

Proposed Article 4 Direction (Houses in Multiple Occupation)

Reporting Officer: Julia Johnson, Director of Planning and Sustainable Growth and Chief Planning Officer

SUMMARY

This report recommends the making of a new Immediate Article 4 Direction, to remove permitted development rights for the conversion of dwelling houses (Use Class C3) into Houses of Multiple Occupation (HMOs) for up to six residents (Use Class C4) across the whole borough. This borough-wide Article 4 Direction would require all new small HMO conversions to obtain planning permission, enabling the council to better monitor and control the impacts of these developments in the interests of protecting the amenity and character of our communities. This is part of a package of measures being proposed by the council with regards to the management of HMOs across the borough.

The Council's existing part-borough Article 4 Direction for HMOs covering the former Brunel and Uxbridge South Wards will be cancelled once the new Article 4 Direction is confirmed.

RECOMMENDATIONS: That:

- 1. the making of an immediate direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to remove the permitted development right for the change of use of building and any land within its curtilage from a use falling within Class C3 (Dwellinghouse) of the Town and Country Planning (Use Classes) Order 1987 (Amended) Order to a use falling within Class C4 (House in Multiple Occupation) of that Order being development comprised within class L(b) of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO") within the area identified in Appendix 1, be approved.**
- 2. the cancellation of the existing Article 4 Direction for Houses in Multiple Occupation, Brunel and Uxbridge South wards once the new Article 4 direction is confirmed, be approved.**
- 3. It be noted notice given for the Article 4 Direction will be made as soon as practical following approval, and that Full Council will receive a further report at the end of the representation period to consider whether, in light of any representations received, the new direction should be confirmed.**
- 4. Authority be delegated to the Chief Planning Officer and the Head of Legal Services to authorise the relevant notices to enact the proposed Immediate Article 4 Direction.**

SUPPORTING INFORMATION

Reason for Decision

- 1) To mitigate the impacts of HMOs by requiring proposals for changes of use from class C3 to class C4 within the designated area to apply to the local planning authority for**

planning permission, and allowing these applications to be determined in accordance with local plan policies and other material planning considerations.

- (2) To meet the requirements of Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 in respect of the procedure for article 4(1) directions with immediate effect.
- (3) To avoid duplication across Article 4 Directions, as the borough-wide immediate direction will cover these areas. This cancellation will take effect on the same day that the new borough-wide direction comes into force.

Background

1. Houses in Multiple Occupation (HMOs) are defined in the Housing Act 2004 as properties lived in by three or more unrelated people who share facilities such as a kitchen or bathroom. Small HMOs (3–6 people) fall under Planning Use Class C4, while larger HMOs (7+ people) are classed as *sui generis* and always require planning permission. Under current permitted development rights, moving between Class C3 (single households) and Class C4 (small HMOs) does not require planning permission provided no local restriction applies. However, changes from Use Class C3 to large HMOs do require formal approval. These national rules were introduced to reduce unnecessary burdens where HMOs do not create local issues.
2. At present, the London Borough of Hillingdon has a partial restriction of these permitted development rights covering the former Brunel and Uxbridge South wards surrounding Brunel University. This restriction, known as an Article 4 Direction, was introduced in 2013 in response to pressures for the conversion of houses to HMOs for student accommodation, which was negatively impacting the amenity and character of these areas.
3. Since 2013, the role of HMOs within the broader private rented sector in the borough has expanded, serving as an option for providing affordable housing for all communities, not just students. Consequently, they are a growing element of the borough's overall housing provision and broaden the choice of accommodation for a growing population faced with high housing costs and a limited supply.
4. Since 2011, the number of private rented properties has increased by over 50%, leading to a significant corresponding rise in smaller HMOs. However, HMOs require proper management, as poor maintenance can result in unsuitable housing and harm to the amenity, affecting both residents and the wider neighbourhood. There are also concerns about how converting family homes into HMOs may change the character of communities and reduce the supply of appropriately sized homes for families. The impacts of these changes can include issues related to waste management, noise and disturbance, negatively impacting the area's appearance, and sometimes lead to anti-social behaviour. Reports to the council's Planning Enforcement and Private Sector Housing teams show growing community concerns about HMO conversions, as reflected in a previous motion at Full Council in July 2024. In response, the council commissioned research to better understand the scope and impact of HMOs in the area. This work is also being used to support the council's initiatives on additional and selective licensing schemes. The full evidence is presented in Appendix 2 of this report.

Location of HMOs in Hillingdon

5. The evidence shows that there are an estimated 2,537 HMOs in the borough, equivalent to 8.7% of all private rented sector (PRS) dwellings and 2.2% of all dwellings in the borough. The geographical data shows that there are HMOs present in every ward of the borough with the highest numbers in central and western areas. Northwood is a notable exception in the north.

HMOs and Housing Conditions

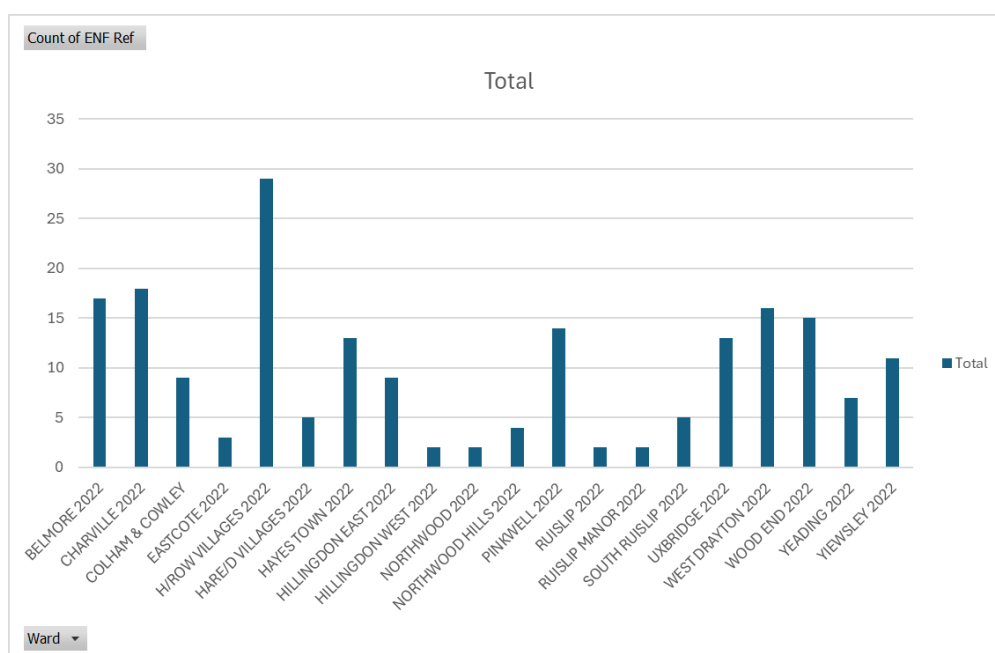
6. The recent review of Hillingdon's HMO stock has provided insights about the predicted presence and distribution of a range of housing factors in HMOs in the borough. HMOs can exhibit some of the worst housing conditions, and the evidence shows these are likely to be widespread in HMOs across the borough. The proportion of HMOs with poor housing conditions is also significantly higher than in the general private rented sector, with 30% of HMOs having at least one serious housing hazard, compared to the PRS average of 10%. Belmore, Uxbridge, Yeading, Wood End and West Drayton have the highest numbers of HMOs with serious hazards. This suggests that HMOs present a disproportionately high risk of substandard living conditions, particularly in neighbourhoods with concentrated HMO activity.

HMOs and Anti-Social Behaviour

7. Evidence indicates a notable association between HMOs and anti-social behaviour (ASB), with 151 ASB incidents per 100 HMO dwellings, compared to 24.9 incidents per general private rented sector dwelling. ASB reports are widespread across the borough but are more common in southern and southeastern wards such as Belmore, Yeading, Wood End, and West Drayton. The most common property-related ASB is flying tipping (34%), followed by various noise issues, which account for 15% of incidents. These patterns suggest that while ASB occurs throughout the area, higher concentrations of HMOs may exacerbate existing pressures on local environments and services, especially in neighbourhoods with higher densities of shared housing.

HMOs and Planning Enforcement Complaints

8. The evidence regarding the number of complaints about potential conversions of dwelling houses to HMOs since 2022 (when the ward boundaries last changed) also maps closely to the wards with ASB and housing hazard concentrations. However, what is most notable from the planning enforcement data is that the largest number of complaints have been received about properties in the Heathrow Villages ward. It should be noted that the majority of these complaints (104/196) have been closed with no further action because they are small HMOs and therefore do not require planning permission. Together, these patterns indicate that while concerns about HMOs are concentrated in familiar hotspot areas, the high volume of Heathrow Villages complaints largely reflects small HMOs operating within existing planning rules, pointing to a gap between community expectations and what current legislation requires.



Additional Measures to restrict future small HMOs – Article 4 Direction

9. Local planning authorities can remove certain permitted development rights when local circumstances require tighter control over specific types of development. Article 4(1) of the GPDO allows authorities to withdraw these rights where there is a clear and evidenced need to do so. When such rights are removed, the measure is known as an Article 4 Direction.
10. An Article 4 Direction does not block development outright. Instead, it requires that planning permission be obtained before the development can proceed. This gives the Council the ability to assess proposals in more detail and to apply the policies within the Local Plan when determining applications.
11. Paragraph 54 of the National Planning Policy Framework (2024) explains that Article 4 Directions should be used only where necessary to protect local amenity or the wellbeing of an area, and must be supported by robust evidence. Additionally, they should apply to the smallest geographical area needed to address the identified issue. The terms “local amenity” and “wellbeing” are not strictly defined and can vary depending on context. For example, visual amenity relates to the appearance of an area, while residential amenity concerns the living conditions of occupants.
12. Planning Practice Guidance reinforces that Article 4 Directions must be measured and targeted. They should be evidence-led, geographically limited, and focused on clearly identified harms that the Direction seeks to manage. Where a Direction covers a large area, such as a significant part of a borough, a particularly strong level of justification is required.
13. When introducing an Article 4 Direction, the GPDO provides two options: a non-immediate direction or a direction with immediate effect. An immediate direction removes permitted development rights straight away, but it must be confirmed by the local planning authority within six months to remain in force. A non-immediate direction only takes effect after consultation and formal confirmation by the authority, and typically provides around 12 months’ notice before it becomes active.

14. Under Sections 107 and 108 of the Town and Country Planning Act 1990 and the Town and Country Planning (Compensation) (England) Regulations 2015 (as amended), compensation may be payable when an immediate direction is used. In contrast, a non-immediate direction that gives at least 12 months' and no more than 2 years' notice can be introduced without triggering compensation requirements. Immediate Directions also require evidence that permitted development presents an immediate threat to local amenity or prejudices the proper planning of an area.

Recommended Approach

15. Based on the evidence set out above and expanded in the background document it is considered that an immediate Article 4 Direction to remove permitted development rights for HMOs in Hillingdon is justified because the evidence shows a clear and pressing threat to local amenity and the proper planning of the borough. HMOs are increasing in every ward, and their associated impacts are already significant, including disproportionately high levels of anti-social behaviour, increased planning enforcement complaints, and far higher rates of serious housing hazards than the wider private rented sector. These impacts are concentrated but not contained, with clear risks of displacement if controls are applied unevenly.
16. These potential impacts were acknowledged in the government's Explanatory Memorandum accompanying the legislative change that introduced permitted development rights for small HMOs. It states that the new C4 use class was introduced to help local authorities address issues like increased noise and community imbalance resulting from clustered HMOs by differentiating them from family homes. The Memorandum further notes that in areas where HMO concentrations substantially affect residents' quality of life, local authorities can use Article 4 Directions to require planning permission for such changes of use.
17. It is considered that the current ability to convert dwellinghouses to small HMOs without planning permission limits the Council's capacity to manage these pressures, resulting in unmanaged clustering, harm to neighbourhood character, and reduced quality of living conditions for residents in HMOs. Given the borough-wide scale of these issues and the speed at which HMO growth is occurring, an immediate Direction is necessary to prevent further harm while allowing the Council to apply its planning policies effectively.

Implications and Impacts

18. The introduction of an Article 4 Direction will enable better regulation and monitoring of HMOs due to the requirement for planning permissions. However, it must be emphasised that an Article 4 is not an automatic ban on new HMOs. The Article 4 Direction does not prohibit the conversion of dwellings to HMOs, as planning permission may still be granted for such conversions where appropriate, and they can continue to play a valuable role in addressing housing needs. Furthermore, it does not apply retrospectively, so it would not apply to small HMOs that already exist when the Article 4 Direction comes into force.
19. A landlord of a class C4 HMO that is in existence prior to the Article 4 Direction can apply for a 'certificate of lawful use' to confirm that it is a lawful use that does not require planning permission. It is important to note that such certificates are not an assessment

of the 'planning merits' and are instead confirmation of whether something can continue to proceed lawfully without planning permission because of permitted development rights.

20. Where new HMOs are proposed after the Article 4 Direction has been amended, applications for planning permission will be assessed against Policy DMH5: Houses in Multiple Occupation and Student Accommodation and other Development Plan policies. However, parts of this policy were designed specifically for small HMOs occupied by students, which are exempt from council tax. Therefore, when evaluating new planning applications for non-student small HMOs, the planning authority will need to rely on the general principles of these policy sections, which aim to prevent over-concentration within a particular area and along a specific stretch of street. More usefully, the policy also states that all HMOs within an area covered by an Article 4 must comply with planning standards concerning car parking, waste storage, retention of amenity space, and garages, and must not adversely affect the residential amenity of neighbouring properties. These requirements would apply to all planning applications for HMOs.

Potential Risks

21. There are three key potential risks associated with the proposed HMO Article 4 Direction with immediate effect, which are explored in turn below.

Notifying the Secretary of State

22. A local planning authority must, as soon as practicable after confirming an Article 4 Direction, inform the Secretary of State. The Secretary of State will be notified of the relevant details on the date the notice is first published and displayed, and following its confirmation by the Council. The Secretary of State does not have to approve Article 4 Directions, however the Secretary of State does have the power to modify or cancel Article 4 Directions at any time before or after they are made. However, these powers should not be used unless there are clear reasons why intervention is necessary and there have not been interventions in any recent HMO Article 4 Directions proposed by other Local Planning Authorities, including our neighbouring boroughs of Ealing and Hounslow.

Compensation Payments

23. Within the first 12 months after an immediate Article 4 Direction is introduced, property owners may be potentially eligible for compensation if they have planning permission refused for a conversion which would otherwise be permitted development or if conditions are attached to a planning permission which make the conversion more onerous than it would have been were it to have been undertaken under permitted development.
24. It is unknown how many planning applications will be received and the outcome of these planning applications. It is therefore impossible to quantify the potential liability resulting from this decision. Any claim would divert resources. No budget has been identified to cover the cost of any subsequent potential compensation claims. However, it should equally be noted that the three Local Planning Authorities who introduced immediate Article 4 Directions relating to HMOs more than 12 months ago (Trafford and the London Boroughs of Merton and Ealing) did not receive any valid claims within the claim period.

Local Planning Authority Workload

25. The widening of the Article 4 Direction to cover the whole borough will result in additional workload for the planning authority, which will need to be monitored and may require additional resourcing in the short to medium term. The additional work will come from three main sources:
- i. Landlords with existing small HMOs will apply for Certificates of Lawful Development to regularise their current properties.
 - ii. All landlords seeking to convert C3 dwelling houses to C4 small HMOs will now be required to apply for planning permission creating an additional pipeline of planning applications. Local plan policies will need to be amended to reflect the removal of permitted development borough wide and new assessment criteria. Mention impact on planning committee
 - iii. It is anticipated that there will be a significant increase in the number of HMO planning enforcement complaints that will require investigation. It was noted earlier in the report that 50% of all complaints about HMOs are currently closed with no further action due to the permitted development rights that were in place. However, some level of investigation will now be required for all enforcement complaints to ensure that either the HMO was in place before the Article 4 Direction or that planning permission is now required.

There is likely to be a need to respond to the increased workload through temporary increases in capacity with the Development Management and Enforcement service which is discussed further in financial implications.

Immediate Article 4 Direction Process

26. The process for introducing an immediate Article 4 Direction is as follows:
- The Local Planning Authority (Full Council) makes the Direction and notifies the Secretary of State.
 - The Article 4 Direction will come into immediate effect on the chosen date.
 - The Article 4 Direction will be publicised by the council by placing a public notice, displaying Article 4 Direction site notices in at least two locations in the borough and placing a notice on the council's website.
 - Once the direction is made, a six-week consultation will be carried out.
 - After consultation has concluded, and should no amendments be felt necessary, as a result of considering the responses, the making of the Article 4 Direction will need to be formally confirmed by Full Council within 6 months.

Select Committee comments

27. None

FINANCIAL IMPLICATIONS

28. The estimated revenue cost of publicising the Article 4 Direction, including the placement of a public notice, is estimated at a maximum of £1,500, which will be funded by existing planning authority budgets.
29. There is the potential for landowners to claim compensation in the first 12 months after the Direction is introduced for abortive costs and loss or damage due to the withdrawal of

permitted development rights. It is unknown how many applications are likely to be submitted and how many of these might be refused, which could result in compensation claims. The extent of any financial risk to the Council, cannot be accurately predicted and no financial resources have been budgeted to pay out on potential claims and their associated costs. It should equally be noted that of the three Local Planning Authorities who introduced immediate Article 4 Directions relating to HMOs more than 12 months ago, received no compensation claims.

30. It is anticipated that there will be an increase in the required level of resources of the local planning authority, including the Planning Enforcement service and the Development Management service, which are not covered by planning application fees. An increase in workload is anticipated due to the need to process planning applications, issue certificates of lawful development and handle appeals. Senior managers in the Local Planning Authority will monitor the situation closely. It is anticipated that up to two additional planning enforcement officers could be required with an annual cost of approximately £130k, and a request has been made for the 2026/27 budget. It is proposed that work volumes are closely monitored, and any requests for further resourcing would be progressed through the council's existing MTFS process.

LEGAL IMPLICATIONS

31. Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015/596 ("GPDO") provides that if the Secretary of State or the local planning authority is satisfied that it is expedient that development described in any Part, Class or paragraph in Schedule 2 of the GPDO should not be carried out unless permission is granted for it on an application, the Secretary of State or the local planning authority, may make a direction that the permission granted by article 3 does not apply to—
 - (a) all or any development of the Part, Class or paragraph in question in an area specified in the direction; or
 - (b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction.
32. The direction must specify that it is made under Article 4 to be valid and it must specify the classes or parts of classes of Schedule 2 to the GPDO to be restricted. In this case it is Schedule 2, Part 3, Class L(b) of the GPDO.
33. The legal effect of making a direction under Article 4 (1) of the GPDO is that deemed planning permission (permitted development rights) for the classes of developments specified in the direction are restricted. This in turn means that a planning application would need to be made to the Council in respect of the classes of development which are restricted.
34. Once an Article 4 direction comes into force it remains in force indefinitely, unless the direction is cancelled by a further direction pursuant to Article 4(4) and paragraph 1(13), Schedule 3 of the GPDO. It is noted that there is an existing Article 4 direction restricting Use Class C3 to Use Class C4 permitted development rights at the former Brunel and Uxbridge South wards. Should a borough wide Article 4 direction come into effect, it would render the Brunel and Uxbridge directions unnecessary and therefore they should be cancelled.

35. Immediate Article 4 Directions pose a higher risk of compensation payable to landowners/ developers than non-immediate Article 4 directions because the immediate directions usually come into force without providing applicants with notice.
36. A claim may arise if a planning application is refused, which would otherwise be granted as permitted development under Class L of Part 3 of the GPDO or planning permission is granted and is subject to more restrictive conditions that would have otherwise been the case under permitted development. The same would apply to any other area removing Class L rights for HMOs with immediate effect (or other PD rights) (section 108, TCPA 1990).
37. Section 108(2A) of the Town and Country Planning Act 1990 provides that compensation is only payable if an application for planning permission for certain development formerly permitted by the GPDO 2015 is made within 12 months of the Article 4 direction taking effect. No compensation for the withdrawal of certain permitted development rights is payable if the Council gives notice of the withdrawal between 12 months and 24 months in advance.
38. The claim for compensation can include abortive expenditure and other loss or damage directly attributable to the withdrawal of the permitted development right. This can include the difference in the value of the land if the development had been carried out and its value in its current state, as well as the cost of preparing the plans for the works (section 107, TCPA 1990). The financial implications are set out in more detail above.
39. The Council's decision to make an Article 4 direction can be subject to judicial review proceedings. If the proceedings are successful the Article 4 direction could be quashed. Any claim would need to be brought within 6 weeks of the date of the decision. This would in practice be six weeks from the date that the direction is confirmed.

EQUALITIES AND HUMAN RIGHTS IMPLICATIONS

40. The EHRI assessment concludes that the introduction of an Article 4 Direction for small HMOs, which does not prevent HMOs but simply requires planning permission for new ones, is likely to have a broadly positive or neutral impact on equality, with some risks that need careful monitoring. By enabling the council to manage the location, quality and concentration of new HMOs, the measure can help improve housing standards and neighbourhood amenity in areas where high levels of hazards, disrepair, ASB and deprivation disproportionately affect older residents, disabled people, minority ethnic communities and low-income households. Better oversight can reduce the prevalence of unsafe or overcrowded conversions and support more stable, cohesive communities by preventing over-concentration of HMOs. However, there is a potential risk that requiring planning permission could marginally reduce the supply or slow the delivery of lower-cost shared housing, which may negatively affect younger people, low paid workers, students, and others for whom HMOs are an essential affordable option. With clear communication, consistent decision-making and safeguards to protect affordable provision, the Article 4 Direction is expected to support more equitable housing conditions while avoiding disproportionate impacts on protected groups.

BACKGROUND PAPERS: Appendix 1: Draft Borough-Wide Article 4 Direction
Appendix 2 [Additional HMO Licensing Consultation - Evidence Pack](#)
Appendix 3: Equalities and Human Rights Impact Assessment