

PETITION REQUESTING AN ARTICLE 4 DIRECTION AND TO REGISTER ALL HOUSES IN MULTIPLE OCCUPATION IN HEATHROW VILLAGES WARD

Cabinet Member(s)	Councillor Keith Burrows
Cabinet Portfolio(s)	Cabinet Member for Planning, Transportation and Recycling
Officer Contact(s)	James Rodger and Mark Billings, Residents Services
Papers with report	N/A

1. HEADLINE INFORMATION

Summary	To inform the Cabinet Member that the Council has received a petition from residents who live within the Heathrow Villages Ward requesting an Article 4 Direction be created to control HMOs.
Contribution to our plans and strategies	This report supports the Council's objectives of: Our People; Our Built Environment; Our Natural Environment and Our Heritage by considering these in the context of the petition.
Financial Cost	There would be no cost if the Cabinet Member does not agree an Article 4 Direction. The preparation of the evidence base to support an Article 4 Direction is the main financial cost, in particular if further staff resource is required to produce this evidence base.
Relevant Policy Overview Committee	Residents, Education and Environmental Services
Ward(s) affected	Heathrow Villages directly, but possibly also Yiewsley, West Drayton and Pinkwell.

2. RECOMMENDATIONS

Meeting with the petitioners, the Cabinet Member for Planning, Transportation and Recycling:

1. listens to the concerns outlined and reasons put forward by residents for an Article 4 Direction and registration of HMO properties.
2. considers the wider implications of imposing an Article 4 Direction on Heathrow Villages Ward and surrounding wards.
3. notes that the evidential base likely to be required to ensure the Secretary of State

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agrees an Article 4 Direction in Heathrow Villages would need to be fully established before Cabinet or Full Council could proceed to agree such a direction or to notify the Secretary of State.

4. notes that, on 1 October 2018, the Council adopted the power under the Housing and Planning Act to impose financial penalties on landlords who are required to license HMOs and fail to do so.

5. subject to the outcome of the above, either instructs officers to prepare the evidence base for creation of an Article 4 Direction for him to consider further and/or considers whether there are other actions the Council should take to address the petitioners concerns regarding HMOs.

Reasons for recommendations

The Petition Hearing will provide a valuable opportunity to hear directly from the petitioners of their concerns and suggestions.

Alternative options considered / risk management

None at this stage.

Policy Overview Committee comments

None at this stage.

3. INFORMATION

Supporting Information

1. A petition with 24 signatures has been received by the Council from residents of Heathrow Villages Ward. The petition is residents' request for the Council *'to implement an Article 4 directive, as attached, to license HMOs in the Heathrow Villages Ward'*. Petitioners' desired outcome is: *'To register all rented properties in the Heathrow Villages Ward.'*

2. The petition refers to both the Council's Planning powers (creation of an Article 4 Direction) and Housing powers (licensing of HMOs). A simple non legal definition is that a house (or flat) is an HMO (House in Multiple Occupation) if there are three or more unrelated occupiers. A meeting occurred with petitioners in October 2018 where it was clarified that the petition is seeking both the creation of an Article 4 direction and registration of all HMOs in Heathrow Villages. Concerns were also raised by the petitioners regarding the impact of HMOs and rented accommodation on social cohesion in Heathrow Villages.

3. Heathrow Villages Ward lies in the south of Hillingdon and is bordered by Pinkwell and West Drayton wards. Within the ward is Heathrow Airport. In 2017, Heathrow Villages population was 13,627 residents, an increase of 11.7% since 2011 (12,199); this is greater than the 10.9% increase for Hillingdon overall. The average number of people per household in Heathrow Villages is 2.73 if census data is referred to. This is higher than the Hillingdon, London and national averages. According to 2011 census data in Heathrow Villages, 49.6% of ward residents own their own homes, followed by 33.6% of properties being privately rented, 14.8%

socially rented from the Council and 2.0% other categories of housing. The private rental rate is higher than the Hillingdon average of 18.1% and the London wide average of 25.1%.

4. In 2012, the Cabinet Member received requests for an Article 4 Direction to control HMOs (Houses in Multiple Occupation) from residents around Brunel University. Residents were concerned about the rapid 'studentification' that was occurring of streets that had traditionally been characterised by family housing. The creation of the Article 4 Direction was subsequently agreed via Cabinet and Full Council in light of the particular issues faced by residents in Brunel and Uxbridge South Ward's. Nonetheless, the circumstances of this Article 4 Direction was that the University had undergone large scale expansion in a relatively short timescale and this had created a large and measurable growth in HMO numbers - the Council had clear statistical evidence of this. The Council had a lot of information from local letting agents and the University regarding the changes in the housing market and, in effect, had a robust statistical evidence base regarding the growth in HMO numbers. The Council was able to submit this to the Secretary of State to justify creation of the Article 4 Direction.

5. Whereas the Brunel and Uxbridge South Ward Article 4 direction has been very successful in limiting growth in HMOs in these wards, officers believe there has been an increase in HMOs in Yiewsley and West Drayton wards (but it should be stressed not at the same concentrations on individual streets that led to the Brunel and Uxbridge South Ward Article 4 Direction being created). A possible explanation of this is that house prices are slightly lower in wards to the south of Brunel University than north of it and the creation of the Article 4 Direction has caused a growth in HMOs in the geographic area closest to the University (not subject to the Article 4 Direction) where house prices are not so high and where HMOs are financially viable.

6. The Cabinet Member may wish to be mindful of the possible wider implications of creating an Article 4 Direction in Heathrow Villages Ward. Yiewsley and West Drayton wards lie directly north of Heathrow Villages ward. Officers consider that it is likely that, if an Article 4 Direction is created for Heathrow Villages Ward, this may have a direct impact on housing markets in adjoining wards. The Cabinet Member should also be mindful that, if there is an increase in HMOs, this could put pressure on the existing housing stock of predominantly family housing located in Yiewsley, West Drayton and Pinkwell Wards, possibly driving up house prices. The Council's housing needs study has identified that, between the census years 2001 and 2011, the number of multi-adult households living in Hillingdon Borough increased from 5,114 to 7,049, an increase of 1,935 (38%). This includes HMOs with shared facilities where, for most purposes, the residents are not defined as forming a single households, as well as single people living together as a group who are defined as a single household for most purposes, and individuals with lodgers. The growth in multi-adult households was focussed particularly in the private rented sector, with an increase in single persons choosing to live with friends together with others living in HMOs. This growth accounts for 1,466 households (an increase from 1,608 to 3,174 households over the period) and this represent 76% of the total increase in multi-adult households living in the area.

7. Permitted development rights are rights to make certain changes to a building without the need to apply for planning permission. These derive from a general planning permission granted by Parliament, rather than from permission granted by the local planning authority. These rights have been regularly reviewed by Parliament since they were first created in 1947. They exist to enable a balance between freedom for property owners to alter or extend their properties and the need to control certain forms of development for the greater good. In some circumstances, local planning authorities can suspend permitted development rights in their

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area, under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Local planning authorities have powers under Article 4 of the 2015 Order to remove permitted development rights. It should be noted that it is permitted development to change a property from a C3 use (family dwelling-house) to a C4 use (where there are between 3 and 6 occupants of the property living together and the occupants are unrelated).

8. While Article 4 directions are confirmed by local planning authorities, the Secretary of State must be notified and has wide powers to modify or cancel most Article 4 directions at any point. Paragraph 53 of the NPPF states that:

The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities).

9. Successive Government's have maintained a process whereby consent for Article 4 Directions has to be agreed by the Secretary of State. This is, put simply, because Article 4 directions are a power which councils are supposed to use rarely and where there is robust justification. There would be a requirement to fully advertise the Article 4 Direction for 12 months and seek both full Council and Secretary of State's authorisation. During the 12 month consultation period, existing permitted development rights would continue to exist.

10. It should be noted that an Article 4 Direction will only control changes of use of properties not already converted to C4 Use. It will also not control who owns properties in Heathrow Villages. It has been alleged that some properties in Heathrow Villages are rented to families of asylum seekers, or are rented on short term lets, such that an increasingly transient population is created to the detriment of social cohesion. These are nonetheless still classified as C3 properties, the C3 use class includes both privately owned and rented properties. An Article 4 direction will only control C4 uses (re: most likely airport workers in shared accommodation).

11. If an Article 4 Direction is created, it will simply require planning applications to be submitted for any changes of use from C3 to C4 use. It does not imply they will be refused. Any applications received would need to be considered with respect to existing planning policy guidance concerning HMOs.

12. Officers were mindful that when creating the Brunel and Uxbridge South Wards' Article 4 Direction that the purchase of family housing and its conversion to HMO accommodation was being undertaken on a piecemeal basis, in effect almost every property purchased had a different landlord. Properties were not being bought by landlords with huge commercial portfolios, or by anyone with the ability to purchase multiple groups of properties. In contrast, officers are aware that the Heathrow Villages property market has been subject to the influence of major companies with an interest in airport expansion. The purchase of properties by these companies in Heathrow Villages has widely been acknowledged to be to the detriment of social cohesion. The introduction of an Article 4 Direction will not have any influence on the purchase of land by these commercial companies, it will merely control whether planning permission is required to convert properties to C4 use class. The creation of an Article 4 Direction could have unknown impacts on the existing property market in Heathrow Villages.

13. Given Parliament's decision on the third runway, it can be anticipated that any request for an Article 4 direction will be very closely scrutinised by the Secretary of State. Furthermore, many

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HMOs are occupied by airport workers and, in effect, an Article 4 Direction would be limiting the creation of any further shared accommodation for airport workers. These factors mean the Secretary of State is likely to rigorously assess any request for an Article 4 Direction. The Council will require a sophisticated data analysis of the number of HMOs and household structures in Heathrow Villages, as well as robust arguments as to why there is a problem that urgently needs addressing to successfully convince the Secretary of State to implement an Article 4 Direction.

14. The Council's Planning Enforcement team has received very few requests to investigate suspected HMOs in breach of planning regulations (where 6 or more unrelated persons occupy the property) in Heathrow Villages in recent years. Issues regarding HMOs have been referred to the ASBI or Private Sector Housing teams.

15. There are 30 licensed HMOs in Heathrow Villages Ward as of 21 December 2018, although officers consider there to be a number of unlicensed HMOs in existence. Officers have recently received reports of a further 30 possible unlicensed HMOs.

16. If a license holder breaches HMO license conditions or does not obtain an HMO license, they can be prosecuted by the local authority or alternatively receive a civil penalty under the new Housing and Planning Act 2016 provisions. Since 1 October 2018, the Council has, through adopting powers under the Housing and Planning Act 2016, strengthened its ability to deal with rogue landlords. Also, from 1 October 2018, mandatory licensing of HMOs has been extended to bring properties below 3 storeys into the licensing regime and to set minimum room sizes. The Cabinet Member should, therefore, be mindful that there are increased powers available to the Council to regulate HMOs and to impose severe financial penalties on landlords who do not get an HMO license.

17. Although HMO licensing may not in itself limit the growth in HMOs, it can ensure they are regulated and enable the Council to take action against rogue landlords. Anecdotal evidence is that often it is more likely that unregulated HMOs are causing anti-social behavior or social problems than regulated HMOs.

18. If the petitioners have concerns regarding specific properties in Heathrow Villages and whether they are licensed, then the Cabinet Member could ask officers to investigate further and take action as appropriate.

19. The Private Sector Housing team has not historically been aware of a prevalence of sub-standard properties in Heathrow Villages ward. However, this has also historically resulted in the team's focus being directed to other parts of the Borough where housing standards are more of an issue.

20. In summary, the Cabinet Member may wish to meet with the petitioners and hear the detail of their concerns. Subject to the outcome of the Petition Hearing, he may wish to consider whether further steps should be taken by officers to address petitioners' concerns regarding licensing and policing of HMOs in Heathrow Villages Ward and regarding the possible creation of an Article 4 Direction.

Financial Implications

There would be no cost if the Cabinet Member does not agree to progress with an Article 4

Direction. The preparation of the evidence base to support an Article 4 Direction is the main financial cost, in particular if further staff resource is required to produce this evidence base. This resource has not been budgeted for and would need to be met through corporate contingency. If the Cabinet Member wishes to see targeted action by the Private Sector Housing team concerning unlicensed HMOs in Heathrow Villages Ward, this should be able to be dealt with through existing staff budgets.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

To allow the Cabinet Member an opportunity to discuss in detail with petitioners their concerns.

Consultation Carried Out or Required

None at this stage.

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report, noting that preparation of evidence to support implementation of an Article 4 Direction with regard to conversion of properties into HMOs within the Heathrow Village Ward would require additional resource over and above existing service budgets, which could be sourced from General Contingency. Conversely, costs associated with proposals for targeted enforcement action to tackle unlicensed HMOs within Heathrow Villages are expected to be contained within existing service budgets.

Legal

The Borough Solicitor confirms that the legal implications are contained in the body of the report.

Corporate Property and Construction

There are no corporate property and construction implications arising from the recommendations in this report.

Relevant Service Groups

None at this stage.

6. BACKGROUND PAPERS

Petition received.