Article 4 Direction for C3 dwellinghouses to C4 houses in multiple occupation

Consultation Statement

October 2019

What is being consulted upon?

The London Borough of Brent has made a non-immediate Article 4 Direction to remove the permitted development rights allowed under Schedule 2 Part 3 Class L(b) of the Town & Country Planning (General Permitted Development) England Order 2015 (as amended) (GPDO). This applies to the borough where Brent is the Local Planning Authority.

This will require that planning permission is sought for the change of use of C3 (dwellinghouses) to C4 (houses in multiple occupation) that would otherwise be allowed by that Schedule. If confirmed it will commence on the 1st November 2020.

Why has the Council introduced this Article 4?

Currently dwellings can be turned into smaller houses in multiple occupation (HMOs) without the need for planning permission. HMOs are small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. There are currently about 17,000 HMOs in the borough. The Council recognises the importance that they have in meeting housing needs. They provide accommodation that is more affordable for some people. Nevertheless, when there are significant concentrations of HMOs it can cause issues. They change the character of an area and result in adverse impacts, for example higher amounts of anti-social behaviour. They also reduce the amount of larger family homes (3+bedrooms) that are available for families.

As such the Council wants to be able to manage the development of HMOs and consider whether change of use from dwellings is acceptable. Requiring planning permission will help in doing this. It will ensure that there is not an over-concentration of uses and address elements that might impact on anti-social behaviour (such as waste management). It will also allow the Council to ensure a reasonable amount of larger homes for families remain available.

The Article 4 will not apply in the Old Oak and Park Royal Development Corporation (OPDC) area, as the Council is no longer the planning authority in that area.

Legislation

The legislative process for consulting on and adopting an Article 4 Direction is set out in the Town & Country Planning (General Permitted Development) England Order 2015 (as amended) (GPDO).

Article 4 of the Order provides Local Planning Authorities with the power to remove certain permitted development rights which are set out in the Order. Schedule 3 of the Order sets out the procedure for publishing and confirming an Article 4 Direction. This section of the
GPDO stipulates specific actions which a Local Planning Authority must undertake when preparing and confirming an Article 4 Direction.

The Local Planning Authority must notify as soon as practicable after an Article 4 has been made by:

   a) local advertisement;
   b) site display at no fewer than 2 locations within the area to which the direction relates;
   c) serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates unless the number of owners or occupiers within the area to which the direction relates makes individual service impracticable.

The notice must:

   (a) include a description of the development and the area to which the direction relates, or the site to which it relates, as the case may be, and a statement of the effect of the direction;
   (b) specify that the direction is made under article 4(1) of this Order;
   (c) name a place where a copy of the direction, and a copy of a map defining the area to which it relates, or the site to which it relates, as the case may be, may be seen at all reasonable hours;
   (d) specify a period of at least 21 days, stating the date on which that period begins, within which any representations concerning the direction may be made to the local planning authority; and
   (e) specify the date on which it is proposed that the direction will come into force, which must be at least 28 days but no longer than 2 years after the date referred to in paragraph (d).

The Council also has to send a copy of the Article 4 Direction and Notice, together with any map defining the area to which it relates to the Secretary of State on the same day that notice of the direction is first published.

In deciding whether to confirm a direction made under article 4(1), the local planning authority must take into account any representations received during the period. It cannot confirm an Article 4 Direction until 28 days after the last notices have been served/published.

On confirmation of the Article 4 Direction, the local planning authority has to inform the Secretary of State and also publicise this in a notice in the manner consistent with the notification of the Article 4 direction being made.

**Steps the Council has taken to publicise the Article 4.**

The Council has notified on the Article 4 as soon as practicable by:

   a) local advertisement in the Kilburn Times;
   b) site display at no fewer than 2 locations within the various areas to which the direction relates;
   c) writing to those specified in the GDPO 2015, consultees on the planning policy consultation database and through Brent Council’s Landlords’ Newsletter. The number of properties within the area means that the Council considers it impracticable to serve individual notices on each owner/occupier of premises;
   d) notices within Brent libraries
   e) making it available on the Council’s website
Representations may be made concerning the Article 4 direction between 24th October 2019 and 5th December 2019. If you wish to make representations, you must do so by post to the Planning Policy Team, Regeneration and Environment, London Borough of Brent, Civic Centre, Engineers' Way, London, HA9 0FJ or by email to planningstrategy@brent.gov.uk. Any representation must be received by 17:00 on 5th December 2019 and include a name and a postal or e-mail address.

Next Steps

Following the close of the consultation this statement will be updated to include a summary of comments received. The comments received together with officer responses will be presented to the Lead Member for Regeneration, Property and Planning for their consideration. This will inform the decision on whether the Council will confirm the Article 4 Direction.