

**GREAT LINFORD PARISH COUNCIL
PLANNING POLICY GUIDE
HOUSES in MULTIPLE OCCUPATION [HiMO]**

What is a 'House in Multiple Occupation'?

The amendments to the Use Classes Order essentially mean that for **planning purposes** a HiMO can now be defined in two ways:

Use Class C4 HiMO: a property which is occupied by 3-6 **unrelated** individuals, who share one or more **basic amenities**.

- **unrelated** - means that the occupants do not have a relationship by blood, marriage or co-habitation.
- **basic amenities** means cooking facilities (such as kitchens), personal washing facilities (such as bathrooms) and toilets.

Larger HiMOs: Properties occupied by **more** than six people would not sit in Use Class C4 and may therefore be **Sui Generis** (in a class of its own), for which any change of use requires planning permission. It must be noted that a property does not automatically become a Sui Generis use just because it has more than six occupants. A change of use has to be “material” and it is possible that individual circumstances may mean that a HiMO with, for example, seven people could be assessed as **not** being materially different from a six person HiMO. In which case, a **material change of use** has not occurred and planning permission would not be required.

When is planning permission required?

Where there is a material change of use, planning permission is required when:

Converting a dwellinghouse (C3) or a HiMO falling under a Use Class C4, to a Sui Generis HiMO (a HiMO with more than six people).

Converting a non-residential building to a C4 HiMO (between three and six people), or to a Sui Generis HiMO (with more than six people)

Exceptions

There are some exceptions where planning permission is not required, for example, where an owner of a property is living with no more than two lodgers, or if no more than six residents are living together as a single household and receiving care.

MK Council Adopted Planning Policy H10 'Subdivision of dwellings and Houses in Multiple Occupation' Policy H10 has four main criteria against which an application will be assessed.

In order for the application to be permitted, it must provide information to show how it meets the four criteria. If all of the criteria are met, then permission will be granted.

Specifically the policy states:

Within the limits of development of settlements, planning permission will be granted for the sub division of existing dwellings into flats, or the creation of Houses in Multiple Occupation, **if all of the following four (I–IV) criteria are satisfied:**

- I. Effective measures are proposed to minimise the effects of **noise and disturbance**.
*Applicants will need to show what measures are proposed in order to ensure that noise from the property would not have an unacceptable impact on surrounding properties.
In order to protect the amenity of tenants, the Council will require that applicants demonstrate, through submission of a noise assessment, that all internal bedroom walls, and (where there is a habitable room above or below) bedroom ceilings and floors, meet the sound insulation standard of a minimum value of 40 dB.*

- II. **Off street parking** and manoeuvring space is provided to meet the new MKC Parking Standards Supplementary Planning Document [SPD] adopted in January 2016, replacing Adopted Parking Standards 2005 & Addendum to Parking Standards 2009.

Parking

Parking is an important consideration in HiMO conversions. It is important to ensure that adequate parking is provided for prospective residents so as to avoid traffic problems. Traffic problems can arise from a lack of parking which causes traffic obstructions, congestion and harms the amenity of the local area.

Planning use Class C4 “Houses in Multiple Occupation” (HiMOs)

Parking standard of HiMOs follows a two-zone approach and most HiMOs in the GLPC area are in Zone A [Conniburrow and Downs Barn].

Zone A requires 0.5 spaces per bedroom rounded up the nearest full number.

Zone B: standard is to be calculated using the formula:

N minus 1 where N = the number of bedrooms.

e.g. A 6 bedroom HiMO requires 5 parking spaces

If an application for a HiMO is submitted with on-plot parking provision below the required levels, it will normally be refused unless the applicant can demonstrate that the shortfall can be satisfactorily accommodated within properly marked, or laid out, parking spaces in the highway fronting the site

Guidance note.

Parking in spaces remote from the site and not within the surveillance of the site will not normally be acceptable. The word “congestion” referred to in Policy H10 is considered to mean conditions where normal and safe use of the public highway is not possible. For example, where access to dwellings is prevented or made difficult, where manoeuvres at junctions are hindered and where large vehicles such as waste collection vehicles or fire engines cannot use turning areas in cul-de-sacs, or where access to a property is blocked. This means that the reliance on kerbside parking within residential streets to meet the parking standards will not normally be acceptable.

On-site parking

- Spaces should be a minimum of 5m x 2.5m
- Where the parking space adjoins a wall/fence an additional 0.5m space should be provided
- Spaces in front of garages or doors to dwellings must have an additional clear area of at least 1m beyond the space to allow for access
- A clear path of 1.2m should be maintained between the highway and the dwelling entrance
- Each space must be independently accessible (no ‘tandem’ parking)
- Spaces directly accessed from the highway must have an appropriate dropped kerb crossover
- Access to spaces must not involve driving along footways or redways
- Parking on shared accesses and driveways is not acceptable

Cycle parking standards

The provision of good quality cycle storage is an important means of encouraging more people to cycle and thus reduce pressure on the highway both in terms of congestion and car parking demand.

Number of bedrooms	Casual/Visitor spaces	Residential spaces
HiMOs C4	2 spaces per 40 units	1 space per 2 bedrooms

III. Adequate outdoor space is available for **bin storage and a drying area.**

Bin storage and drying areas

15 square metres of storage space should be provided, as part of the change of use to a HiMO, for a drying area and storage of the following waste receptacles:

- 1 black sack per bedroom
- 1 pink recycling sack per bedroom
- 1 blue recycling box per 3 bedrooms
- 1 x 240 litre green bin for food & garden waste per 6 bedrooms.

Residents are required to bring their refuse and recycling containers to the front of their property boundary; the internal layout of HiMOs should not make this difficult.

Where waste is stored externally, the area should be:

- Secure and unobtrusive, to prevent vandalism – i.e. accessible to residents and collectors, but not to others
- Readily accessible from a road (collectors should not be expected to go up/down stairs, in lifts, across grass or inside parts of the building other than the refuse/recycling room)

IV. The proposal would not adversely affect the **character** of the surrounding area or lead to an unacceptable **concentration** of flats or Houses in Multiple Occupation within the area.

Character & Concentration

The detrimental effect on the character of an area is often considered a prime reason for objections to applications for conversions to multiple occupation. The effect on the character of an area and the concentration of HiMOs are clearly linked.

Concentration

The number of Houses in Multiple Occupation should not exceed 35% of the total number of properties within a 100 metre diameter buffer of the application property.

For the purposes of the SPD:

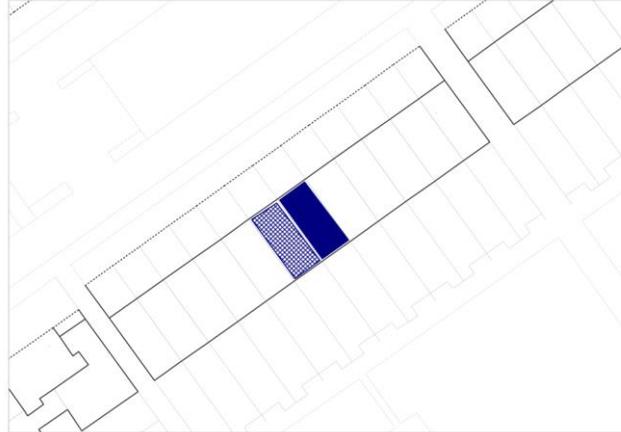
- HiMOs will be counted by the number of bedrooms (e.g. a 5 bedroom HiMO = 5 HiMO properties in the concentration calculation).
- Non HiMO houses will be counted as a single property, regardless of number of bedrooms (e.g. a 4 bedroom house = 1 non-HiMO property in the concentration calculation)
- One bedroom flats are counted towards the concentration of HiMOs and each flat is counted as a single property.
- Flats with more than one bedroom do not count towards the concentration of HiMOs and each flat is counted as a single property.

Sandwiching

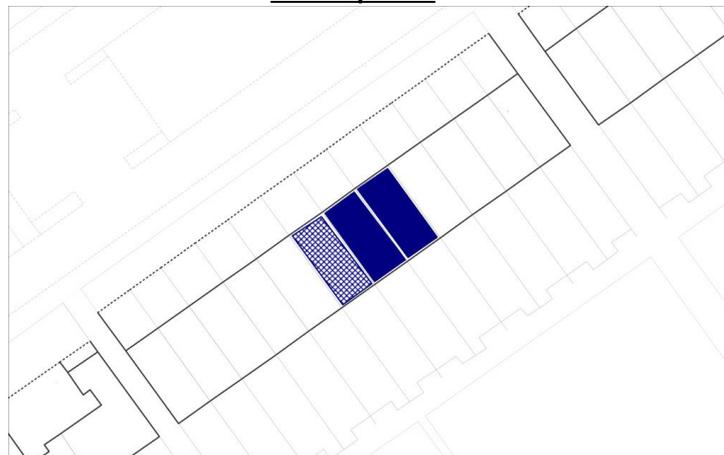
A non-sandwiching approach will be applied to prevent any one property (HiMO or non-HiMO) being 'sandwiched' between two houses in multiple occupation. This will reduce the local impacts on neighbouring properties and will also prevent an over concentration at the localised level. The non-sandwiching approach will apply to all types of properties, including detached and flats on the same floor.

Where properties are separated by a public highway the sandwiching approach will not apply. 4.36 'Figure 4.3 Sandwiching' in the SPD provides a visual representation of where proposals for a change of use to a HiMO would and would not be considered acceptable, using the non-sandwiching approach

This proposed HiMO would not result in "sandwiching", so it would be considered acceptable



This proposed HiMO would result in "sandwiching" on a HiMO, so it would be considered unacceptable



This proposed HiMO would result in "sandwiching" of a non-HiMO, so it would be considered unacceptable



Key					
	Non-HiMO		Proposed HiMO		Existing Authorised HiMO

HiMO LICENCING

HiMO Licencing scheme

The Housing Act 2004 introduced the licensing of Houses in Multiple Occupation (HiMOs). A landlord who owns a HiMO may need a licence. All properties which are three or more storeys with five or more occupants in two or more households will require a licence.

MKC Private Sector Housing team deals with all aspects of HiMO licensing. Licences remain in effect for a period of 5 years, unless previously revoked.

Licencing and planning permission

The legal position is that an HMO is required to have a Licence to operate as an HMO whether or not it has Planning permission.

Certain London Boroughs attempted to regulate the duration of the HMO licence when Planning Permission has not been obtained. In Khan Vs London Borough of Redbridge the Council issued a one year licence and said it would vary the length of the licence to reflect any Planning permission that was granted.

The landlord appealed against the restriction of the licence to a period of one year. The tribunal held in favour of the landlord and ordered the Council to issue a five year licence for seven persons.

Licencing of all HiMOs

From October 2018 MK Council will extend the Mandatory Licensing Scheme by removing the reference to storeys from the prescribed description of large HMOs.

Thus, all C4 HiMOs, occupied by five or more people from more than one household will have to be licenced. This will also include flats above and below business premises

Minimum room sizes

From October 2018 the introduction of minimum room sizes suitable for sleeping is the Governments response to an Upper Tribunal Decision (Manchester City Council Vs Clark 2017), which held in the landlord's favour that minimum room sizes in part 10 of the Housing Act 1985 did not apply to HMOs.

- A room with a floor area of less than 4.64m² is not to be used as sleeping accommodation.
- Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5m is not to be taken into account in determining the floor area of that room.
- Room must not be less than 6.51 m² for 1 person aged 10 years or over
- Room must not be less than 10.22m² for 2 persons aged 10 years or over
- Room must not be less than 4.64m² for 1 person aged under 10 years or over

Licensing is intended to make sure that:

- The fire protection measures in the house are adequate
- The manager of an HiMO is a fit and proper person
- Each HiMO is suitable for the number of people allowed under the licence
- The amenities and facilities within the property are adequate for the number of occupants
- The standard of management of the HMO is adequate
- Larger HiMO's can be identified and targeted for improvement

The licence will specify the maximum number of people who may live in the HiMO.

It will also include the following conditions, which apply to every licence:

- A valid and current Landlords Gas Safety Certificate, which is renewed annually
- Proof that all electrical appliances and furniture are kept in a safe condition
- Proof that all smoke alarms are correctly positioned and installed
- Each occupier must have a written statement of the terms on which they occupy the property, e.g. a tenancy agreement

The Council may also apply the following conditions:

- Restrictions or prohibitions on the use of parts of the HiMO by occupants
- The landlord or manager must take steps to deal with unreasonable behaviour of occupants or visitors
- To ensure that the condition of the property, its contents, such as furniture and all facilities and amenities e.g. bathrooms and toilets are in good working order
- To carry out specified works or repairs within a particular time frame

Licences will be granted if:

- the house is or can be made suitable for multiple occupation
- the applicant is a fit and proper person and the most appropriate person to hold the licence
- the proposed manager has control of the house, and is a fit and proper person to be the manager
- the management arrangements are satisfactory

Penalties

Section 72 of The Housing Act 2004 makes it a criminal offence if a person managing or controlling an HMO does not have the required licence. A person found guilty of such an offence will be subject to a fine of up to £20,000.

A landlord cannot rely on any delay in obtaining planning permission as a defence for not licensing a HiMO.

Councillor David Stabler

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