

Representation to Canterbury City Council Local Plan (Regulation 19 Consultation)

Policy: DM3

Summary of Issue:

- On 25 February 2016 the City Council implemented an Article 4 Direction for certain parts of the district¹. The purpose of the directive was to limit the number of residential properties being converted into student accommodation by Investors and student Landlords.
- The Article 4 direction means that residential property within the boundaries of the directive is given a usage class. The relevant classes are C3 (a single residential dwelling for the purpose of 1 family) and C4 (the property is occupied by three or more households)
- Article 4 was adopted in the Local Plan 2017² (Policy HD6). This provided that to maintain an appropriate housing mix and safeguard the character of local communities, the proportion of House of Multiple Occupation (HMOs) within the Article 4 are should not exceed 10% of the total number of dwellings within a 100m radius of any application property. The City Council will not permit changes of use to HMOs, or extensions to existing HMOs, where that proportion would be exceeded.
- The current Draft Local Plan³ maintains the policy on HMOs from the 2017 Local Plan (Policy DM3) but housing needs and therefore the presence of HMOs in the district has changed.
- Policy DM3, in its current form, does not provide sufficiently robust controls to manage the concentration and impacts of HMOs, particularly in areas experiencing high levels of student housing pressure. As a result, it risks failing to adequately protect residential amenity, community balance, and infrastructure capacity.

Reason for Objection (Soundness Test):

It is submitted that this element of the plan is considered unsound because it is:

- Not justified – the policy is insufficiently supported by clear thresholds or evidence-based criteria to manage HMO clustering.
- Not effective – the current draft policy is unlikely to prevent over-concentration or the cumulative impacts of HMOs in practice.
- Not consistent with national policy – the draft DM3 policy does not fully align with NPPF requirements to create balanced and sustainable communities⁴

¹ <https://media.kentonline.co.uk/PublicNotices/11613325.pdf>

² <https://www.canterbury.gov.uk/sites/default/files/2022-10/Adopted%20Local%20Plan.pdf>

³ [Draft Canterbury District Local Plan \(2042/43\) \(regulation 19\)](#)

⁴ NPPF paragraphs; 62, 92(c), 135(f), 16(d) and 35

Explanation:

While the historical position and Policy DM3 recognises the need to managed HMOs the police lacks.

- Clear thresholds. This means that there is no defined maximum concentration level which is acceptable and decision making becomes overly subjective and therefore inconsistent. This variability weakens decision-making and undermines the council's ability to resist harmful clustering of HMOs which would be detrimental to communities.
- There is no clear designation of areas of particular restraint, or which are already at saturation point. This limits the council's ability to prevent imbalances in established communities.
- Insufficient weight has been given to the cumulative impacts of HMOs, particularly multiple HMOs. This includes noises and disturbance, waste management pressures, parking stress and the loss of family housing stock.
- There is a lack of clarity on how compliance will be monitored and enforced. The policy does not link clearly with existing licencing regimes and Article 4 controls in respect of enforcement.

Evidence:

Please see the attached mapping of HMO density in the Hales Place area of St Stephen's ward, as compiled by local residents and provided to me as ward councillor.

Proposed Modification:

To make the plan sound, the following changes are proposed:

- Policy DM3 should be amended to include other density factors to be taking into consideration, not just already licensed HMOs a 100m radius. This would include.
 - the number of HMOs in a single row,
 - HMOs on the same street
 - All consideration to include unlicensed HMOs.
- Policy DM3 amended to include a requirement that planning permission is always checked when HMO licences are applied for, renewed, or extended. Where properties breach planning rules, licence conditions should be applied and enforcement action taken where appropriate.

Conclusion:

In its current form, the plan is unsound in respect of HMO licensing. The proposed modification would address this.

Councillor Beth Forrester
St Stephen's Ward, Canterbury City Council