

# National HMO Lobby

## Seventh Report 2011

The **National HMO Lobby** began informally in 2000, and was formally constituted in 2004. The Lobby is now an association of over sixty community groups in nearly forty towns in all parts of the UK [though I suspect that some of those groups may have lapsed]. Its aim is to redress the impact of concentrations of houses in multiple occupation (HMOs) on the cohesion and sustainability of local communities. The Lobby offers its members solidarity in adversity, exchange of information and collective campaigning.

This year began in the aftermath of the setback in October 2011, when new Statutory Instruments came into force in England, undoing much of what the Lobby had gained after a decade of campaigning. Nevertheless, planning legislation in England still provides a definition of HMO (adopted from the Housing Act 2004), and also a new Class C4 for smaller HMOs (larger HMOs remain *sui generis*). Though change of use from a family home (Class C3) to HMO (Class C4) is now permitted development, local planning authorities can still use an Article 4 Direction to remove permitted development rights and require landlords to seek planning permission. The first to do so was Manchester City Council, and after 12 months' notice, their Direction came into force on 8 October 2011. Another 24 councils have followed suit (and more are considering Directions). The Lobby has circulated frequent updates on this developing situation, and maintains a record on its ['Local HMO Plans'](#) webpage.

However, Article 4 Directions only provide councils with the power to control HMOs, they don't of themselves provide justification for refusal of planning permission. For this, a relevant planning policy is necessary. Thus, several local planning authorities are now preparing such policies. Again, the Lobby has compiled and circulated information, both on its website, and through Briefing Bulletins, in particular one on *Model HMO Policy* (synthesising current best practice) in June, and another on *National HMO Policies* in October (tabulating the features of a dozen current examples).

Milton Keynes Council continued a rearguard action against the revised legislation. On 20 January 2011, the High Court permitted a Judicial Review, which took place on 30-31 March. The Lobby submitted a [Witness Statement](#) in support of the Council. But the judgement on 11 April went against Milton Keynes.

Meanwhile, the government has published a number of consultation papers in England, which in various ways have a bearing on the Use Class Order. In June 2011, CLG published an Issues Paper on *How change of use is handled in the planning system*; the Lobby [responded](#), in the light of its experience of the Use Class Order. Then in July, CLG published the *Draft National Planning Policy Framework*, which will replace the various existing Planning Policy Statements; again, the Lobby has [responded](#).

The demand for HMOs remains volatile, in England at least. On the one hand, student demand seems likely to decline. Surveys and reports, reproduced in the press, indicate that "tuition fee increases, coupled with declining numbers of 18-24 year-olds in the general population over the next decade, will see a 14% decline in British higher education student numbers over the next ten years ... half (52%) of all younger students will choose a local higher education establishment and stay with their parents" [though the level of demand will vary between universities]. On the other hand, housing shortages and changes in housing benefits will give rise to new demand for HMOs from other sources.

All the information above concerns England only. Each of the other countries of the UK is following a different route. Since 2004, Northern Ireland has had thorough HMO licensing (if not entirely comprehensive), and in the same year, HMOs were brought under planning control. Since 2008, policy in Belfast has set a threshold of 10% HMOs per street, with some areas excepted. An inter-agency group, led by Belfast City Council, has since undertaken a research study into the Holyland area (where HMOs are most concentrated), with a view to presenting proposals for rebalancing. The key proposal is to build purpose-built student accommodation away from residential areas, and there is already interest from developers and a number of sites around the city centre are under consideration.

Meanwhile, in Scotland, all landlords have to register, and all HMOs are subject to licensing; but HMOs remain in the same class as family houses. However, Sustainable Communities Scotland (SUSCOMS), our sister organisation north of the border, has lobbied successfully for significant clauses in the Private Rented Housing (Scotland) Act 2011 (which come into effect in January). One is a link between licensing and planning, giving local authorities the power to refuse to consider an application for an HMO licence if it considers that there would be a breach of planning control. The other is the use of licensing effectively as a planning control, giving local authorities the power to refuse to grant an HMO licence if it considers that there is overprovision of HMOs in the locality; implementation of Section 13 of the Act has been delayed in order to give Councils time to develop local HMO policies.

Finally, Wales has mandatory licensing of larger HMOs (like England), but as yet no planning controls on HMOs. A new administration offers the hope that some action might be taken.

Finally, it's good to welcome two more members, Iffley Road Area Residents Association, in Oxford, and North East Bassett Residents Association, in Southampton, who joined us during the year.

As we noted last year, the National HMO Lobby has now achieved all we could reasonably expect in the present circumstances. HMO licensing is not universal in the UK, but it is as widespread as is feasible. Effective planning controls on HMOs are now available in some measure in Northern Ireland, in England and in Scotland - but not yet in Wales. HMO taxation is an aspiration, but is not realistically achievable (it requires primary legislation, and we have an unsympathetic government).

At best, our future lies in sharing information and good practice. Examples of this were the Briefing Bulletins on *Universities and HMOs*, which shared information nationally on HMOs managed by universities, and on *Keeping the Peace*, which surveyed measures taken in various towns on student antisocial behaviour.

Further details of the National HMO Lobby's activities are available on the 'History' and the 'National Developments' pages, on the Lobby's website.

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