

Report of the Portfolio Holder for Economic Development and Asset Management**Houses in Multiple Occupation and Article 4****1. Purpose of Report**

To provide an update in relation to Houses in Multiple Occupation and options for extending the Article 4 area. This is in accordance with the Council's Housing Priority to provide a good quality home for everyone.

2. Recommendation

Cabinet is asked to NOTE the report.

3. Detail

Broxtowe Borough Council's approach to Houses in Multiple Occupation (HMOs) is largely based on the Article 4 Direction, which came into force in March 2022, and the Supplementary Planning Document (SPD), which was adopted in July 2022.

The Council is now undertaking a review of HMOs across the Borough to identify further concentrations of HMOs and to identify emerging trends since the introduction of the existing Article 4. This review will inform recommendations in respect of expanding the Article 4 area and whether changes are required to the adopted SPD. This work is being undertaken jointly between the Planning Department and Private Sector Housing team.

Through the Greater Nottingham Joint Planning Advisory Board, the Council is also working with neighbouring authorities to ensure a consistent approach across the wider area and to share data to identify wider trends in respect of the number of HMOs and their location.

Options will be presented to the Policy Overview Working Group on 8 January 2026, followed by a recommendation to Cabinet on 3 February 2026.

It is important to note the Government's policy in the National Planning Policy Framework (NPPF, paragraph 54) that directions should "apply to the smallest geographical area possible". The Secretary of State has the option of cancelling or modifying any Direction, "at any time before or after its confirmation".

Government policy also requires that any Direction should be "based on robust evidence". For the current Direction, the Council commissioned evidence and advice from external consultants, as part of the housing evidence for the Greater Nottingham Strategic Plan (GNSP).

It would also be necessary to consider whether any Direction should have “immediate effect” (once the necessary consultation had been carried out) or whether it should come into effect in 12 months’ time. The former option involves the risk of compensation having to be paid when applications are refused; the latter option does not. For the current Direction, taking account of advice from our Legal team about the financial risks, the Council chose the “without immediate effect” option.

It should also be noted that the Council is proposing a strengthening of planning policy in relation to HMOs through the Greater Nottingham Strategic Plan (as part of policy 8, ‘Housing Size, Mix and Choice’):

“6. Planning permission will not be granted for development, including changes of use and / or the erection of buildings to create new Houses in Multiple Occupation (HMOs), if it would undermine the objective of maintaining balanced, inclusive and mixed communities.

7. In Broxtowe, attention will be given, among other considerations, to the concentration of HMOs in the vicinity of an application site and, at a more local level, the ‘clustering’ of HMOs and the ‘sandwiching’ of non-HMO dwellings, with further details set out in Supplementary Planning Documents.”

The policy also states: “All residential developments should contain adequate internal living space as set out in the Nationally Described Space Standard.” This will include HMOs.

4. Key Decision

This report is not a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

5. Updates from Scrutiny

Recommendations will be made to Policy Overview Working Group on 8 January 2026.

6. Financial Implications

The comments from the Assistant Director Finance Services were as follows:

There are no direct financial implications arising from this report.

7. Legal Implications

The comments from the Head of Legal Services were as follows:

An Article 4 Direction is a direction under Article 4 of the General Permitted Development Order which enables local planning authorities to withdraw specified permitted development rights across a defined area. The statutory

procedure for making Article 4(1) Directions is set out in Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Paragraph 54 of the 2024 National Planning Policy Framework states that: The use of Article 4 directions to remove national permitted development rights should... b) in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area... c) in all cases, be based on robust evidence, and apply to the smallest geographical area possible.

8. Human Resources Implications

Not applicable.

9. Union Comments

Not applicable.

10. Climate Change Implications

Not applicable at this stage.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

Not required at this stage.

13. Background Papers

Nil.