

Article 4 Direction Houses in Multiple Occupation– Summary of comments received

A total of 22 comments were received in response to the consultation.

In support:

- Welcome control given compact residential area
- Such development can create parking problems
- Ensure record keeping (ie number of location of HMOs)
- Ensure conversions are carried out correctly
- Restrictions should apply across the borough
- Concern about noise
- Consideration should be given to the suitability of the property together with health and safety issues
- Council tax concerns
- Direction would provide better control
- Stop HMOs occurring in inappropriate areas
- Manage impact on parking
- Housing is often poor quality and badly maintained without control and regulation
- Reduce quality of life for neighbours through noise and parking issues
- Noise between dwellings can affect children's bedrooms
- No adequate noise protection
- Student houses must be properly managed by reputable companies
- HMOs are not suitable long term homes
- May not be appropriate for say, nurses, working long unsociable hours
- Basingstoke does not have areas where HMOs can sit alongside family homes
- Loss of family home
- Impact on amenity (grassed) areas
- Displaces other residents parking
- Increased waste issues
- Without controls, landlords would be able to put as many occupants into one property as they wish
- Infrastructure impacts

Officer comment – the concerns raised above were addressed in the Cabinet report.

In objection:

Planning Policy:

- Planning Policy decisions need to take account of the advice and information regarding Strategic Housing Market Assessments
- Families are not the only group for which housing needs to be provided for
- In imposing an Article 4 Direction and restricting such accommodation in particular areas, it is imperative that as part of any consideration of planning

policies, the need for such accommodation must be addressed – this is based on the issue that the council, in imposing the restriction, must consider that there is likely to be a need for such accommodation in the area

- Council will need to agree an appropriate planning policy to deal with any application for a change of use
- Under PPS3 – the council must plan for all housing needs – how is the council proposing to discharge its responsibilities? Planning policy could look to establish a small number of HMOs in certain areas
- Any such new policy must not contain restrictive requirements which would be tantamount to some kind of blanket ban for HMO. Concern that planning permission will be refused on a 'just in case bases'
- Concern about restrictive parking policies.
- Never any HMO provision in new housing developments
- Current policy in the SPD is to propose one parking space per bedroom for a HMO – this is entirely prohibitive for future development and feels like a carte blanche approach to saying 'No more HMO's in Basingstoke' - (many tenants use public transport / do not own a car).
- Parking standards for HMOs should be applied to new builds.

Officer comment – The council already has an adopted policy and SPD guiding the change of use of dwellings to HMOs. Planning policy does not prohibit the change of use from a house to a HMO but seeks to ensure that a property, the subject of the application, is acceptable for this use.

The Council is currently formulating policies for inclusion in its Core Strategy, which will replace the Local Plan in time. It will be necessary to ensure that guidance set out in associated Supplementary Planning Documents remains relevant and it may be necessary to review this at an appropriate time. This is likely to include the parking requirements for residential development, including that applied to HMOs. It should be noted that the parking requirement seeks, as a starting point, the provision of 1 space for every bedroom – but this can be reduced where the property is in a well located position with good access to public transport.

Value and role of HMOs

- HMOs meet low cost rental accommodation
- Reduce demand for new builds
- Reduce social housing costs
- Shared housing is a valuable resource
- HMOs are occupied by young working individuals
- LHA changes mean demand is rising – no joined up approach between housing and planning officers
- Insufficient thought to the consequences of limited and reducing supply. Could lead to rising homelessness
- Demand for this accommodation rises as mortgages are harder to achieve due to high deposit requirements and salary restrictions
- Homes for those in receipt of benefits - future demand due to the change of age for receipt of 1 bed LHA
- There will be a significant increase in the cost of housing the homeless
- Family break-ups and other demographic trends place demands on cheap shared accommodation

- Claims that proposal would have a no financial or economic impact are false

Officer comment – it is not disputed that HMOs provide a valuable housing option either through providing a low cost option or to provide homes for young professionals. The Council through its planning policy and SPD will support the change of use of houses to HMOs in the right location and with appropriate controls such as planning conditions. The intention is not to reduce supply – but to allow a managed approach to the change of use of dwellings to HMOs and to ensure that such proposals come forward in the right locations, and that they meet the necessary standards.

Amenity / Impact concerns

- No problem with high density housing in Basingstoke
- Reported facts are one sided
- Controlling HMOs will not remove noisy individuals
- Neglected gardens? Has the council carried out any comparative study of the state of gardens in C4 HMOs and, say, those in social housing?

Officer comment – information from housing officers and from planning enforcement records record the concerns listed in the officer's report. In applying planning control some of these amenity issues can be considered and if appropriate conditions applied to manage / mitigate the impact on local communities.

Legal / Justification:

- Contrary to Government's view on application of Article 4 Direction.
- Imposing an Article 4 direction is a misuse of power - article 4 directions should only be used in those exceptional circumstances where evidence suggests
- No particularly strong justification, and the NLA would argue that there is no argument at all, since no study has been conducted and no facts have been presented.
- BDBC can identify only 52 shared homes of the type covered by the A4D in the whole of Basingstoke and Deane. There is therefore no demonstrable "problem" to solve.
- No provision for this regular monitoring and reviewing is mentioned in the report, nor the expense associated with it.
- Officer's report does not differentiate between Large HMOs (outside of the use class 4) and those HMOs within the C4.
- Uncertainty in the statistics provided in the report.
- Problems associated with some HMOs – predominantly large properties in large run-down areas of major cities – have been erroneously extrapolated to imply potential future problems in Basingstoke and Deane
- Report fails to point out that it is more often than not the tenant who is the victim, not the perpetrator of the crime. This is because many such properties are occupied solely by students who are prime targets for burglars.
- The usage of local services is unlikely to be greatly different for a property shared by three unrelated renters than a family with teenage dependents.
- What consideration has been given to the potential benefits of HMOs? We find no attempt herein to examine that aspect.

Officer comment – the council has considered the process and scope of the Direction and considers that the imposition of the direction is fair and reasonable given the concerns and issues raised in the report and is legitimate given the scope of when an article 4 can be imposed. Sufficient information was given in the Cabinet report to articulate the concerns of local residents and councillors.

Other

- Considered that imposing the Article 4 is a knee jerk reaction - low level anti-social behaviour can be dealt with in other ways.
- No change will be made for planning applications

Officer comment – The justification for imposing an Article 4 Direction was considered by the Planning and Infrastructure Overview and Scrutiny Committee and the Council's Development Control Committee before being considered by Cabinet. The report to Cabinet confirms that no charge will be made for a planning application (under the current planning application fee procedures) but that the costs will be absorbed by the current service.