

WEST NORTHAMPTONSHIRE COUNCIL PLANNING POLICY COMMITTEE

16th December 2021

**Councillor Rebecca Breese, Portfolio Holder for Planning, Built Environment
and Rural Affairs**

Report Title	Homes in Multiple Occupation (HiMO) Policy Review
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Contributors/Checkers/Approvers

West MO (for West and joint papers)	Catherine Whitehead	No response
West S151 (for West and joint papers)	Martin Henry	Drafting improvements made on 02/12/2021
Legal	Justin Price Jones	No response
Finance	Antony Russell (Senior Finance Business Partner)	No response

List of Appendices

None

1. Purpose of Report

- 1.1. For members to consider the formation of a working group, for the purpose of reviewing the current planning and housing rules for the management of Houses in Multiple Occupation (HiMO).

2. Executive Summary

The report puts forward a suggestion to form a Member working group, supported by officers drawn from the planning and housing departments and other key partners and stakeholders as required to review the operation of the current rules concerning HiMO.

3. Recommendations

- 3.1 It is recommended that the Policy Committee
1. establishes a Member working group, to:
 - a) investigate the current rules concerning HiMO;
 - b) consider good practice from other similar local authority areas;
 - c) consider expert advice, to evaluate options for a way forward;
 - d) review the current rules, in light of evidence gathered, and suggest any amendments to the Planning Policy Committee for its formal consideration; and
 - e) endorses the relevant portfolio holder, Councillor Adam Brown, as Chairman of the Member working group

2. Reason for Recommendations

- 2.1 A Member working group is the most appropriate mechanism to conduct a review of HiMO Policy in Northampton, since elected Members are closest to the issues, and are best placed to represent the interests of all constituents.

3. Report Background

- 3.1 West Northamptonshire Council recognises the importance of community cohesion, and it is the case that one of the highest profile issues, in parts of Northampton, is how HiMO are managed. This is a locally sensitive issue, but in fact is not unique to Northampton. Many other similar sized places have similar numbers of HiMO, and accordingly have similar community tensions and pressures. There is an opportunity to investigate how those other places approach these issues, and to take evidence from a wide range of people and organisations to gain a comprehensive understanding of the issue and choices available to us.

4. Issues and Choices

- 4.1 The current approach in Northampton is to rely on an established, but not widely understood, planning mechanism, which is known as an Article 4 Direction. This mechanism, in effect, removes

‘permitted development’ rights, which are granted by central Government, to convert single homes into small HiMO. The result of the Article 4 Direction is not to resist new HiMO in principle – instead it is that planning permission is required to convert single homes into small HiMO. This distinction is perceived to be a source of frustration among objectors to small HiMO in particular, and it therefore makes sense for us to clarify the limits to the Article 4 Direction that is currently in place.

4.2 The operation of this system has been a source of frustration for some time, in part because of the way the planning system is required to operate. Because the Article 4 Direction does not prevent either a lawful change of use to a small HiMO (which requires planning permission from the local planning authority) or the unlawful change of use to a small HiMO, the two are often conflated by objectors to planning applications. This often results in pressure for planning applications to change the use of a property to a small HiMO to be ‘called in’ to planning committee, but the objectors are often dissatisfied with the outcome of the planning committee deliberations. This is because the planning committee is required, by law, to consider the planning merits of the application in front of it, within the constraints that are set out by central Government. Where a change to a small HiMO would comply with the limitations of the development plan and the Article 4 Direction, it should be granted planning permission. The frustration of the objectors is that the Article 4 Direction, and the resulting planning application process, has not resulted in the decision that they wished for, and as a result of that, there is a desire to review the policy.

4.3 It is clear that some issues are either misunderstood, or are incorrectly conflated in the debate about HiMO, which would therefore benefit from an objective and thorough review, in order that clarity can be provided. It is also clear that not everybody believes that the current parameters that are set out in the Article 4 Direction are sufficiently robust, and an objective and thorough review would provide the opportunity to consider whether the current rules would benefit from any changes, and if so, what those changes might be.

4.4 Subject to the Planning Policy Committee endorsing the recommendations in this report, it is intended that full draft Terms of Reference will be prepared, to be considered during the first meeting of the Member working group.

5 Implications (including financial implications)

5.1 Resources and Financial

5.1.1 The council’s costs in respect of operating the Member working group will be met from existing budgets.

5.2 Legal

5.3 There is no barrier to establishing a Member working group, in the Council’s Constitution. The Member working group will not be a decision making body, and any recommendations will be considered by the Planning Policy Committee.

5.4 Risk

5.4.1 There are no significant risks arising from the proposed recommendations in this report.

5.5 Consultation

5.5.1 Not applicable

5.6 Consideration by Overview and Scrutiny

5.6.1 Not applicable.

5.7 Climate Impact

5.7.1 The conversion of existing properties is preferable to new build, in terms of climate impact. Fewer resources are expended, and fewer emissions are made in the manufacturing process. The Government has afforded permitted development rights to convert a single residential house into a small HiMO, and it follows that it is, in principle at least, sustainable development.

5.8 Community Impact

5.9 The conversion of single residential properties into a small HiMO is the source of considerable sensitivity and community tension. It is therefore a very important consideration, that the proposed Member working group will need to take into account as it carries out its review.

6 Background Papers

6.1 None