

## Note for Home Run meeting 16<sup>th</sup> June - Homes in Multiple Occupation

1. The government introduced a new approach to dealing with HMOs on 6<sup>th</sup> April this year. This new approach relates to the General Permitted Development Order which makes clear what can and cannot be done without planning permission. The new regulations<sup>1</sup> introduce a new planning use class, class C4. This is intended to cover small shared dwelling houses occupied by between 3 and 6 unrelated people who share basic amenities.
2. Prior to 6<sup>th</sup> April shared houses would have been considered to fall into use class C3 (dwelling houses). Shared dwellings of over 6 previously may have been considered to be "sui generis" (of their own kind) and have fallen outside any defined use class although some judgement was needed to establish the use had intensified so as to become of different character or no longer constituted a single household. As the regulations make clear that class C4 dwellings cannot contain more than six people one of their consequences is to increase the number of dwellings that will be considered to be "sui generis".
3. The definitions associated with the new regulations appear complicated and it may take some time before case law becomes clear. There are a variety of exclusions and exemptions including where care is provided, where owners live in the house and where guests are present. The regulations make clear it is intended that student housing is intended to fall within the definition of C4 and it is understood the introduction of the regulations arose from pressure from areas concerned over the impact of large numbers of student houses.
4. The effect of the regulations is to require planning permission to convert a residential home (class C3) to a small HMO (class C4). It is not required however to convert a C4 HMO back to a residential dwelling. This means that at 5 April 2010, any dwelling in use as a small HMO in effect has an established permission. However, any new HMOs coming into use from 6 April 2010 onwards will need to apply for permission to class C4 (for smaller HMOs) or as sui generis use (for larger HMOs). The table below seeks to summarise the regulations.

Class	Definition	Permitted change
C3	Dwelling houses including: - Those living together as a single household (a family); - Those living as a single household and receiving care; and - Those living as a single household and not falling into class C4.	Considerable permitted development rights but permission required to convert to C4 or sui generis
C4	HMOs Shared dwelling houses occupied by 3-6 unrelated individuals who share basic amenities	Few permitted development rights but permitted change to C3
Sui Generis	Without classification Shared dwellings occupied by 7 or more unrelated individuals who share basic amenities. Note – other types of HMOs such as bedsit and self contained flats may also be considered as sui generis with fewer than 7 people sharing	Few permitted development rights. Permission also required to convert to C3 or C4

<sup>1</sup> Statutory Instrument 2010 No. 653, The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010