes could affect landlords in the following ways:

- *The need for planning permission:* from 6 April 2010 planning permission will be required in England to convert a dwelling house into a HMO. Planning permission will not be required to change a HMO property into a single dwelling house (albeit additional planning permissions may be required, for example if external works were proposed).
- *Existing HMOs:* the change will not be applied retrospectively, i.e. if a property was converted to a HMO prior to 6 April 2010 it does not require planning permission.
- *Protection of uses:* were a landlord to seek to revert a recently created dwelling house back into a HMO then planning permission would be required, albeit it may be possible to reserve the HMO use provided the Local Planning Authority (LPA) are formally advised at the correct time (DLP Planning Ltd can advise in this respect).

- *Evidence:* were an LPA to query the validity of a HMO, emphasis is placed on the landlord to demonstrate that a property was in HMO use prior to 6 April 2010. Evidence that could be used to support an established HMO includes tenancy agreements, tenancy deposit protection certificates, advertisements and correspondence.
- *Be aware before investing:* the revisions afford LPAs with the ability to control the number of HMOs in an area, either restricting (i.e. refusing to grant planning permission to change the use of a dwelling) or protecting (by removing the right to change HMOs into private dwellings) them. As such landlords are advised to consult with the LPA before progressing purchases or implementing changes. DLP Planning Ltd can advise on the best course of action in this respect.

Should you seek further advice of clarification on these changes and the implications it could have for you or your client's property portfolio please do not hesitate to contact us.

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