

UPDATE ON THE COUNCIL'S LEGAL AND POLICY FRAMEWORK FOR HOUSES IN MULTIPLE OCCUPATION

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| Committee name | Residents' Services Select Committee |
| Officer reporting | Stephanie Waterford, Head of Public Protection & Enforcement Michelle Greenidge, Private Sector Housing Manager Julia Johnson, Director of Planning & Sustainable Growth |
| Papers with report | None |
| Ward | All |

HEADLINES

This report provides an overview of Houses of Multiple Occupancy (HMOs) in Hillingdon, including the legal controls and Council policy framework relating to HMOs, to support discussion on HMOs at the Residents' Services Select Committee.

RECOMMENDATIONS

That the Committee:

1. **Notes the information provided on housing tenure and HMOs in the Borough and the legal and policy framework applying to HMOs;**
2. **Notes the implementation of additional controls on HMOs in the Borough by the Council; and**
3. **Asks questions to clarify any matters of interest.**

SUPPORTING INFORMATION

1. Background

The Council is committed to ensuring that homes in the private rented sector are safe, well managed and well maintained.

Houses of Multiple Occupation provide an important source of affordable housing in the Borough, and it is acknowledged that they fulfil a need within the overall housing stock of Hillingdon. However, it is recognised that poor housing conditions and poorly managed HMOs can lead to adverse impacts on local neighbourhoods, ranging from poor appearance and waste issues to more serious instances of anti-social behaviour and nuisance, and on tenants.

An HMO is defined differently under housing legislation and planning law, but both frameworks describe forms of shared living where unrelated people occupy the same property.

Under the Housing Act 2004, an HMO is any property lived in by three or more unrelated

individuals who share basic facilities such as a kitchen, bathroom or toilet. This definition underpins licensing requirements, the purpose of which is the regulation of housing standards, reflecting concerns about safety, overcrowding and the management of shared accommodation.

In planning terms, HMOs are categorised through the Town and Country Planning (Use Classes) Order. A small HMO falls under Use Class C4, covering shared homes occupied by 3–6 unrelated residents. These were historically permitted changes from standard dwellinghouses (Use Class C3), but in Hillingdon, an Article 4 Direction has been put in place which removes those rights. Larger HMOs, i.e. those with 7 or more occupants, do not fall within a standard use class and are treated as sui generis, meaning they have always required planning permission due to their more intensive use and potential impact on residential areas. The purpose of planning laws and policies is to control the land-use implications of shared accommodation.

2. The Private Rented Sector in Hillingdon

In order to obtain a greater understanding of the private rented sector in Hillingdon, the Council commissioned a Housing Tenure Survey in 2025. Key findings from this survey were as follows:

- a) There is a total of 113,124 residential properties within the London Borough of Hillingdon. Of this number, 29,099 properties are within the private rented sector (PRS).
- b) Hillingdon saw London's joint second largest percentage point rise in the proportion of privately rented homes from 19.1% in 2011 to 25.9 in 2021. This growth is consistent with long term nationwide and regional trends.
- c) There are an estimated 2,537 HMOs in Hillingdon, of which only 666 were licensed at the time the survey was undertaken, indicating approximately 1,871 'hidden' HMOs (i.e. those not known to the Council due to being unlicensed).
- d) 30% of HMOs in Hillingdon are predicted to have serious housing hazards, three times the national average.
- e) 3,850 ASB incidents were linked to HMOs over five years, with repeat ASB indicating poor management.
- f) HMOs are dispersed across all wards, not concentrated in specific areas

3. Legal Controls

Article 4 Direction

For many years, Hillingdon operated with a part-borough Article 4 Direction that applied only to the former Brunel and Uxbridge South wards, an area surrounding Brunel University. This targeted restriction was introduced in 2013 in response to growing pressures from student accommodation, where large numbers of family homes were being converted into small HMOs. These changes were affecting the amenity and character of local neighbourhoods, and the Article 4 Direction removed permitted development rights so that conversions from C3 dwellinghouses to C4 small HMOs required planning permission within that defined area.

By 2025, evidence showed that HMO growth and associated impacts such as anti-social

behaviour and rising enforcement complaints were no longer confined to the Brunel/ Uxbridge South area. HMOs had expanded significantly across all wards in the Borough, with notable concentrations and impacts in the central, western, and southern areas. As a result, the Council concluded that a borough-wide planning response was needed. A report to November Full Council therefore recommended the introduction of a new Immediate Borough-Wide Article 4 Direction, removing permitted development rights for changes from C3 to C4 throughout the whole of Hillingdon. The existing part-borough direction would then be cancelled once the new direction was confirmed.

Full Council approved the recommendation, and the new borough-wide Article 4 Direction came into force on 11 December 2025, taking immediate effect. From that date forward, all new conversions to small HMOs anywhere in Hillingdon require planning permission, replacing the old, more restricted approach limited to Brunel and Uxbridge South. The Article 4 Direction was subsequently confirmed by Full Council in February 2026, following a statutory consultation period.

Since 11th December 2025, the Council has received 22 planning applications for C4 HMOs for up to 6 persons. A total of 17 have been determined, with 12 refused, 4 approved, and one withdrawn. There are a further 5 applications still under consideration. This demonstrates that the Article 4 Direction is already having an immediate impact, with over 70% of applications now being refused. Key grounds for refusals have included impacts on neighbours' amenity, the living conditions of future occupiers, and highways considerations.

Licensing

The Housing Act 2004 and supporting regulations require that an HMO be licensed if it is occupied by five or more persons living in two or more separate households ('Mandatory Licensing'). There are currently 522 licensed HMOs in Hillingdon.

Local authorities may require further categories of HMOs to be licensed ('Additional Licensing') where there is a justification for introducing those additional legal controls on HMOs which are outside the scope of mandatory licensing. The legal requirements that have to be met for the introduction of additional licensing are set out in the Housing Act 2004.

In February this year Cabinet agreed to implement additional licensing controls on HMOs in Hillingdon following the development of an assessment against the Housing Act legal requirements. The introduction of additional licensing controls also followed an extensive public consultation. This new additional licensing policy will require HMOs occupied by 3 or more persons comprising 2 or more households to be licensed.

The formal statutory designation for additional licensing was made on 19th February 2026. There is a 3-month period before this designation can come into effect under the Housing Act 2004. Therefore, landlords can submit applications for new licences where required under these additional licensing controls from 20th May 2026 and the deadline for landlord applications and full compliance by properties within scope of those controls is 23rd August 2026.

4. Frequently Asked Questions

What are the core differences between Licensing and Planning regimes for HMOs

| Aspect | HMO Licensing | Planning Law |
|--|--|---|
| Primary Purpose | Safety & management inside the property | Land use & neighbourhood impact |
| Key Focus | Internal standards (fire safety, amenities, room sizes, waste management) | External impacts (parking, concentration, amenity) |
| When required? | Based on number of occupants & council schemes (Mandatory/Additional) Currently if a property has 5 or more occupants from 2 or more household | Based on change of use from a single family dwelling (C3) to a multi-household property: <ul style="list-style-type: none"> - Small HMO (C4) for up to 6 persons - Large HMO (Sui Generis) for 7 or more persons |
| Triggers | Number of occupants and households | Material change of use |
| Can an HMO lawfully operate without the relevant approval | Yes – if it is currently a smaller HMO but this will change with the additional licensing requirements from 24 August 2026 when all HMOs must be licensed | Yes – if it was a small HMO (C4) in operation before 11 December 2025. |
| RESPONSIBILITIES | Making sure that the HMO is safe and well run | Permission to use the property as an HMO |
| Controlling authority/ service | Private Sector Housing team | Local Planning Authority |

Does having an HMO licence mean planning permission is in place?

No. An HMO licence does not give planning permission. They are two completely separate legal requirements, and a landlord must have both if the law requires them.

Does planning permission remove the need for an HMO licence?

No. Even with planning permission, a landlord still needs an HMO licence if the property meets the licensing criteria. Planning approval does not replace licensing requirements.

Who investigates suspected planning breaches?

The Planning Enforcement Team investigates any suspected planning breaches, such as a property being converted into an HMO without planning permission.

Who investigates poor conditions or management issues?

The HMO Licensing Team (part of the Council's Private Sector Housing Team) investigates reports of overcrowding, safety, condition issues, and unlicensed HMOs.

Why doesn't the Council stop the use of the premises as an HMO until and if a licence is granted?

The law does not allow the Council to automatically stop a property being used as an HMO while a licence application is being processed. A landlord can legally operate the property as a HMO if they have submitted a valid licence application. The Council can only intervene if no application has been made or if there are serious safety risks.

If planning approval for an HMO is approved, can the licence be withheld?

Yes. Even if planning permission is approved, the Council can still refuse an HMO licence. Planning and licensing are separate processes, and a property must meet all licensing standards - including safety, room sizes, amenities, and the landlord being "fit and proper" - before a licence can be granted.

If the HMO is operating after the Article 4 date but the licence status only starts in August, does that mean the property can be used for an HMO and the Council has no powers to stop it?

No. Even before additional licensing starts, the Council can act through planning enforcement if the property is operating as an HMO without the required planning permission. Planning and licensing are separate, so planning rules still apply.

However, it should be noted that the new planning requirements for smaller HMOs cannot be applied retrospectively so planning approval is only required for these types of HMO if they were occupied after 11th December 2025.

If a planning enforcement notice has been issued does that mean the HMO licence must be refused?

No. A planning enforcement notice does not automatically mean the licence will be refused. Planning and licensing are separate processes, but planning issues may still be taken into account when the Council assesses the licence application.

5. Additional Information

Many of the provisions of the Renters' Rights Act come into force in 2026. This Act has been introduced to strengthen protections for tenants and enhance transparency in the private rented sector. It expands the duties of local authorities in relation to the private rental sector and many of the new requirements also apply to HMOs.

The Act introduces a range of new requirements and restrictions on landlords (e.g. prohibitions on requiring rent payments in advance). In many instances, local authorities will have duties to ensure compliance with those requirements and restrictions. This will require communications and engagement with landlords as well as case handling and enforcement processes for reported and suspected non-compliance.

6. Workforce Plans

With both the additional licensing controls and new legal duties under the Renters' Rights Act 2025 commencing in 2026, a new workforce plan has been agreed for the Council's Private Sector Housing team. This workforce plan utilises the licensing fees expected to be received from HMO licensing and the new burdens funding for the additional responsibilities under the Renter's Rights Act to significantly enhance the capacity of this team, with 7 new permanent roles and 4 temporary roles.

There are significant challenges in recruiting qualified and experienced officers for private sector housing enforcement and inspection roles and therefore new trainee roles have also been created in the Private Sector Housing team.

The Council has also expanded its Planning Enforcement team to manage the increase in planning enforcement cases associated with the new legal restrictions on small HMOs. The recruitment process for these officers is currently underway.

RESIDENT BENEFIT

Requiring planning permission for all HMOs strengthens the Council's ability to improve housing quality, as evidence shows HMOs are far more likely to contain serious hazards compared with the wider private rented sector. By enabling better oversight and reducing the growth of poorly maintained or unsuitable conversions, the Direction supports the Council's objectives around raising housing standards, protecting vulnerable residents, and ensuring neighbourhoods remain attractive and balanced places to live

Introducing additional licensing for small HMOs will ensure that the Council has knowledge and oversight of most HMOs in the Borough, enabling the Council to ensure good management arrangements are in place and maintained for a wider range of HMOs.

BACKGROUND PAPERS

NIL