

# **Guildford Borough Council**

Report to: Executive

Date: 5 September 2024

Ward(s) affected: All Wards

Report of Director: Place

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Report Status: Open

## **Licensing of Houses in Multiple Occupation (HMOs): A Review of HMO Controls (2023)**

### **1 Executive Summary**

1.1 At its meeting on 22 July 2024, the Services Overview & Scrutiny Committee considered a paper titled 'Licensing of Houses in Multiple Occupation (HMOs)'. The Committee resolved:

- (I) That the Executive be recommended to support further measures necessary to establish the number of HMOs in the Borough.
- (II) That the Executive ensure that for subsequent HMO reports the public are consulted on the impact and ongoing issues associated with HMOs in the Borough.

- (III) That Committee members be provided with an update on what further data would be required to explore Article 4 Direction options.

## **2 Purpose of Report**

- 2.1 The purpose of this report is to advise the Executive what work would be needed to support the recommendations of the O&S Committee.

**That the Executive be recommended to support further measures necessary to establish the number of HMOs in the Borough.**

- 2.2 Currently there is data within the Council on the number of HMOs that are 5 persons and above. However, there is no data on the number of HMOs between 3- 5 persons.
- 2.3 There are various options for establishing the total number of HMOs within the Borough or in GU2/GU1 (where most known HMOs are located). However it is acknowledged that all options will require additional resources and would take up to 12 months to undertake and may not give totally accurate and up to date data.

**That the Executive ensure that for subsequent HMO reports the public are consulted on the impact and ongoing issues associated with HMOs in the Borough.**

- 2.4 Residents will be consulted in accordance with the Statement of Involvement on planning applications relating to change of use to Sui Generis HMO. Local members have been asked by planners to share their local knowledge. It would not be practical, appropriate, or proportionate to consult every resident in the Borough on other reports relating to HMOs. Officers will explore a range of options for making residents aware of reports relating to HMO matters and ensure that appropriate and proportionate methods are used to make residents aware of reports relating on HMO matters.

**That Committee members be provided with an update on what further data would be required to explore Article 4 Direction options.**

- 2.5 As the report to the O&S Committee set out, the use of Article 4 Direction would remove the permitted development that currently exists for change of use from a dwelling to an HMO (4-6 persons). Article 4 Directions are used where there is evidence that permitted development is prejudicial to the proper planning of an area, in this case in terms of maintaining mixed and balanced communities. There are differing views on whether certain areas within Guildford are now at a point where the concentration of HMOs is such that the community has become imbalanced.
- 2.6 It is suggested that this recommendation, if agreed by Executive, needs to be actioned before the first recommendation and that a full report is prepared setting out in more detail the options relating to Article 4, timescales, additional SPD to assess planning applications together with resource and budget implications. Further, the report will set out compensation provisions associated with Article 4 Directions.

### **3 Key Risks**

- 3.1 A key risk within this report is human resourcing and capacity. As with Human resourcing another key risk would be financing the human resources that would be required to implement Article 4 in both Planning Services and Regulatory Services.

### **4 Financial Implications**

- 4.1 There are specific financial risks/implications that can incur upon local authorities after enacting an Article 4 direction. These would include the cost of additional resources and IT systems to support the implementation of an Article 4 direction and the data base needed to assess applications. It should also be noted that any planning application would be exempt from paying a planning fee.
- 4.2 There are significant human resourcing implications that have interconnected challenges with financing human resourcing. Financing the required human resourcing (that would be significant across both planning and regulatory services) to deliver Article 4

Direction may be especially challenging given the Council's current financial budgets and financial recovery plan.

## **5 Legal Implications**

### **Article 4 Direction**

- 5.1 National Planning Policy Framework (NPPF) (2019) Paragraph 53 provides guidance as to how Article 4 Directions should be used. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Before making an Article 4 Direction under the Town and Country (General Permitted Development) (England) Order 2015, a local planning authority must be satisfied that it is expedient that certain classes of development should not be carried out unless planning permission is granted for it on an application. An Article 4 Direction also sets out the procedure to be followed when making such a Direction.

## **6 Human Resource Implications**

- 6.1 The invoking of an Article 4 Direction is likely to affect human resourcing and capacity in Planning and regulatory services.

## **7 Equality and Diversity Implications**

- 7.1 The completed Equality Impact Assessment (EIA) form was set out in Appendix 3 to the report to the Services O&S Committee on 22 July 2024.

## **8 Climate Change/Sustainability Implications**

- 8.1 There are no direct links to climate change and the progress made on delivering the current mandatory HMO licensing scheme.

## **9 Conclusion**

- 9.1 Officers recommend that further work is done on the case for an Article 4 Direction before work commissioned to undertake further work around data collection.

## 10 Background Papers

Overview & Scrutiny HMO Report; Overview and Scrutiny Committee  
– Monday 22 July 2024

Overview & Scrutiny HMO Report: [Overview and Scrutiny Committee - Tuesday, 29th June 2021 at 7:00pm - Guildford Borough Council webcasts \(public-i.tv\)](#) (Resources tab - Item 7 - download report)  
[National Planning Policy Framework 2021](#) (Paragraph 53)

[Planning Practice Guidance](#) (Paragraphs 38 – 51)

[Guildford Local Plan - Guildford Borough Council](#) – Policy H1 (Page 32 – 39 & paragraph 4.2.23)

[Thames Basin Heaths Special Protection Area SPD - Guildford Borough Council](#)

- **Specifically** - Appendix 1 of the Council's TBSPA Avoidance Strategy ([https://www.guildford.gov.uk/media/24945/TBHSPA-Avoidance-Strategy-2017-SPDA-Equalities-Impact-Assessment/pdf/TBHSPA\\_Avoidance\\_Strategy\\_2017\\_SPD\\_Equalities\\_Impact\\_Assessment.pdf?m=636361396941570000](https://www.guildford.gov.uk/media/24945/TBHSPA-Avoidance-Strategy-2017-SPDA-Equalities-Impact-Assessment/pdf/TBHSPA_Avoidance_Strategy_2017_SPD_Equalities_Impact_Assessment.pdf?m=636361396941570000))

(Zone of influence where mitigation of the harm to the SPA is deemed to be possible)

## 11 Appendices

None