

Houses in Multiple Occupation Topic Paper (2024)



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1. INTRODUCTION

- 1.1 This paper has been produced in support of Policy 16: Houses in Multiple Occupation in the South Tyneside Publication draft Local Plan 2024. The paper provides a summary of the evidence and explains the reasoning and the justification for the proposed policy criteria set out in Policy 16.
- 1.2 Policy 16 seeks to ensure the creation of sustainable communities and good quality living environments. The proposed policy will be used to assess proposals for Houses in Multiple Occupation (HMOs) across South Tyneside. The Council believes that this Policy will help to create ‘strong, vibrant communities’ and ‘add to the overall quality’ of areas, in line with the objectives of the Local Plan.

2. POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 2.1 National Planning Policy Framework (NPPF) (September 2023) sets out a need to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Paragraph 62 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
- 2.2 Paragraph 92 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

DEFINITION OF HOUSES IN MULTIPLE OCCUPATION FOR PLANNING PURPOSES

- 2.3 A property is broadly defined as a HMO if it is occupied by 3 or more persons from 2 or more households and there are shared facilities such as a toilet, bathroom or kitchen. A household can be a separate individual, a couple or a family. The full legal definition of a HMO is given under the Housing Act 2004.

THE USE CLASSES ORDER

- 2.4 There are two national statutory planning instruments that are relevant to the use of buildings as HMOs; the Town and Country Planning (Use Classes) Order 1987 (as amended) commonly referred to as the ‘Use Classes Order’ and the General Permitted Development Order (GPDO, 2015).

2.5 The Use Classes Order defines two different categories of HMO as follows:

- Smaller HMOs that contain between 3 and 6 people who are unrelated to each other. These are identified under use class C4.
- Larger HMOs containing more than 6 unrelated people, which are identified as a 'sui generis' use.

ARTICLE 4 DIRECTIONS

2.6 Permitted development rights can be removed by the local planning authority by means of an Article 4 Direction, provided there is justification for both its purpose and extent. The direction must be justified based on the potential harm that is it intended to address. South Tyneside's approach to the use of Article 4 Directions in relation to HMOs is set out in Paragraphs 2.10 to 2.12.

OTHER REGULATIONS

2.7 It should be noted that there is a requirement for larger HMO's to be regulated as a licenced HMO by the Local Authority or as a registered provider under Housing Legislation.

LOCAL POLICY

2.8 The current Local Development Framework Document Development Management Policies (2011) includes Policy DM4: Intensive Housing Uses:

Policy DM4 Intensive Housing Uses

We will manage the provision of guest and boarding houses, hostels and larger houses in multiple occupation by ensuring that proposals:

A do not adversely impact on residential amenity and the character and nature of the locality, particularly in areas of predominantly single household family housing;

B do not adversely impact upon existing traffic and parking conditions in the area; and

C provide sufficient space for the storage of refuse containers within the property boundaries.

The property must be suitable and of an appropriate size for the proposed use, and the cumulative impact of proposals for larger houses in multiple occupation, on the character and nature of the locality, will be assessed as a material consideration. Proposals for the conversion of buildings to provide larger houses in multiple occupation or other intensive housing uses will usually be discouraged in areas of predominantly single household family housing.

2.9 South Tyneside Council is currently in the process of producing a new Local Plan which will cover the plan period of 2023 -2040. The Publication draft Local Plan includes Policy 16: Houses in Multiple Occupation:

Policy 16: Houses in Multiple Occupation

1. Where planning permission is required, proposals for Houses in Multiple Occupation (HMOs) will be permitted where:
 - i. The building is suitable for the number of proposed units and the accommodation provides a good standard of living space and amenity for the occupiers
 - ii. The proposal would not result in an over-concentration of HMOs within any one area of the borough, or lead to HMOs becoming the dominant dwelling type, or adversely impact on the functionality and characteristics of a local area.
 - iii. The proposal does not result in any residential property (C3) being directly 'sandwiched' between two HMO's on both sides.
 - iv. The proposal would not have a detrimental impact on the amenities of surrounding properties by causing excessive noise and disturbance
 - v. The proposal would provide adequate provision for parking, servicing, refuse and recycling
2. Where an application for a new House in Multiple Occupation falls within the Lawe Top Article 4 Direction area, permission will only be granted where the number of HMO dwellings does not exceed 10% of the total number of properties, within 100 metres from the application site.

LAWE TOP ARTICLE 4 DIRECTION

- 2.10 In February 2014 an Article 4 Direction was made which enabled the Council to exercise planning control over changes of use between family houses (Class C3) to small HMOs (Class C4), that would otherwise be permitted development. The Article 4 Direction came into force on 10 February 2015. At that time, it was considered that an Article 4 Direction would be justified on the basis that if permitted development rights to change from use within Class C3 to use within Class C4 without control are not limited, the Council's objective to create or maintain mixed communities would be undermined. This was aligned to a central theme of the Council's Local Development Framework Core Strategy in terms of delivering sustainable communities by promoting the regeneration of the borough to create healthy, safe and socially inclusive communities.
- 2.11 The Article 4 Direction was part of a package of measures which recognised that, while the growth in Homes in Multiple Occupation provides a number of opportunities to create more housing choices, it also needs a coherent approach across agencies to ensure that high housing management standards are set and sustained, and that a balanced housing market is maintained.

- 2.12 Since the Direction came into effect, there have been approximately 10 applications submitted for proposals that would otherwise have been permitted development. Of these, four have been withdrawn, one refused, two allowed on appeal and two which are currently undetermined (December 2023).

Fig 1, Lawe Top Article 4 Area



3. PROBLEMS ASSOCIATED WITH CONCENTRATIONS OF HMO'S

- 3.1 HMOs form a necessary part of the of South Tyneside’s private rented provision, providing homes and contributing to people’s housing choice. As rooms can be rented individually, they provide affordable accommodation, particularly for students, younger people and those on lower incomes, with some exempt accommodation providing necessary support packages to those residents.
- 3.2 Whilst the need for this type of accommodation is not in dispute, HMOs tend to be grouped together in certain areas, and can become the dominant type of housing which can lead to social and environmental problems for local communities. This section sets out the evidence in relation to the impacts of high concentrations of HMOs in South Tyneside.

3.3 This type of accommodation is a necessary feature of a mixed tenure housing portfolio; however, it has to be recognised that poorly managed premises or those not fully supporting HMO occupants can adversely affect neighbourhoods with:

- Low levels of maintenance of HMO properties, resulting in poor quality living environments for occupants and neighbours;
- High amounts of litter and rubbish generated due to people occupying HMO properties;
- Noise generated from HMO properties;
- Incidences of crime and anti-social behaviour associated with some occupants of HMOs;
- Lack of available support for residents who have additional needs
- Transient population and less community cohesion.

HMO CONCENTRATION IN SOUTH TYNESIDE

3.4 Across the whole borough, there are 47 licensed HMOs. In addition, there may be a number of smaller C4 HMOs that do not require a license or planning permission (unless post-2015 in the Lawe Top Article 4 area). The HMOs are broadly located across South Shields, Jarrow, Hebburn and Boldon.

3.5 Specifically, within the Lawe Top Article 4 area are 10 HMOs. The Lawe Top area is relatively close to the town centre the coast and parks. The area is dominated by large, Victorian terraced houses typical of traditional seaside locations. Beach Road falls within the Lawe Top Article 4 area. The area encompasses some business premise including 2 nurseries but is predominantly a residential area, made up of large terrace houses. There are currently 8 Licenced HMO's within Beach Road, , as well as a number of HMOs operated by Registered Landlords provides (exempt from the licensing regime). A number of these properties provide supported accommodation. This represents the greatest concentration of HMOs in the borough.

3.6 A 3-year study into crimes in this area identified 210 crimes that could be linked to 7 properties, on Beach Road, which were either licenced HMO's or exempt accommodations. Violent crime accounted for 81% of this crime including blackmail, stalking, harassment, false imprisonment, public order, threats to kill, possess pointed article/knife, and malicious communication offences.

3.7 There have been 2 ASB reviews and 2 appeals from residents who live in this area, the Community Safety Partnership has both Strategic and Tactical action plans in place to reduce crime and ASB and support residents in this area. While all partners have made concerted efforts to tackling the problems in the area, any increase in this type of accommodation may lead to further community tensions.

IMPACT ON AMENITY

3.8 As noted above it is recognised, both nationally and locally, that concentrations of HMOs can impact upon residential amenity and can, in some cases, create particular issues with regard to:

- Noise and disturbance resulting from intensification of the residential use and/or the lifestyle of occupants;
- Increased parking pressures and traffic congestion resulting in highway safety concerns;
- Detriment to visual amenity resulting from poor or accumulative external alterations to properties (e.g. predominance of house extensions to intensify the use of the property and removal of front garden walls/ hedges to allow for car parking);
- Detriment to health from poor waste management and poor standards of accommodation and property maintenance and repair; and,
- increased crime and anti-social behaviour, fear of crime, noise and nuisance.

3.9 All the above can potentially have negative impacts on the mental health and wellbeing of individuals living within HMOs and their neighbours, as well as the physical environment in which they live. It is also important to note that occupants of HMOs, are often vulnerable and can be the victims of crime or suffer from a poor-quality environment themselves.

IMPACT ON MIXED AND BALANCED COMMUNITIES

3.10 There is no planning definition of a ‘sustainable’ or ‘balanced community’. The Sustainable Communities Plan (ODPM, 2003) defined it as “places where people want to live and work, now and in the future. They meet the diverse needs of existing and future residents, are sensitive to their environment, and contribute to a high quality of life. They are safe and inclusive, well planned, built and run, and offer equality of opportunity and good services for all.”

3.11 It can be considered as a community that is not dominated by one particular household type, size or tenure. Although dated the National HMO Lobby suggest a balanced community is a “community which approximates national demographic norms”. The National HMO Lobby suggests that 10% of properties or 20% of the population is the ‘tipping-point’ for HMO-dominance in a neighbourhood.¹

¹ National HMO Lobby, Balanced Communities and Studentification, 2008

WIDER IMPACTS

3.12 While it is recognised that HMOs contribute to meeting housing needs, increased concentrations of multiple occupancy properties can have the potential to create harmful impacts. In addition to these more immediate impacts, a high concentration of HMOs can also have wider impacts on the surrounding area such as:

- Reduced social cohesion resulting from demographic imbalance;
- A decline in owner occupied stock and reduced housing choice resulting from housing type/tenure imbalance (e.g. a shift from permanent family housing to more transient accommodation);
- Loss of affordable housing associated with inflated property prices. i.e. aspiring owner occupiers outbid by landlords (often absentee)/ HMO property developers;
- Reduced community engagement from residents resulting from an increase in the transient population of an area;
- Reduced community facilities resulting from a shift in the character businesses and other local facilities (e.g. less families in an area would result in reduced demand for school places, undermining the viability of local schools);
- Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population. e.g. increased demand for other services such as takeaway food, bars; and,
- increased population densities can place a strain on existing services, refuse disposal and street cleansing.

4. MINIMISING IMPACT – EMERGING LOCAL PLAN POLICY

4.1 As stated previously, Policy 16: Houses in Multiple Occupancy sets criteria to be considered in the assessment of any future planning applications for HMO uses in South Tyneside. The policy addresses a range of considerations and introduces two key policy tools which seek to minimise the impacts on mixed and balanced communities. These are:

- The proposal does not result in any residential property (C3) being directly ‘sandwiched’ between two HMO’s on both sides.
- Where an application for a new House in Multiple Occupation falls within the Lawe Top Article 4 Direction area, permission will only be granted where the number of HMO dwellings does not exceed 10% of the total number of properties, within 100 metres from the application site.

SANDWICHING EFFECT

- 4.2 Engagement with local residents has identified issues with C3 dwelling houses being sandwiched between HMOs. It is recognised that that the negative impacts of HMOs on surrounding properties are most likely to affect immediate neighbours. The potential impacts of smaller concentrations or clusters of HMOs may not be revealed by other policy considerations within Policy 16.
- 4.3 The sandwiching criteria will help to prevent localised clusters of HMOs from being formed around properties in C3 use and prevent adverse amenity impacts on such existing uses in the immediate area.






OVER CONCENTRATION


- 4.4 As previously stated, the Lawe Top area of South Shields already has a higher level of HMO uses than the rest of the borough. It is considered that a further increase of these uses within the identified Lawe Top Article 4 area could lead to an over-concentration of these uses and increase some of the issues already faced by residents in this area.
- 4.5 An over-concentration of HMO's is considered to occur when 10% or more of the properties, within a 100m radius of the application site, would be in HMO use. The policy seeks to resist those schemes that breach this on the basis that it would lead to an over-concentration of such uses.
- 4.6 We believe that when 10% or more of housing types are HMOs, a community becomes unsustainably imbalanced, and the risk of associated effects catalysed by HMO over-concentrations become possible. The HMO Lobby believes 10% to be the tipping point as this represents a standard deviation away from assumed demographic norms of sustainable neighbourhoods, derived from national statistics.
- 4.7 A radius approach around the application property will be used to calculate the percentage concentration of HMOs. Using a fixed radius provides a clear and consistent method for both applicants and planning officers to assess the percentage of HMOs in an area.

5. CONCLUSION

- 5.1 HMOs are an important element of South Tyneside's housing stock, providing homes and contributing to people's housing choice. They provide affordable and flexible accommodation; often popular with younger people and other households that are not living as families.
- 5.2 It is not the aim of the policy to reduce their overall numbers or to stop further HMO development but to ensure that harmful concentrations do not arise and that a high standard of accommodation is created, given the important role HMOs play as part of the housing offer.
- 5.3 Evidence shows that high concentrations of HMOs in the Beach Road/ Lawe Top Article 4 Direction area are already having an adverse impact on the character and amenity of local areas and is spreading to further areas. The NPPF encourages local planning authorities to help maintain mixed and balanced communities. Over-concentrations of HMOs can cause imbalance, leading to the problems identified above. It is anticipated that the implementation of Policy 16: Houses in Multiple Occupation will seek to manage and address concentrations of HMOs in South Tyneside.

APPENDIX 1 – EXAMPLE OF APPLICATION OF 10% THRESHOLD IN BEACH ROAD

Key	
	Exempt accommodation
	Exempt accommodation
	Exempt accommodation
	Licensed HMO
	Residential Property

Example HMO	No. of dwellings in buffer	Current Number of HMO's	% of existing HMO's
<p>1</p> 	58	8	14%

2



69 6 9%

3



54 4 7%

4



74 5 7%

5



54 8 15%

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