

STRUTT'S PARK RESIDENTS' ASSOCIATION (SPRA)

HOUSES IN MULTIPLE OCCUPATION (HMO)

SPRA believes that if Derby City councillors were to give control of HMO conversion a higher priority than at present it would be possible to get controls in place before the HMO density in Strutt's Park reaches a tipping point, as it already has in some towns and cities.

Background

If you were to put into a search engine "Article 4 Direction HMO", scroll down the results, from page to page, then you would see how many local authorities in England have in place controls on the numbers of HMOs that can be created in future, but Derby currently does not. HMOs are single dwellings which are occupied by more than one household (usually un-related single people) who share the facilities of the house. Whilst a number of HMOs spread thinly throughout an area can bring vitality to a neighbourhood, large concentrations of HMOs in an area can, and have in many places, led to unfortunate consequences – increased noise nuisance, problems with litter and waste disposal, on-street parking problems, deteriorating property maintenance standards etc. The turnover of residents is often quite high, especially in the case of HMOs with student tenants, who are present only in term-time and who often move on at least every year. Having a highly transitory resident population does little to foster community coherence or a sense of pride and belonging in a locality.

Planning Regulations

Planning regulations do not take note of houses with three or fewer occupants not of the same household. 'Large' HMOs with seven or more residents all require planning approval on a case-by-case basis before conversion but 'small' HMOs, with four to six residents, can be converted, under the permitted development rules, without any opportunity for public scrutiny of the proposals. Many of the houses in Strutt's Park (and Derby more generally) are of a size that conversion to a small HMO can be carried out without any challenge, and this is something that has been happening increasingly frequently over recent years and, in a few locations, the majority of houses are already HMOs.

Strutt's Park and planning

The mechanism for controlling the growth of HMO conversion is the Article 4 Direction. This is a familiar tool in the Strutt's Park Conservation Area, where Article 4 Directions are already in place to control the replacement of windows, doors and roofs (for example) on highway-facing elevations, in order to preserve the appearance of the area. In the case of HMOs, the Article 4 Direction is written to withdraw permitted development rights from proposals to convert houses to small HMOs, so every new proposal has to have planning approval before it can go ahead. To make the Article 4 Direction effective there has also to be local planning guidance setting out the rules by which HMO conversion applications will be assessed. This could be as stringent as a total ban on further conversion, or more nuanced, for example, limiting the proportion of HMOs to ordinary houses in a given area. Once the set proportion of HMOs had been reached in the given area, no further applications for HMO conversion would be accepted. (One existing example, for instance, sets the HMO proportion as 10% within a 100 m radius of the house proposed for conversion.) In Derby the Local Plan is currently (April 2022) being drawn up and will soon go out for consultation, and this would be a place where limits for HMO conversion could be set out.

Article 4 Direction now easier to apply

Any proposal for an Article 4 Direction for HMOs in Derby would require drawing up, and reasons for the proposal would have to be given. The Secretary of State with responsibility for planning regulations (currently Mr Gove) has to give approval to any Article 4 Direction proposals, and, a few years ago (2011 -2014), this was a very onerous process, requiring a lot of staff time by local authority planning departments, but the investigation by the SPRA has revealed that several of the more recent applications have been successfully based on much less stringent evidence than at first, so the demands on the resources of the planning department would be much reduced.