

REPORT TITLE: PROPOSED ARTICLE 4 DIRECTION FOR CHALK RIDGE,
WINCHESTER

20 OCTOBER 2021

REPORT OF CABINET MEMBER: Cllr Russell Gordon-Smith - Cabinet Member for
the Built Environment

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WARD(S): ST MICHAEL

PURPOSE

The purpose of this report is to consider whether an Article 4 Direction should be introduced in Chalk Ridge to remove permitted development rights which allow the change of use of a dwelling house to a house in multiple occupation (HMO).

Local residents and Ward Members have expressed concern about the increasing number of HMOs in Chalk Ridge and the effect this is having on the neighbourhood with the loss of housing that is suitable for families.

There are 38 houses in Chalk Ridge and to date 5 of them have been converted to HMOs. This equates to just over 13% with another house currently being converted to a HMO, which would bring the total to 15.79%. There is potential for more family homes in the road to be changed in this way.

Policy WIN9 of the adopted Local Plan deals specifically with HMOs and explains that the council will introduce Article 4 Directions in neighbourhoods in order to retain a balanced housing stock and avoid over concentration of HMOs in an area.

Given the increase of HMOs in Chalk Ridge, and the impact this is having on the mix of housing in the street, a non-immediate Article 4 Direction (effective twelve months after it is made) would be appropriate and is therefore recommended.

RECOMMENDATIONS:

1. That the Service Lead: Legal be authorised to make a non-immediate Direction under the provisions of Article 4(1) of the Town and Country Planning (General Permitted Development) (England) 2015 to remove permitted development rights under Class L, of Schedule 2, Part 3 (development consisting of a change of use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Class Order, to a use falling within Class C4 (houses in multiple occupation)).
2. That the Service Lead: Built Environment and the Service Lead: Legal be authorised to consider any objections received after the Direction is made and publicised and to confirm the Direction.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Tackling the Climate Emergency and Creating a Greener District
- 1.2 The conversion of family homes into HMOs is unlikely to effect the councils climate emergency.
- 1.3 Homes for all
- 1.4 Policy WIN9 of the Local Plan seeks to retain a balanced housing stock across the city. The retention of family homes as well as new HMOs helps contribute towards homes for all. Making an Article 4 Direction does not prohibit the formation of any further HMOs in Chalk Ridge but means that planning permission would be required for a change of use thereby bringing proposals for additional HMOs within planning controls. This would enable an assessment of the planning merits of each proposed HMO having regard to national and local plan policies.
- 1.5 Living Well
- 1.6 The introduction of an Article 4 Direction will contribute to the well-being of the existing residents of Chalk Ridge by bringing into control development that would not otherwise require planning permission meaning there would be the opportunity for interested parties to comment on any new proposals that come forward.
- 1.7 Your Services, Your Voice
- 1.8 The introduction of an Article 4 Direction will provide a mechanism for locally elected members and local residents to have their say before any planning decision is taken on proposals for change of use of a dwelling house to an HMO.

2 FINANCIAL IMPLICATIONS

- 2.1 There should be no financial impact associated with the direction being introduced, provided it is a non-immediate Direction.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 None other than the resources involved in making and publicising the Article 4 Direction.

4 WORKFORCE IMPLICATIONS

- 4.1 None other than the resource involved in monitoring the number of HMOs in the street.

5 PROPERTY AND ASSET IMPLICATIONS

5.1 None

6 CONSULTATION AND COMMUNICATION

6.1 This issue has arisen from concerns raised by local ward councillors and residents. A public meeting (held virtually) was undertaken on 1st July 2021 and was well attended by local residents, an owner of one of the HMO units and their agent. It was chaired by the Cabinet Member for Built Environment with support from Ward Members.

6.2 Attached as a background paper is the presentation given by the Service Lead: Built Environment to that meeting which sets out the national and local plan policy, and the issues for consideration in serving an Article 4 Direction.

7 ENVIRONMENTAL CONSIDERATIONS

7.1 None

8 EQUALITY IMPACT ASSESSEMENT

8.1 None

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None required

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Financial Exposure N/A		
Exposure to challenge N/A		
Innovation N/A		
Reputation <i>Failure to take action to control the rising number of HMOs in Chalk Ridge could undermine public confidence in the Council as local planning authority.</i>	Make Article 4 Direction in Chalk Ridge where there is evidence of an increasing number HMOs which may in the future, if unregulated, cause an imbalance in the housing mix.	
Achievement of outcome N/A		
Property N/A		
Community Support <i>Lack of community support for making an</i>	There is evidence of concern from Chalk Ridge residents about the	

<i>Article 4 direction to control HMOs.</i>	increasing number of HMOs and support for an Article 4 Direction.	
<p><i>Timescales</i> <i>Making a non-immediate Article 4 Direction will mean that there will be 12 months for dwelling houses to become HMOs without needing permission from the Council before the Direction comes into effect.</i></p> <p><i>Making an immediate Article 4 Direction would expose the Council to the risk of paying compensation if planning applications were refused or permitted with conditions in the first 12 months after the Direction was made.</i></p>	<p>In the 12 month period between making the Direction and it coming into effect it is possible that the number of HMOs could increase. As the number of HMOs in Chalk Ridge is at 15.79% (including the dwelling currently being converted), the 25% limit specified in policy WIN9 has not been reached albeit there may still be localised concentrations of HMOs which would not accord with the policy. A further 4 houses would need to be converted in the 12 months to breach the 25% limit, and the risk of this is considered to be low.</p> <p>This risk cannot be mitigated so the Council would have to deal with any compensation claims that arise. This option is not therefore recommended.</p>	
Project capacity N/A		
Other N/A		

11 SUPPORTING INFORMATION:

- 11.1 Councillors representing the St Michael Ward and in particular residents in Chalk Ridge have raised concerns about the increasing number of HMOs in the street.

- 11.2 Chalk Ridge sits within the Highcliffe part of Winchester with access to and from the wider area via Petersfield Road. It is a residential street situated on steeply sloping land rising up quite considerably from the level of Petersfield Road.
- 11.3 Although it forms part of Highcliffe, the geography and topography of Chalk Ridge are somewhat unique which gives it a distinct almost self-contained character. Only those living in or visiting properties there are likely to come to the street which ends in a cul-de-sac.
- 11.4 Houses in Chalk Ridge are a mix of detached, semi-detached and terraced dwellings, most of which have off road parking. There are no parking restrictions on the road and some on street parking does occur. The houses on the south side of Chalk Ridge appear single storey with the accommodation stepping down to take account of the different land levels.
- 11.5 Planning regulations allow dwelling houses to be converted to small HMOs for three to six occupiers without requiring planning permission from the council (permitted development). This means that the council has no planning control over such change of use. However, local planning authorities can introduce Article 4 Directions if they are concerned that the exercising of permitted rights is having, or will have, detrimental effects on the area. Larger HMOs occupied by more than 6 unrelated residents already require planning permission.
- 11.6 Policy WIN9 of the Winchester District Local Plan Part 2 deals specifically with HMOs in Winchester and indicates that the council will introduce Article 4 Directions in areas where there are well founded concerns relating to an existing or potential over-concentration of this type of accommodation. It is important to note that this policy does not necessarily prevent permission being granted for new HMOs in neighbourhoods where a direction is made and acknowledges that this type of housing has a valuable role to play in meeting housing need. It is important to recognise that HMOs can provide a source of housing for a range of people and not just the student population as is often the public perception. Landlords are aware of this concern but may not be supportive of the council taking steps to control the numbers of new HMOs in the area. This has been considered when deciding whether to proceed with a direction in this area.
- 11.7 Policy WIN9 seeks to maintain a balance between HMOs and other types of dwellings. In areas where the proportion of HMOs has already reached 20% of the housing stock (Stanmore), or 25% in one street, permission for additional HMOs will normally be refused.
- 11.8 Furthermore, the policy is designed to prevent localised concentrations by resisting proposals which would result in a dwelling house being bounded by HMOs on both sides or a continuous row of 3 or more as well as ensuring that proposed HMOs would provide adequate parking. Exceptionally, planning permission would be granted for a change of use to a HMO where these thresholds have been reached or exceeded, if the continued use of that

property as a dwelling house is already seriously comprised because of existing domination of HMOs.

- 11.9 In light of the concerns being raised over the increasing number of HMOs in Chalk Ridge the council have reviewed information it holds for properties in the road. There are 38 houses, of which 5 are already in use as HMOs, with 1 further house currently being converted. This equates to 15.79%.
- 11.10 When applying an Article 4 Direction it usually relates to a neighbourhood, with a defined geographical area, and not to a single street. In considering the request for a direction in Chalk Ridge the wider Highcliffe area has also been considered. However as set out above, Chalk Ridge has a distinct character and the increase in HMOs appears to be a particular issue in this location rather than more broadly in this part of the city. It is as a result considered that an Article 4 Direction would not be justified for the wider area.
- 11.11 It is therefore considered that Chalk Ridge can be viewed independently of the wider area. It is unlikely that making an Article 4 Direction here would have a knock on effect in terms of increasing pressure for new HMOs in nearby roads or Highcliffe more generally. The character of adjoining areas, and their housing stock, is different to that of Chalk Ridge.
- 11.12 A decision to remove permitted development rights should not be taken lightly. Whilst the council has powers to introduce Article 4 Directions in areas of the city where an existing or potential over concentration of HMOs is detrimental to local housing mix, it should only do so exceptionally where there is sound justification. Paragraph 53 of the National Planning Policy Framework states:

“The use of Article 4 directions to remove national permitted development rights should:

- *where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)*
- *in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)*
- *in all cases, be based on robust evidence, and apply to the smallest geographical area possible.”*

- 11.13 The justification in this case is the direction is required to allow the council to control new HMOs in the street, in line with adopted planning policy, so as to

protect the local amenity of Chalk Ridge by ensuring an appropriately balanced housing stock is maintained which also supports the well-being of the area. The proposed direction is intended to cover only this road so is compliant with the guidance in relation to applying the restrictions to the smallest geographical area possible.

Whilst the proportion of HMOs in Chalk Ridge is currently below the 25% threshold for a single street, as stated in policy WIN9, there is justification for making a non-immediate Article 4 Direction in Chalk Ridge.

OTHER OPTIONS CONSIDERED AND REJECTED

- 11.14 The council could make an immediate direction (removing permitted development rights as soon as the direction is made) however this would expose the council to the financial risk of compensation as explained in the risk section above. This risk would not be justified hence this approach is not recommended.

The council could decide not to make an Article 4 Direction for Chalk Ridge, allowing owners to freely exercise permitted development rights to convert dwelling houses into HMOs. However as noted in this report, this could lead to an imbalance in the housing stock and this approach is not therefore recommended.

BACKGROUND DOCUMENTS:-

Presentation given to residents at virtual public meeting on 1st July 2021

Previous Committee Reports:-

None relevant

Other Background Documents:-

Winchester District Local Plan Part 2

National Planning Policy Framework

National Planning Practice Guidance

APPENDICES:

Appendix 1 – Map showing the boundary of the proposed Article 4 Direction in Chalk Ridge.

Appendix 1

Map showing boundary of proposed Article 4 Direction in Chalk Ridge



Date: 23/09/2021

Scale: 1:1,250

Author:

Chalk Ridge, Winchester

Legend