

## **10 thoughts on “Article 4 Directions & Houses in Multiple Occupation”**

### **Introductory Note**

For transparency, this document contains a full record of all comments that were submitted on the original Falmouth NDP website ([www.planforfalmouth.info](http://www.planforfalmouth.info)). The text of the comments has been copied directly from the old site. No changes have been made to the wording or substance of the comments.

For accessibility, the comments have been reformatted (e.g. layout, headings, and style) so that they are easier to read, but the content remains exactly as it was originally submitted.

These comments represent the views of the individuals who posted them, and not the official position of the Town Council or the NDP Steering Group.

### **S. Penna. says:**

17th January 2017 at 7:24 am

In my area there are a lot of “Student Houses” am I right in thinking that these will be operating illegally from June if they do not have Planning Permission to be an HMO ? or does their established use set some kind of precedent and give them exemption ?

I am keen to make sure the new section 4 regulations are respected and would like to bring properties not following the rules to the attention of the appropriate authority.

How do I do this please ?

Is there a list somewhere of properties that DO have an HMO licence so I can distinguish between legally and illegally operating HMOs ?

Thanks for your continuing efforts

### **Admin says:**

18th January 2017 at 12:13 pm

Hi, I have passed the first two points of your query on to Cornwall Council to advise us on, as we are not certain of the position and it its CC who will administer the process.

On your final point the list of licensed HMOs is in the public domain and can be supplied by CC’s Private Rented Sector Housing Team.

### **Admin says:**

18th January 2017 at 4:11 pm

Further information from Cornwall Council: A large HMO is a specific class of housing which requires licensing (whereas) a house in shared occupancy is not (which may still be an HMO).

So, a house that is currently in shared occupancy will be able to remain in shared occupancy without requiring planning permission after the NP and the Article 4 is made. This is because the Article 4 is not retrospectively enforced.

Large HMO's are quite different as there is a licensing requirement: this is HM Governments definition.

A "house in multiple occupation" is a property rented out by at least 3 people who are not from 1 'household' (eg a family) but share facilities like the bathroom and kitchen. It's sometimes called a 'house share'.

The property must be licensed if you're renting out a large HMO. Your property is defined as a large HMO if all of the following apply:

it's rented to 5 or more people who form more than 1 household

it's at least 3 storeys high

tenants share toilet, bathroom or kitchen facilities

See this link

<https://www.gov.uk/house-in-multiple-occupation-licence>

To report any breach in planning use this

link <https://www.cornwall.gov.uk/environment-and-planning/planning/enforcement/report-a-breach-of-planning-control/>

### **Rhiannon Fraser says:**

14th February 2017 at 10:44 am

1) How will Article 4 affect properties that historically are holiday let or owner occupied through the summer and then student let 10 months of the year?

2) How will Article 4 affect a property that has a HMO licence but is used for holiday let / owner occupied during the summer months but student let for 10 months.

3) How long can a property with existing HMO use be left empty for renovation works etc before reverting if at all to C3 use.

4) The control of HMO's using Article 4 will affect available accommodation for non-students and local companies that rent small HMO's. There are a number of local companies that rent small HMO to house their workers and also groups of professional

workers that rent a house together as a way of affording local housing or saving for deposits etc. The restriction could have an effect on local businesses and could lead to an increase in 'sofa surfing' and in some extreme cases rough sleeping. How will the planning policy meet the needs of these groups of people?

5) Are the local residents/homeowners aware of the likely impact Article 4 may have on residential house prices, especially in heavily populated student areas. Some Article 4 cities have reported a 20% decrease in residential property prices.

6) How long can a property be empty i.e: for refurbishment where existing established HMO use already exists before it would not count as a C4.

7) How will the Council/Town monitor unlicensed/smaller HMO's?

**Admin says:**

20th February 2017 at 10:37 am

Hi, and thank you for your enquiries. These are questions that need a response from Cornwall Council so I have asked that Council's Community Liaison Officer to investigate and respond. I will post the reply as soon as it is available.

**Admin says:**

22nd February 2017 at 1:30 pm

I have received the following response from Cornwall Council:

1) How will Article 4 affect properties that historically are holiday let or owner occupied through the summer and then student let 10 months of the year?

2) How will Article 4 affect a property that has a HMO licence but is used for holiday let / owner occupied during the summer months but student let for 10 months.

The Article 4 only affects new uses, existing premises can apply for a certificate of lawful use if they wish to have proof of their existing use

<http://www.cornwall.gov.uk/environment-and-planning/planning/planning-advice-and-guidance/lawful-development-certificates/>

3) How long can a property with existing HMO use be left empty for renovation works etc before reverting if at all to C3 use.

Professional planning advice should be sought for any premises in this situation to establish the lawful use of the premises and to avoid the loss of that lawful use.

4) The control of HMO's using Article 4 will affect available accommodation for non-students and local companies that rent small HMO's. There are a number of local companies that rent small HMO to house their workers and also groups of professional workers that rent a house together as a way of affording local housing or saving from deposits etc. The restriction could have an effect on local businesses and could lead to an increase in 'sofa surfing' and in some extreme cases rough sleeping. How will the planning policy meet the needs of these groups of people?

The policy does not apply retrospectively . The local plan seeks to provide alternative student accommodation thereby freeing up existing HMOs to meet the needs of the wider population.

5) Are the local residents/homeowners aware of the likely impact Article 4 may have on residential house prices, especially in heavily populated student areas. Some Article 4 cities have reported a 20% decrease in residential property prices.

Because there are a range of factors affecting property prices it is impossible to make specific comments on property values. Arguments have also been made about an uplift in values as a consequence of a direction.

6) How long can a property be empty i.e: for refurbishment where existing established HMO use already exists before it would not count as a C4.

The question relates to whether the existing use is abandoned or not (similar to the question asked above) expert advice should be sought to ensure the existing use is recorded protect any existing use rights. However a properties use isn't usually abandoned when it undergoes a short period of building works.

7) How will the Council/Town monitor unlicensed/smaller HMO's?

Any new HMOs reported to the Council will be investigated by the enforcement team <https://www.cornwall.gov.uk/environment-and-planning/planning/enforcement/report-a-breach-of-planning-control/>

[mysbuxben.com](http://mysbuxben.com) says:

[30th March 2017 at 9:20 pm Edit](#)

Because this type of application is required by the Article 4 Direction you don't need to pay for an application to change use to a small HMO.

**4everproxy.org says:**

21st June 2017 at 12:46 pm

In Manchester you need planning permission to let a house out to more than two unrelated people, if the house is currently not used as a House in Multiple Occupation.

**Admin says:**

10th July 2017 at 4:00 pm

Hi, that is now the position in Falmouth too. Having more than two unrelated people is Use Class C4 which are homes with between 3 and 6 unrelated individuals who share basic amenities. New HMOs will need to apply for planning permission. Existing HMOs will not be affected, and won't need to apply for retrospective planning permission, unless they revert back to a non-HMO. See <https://www.cornwall.gov.uk/media/20221170/falmouth-article-4-direction-confirmed.pdf> for the Notice.

**kevin burrows says:**

4th September 2017 at 11:32 am

Hi, now the plan is in place and Falmouth has an Article 4 direction who enforces it? It have tried our town councillors, county councillor, planning and private housing. One town councillor said contact planning, planning say they have no enforcement powers try the fire service. Private housing say that because 5 sleep at night, 3 sleep in the day and only occasionally it goes up to 15 occupants in a three bedroom house that it is not breaking any rules. It has never been a licensed HMO. The fire service have put restrictions on the property that have been broken. Any ideas as to what I can do next?

Comments are closed.