

CONFIRMATION OF ARTICLE 4 DIRECTION TO REMOVE PERMITTED DEVELOPMENT RIGHTS (HOUSES IN MULTIPLE OCCUPATION)

Reporting Officer: Director of Planning & Sustainable Growth

Summary

1. On 11 December 2025, the Council utilised its powers under the Town and Country (General Permitted Development) Order 2015 (as amended) to make an 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.
2. The purpose of this report is to confirm the introduction of the boroughwide immediate Article 4 Direction following the relevant notification and consultation.

RECOMMENDATION: That the introduction of a boroughwide immediate Article 4 Direction under the Town and Country (General Permitted Development)(England) Order 2015 to remove the permitted development right for the change the use from a building and any land within its curtilage from a use falling within Class C3 (Dwellinghouse) of the Town and Country Planning (Use Classes) (Amendment) (England) 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), be confirmed.

Reasons for Recommendation

3. Council on 27 November 2025 approved an immediate Article 4 Direction to remove permitted development rights for conversions from dwellings to small HMOs (up to six occupiers) and the Direction was subsequently made on 11 December 2025.
4. The Town and Country Planning (General Permitted Development) (England) Order 2015 requires the Council to notify the Secretary of State, to publicise the making of the immediate Article 4 Direction, and to invite representations concerning the Direction to be made to the Council during a minimum period of 21 days.
5. To meet these requirements, public notices were published in the West London Gazette and displayed at two locations in Uxbridge town centre, announcing a six-week consultation period ending on 22 January 2026 and inviting representations. Presentations were also made at two public consultation meetings on HMOs linked to the council's introduction of additional licensing to publicise and explain the proposed Article 4 Direction. The Council received no written representations in response to the consultation. Consequently, the Article 4 Direction is able to proceed as initially introduced.
6. The next step is for Council to confirm the Article 4 Direction, which must occur within six months of the making of the Direction, otherwise it will expire. Following confirmation of the Article 4 Direction, the Council must publicise this confirmation and must notify the Secretary of State. It should be noted that the Secretary of State has powers to intervene after the making of the direction to alter the geographical extent of the direction, amend or stop the direction from taking effect completely. However, this is rare in the case of Article 4 directions relating to HMOs.

Alternative options considered / risk management

7. The Council has the option of not confirming the Article 4 direction and as a consequence it would expire on 11 June 2026.

What will be the effect of the recommendations?

8. The recommendation will confirm the immediate Article 4 Direction removing permitted development rights for HMO conversions (of up to six people) permanently.
9. Within the first 12 months after the direction is introduced, property owners may be eligible for compensation if they have planning permission refused for a conversion which would otherwise be permitted development, if conditions are attached to planning permission which make the conversion more onerous than it would have been where it to have been undertaken under permitted development, or if they have incurred additional costs from the planning application process which would have not have been incurred were the development permitted development, such as the planning application fee. Compensation eligibility applies where the planning application was submitted within 12 months of the Article 4 Direction being introduced.

Consultation Carried Out or Required

10. A consultation was conducted from 11 December 2025 to 22 January 2026, as set out earlier in this report. The relevant legislation requires a minimum 21-day consultation, which has been met. The Council received no written representations on the Article 4 Direction. This is not unexpected, as it took effect immediately, and comments have been directed informally to the Local Planning Authority, as owners and developers have had to engage with the planning process.

Financial Implications

11. 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.
12. 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, no compensation claims have been received.
13. 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

14. The legal effect of confirming the Article 4 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.
15. 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 in the former Brunel and Uxbridge South wards. By confirming the borough wide Article 4 Direction, it would render the Brunel and Uxbridge directions unnecessary and therefore it should be cancelled.
16. Immediate Article 4 Directions pose a higher risk of compensation payable to landowners/developers than non-immediate Article 4 directions because immediate directions usually come into force without providing applicants with notice.
17. 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 than 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).
18. 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.
19. 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.
20. The Council's decision to confirm 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.

Background Papers: None