

**Houses in
Multiple
Occupation
Update**

DLP BRIEFING NOTE 81

Prepared by
DLP Planning Ltd

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Houses in Multiple Occupation Update

Amendments to permitted development rights upheld in Court of Appeal

DLP Briefing Note 25 (August 2010) provided an summary of changes to the planning permission requirements for Houses in Multiple Occupation (HiMOs). Changes to the Use Classes Order split the former Class C3 (Dwelling Houses) into two separate classes – Class C3 (Dwelling Houses) and Class C4 (HiMOs). At the same time, an amendment to the General Permitted Development Order (GPDO) gave permitted development rights for changes of use from Class C4 to Class C3, meaning that changing the use of a HiMO to a family home would not usually require planning permission.

In September 2010, a letter from the Government's Chief Planner to local planning authorities confirmed that the Government were proceeding with further amendments to the GPDO and on 1st October 2010, the Regulations were changed such that a change of use from a Class C3 family home to a Class C4 HiMO would also not need planning permission.

This latter change was challenged by a number of local planning authorities, but an initial judicial review over the validity of the changes was rejected on 11th April 2011. This judgement was then challenged at the Court of Appeal: the Court ruled, on 16th December 2011, that the Secretary of State was entitled to make those changes to the GPDO and also, that he was entitled to use the limited consultation procedures adopted in this instance. Consequently, the amendments to the GPDO stand and change of use from C3 to C4 (and vice versa) has been confirmed in the courts as being permitted development.

It should be noted, however, that, as with the majority of permitted development rights, local authorities are at liberty to use a Article 4 direction to remove these rights in certain areas. Should you be considering change of use from Class C3 to Class C4, or vice versa, we advise that the local planning authority is contacted in order to ascertain whether Article 4 directions are in place in that area.

If you would like further information on this matter or would like to discuss the issues above in greater detail, please contact your local DLP Planning office.

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