

## Report of the Portfolio Holder for Economic Development and Asset Management

### Houses in Multiple Occupation and Article 4 Directions

#### 1. Purpose of Report

To seek approval to expand the existing Beeston Article 4 area and to create three additional Article 4 areas in Eastwood, Kimberley and Stapleford which will mean planning permission is required for the change of use from C3 (dwellinghouse) to C4 (used for between 3-6 residents). To also seek approval to undertake consultation on an update to the Houses in Multiple Occupation Supplementary Planning Document to reflect the proposed changes to Article 4 areas. This is in accordance with the Council's Corporate Priority of Housing – a good quality home for everyone.

#### 2. Recommendation

**Cabinet is asked to RESOLVE that:**

- 1. Directions under Article 4 of the Town and Country Planning (General Permitted Development Rights) (England) Order 2015 are issued, together with relevant notices, to remove permitted development rights to convert dwellinghouses to homes in multiple occupancy for 3 to 6 people in the areas depicted in Appendix 1;**
- 2. Consultation on the proposed Article 4 areas is carried out for six weeks.**
- 3. Consultation on the updated Houses in Multiple Occupation Supplementary Planning Document (SPD) is carried out for six weeks.**

#### 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.

Concerns have been raised about the increasing numbers of HMOs in other areas. These concerns include the impact on the local character, antisocial behaviour, and the strain on local services and infrastructure. However, it should be noted that HMOs also provide an important source of housing for a range of people including young professionals.

An Article 4 direction is a legal tool used by local planning authorities to remove or restrict permitted development rights, meaning certain works normally allowed without planning permission require formal consent. In this context, it means that

planning permission is required for the change of use from C3 (dwellinghouse) to C4 (used for between 3-6 residents). Outside of the existing Article 4 area, this change does not currently require planning permission. Introducing an Article 4 Direction does not mean that the Council can prevent new HMOs but does require planning applications to be submitted which must then be assessed against relevant planning policies and other material considerations which includes the adopted SPD.

The Council has undertaken a review of HMOs across the Borough to identify further concentrations of HMOs. This review has informed recommendations in respect of expanding the Article 4 area, creating additional Article 4 areas and whether changes are required to the adopted SPD.

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. As part of this work, it has been identified that Erewash Borough Council are proposing to introduce Article 4 Directions to cover the Long Eaton and Ilkeston Urban Areas.

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). The Council now maintains geographical data in relation to the location of HMOs.

The procedure for implementing an Article 4 Direction is set out in Schedule 3 of the General Permitted Development Order 2015. This requires notice of the direction to be published in a local newspaper and by site notices in the affected areas giving interested parties a minimum of three weeks to lodge representations. The notice must also be served on the Secretary of State.

The direction cannot come into effect until it is confirmed and cannot be confirmed without taking into account any relevant representations made. Consequently, should it be decided that the directions should be issued, a report considering the relevant consultation responses would be brought back to Cabinet at a future date to allow determination of whether or not the direction should be confirmed.

Compensation is payable to affected landowners if an Article 4 direction comes into effect within 12 months of having been confirmed. Accordingly, the direction will come into effect in 2027.

A number of options were presented to Policy Overview Working Group in January.

- Option 1: For the Beeston Article 4 area to remain as existing.
- Option 2: For the Beeston Article 4 area to be extended to include the whole of Beeston North, Beeston West and Beeston Rylands wards (as well as Beeston Central, as existing). These areas have seen an increase in the number of HMOs.
- Option 3: To introduce Article 4 areas to cover the main towns of Broxtowe (Beeston and Chilwell, Eastwood, Kimberley and Stapleford). This could be based on existing ward boundaries or based on boundaries of the built-up areas of these towns.
- Option 4: To introduce a 'Borough Wide' Article 4 area.

Following extensive discussion, it was resolved that Option 3 was preferred by the majority of Members, subject to amendments to the boundaries as it was considered that ward boundaries were too arbitrary and large to be used as the basis for the Article 4 boundary areas. It was also resolved that the Houses in Multiple Occupation Supplementary Planning Document should be updated and for there to be separate work to set clear guidance in respect of Purposes Built Student Accommodation.

The four Article 4 areas are included in Appendix 1, with justification for the areas and the boundaries provided in a separate paper (Appendix 3).

- **Beeston:** Expanding the existing Article 4 to the west to Cator Lane and the south to cover Beeston Rylands.
- **Eastwood:** To cover the area to the north and south of the town centre and to the east to cover Hill Top.
- **Kimberley:** To cover the area to the north and south of the town centre.
- **Stapleford:** To cover the town centre, areas east and west of Church Street and south of Brookhill Street.

The evidence demonstrates that:

- Beeston remains under significant HMO pressure, and an extension to the Article 4 boundary is justified.
- Eastwood, Kimberley, and Stapleford exhibit early but accelerating HMO growth, with clusters forming around older housing stock and transport corridors.
- The housing characteristics of these areas make them especially vulnerable to rapid conversion.

- Strong public transport connectivity further enhances their attractiveness to HMO developers.
- Cross-boundary restrictions in Nottingham City, together with emerging Article 4 controls in Long Eaton and Ilkeston, present a substantial displacement risk.

Introducing three new Article 4 Directions, covering Eastwood, Kimberley, and Stapleford, and extending the Beeston Article 4 area is necessary to protect local amenity, maintain balanced communities, and ensure proper planning across the Borough.

### **Houses in Multiple Occupation - Supplementary Planning Document (SPD)**

The SPD was adopted in July 2022 and applies to all planning applications in relation to HMOs, including those outside of the existing Article 4 area. However, there are a number of specific references to the existing Article 4 area which need updating. Minor changes to wording and diagrams have also been made. The updated SPD is contained in Appendix 4. Key changes are summarised below:

- Reordered and expanded structure, including clearer section headings and refined numbering.
- New section on Purpose-Built Student Accommodation (PBSA), setting out how PBSA should be considered alongside HMOs when assessing cumulative impacts.
- Wider policy context, with explicit references to the Greater Nottingham Strategic Plan (GNSP) and its emerging policies, including space standards.
- Updated definition and explanation of HMOs, including clearer explanation of Use Classes, Permitted Development Rights, and Article 4 Directions.
- Refined principles for clustering, radius tests and sandwiching, now labelled as Principles 1–3.
- Refined wording in relation to car parking and cycle parking to align with national and local policy requirements.

A consultation on the updates to the SPD will be undertaken with the results reported to a future Cabinet.

### **Licensing**

Broxtowe Borough Council operates a mandatory HMO licensing scheme. Landlords must get a licence if the HMO has 5 or more unrelated people live in it who form 2 or more separate households. HMOs don't need to be licensed if they are managed or owned by a housing association or co-operative, a council, a health service or a police or fire authority or if the HMO does not meet the threshold for requiring a licence.

The Renters Rights Act 2025 will require landlords to register each property they own and provide certain information to the Local Authority in which the property is located. This provision expected late 2026/early 2027 will allow Private Sector Housing Teams to identify privately rented properties and use the information to target compliance interventions.

### **Purpose Built Student Accommodation**

Purpose Built Student Accommodation (PBSA) can provide an important source of housing supply and can assist in reducing demand for Houses in Multiple Occupation for students. There have been a number of recent developments within Beeston which have provided a range of cluster and studio flats and the development at Beeston Square, providing 419 bedspaces, is due for completion in September 2026.

It is noted that a number of authorities, including Nottingham City Council, has produced specific guidance in relation to purpose built student accommodation including the proportion of clusters and studios which should be provided within a scheme and requirements in relation to room sizes.

Broxtowe does not have any specific policy in relation to purpose built student accommodation which could be used as the basis for introducing specific standards through a supplementary planning document. However, informal planning guidance will be produced to provide clarity in respect of how the Council considers applications for purpose built student accommodation and provide guidance in respect of internal standards expected to provide acceptable levels of accommodation for future occupiers.

### **Future Policy**

It should 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 will be a key decision for Cabinet as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as it affects more than two Wards in the Council's area.

**5. Updates from Scrutiny**

This report was discussed at Policy Overview Working Group with the outputs summarised within the main report.

**6. Financial Implications**

The comments from the Interim Deputy Chief Executive and Section 151 Officer were as follows:

The costs in terms of the Planning Policy resources are contained within existing budgets. There are financial risks associated with any potential compensation claims arising from landlords claiming that this process would hinder their rent earning potential. As in previous guises, however, if the Article 4 is advertised and promoted for at least 12-months before its inception, then these threats are significantly mitigated. Further details are provided in the 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

There are not considered to be any significant climate change implications.

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

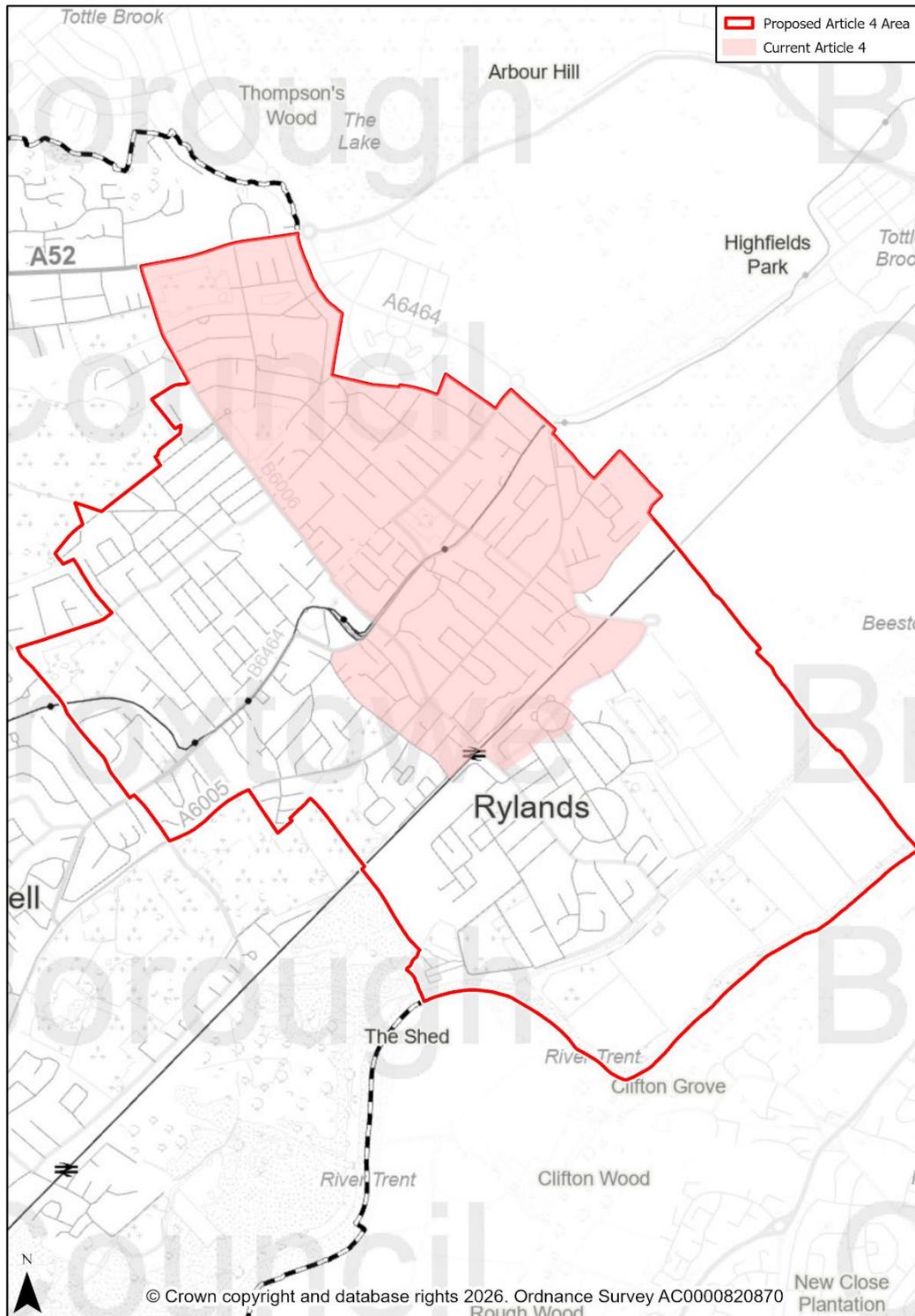
An Equality Impact Assessment is included as an appendix to this report.

13. Background Papers

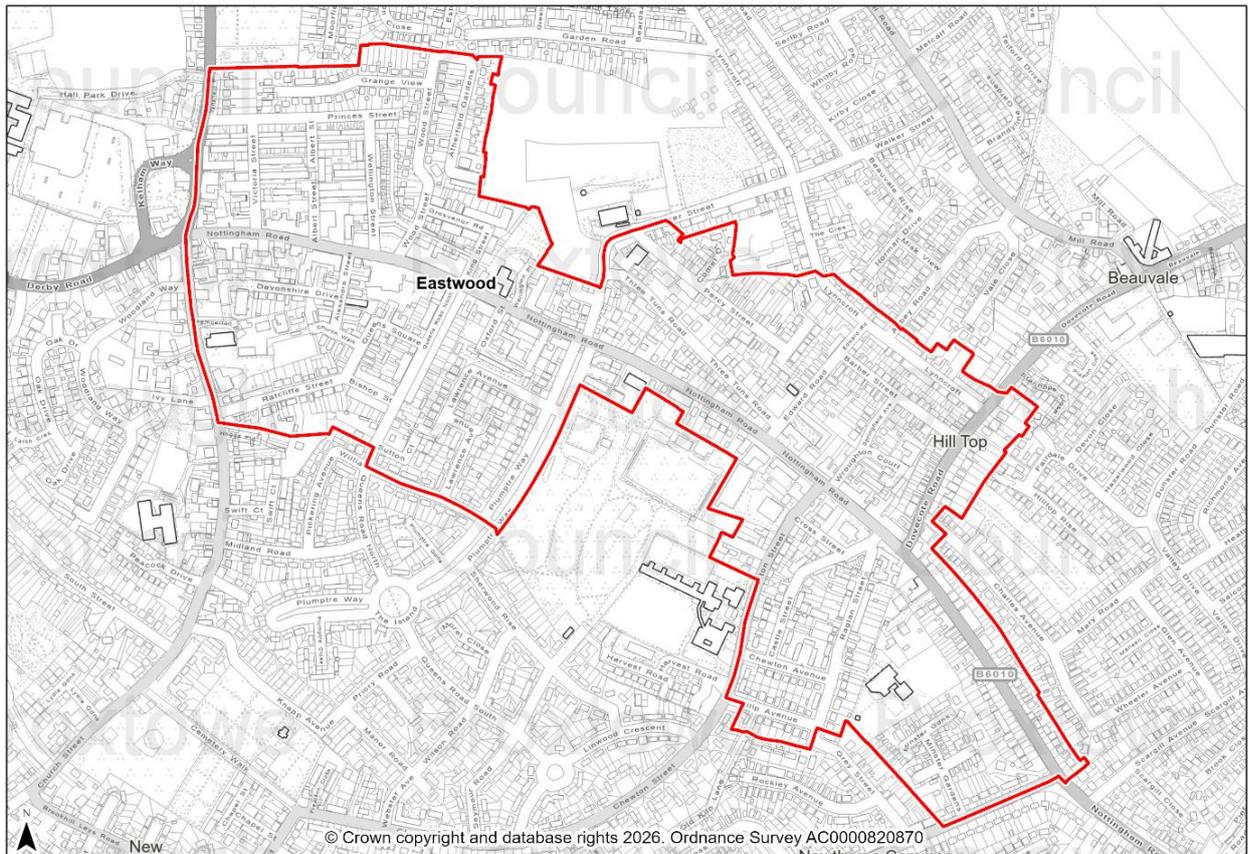
Nil.

Appendix 1

Map 1: Beeston Article 4 Area (Proposed Expansion)



Map 2: Eastwood Article 4 Area (Proposed)





Map 4: Stapleford Article 4 Area (Proposed)

