Houses in Multiple Occupation in Bath
Supplementary Planning Document

Adopted July 2013
For more information on Houses in Multiple Occupation in Bath please contact the Planning Policy team at: planning_policy@bathnes.gov.uk
This document can also be viewed on our website: www.bathnes.gov.uk/hmo

Houses in Multiple Occupation can be made available in a range of languages, large print, braille, electronic and accessible formats by contacting Planning Policy on:
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1.0 Introduction
This Supplementary Planning Document (SPD) accompanies saved policy HG.12 from the Local Plan and sets out Bath & North East Somerset Council’s approach to the distribution and dispersal of Houses in Multiple Occupation in Bath. It aims to encourage a sustainable community in Bath, by encouraging an appropriately balanced housing mix across Bath, supporting a wide variety of households in all areas.

The SPD does this by setting out core decision making criteria (Article 4 Direction for the change of use from Family Homes (Use Class C3) to Houses in Multiple Occupation (Use Classes C4 of Sui Generis) across the entire City of Bath. It is important to note that planning applications are assessed against national and local planning policy and all other material considerations. Therefore, an application to be submitted does not mean that it will be refused; rather it allows the Council to assess each case against agreed criteria before making a decision.

Policy HG.12

6.0 Submission Requirements for Applicants
The provisions of any SPD cannot, therefore, be regarded as prescriptive but they can provide a powerful indicative tool in the interpretation and application of policy. This document does this by setting out key decision making criteria for determining the following types of planning applications:

• Applications for a change of use from a C3 (dwellinghouse) to C4 HMO where permitted development rights have been withdrawn via an Article 4 Direction covering the entire City of Bath (see map 1)
• Applications for change of use to large HMOs of more than 6 people, where there is a material change of use,
• Applications for new purpose built HMOs.

ii) it is not detrimental to the residential amenities of existing or possible future occupants;

iii) it does not result in the loss of existing accommodation, either by itself or together with any existing or proposed dwellings in the locality, which will have a detrimental effect on the mix of use, type and affordability of accommodation available in the locality.

Development of commercial premises which prejudice suitable opportunities for use of upper floors for residential accommodation will not be permitted.

This SPD supplements Local Plan Saved Policy HG.10, which is set out below. Also of relevance are Draft Core Strategy Policies CFD (Housing Mix) in Bath (Spatial Strategy) and B5 (Strategic Policy for Bath’s Universities).

Policy HG.12
Development of the use for buildings in the form of: residential, retail, office, education, leisure, community, entertainment, sport, health, cultural, public administration or institutional accommodation or re-use of existing empty dwellings.

b) does not seriously injure the amenities of adjoining residents through loss of privacy and visual and noise intrusion;

a) is compatible with the character and amenities of adjacent established uses, taking into account the development itself together with any recent or proposed similar development;
2.0 Background

2.1 What is an HMO?

Houses in Multiple Occupation (HMOs) can be defined as houses with three or more people from two or more families living together in a residence.

Under the Housing Act 2004, a House in Multiple Occupation (HMO) is defined as a building or part of a building (e.g. a flat):
- which is occupied by more than one household and in which more than one household shares an amenity (or the building lacks an amenity) such as a bathroom, toilet or cooking facilities; or,
- which is occupied by more than one household and which is a converted building which does not entirely comprise self-contained flats (whether or not there is also a sharing or lack of amenities); or
- which comprises entirely of converted self-contained flats and the standard of conversion does not meet, at a minimum, that required by the 1991 Building Regulation and more than one third of the flats are occupied under short tenancies.

The households comprise:
- families (including single persons and co-habiting couples (whether or not of the opposite sex); or
- any other relationship that may be prescribed by regulations, such as domestic staff or fostering or carer arrangements.

In 2010, the legislative planning framework for Houses in Multiple Occupation (HMOs) changed significantly with the introduction of a new planning Use Class (C4); an HMO with between three and six people. This change aligns the Use Classes Order with the definition of a HMO within the Housing Act 2004.

In accordance with Circular 08/2010: Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation, properties that contain the owner-occupier and up to two lodgers do not constitute HMOs. To classify as an HMO, a property does not need to be converted or adapted in any way.

Flow chart 1 overleaf, sets out the process for determining whether or not your house qualifies as an HMO.

2.2 Context

The private rented housing market in Bath is complex, and there is a diverse demand for flexible housing. HMOs are occupied by a wide range of groups including young professionals, students, immigrants, asylum seekers, those on housing benefit and contract workers. HMOs therefore have an important role to play in Bath’s economy.

HMOs have traditionally been more concentrated in certain areas of the city, particularly in the wards of Oldfield, Westmoreland and Widcombe. The combination of an Article 4 Direction and this SPD will manage the future growth and distribution of HMOs across the City, with the aim of creating more balanced communities.

Map 1

Coverage of the Article 4 Direction is the entire City of Bath.
Communities and Local Government Circular 08/2010.

Do you live in an HMO?

Flow Chart 1

This is a guide only. For a legal definition of HMOs, please refer to the Housing Act 2004 and the Rent Act 1977.

Do you live with 2 or more other people?

Yes

No

Are any members of the household related?

Yes

No

Are any members of the household related (inc. co-habiting couples)

Yes

No

Are any members of the household related (inc. co-habiting couples)

Yes

No

Are any members of the household related (inc. co-habiting couples)

Yes

No

Are any other exemptions?

Yes

No

Supplementary Policy

A threshold of 25% has been proposed, based on a number of factors including local evidence (such as the numbers and location of existing HMOs). This is a guide only.

The following data will be used to map the areas with over 25% HMOs:

• licensed HMOs – records from the Council’s Housing team of those properties requiring an HMO licence will be utilised.
• properties of this type. The data will be mapped to identify the areas with over 25% HMOs: 25%
• properties known to the Council to be HMOs – this can be established through site visits undertaken by the Council’s Housing or Planning Enforcement team in response to complaints for example.

The Stage 2 test ensures that potential applicants are given an early indication of whether their application is likely to be successful, without the need for more detailed analysis.

Applications for the change of use from C3 dwellings to C4 or sui generis (Houses in Multiple Occupation) or the development of more than 25% of C4 dwellings or sui generis (HMOs) will not be permitted unless:

Stage 1 Test: The application site forms the centre of a Census Output Area in which HMO properties represent more than 25% of the household population not living in halls.

Stage 2 Test: HMO properties represent more than 25% of all households within a 100 metre radius of the application site.

The following data will be used to map the areas with over 25% HMOs:

• recorded on B&NES Housing team’s database as a licensed HMO.
• a property benefiting from C4 or sui generis HMO planning consent.
• any other properties held by the Council’s Housing team’s database as an HMO.
• Council tax exempt student properties.

These data sets will be used to calculate the proportion of HMOs as a percentage of all households. It is considered that these sources will provide the best approach to identifying the number of people who live in an area, although it is accepted that it may not be possible to identify all the properties of this type. The data will be analysed to avoid double counting, for example, identifying where a property may be listed as a licensed HMO and sui generis HMO planning consent.

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• licensed HMOs – records from the Council’s Housing team of those properties requiring an HMO licence will be utilised. This will cover both the property site forms the centre of a Census Output Area, and additional licensing; 25% of the application property.
• properties benefiting from C4 or sui generis HMO planning consent – in addition to those properties already identified as having HMO permission, where planning permission is given for a change of use to C4 HMO or a land use from C3 dwellings to C4 or sui generis HMO planning consent – in addition to those properties already identified as having HMO permission, where planning permission is given for a change of use to C4 HMO or a licensed HMO – records from the Council’s Housing team of those properties requiring an HMO licence will be utilised. This will cover both the application property.

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4.0 Threshold Assessment for Planning Applications

4.1 Stage 1

This first stage will simply assess whether or not the application is within any of the areas identified on the publicly available HMO density map. As the map is updated on a twice-yearly basis, the latest map will be used for analysis.

The HMO density map will show within Census Output Areas (COA) across the City are currently all or above the 25% threshold. A COA includes an average of approximately 25 households and is defined by the Office for National Statistics (ONS).

This can be seen to represent a ‘home-patch’ as defined in Shaping Sustainability and Vitality (Barton et al, 2003), in order to ensure that properties may be surrounded by a high concentration of HMOs (but that in just outside the relevant Census Output Area) are not excluded from the assessment, a buffer of 50m has been applied to the COAs with over 25% HMOs; an example can be seen in Map 2.

Example Properties within COAs >25% HMO

Example Properties within COAs >25% HMO

Example Properties within COAs >25% HMO

Example Properties within COAs >25% HMO

Example Properties within COAs >25% HMO

Metres

Legend

Areas with over 25% HMOs

Example Properties within COAs >25% HMO

Example Properties within COAs >25% HMO

Example Properties within COAs >25% HMO

Example Properties within COAs >25% HMO

Example Properties within COAs >25% HMO

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4.0 Threshold Assessment for Planning Applications

4.2 Stage 2

A Stage 2 assessment will only be undertaken where a Stage 1 assessment has shown that the application property is within a Census Output Area (COA) or its buffer that has over 25% density of HMOs.

The 100m radius of the application property is calculated using a buffer zone surrounding the application property from a central point in the property, as defined by the Local Land and Property Gazetteer (LLPG). For properties on the edge of the 100 metre radius buffer zone, they will be included only if their central point (as defined by LLPG) is within the buffer zone. This is demonstrated in map 3.

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The Local Planning Authority is not currently able to charge a planning application fee for a change of use application from a Dwellinghouse (C3) to a House in Multiple Occupation (HMO) for a change of use application in the normal 8 week determination period, and the following will be required:

• Application Form
• Photo plan of the site (e.g. at a scale of 1100 or 1200) showing any site boundaries and any car parking (if on site)
• Design and Access Statement
• Evidence of planning permission in most cases will be required: When the normal 8 week determination period applies, and the following requirements for a planning application apply and a standard fee will be charged.

For more detail about submitting planning applications see our website www.bathnes.gov.uk

6.0 Submission Requirements for Applicants

For more information see www.arup.com