

Renfrewshire Local Plan - Supplementary Guidance



Houses in Multiple Occupation

November 2007



Renfrewshire
Council

Planning & Transport Department

Objective

The purpose of this supplementary planning policy guidance is to assist the Council in assessing planning applications for changing the use of houses or flats to the category of 'Houses In Multiple Occupation' (HMOs).

Introduction

Houses in Multiple Occupation provide an important supply of housing, particularly for some groups of people such as students, young professionals, immigrant workers, people requiring care etc. They tend to be most commonly located in Scotland's cities, or in towns where there is a sizeable student population. HMOs can provide affordable housing for those working and studying in such locations and for those unable or unwilling to buy their own property.

Due to the existence of Paisley University and to a lesser extent the Reid Kerr College, there is a sizeable student population in Paisley. From 1990 to 2004, only 9 planning applications for multiple occupancy use were received for the determination by the Council. However, during the years 2005 and 2006 alone, 16 planning applications were received for the consideration of the Council. Should this trend continue, it can be assumed that the Council will be required to process a significant number of planning applications for multiple occupation uses in the coming years.

Notably, of the 11 planning applications submitted in 2006, 8 generated objections, primarily on the basis of likely adverse effects on residential amenity. It can be assumed that such applications and uses can be controversial and can impact on local neighbourhoods and that this is likely to be a common theme for future planning applications.

No policy guidance exists in the Local Plan on how the Council should consider such applications. In view of the number of applications that are likely to be submitted over the coming years, the fact that they can tend to generate representations/objections and balancing this against the important contribution that this type of property makes to the housing stock, the Council has now approved policy guidance supplementary to the Local Plan in respect of this subject.

Background Information

A house or flat can be termed a House in Multiple Occupation if it is the principal residence of a number of unrelated people. HMOs include individual flats and houses, occupied most commonly by students, young professionals and immigrant workers. As indicated in the Introduction, HMOs can provide an important supply of housing and provide affordable housing for those working and studying in the town and for those unable or unwilling to buy their own property.

There exists both a licensing and planning regulatory regime for HMOs. However, differences exist between these regimes as to what constitutes an HMO. The provisions for licensing under the Civic Government Scotland Act and the provisions in respect of planning legislation are set out in the following sections. Due to there being different issues involved, it is important to be aware that the granting of a license for an HMO is not dependent upon the granting of planning permission.

The Licensing of Houses in Multiple Occupation

It is mandatory under the Civic Government Scotland Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 (as amended) that, in specific circumstances, a license is obtained to occupy a house as an HMO. In this context, a 'house' includes any part of a building occupied as a separate dwelling and therefore covers not only houses but flats and bedsits.

Licensing provides that a house/flat is an HMO if it is the only or principal residence of 3 or more qualifying persons from 3 or more families. The purpose of HMO licensing is to control standards in 3 main areas:

- The suitability of the property owner to be an HMO landlord;
- His/her management of the premises;
- The physical condition and facilities of the accommodation.

A license may be granted for any period up to 3 years. It is a criminal offence to operate an HMO without a license. The licensing of HMOs in Renfrewshire is administered by the Legal Services Division of the Corporate Services Department.

HMOs & the Planning System

The planning system in Scotland does not give such a clear picture of when planning permission for an HMO is required. Indeed, the term 'house in multiple occupation' does not appear in planning legislation. In land use planning terms, houses come within Class 9 of the Use Classes Order and there is a material change to the use of property where a house is occupied by 6 or more unrelated people, including a household where care is provided for the residents, and planning permission is required.

Flats are outwith the Class 9 Houses use referred to above. In determining the use of a flat as an HMO, it is a matter of fact and degree whether or not the use is materially different from that of a family flat. In Renfrewshire, the view is taken that planning permission is required if the flat is the only or principal residence of 3 or more persons from 3 or more families, as per the licensing legislation.

Land use Issues Associated with HMOs

Whilst many of the concerns relating to HMOs can be more appropriately dealt with through the licensing regime, there are a number of land use issues that HMOs can raise, including:

A. Property specific issues:

- Increased pressure on parking and traffic movement;
- The more independent lifestyles of occupants can increase demands for refuse facilities, drying areas, gardens etc;
- Increased pedestrian movement and noise.

B. Wider community issues:

- Established communities can be eroded by the more transient nature of occupants who do not have a long-term commitment to an area;
- HMOs can become concentrated in certain areas.

All of these issues tend to surface as grounds of objection in any representations that are submitted against HMOs in the planning application process.

Government Guidance

The Scottish Government issued Circular 4/2004 entitled 'Houses In Multiple Occupation – Guidance On The Interface Between Planning Control & Licensing' in September 2004 to provide local authorities with a brief background on the licensing scheme for houses in multiple occupation and guidance on the implications for development plan policies on HMOs.

Paragraph 20 of the Circular states that 'As far as the development plan policies on HMOs are concerned, planning authorities are asked to bear in mind the important role the HMO sector plays in providing residential accommodation for certain groups. Attention is also drawn to the requirements of the HMO licensing system. Where issues relate to the behaviour of the landlord or tenants, such as maintenance or noise, planners should take account of the controls offered by HMO licensing. They should also be clear that all kinds of people may live in HMO accommodation, and it is not necessarily the case that HMO residents would cause more disturbance than other types of household who might occupy the property.'

Paragraph 21 of the Circular states that 'Whilst these points do not mean that the planning system can ignore issues which are addressed by the HMO licensing system, it is important for planning authorities to strike an appropriate balance in the level of control in their policies taking onboard the importance of HMOs



Approved
November 2007

in the housing market and the controls available under HMO licensing. When reviewing such planning policies, authorities should bear in mind that existing policies were drawn up when the planning system was seen as the only means of controlling HMOs and may be more restrictive than is now necessary.'

In view of the fact that Government guidance requires planning authorities to recognise the importance of HMOs in the housing market along with the controls available under licensing, there is an implication that planning authorities should be sympathetic to planning applications for HMOs

The Approved Policy

An initial report was approved for consultation purposes by the Council's Planning & Economic Development Policy Board on 5 June 2007 and, after an extensive public consultation exercise, the Council approved of the following policy on 20 November 2007:

'Proposals for multiple occupation of a dwelling or flat that requires planning permission will only be considered to be acceptable where:

- a. It will not have a detrimental impact on residential amenity. In this regard each proposal must demonstrate an appropriate refuse collection and drying facility. The need for car parking will be assessed separately in each case;
- b. It will not result in an excessive concentration of such uses to the detriment of the character of the close or individual flatted block or the local area. Unless there are exceptional circumstances, no more than 3 flats or $\frac{1}{3}$ rd of the total number of flats, whichever is the lesser, dedicated to HMO use in any one close or individual flatted block will be considered to be acceptable.

The initial granting of an HMO permission shall be for a period no longer than 2 years, with reconsideration for permanent consent required thereafter.'



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