

Houses of Multiple Occupancy – FAQs

What is a House in Multiple Occupation (HMO)?

A HMO is a property rented out by at least three people who are not from one 'household' (for example, a family) but share facilities like the bathroom and kitchen. It's sometimes called a 'house share'.

Do all HMOs require a HMO licence?

A HMO licence will be required if all of the following apply:

- it's rented to five or more people who form more than one household
- it's at least three storeys high
- tenants share toilet, bathroom or kitchen facilities

HMO licences are issued by the council's Environmental Health and Licensing Team 01438 242908/242916 / env.health@stevenage.gov.uk. A licensed HMO may also require planning permission. Further information is available on the council's website at <http://www.stevenage.gov.uk/housing/private-sector-housing/24725/>.

What is a Use Class C4 HMO?

A Use Class C4 HMO is identified within the Town and County Planning (Uses Classes) Order 1987, as amended, as use of a dwelling house by 3-6 residents as a "house in multiple occupation".

What is a Sui Generis HMO?

All HMOs which include more than 6 people sharing do not fall within any specified use class and are considered Sui Generis. This means they are in a class of their own, and always require planning permission.

Do all HMOs require planning permission?

Planning permission is required for HMO developments comprising the following:

- New build Class C4 or Sui Generis HMOs
- Changes of use to Sui Generis HMOs
- Proposals to intensify or enlarge existing HMOs
- Changes of use from Class C3 (dwelling houses) to Class C4 HMOs (from 20 September 2017)

What is an Article 4 direction?

An Article 4 direction is a planning tool which the local planning authority can use to withdraw permitted development rights for a particular type of development. A legal process has to be followed in order to introduce an Article 4 direction.

Details of all Article 4 directions that apply within the Stevenage are available here: <http://www.stevenage.gov.uk/149690/planning-policy/167774/>.

What does the Article 4 direction relating to HMOs cover?

The Article 4 direction relating to HMOs relates to development comprising the change of use from a use falling within Class C3 (dwelling houses) of the Town and County Planning (Use Classes) Order 1987, as amended; to a use falling within Class C4 (houses in multiple occupation) of that Order; and removes permitted development rights for this type of development. Planning permission will, therefore, be required for any changes of use from Class C3 to C4 from 20 September 2017.

Why has the Article 4 direction relating to HMOs appeared on the Land Charges Search for my property?

The Article 4 direction relating to HMOs is registered as a planning charge to make property purchasers aware of the potential for planning permission to be required.

When did the council make the Article 4 direction relating to HMOs?

The Article 4 direction relating to HMOs was made on 19 September 2016, following a borough-wide consultation exercise to seek the views of residents, elected members and interested parties on the issues raised by the growth of HMOs in the town.

When does the Article 4 direction relating to HMOs come into effect?

The Article 4 direction relating to HMOs comes into effect on 20 September 2017.

When was the Article 4 direction relating to HMOs confirmed?

The council's Executive confirmed the Article 4 direction relating to HMOs at their meeting on 15 June 2017.

I own or operate one or more HMOs within the town, how will I be affected?

The Article 4 direction relating to HMOs cannot be applied retrospectively, so if you currently own or operate HMOs it may be beneficial for you to ensure that your property is appropriately licenced to operate as a house in multiple occupation.

How do I licence my property as a HMO?

You can apply to licence a property as a HMO by completing the online form at <http://www.stevenage.gov.uk/housing/private-sector-housing/24725/>.

What would happen if I do not licence my property as a HMO?

If you do not licence your property as a HMO, you may be subject to enforcement action where the council will investigate the property. If you are found running an unlicensed HMO, you could face a fine of up to £20,000.

I own or intend to purchase a Use Class C3 property that I am intending to use as a Use Class C4 HMO, to be occupied after 20th September 2017. Do I need to apply for planning permission to change the use?

Yes. In order for a property to be classed as a C4 HMO before 20 September 2017, it must have already been in occupation as a HMO before this date. Just having completed any conversion works, or registering the property for its intended use, is not sufficient to state that a change of use has occurred. The use class of the property will only change from Class C3 to Class C4 upon occupation when the use is implemented.

If my property has been let as a HMO in the past, but is now being let to a family or less than 3 unrelated people, do I need to apply for planning permission to let it as a HMO again?

Yes, if a material change of use has occurred. The use class of the property will change from Class C4 to Class C3 upon occupation of the property by a family. Planning permission will, therefore, be required to change the use from a C3 dwelling house to C4 HMO.

If a HMO is empty for a period of time between lettings, will it lose its Use Class C4 HMO status?

No. If a property was used as a C4 HMO prior to it being empty it will not lose its C4 HMO status, provided no other use has taken place between lettings. If the property was used as a C4 HMO before 20 September 2017, or if it was granted planning permission for C4 use after this date, its lawful use will remain as a C4 HMO.

How do I apply for planning permission for a HMO?

Guidance on how to apply for planning permission is available here <http://www.stevenage.gov.uk/149690/planning/152088/152093/>.

Can I get any advice before applying for planning permission?

The council offers a pre-application service which gives you an opportunity to discuss your proposal with a planning officer and find out what information you need to support your planning application.

Further details are available here <http://www.stevenage.gov.uk/149690/planning/152088/152114/>.

Free general planning advice can also be obtained from the Planning Portal, an online Government initiative that offers a wide range of services and information on the planning system.

How much does a planning application cost?

Planning applications that are required because of Article 4 directions do not attract a planning fee. However, a fee will be required for applications for proposals which involve any additional works. The standard fee for a change of use application is £385.

For further advice on planning fees please contact the Development Management Team
01438 242159 / planning@stevenage.gov.uk

Who will comment on my planning application?

Any individual, business, organisation or group is able to make comments on any planning application. Guidance on commenting on planning applications is available on the council's website at [http://www.stevenage.gov.uk/149690/planning/152088/152105/..](http://www.stevenage.gov.uk/149690/planning/152088/152105/)

How will my planning application be determined?

Your application will be assessed by a planning officer and a recommendation will be made on whether planning permission should be granted or refused.

Who will determine my planning application?

Most planning applications are determined under delegated powers by the Planning Manager. Where it is deemed necessary, proposals will be considered by members of the Planning Committee.

Details of the council's Planning Committee procedures are available here [http://www.stevenage.gov.uk/149690/planning/152088/152138/.](http://www.stevenage.gov.uk/149690/planning/152088/152138/)

How long will it take for my planning application to be determined?

Most planning applications, including those for changes of use, are determined within 8 weeks of being registered.