

# Canterbury HMO Article 4 Direction

## Background Paper

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## Introduction and Background

This paper provides background information and sets out Canterbury City Council's reasons for making an Article 4 Direction to remove permitted development rights under planning legislation for changes of use from dwellinghouses (Class C3) to Small Houses in Multiple Occupation (Class C4). This would mean that planning permission would be required to carry out such changes of use. The intention is to provide better management and control over the increasing concentration of Houses in Multiple Occupation (HMOs) in residential areas of Canterbury city centre and adjoining areas.

In April 2010, legislation was changed so that, for the first time, small HMOs (accommodating three or more unrelated people) were brought into the range of developments requiring planning permission. A draft [Supplementary Planning Document](#) (SPD) addressing the issue of HMOs in Canterbury was prepared. The Council undertook consultation on this SPD between September and October in 2010.

However, a further change in the planning legislation relating to HMOs, meant that changes of use from residential (Class C3) to HMOs (Class C4) would become 'permitted development' (i.e. would once again not require planning permission). The change in legislation took effect from 1st October 2010.

In response to this change in the legislation, Canterbury City Council considered making a draft Article 4 Direction related to HMOs, the background to, reasons for, preparation of and procedures for doing so were set out in a [report](#) to the Council Executive on November 4th 2010.

The Council served and consulted on a draft Article 4 Direction between December 2010 and January 2011. The statutory 12-month notice period associated with making a non-immediate Article 4 Direction expired on 9th December 2011.

At this stage, the Council decided to defer a decision on whether or not to confirm the Article 4 Direction pending the outcome of the '[Houses in Multiple Occupation Best Value Review](#)' which was being prepared. The aim of this review was to look at the correlation between perceived issues and high densities of HMOs in Canterbury and to make recommendations for best addressing the issues either through regulatory (Planning and Additional Licensing) or non-regulatory solutions.

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Together with other recommendations, it was concluded that the 'renewal and implementation of a new Article 4 Direction restricting the numbers of HMOs should be implemented in order to address the need to create balanced communities'. It was also highlighted that the Article 4 Direction could be introduced through the Local Plan process.

At [Scrutiny Committee](#) on 16th October 2014, Members considered the Houses in Multiple Occupation Best Value Review report and the outstanding recommendations. Following this, the Committee made the following recommendations to the Executive:

- a. that the Officers be asked to put in place an appropriate mechanism for an Article 4 Direction for houses in multiple occupation;
- b. that the 12 months' notice period regarding the implementation of the Article 4 Direction should start immediately; and
- c. that it looks again at some form of compulsory registration for houses in multiple occupation.

The [Executive](#) resolved at a meeting on 18th November 2014 for the service of the notice and public consultation to be undertaken once the Article 4 Direction has been prepared. One of the reasons outlined for this decision was:

*'this has the benefit of "starting the clock" on the 12-months' notice period, so that if the Local Plan Inspector supports the draft HMO policy, it can be implemented earlier than previously thought.'*

The Council submitted the draft [Canterbury District Local Plan](#) (CDLP) for examination on 21st November 2014. Policy HD6 of the draft CDLP provides a policy control for 'Housing in Multiple Occupation' and the draft CDLP also proposes serving an Article 4 Direction. Policy HD6 can only be used effectively if the Article 4 Direction is confirmed.

# Reasons for making an Article 4 Direction

HMOs make an important contribution to the private rented sector by catering for the housing needs of specific groups/households (including students, young professionals and non-professionals, transient workforce, migrant workers and housing benefit claimants under the age of 35) and by making a contribution to the overall provision of affordable or private rented stock.

However, negative impacts can result in areas where there are concentrations of HMOs. Although there is a general concern about the impacts of HMOs, this is driven at least in part by the increasing number of student private rented properties in Canterbury City.

The problems that can be experienced include a number of social, economic, physical and cultural problems, which are well-documented in national research; including:

- reduction in quality of housing stock and neglect of external appearance to properties including gardens, due to lack of investment by absentee landlords;
- residents feel pressure to move to avoid becoming marginalised and isolated as permanent residents. This can lead to the demoralisation of established residents;

- increased on-street parking pressures arising from shared households and seasonal traffic congestion (for example, at graduations, end of term);
- increase in low level anti-social behaviour; and
- expansion of HMOs in traditional owner-occupied, family areas can lead to change in the nature of communities.<sup>1</sup>

During the course of the development and consultation on the Balanced Housing Provision SPD and Article 4 Direction in 2010/2011, a range of evidence was gathered on the issues associated with HMOs.

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Further information was gathered as part of the preparation of the Houses in Multiple Occupation Best Value Review. The nature and extent of the difficulties associated with HMOs were reviewed and it was considered there was sufficient evidence to require a greater response either through regulatory or non-regulatory solutions or through increased use of existing powers, (though the overall number of reported issues was generally low).<sup>2</sup>

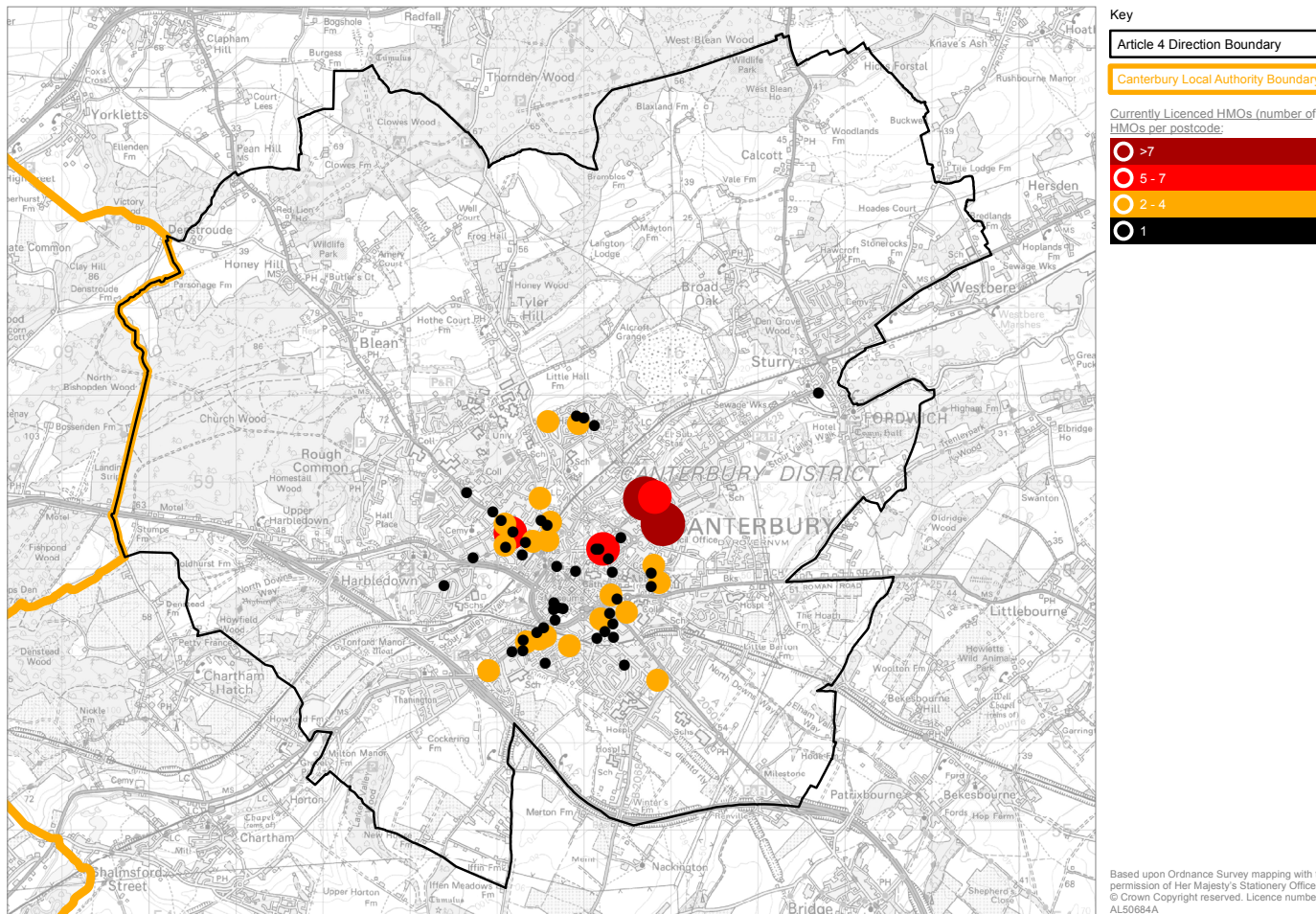
There was evidence of a link between HMOs and reported issues (many of which reflect national trends outlined above). In particular, there was:

- a relationship between the poor management and maintenance of a property and its use as an HMO;
- a disproportionately high number of noise complaints from student households;
- a general correlation between concentrations of HMOs and higher levels of reported crime, anti-social behaviour and domestic noise;
- a positive relationship between the numbers of anti-social behaviour complaints in a street and the number that relate to HMOs;
- a disproportionately high number of rubbish incidents reported in areas of high HMO density; and
- anecdotal reporting of accumulative problems associated with high density HMOs having an impact on community balance.<sup>3</sup>

In addition to these impacts, the evidence in the [East Kent Strategic Housing Market Assessment](#) (SHMA) shows that the housing market in Canterbury needs to be balanced to achieve the economic ambitions of the district, and to meet local housing need. While a proportion of smaller properties are necessary for younger and older single people, the main property types that the future housing market needs are those that will attract more affluent working households and families, and those that meet the needs of younger families facing deprivation and affordability problems.

This means addressing the continued tendency to sub-divide larger homes into flats and to put into place measures to develop larger, family-sized, semi-detached and detached homes. This is reflected in the SHMA recommendations. The Council therefore considers that there is a strong case for seeking to retain existing family housing, in the context of the wider housing and economic strategy.

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Furthermore, a high proportion of HMOs in any given area (mostly family accommodation in Canterbury City, occupied by students) changes the character of the area, and the nature of the local community. Analysis of the Council's [list](#) of currently licensed large HMOs indicates a concentration within neighbourhoods across Canterbury and adjoining areas as shown on the map below.

While the Council recognises the value of the universities to the local economy, and the many positive aspects of the presence of students in the City – economic, cultural and social, it is necessary to consider how existing communities and the balance of housing are affected by significant concentrations of HMOs in particular areas<sup>4</sup>.

On this basis, Canterbury City Council has undertaken to pursue an Article 4 Direction.

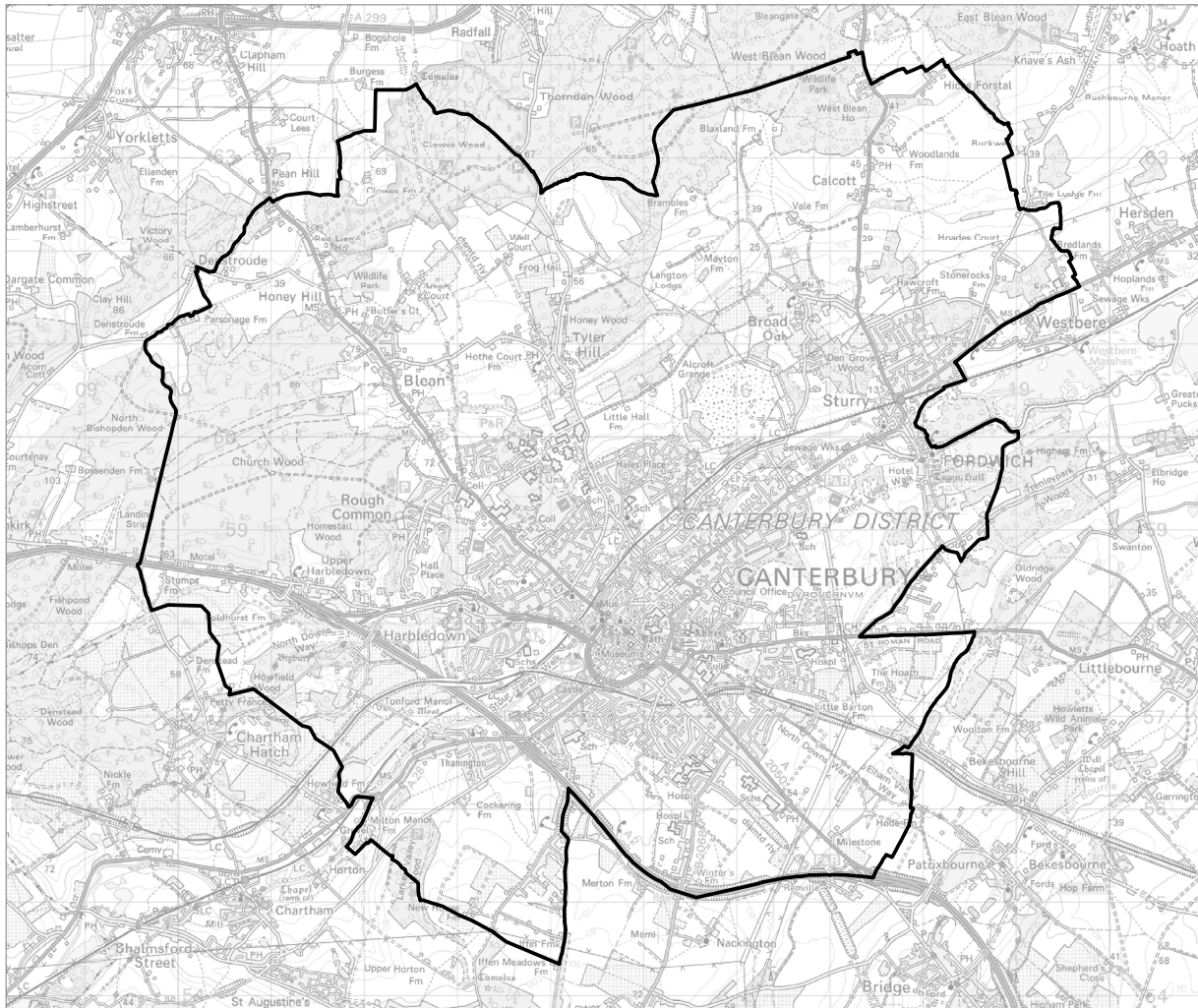
<sup>1</sup> Universities UK 'Studentification' report, 2006 as quoted in the Report to the Executive, 12 August 2010  
Balanced Housing Provision: Supplementary Planning Document on Housing in Multiple Occupation

<sup>2</sup> Canterbury City Council (2012) Houses in Multiple Occupation Best Value Review

<sup>3</sup> Canterbury City Council (2012) Houses in Multiple Occupation Best Value Review

<sup>4</sup> Canterbury District Local Plan Publication Draft

## The Article 4 Direction Area



Canterbury City Council Housing in Multiple Occupation Article 4 Direction  
25 February 2015

Article 4 Direction Boundary

It is proposed that the area to which the Article 4 Direction will apply, should extend beyond the policy area proposed for the draft SPD; to include not just the City of Canterbury as defined by the urban boundary but a number of adjoining wards also. This is to recognise the potential for HMO displacement activity resulting from the operation of the HMO SPD in the City.

The Article 4 Direction will apply to the whole, or parts, of the wards of: Barton; Blean Forest; Harbledown; Northgate; St Stephens; Sturry North; Sturry South; Westgate; and Wincheap.

It should be noted that due to ward changes in force from May 2015 the wards, or parts of the wards that will be affected when this Direction comes into force will be known as: Barton; Blean Forest; Chartham and Stone Street; Northgate; St Stephens; Sturry; Westgate; and Wincheap.

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## Next Steps

The Article 4 Direction will be made on the 25th February 2015.

This will initiate the commencement of the mandatory consultation period of 21 days.

Once complete, responses to the consultation will be reviewed and reported to Members, when a decision on whether to confirm the Article 4 Direction will be taken.