

Houses in multiple occupation

Supplementary Planning Document



Consultation draft
May 2023



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1. Introducing the draft Houses in Multiple Occupation Supplementary Planning Document

1.1 This draft Supplementary Planning Document (SPD) is proposed to replace the current SPD of the same name which was adopted by the Council in 2014. The SPD provides guidance on the conversion of dwellings to Houses in Multiple Occupation (HMOs) within an area of Exeter that is covered by an Article 4 Direction. The Article 4 Direction removes permitted development rights from dwellings (Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) to HMOs (Use Class C4). This draft was approved for consultation by the Council's Executive on 28 February 2023 alongside consultation on a proposed extension to the Article 4 Direction.

1.2 The University of Exeter has grown significantly since 2006/7 from approximately 11,200 full time equivalent students to 27,300 in 2021/22. Future student numbers are uncertain, but the University forecasts limited further growth over the next five years.

1.3 With this growth in the student population, there has been a growth in the need for and amount of student housing. The Council's planning policy response has included adopting the current HMO SPD and making an Article 4 Direction to help manage the impact of increasing numbers of student-HMOs in certain parts of the City close to the University's campuses. These documents were last updated by the Council in 2014. At the same time the Council has focused on meeting additional student housing needs in Purpose Built Student Accommodation (PBSA). This has ensured that most of the growth in student numbers has been met by PBSA. Availability of PBSA has increased from around 2,000 bedspaces in 2007 to around 12,500 bedspaces in 2022.

1.4 Data on student Council Tax exemptions, PBSA planning permissions and HMO Licences gives a good indication of the location of student accommodation within Exeter. It is currently estimated that around 45% of students in need of housing are accommodated in PBSA, which is the accommodation of choice for a large majority of first year students. Around 35% of undergraduate students are in HMO accommodation and around 20% live in the private rental sector. This information has been used to propose alterations to the Article 4 area and revisions to the 2014 SPD.



2. The purpose of the HMO SPD

2.1 The purpose of this draft SPD is to clarify the implementation of Saved Policy H5 criterion (b) of the Exeter Local Plan First Review 1995-2011 (2005). Within the Exeter St. James Neighbourhood Planning Area it also clarifies the implementation of Policy C1 criterion (e) of the Exeter St. James Neighbourhood Plan (2013). The SPD may need to be updated again when the emerging Exeter Plan is adopted to clarify any relevant policies in that plan. This draft SPD is designed to reflect the proposed expansion to the Article 4 Direction which is being consulted upon at the same time.

2.2 The law requires that planning decisions be in accordance with local and neighbourhood plans unless material considerations indicate otherwise. The relevant part of Exeter Local Plan First Review policy H5 states:

H5: the conversion of dwellings to flats, self contained bedsitters or houses in multiple occupation and the development of special needs or student housing will be permitted provided that:

(b) the proposal will not create an over concentration of the use in any one area of the city which would change the character of the neighbourhood or create an imbalance in the local community.

2.3 The relevant part of the Exeter St. James Neighbourhood Plan policy C1 is as follows:

Changes of use to houses in multiple occupation (HMO) will not be permitted unless;

(e) the proposal would not result in an over concentration of HMOs in any one area of the ward, to the extent that it would change the character of the area or undermine the maintenance of a balanced and mixed local community.



3. How will the draft HMO SPD be used?

3.1 The guidance in the current SPD applies to all planning applications for change of use from homes (Class C3 of the Use Classes Order) to HMOs occupied by three to six people (Class 4) and to HMOs occupied by seven or more people (sui generis), within the area covered by the Article 4 Direction. Within that Article 4 area, planning permission is required for a material change of use from Class C3 to Class C4. It is proposed to continue this approach within an Article 4 area that is updated to reflect recent increases in concentrations of student properties. The proposed area (which is subject to consultation) is shown in green on the plans on page 10/11 and 12/13 of this draft SPD, although please note that the formal plan contained within the proposed Article 4 Direction is definitive in this regard. The SPD does not apply to PBSA. Neither does it impact on those areas excluded from but surrounded by the Article 4 Direction, shown for information on the plans on page 10/11 and 12/13 and which broadly include the following streets:

- | | |
|-----------------------|--------------------|
| ■ Culverland Road | ■ Old Park Road |
| ■ Danes Road | ■ Springfield Road |
| ■ Edgerton Park Road | ■ Victoria Street |
| ■ Hillsborough Avenue | ■ Wrentham Estate |
| ■ Mowbray Avenue | |

3.2 The proposed restriction on further HMOs will not affect properties that can prove an existing lawful use as a HMO.

3.3 The Council first introduced an Article 4 Direction to control the conversion of dwellings to HMOs in 2010. Student Council Tax exemptions within the original Article 4 area amounted to 21.2% of homes at May 2013. In January 2014, the area where the restriction applies was extended to include two parts of Newtown ward and parts of Pennsylvania and Duryard wards which previously had fewer than 20% exemptions.

3.4 The Council now proposes to further extend the area covered by the Article 4 Direction to include additional postcodes where a 20% student Council Tax threshold has been reached or where there is clear evidence to show that it will be reached in the near future. It is also proposed to include the entirety of the EX4 6 postcode sector because it contains several pockets of very high concentrations of student housing, is close to the Streatham campus, shows some evidence of 'leapfrogging' pressure and currently has an overall concentration of 29% student housing. Finally, to ensure that the Article 4 area is reasonably contiguous, it is proposed that it should take account of features on the ground such as property and street boundaries. Should the proposed Article 4 Direction be confirmed, this draft SPD will be adopted (subject to any further amendments following consultation) to ensure that appropriate guidance continues to be available.

3.5 The current SPD resists any further changes of use to HMOs within the area covered by the Article 4 Direction. In other words, within this area, the Council regards the existing proportion of properties with student Council Tax exemptions to be an over-concentration of HMOs for the purposes of Local Plan Policy H5(b) and St. James Neighbourhood Plan Policy C1(e).

3.6 Through the draft SPD, the Council proposes to continue to apply this approach within the area covered by the proposed expanded Article 4 Direction.

3.7 Applicants for planning permission are advised to consider the licencing requirements for HMOs which are set out on the Council's website: www.exeter.gov.uk/housing/private-landlords/houses-in-multiple-occupation-hmo/houses-in-multiple-occupation. These include local and national space and amenity standards.



4. Exceptional circumstances

4.1 The personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of the local community may be material to the consideration of a planning application. Such arguments will seldom outweigh more general planning considerations. However, there may be cases where very localised communities are already so imbalanced that the policy objective of protecting a balance is unlikely to be achieved. In these cases owners of Class C3 dwellings may have difficulty in finding a purchaser for continued Class C3 use and may therefore wish to change to Class C4/HMO use. In considering whether to make an exception to the policy and this draft SPD, the Council will have regard to:

- Local representations in support or objection from those directly affected by the proposal.
- The proximity of existing Class C4 uses, larger HMOs or student Council Tax exempt properties where they might be likely to affect the amenities of normal family life (e.g. if there are such uses on both adjoining sides).
- Any demonstrable difficulty in achieving a satisfactory sale of a property as a Class C3 dwelling.
- Any other circumstances indicating the policy restriction is causing severe personal hardship.

The Council will continue to monitor HMO licences, PBSA delivery and student Council Tax exemptions in order to consider future changes to the Article 4 Area and this draft SPD.

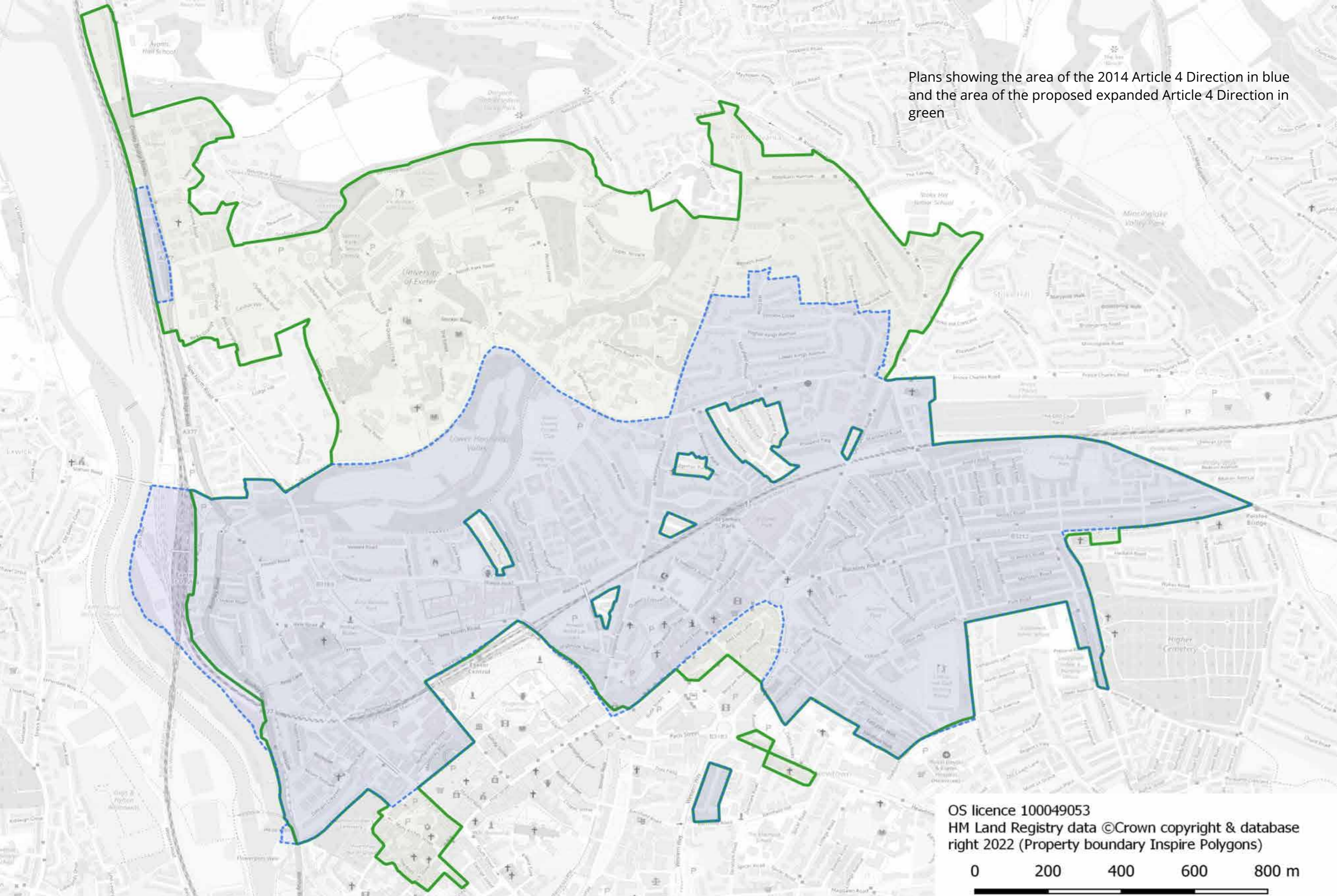
5. What happens next

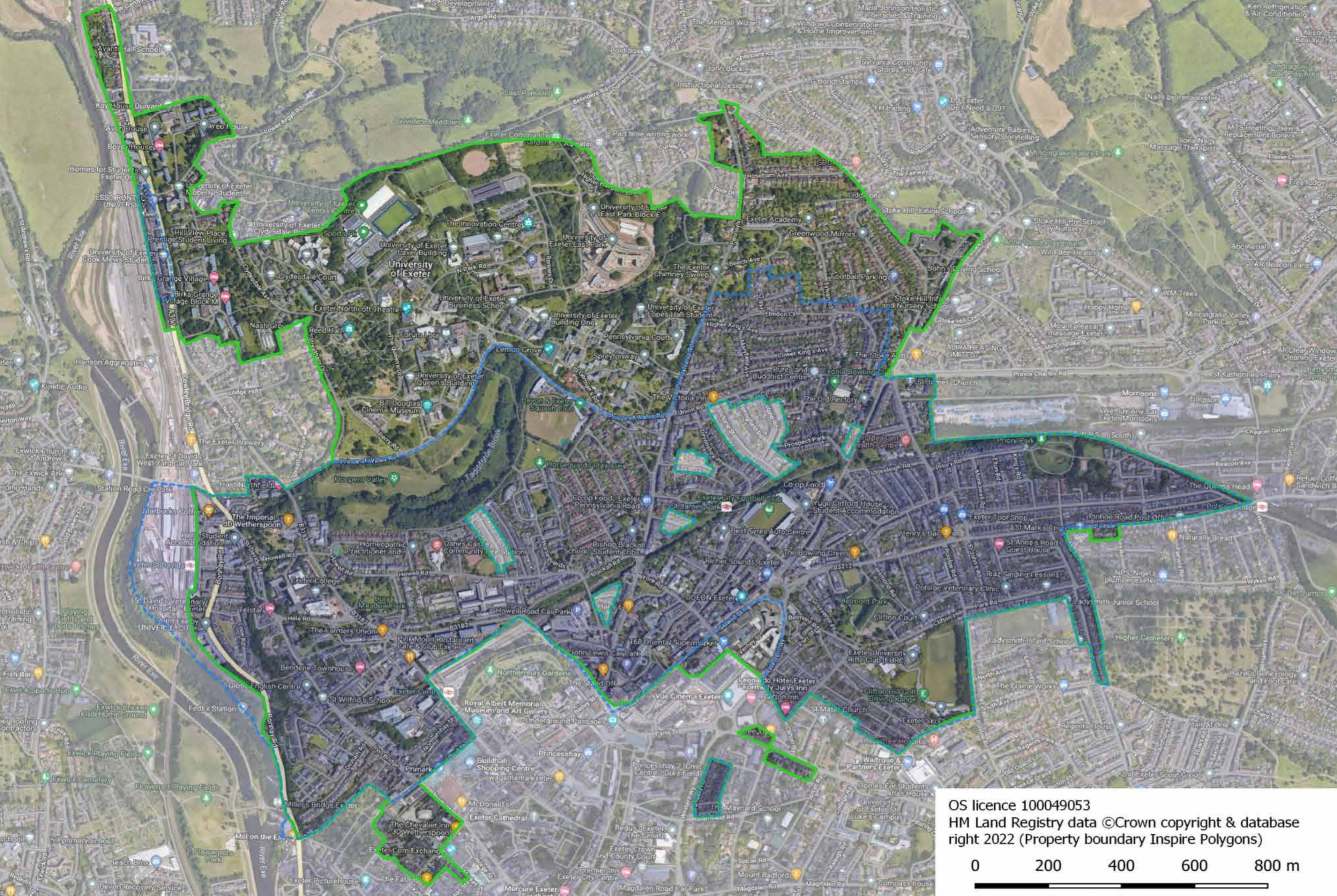
5.1 We are consulting on the draft HMO SPD between 22 May and 3 July 2023 and would like as many responses as possible. The responses we receive will inform the final version of the HMO SPD. Subject to the outcome of the consultation, the final version of the HMO SPD will be considered for adoption by the City Council towards the end of 2023.

You can respond to the consultation using the contact details on the back page of this document.



Plans showing the area of the 2014 Article 4 Direction in blue and the area of the proposed expanded Article 4 Direction in green





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Your views are valued and responses to the questions will help shape the final version of the document

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