

Chalk Ridge Winchester

1st July 2021 6pm

Welcome



AGENDA – 1ST JULY 2021 6PM

Welcome and introductions

 Cllr Gordon-Smith – Cabinet Member for Built Environment

Presentation - Article 4 directions / permitted development rights

 Julie Pinnock – Service Lead: Built Environment

Discussion – Led by Chair

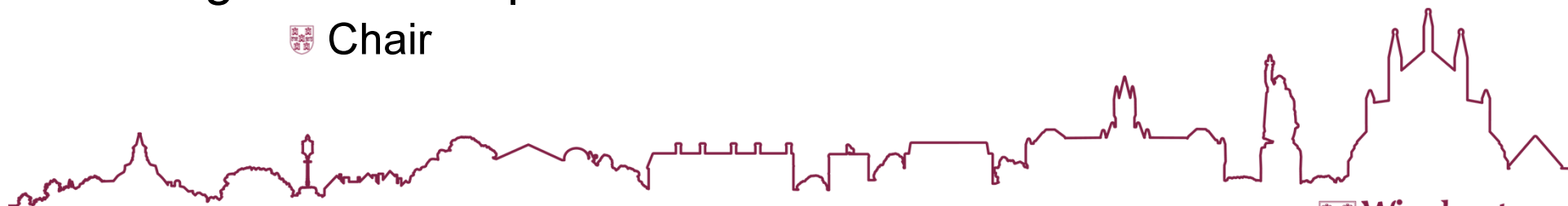
 residents and owners

Summary of issues

 Cllr Murphy, Cllr Radcliffe, Cllr Edwards

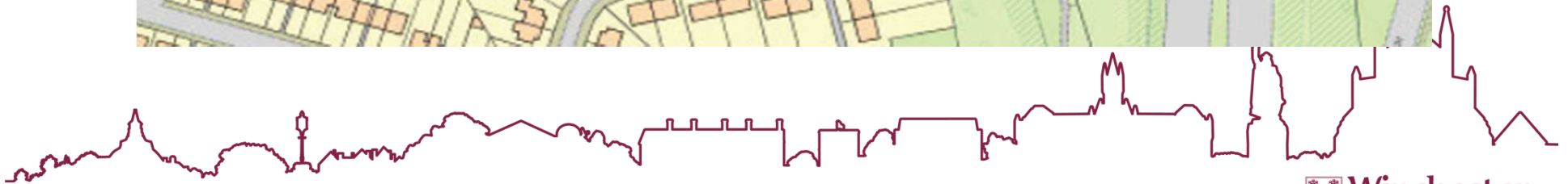
Agree next steps and communication

 Chair



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 Ordnance survey plan




CHALK RIDGE – PERMITTED DEVELOPMENT

Town and Country Planning (General Permitted Development) Order 2015

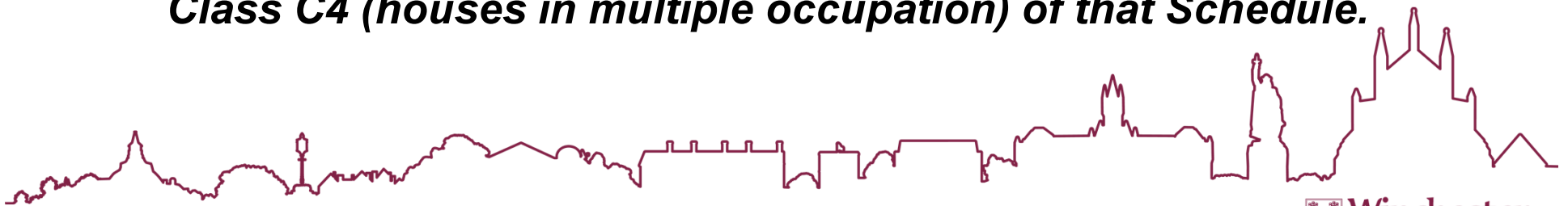
Class L – small HMOs to dwellinghouses and vice versa

Permitted development

 **L. Development consisting of a change of use of a building—**


 **(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;**

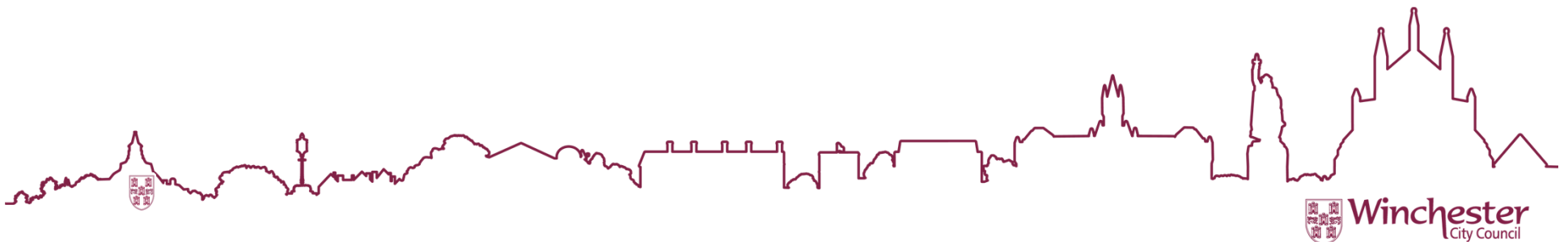
 **(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.**



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 **C3 Dwellinghouses** - This class is formed of three parts


 C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child



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 **C3 Dwellinghouses** - This class is formed of three parts

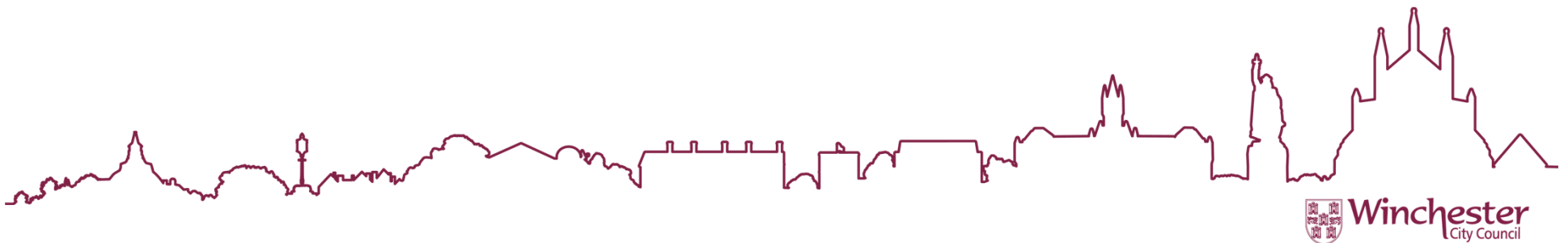
 C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems

 C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger



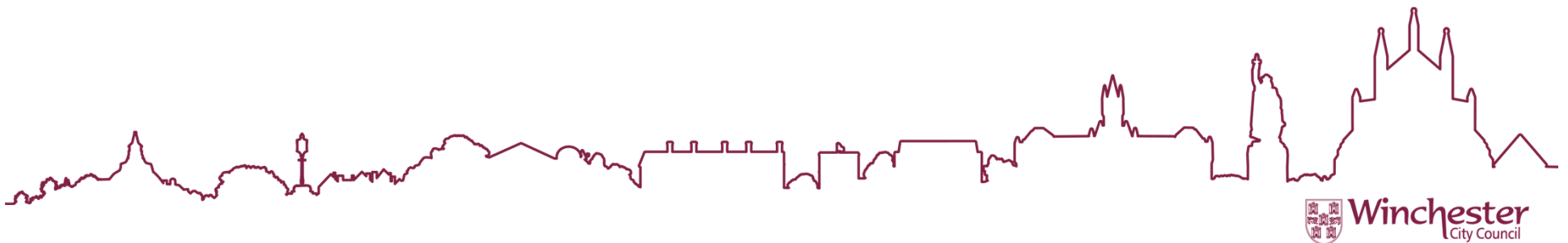
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 **C4 Houses in multiple occupation** - Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom



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- Therefore a family home does not need planning permission to change to a house in multiple occupation shared by up to 6 people.
- When a change of use is proposed with more than 6 people this requires planning permission. It is termed a ***sui generis*** use (latin word in this context describing a use of its own kind).



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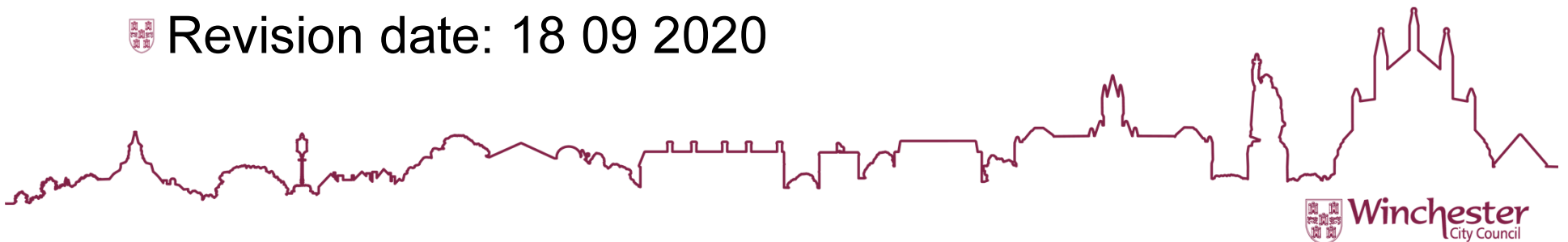
Extract from National Planning Practice Guidance (NPPG):

What is an article 4 direction?

 An article 4 direction is a direction under [article 4 of the General Permitted Development Order](#) which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area. An article 4 direction cannot be used to restrict changes between uses in the same use class of the Use Classes Order.

 Paragraph: 036 Reference ID: 13-036-20140306

 Revision date: 18 09 2020



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What can an article 4 direction do?

 Provided that there is justification for both its purpose and extent, an article 4 direction can:

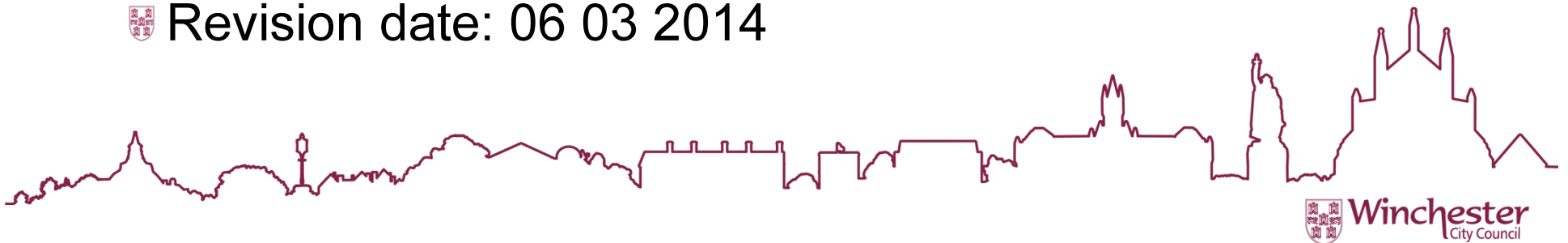
 cover an area of any geographic size, from a specific site to a local authority-wide area

 remove specified permitted development rights related to operational development or change of use

 remove permitted development rights with temporary or permanent effect

 Paragraph: 037 Reference ID: 13-037-20140306

 Revision date: 06 03 2014



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40 [38] dwellings – 5 dwellings
are HMO's



🏰 34 – 7 bed licensed – has planning permission

🏰 36 – C4 HMO – 4 tenants

🏰 38 – C4 HMO – 4 tenants

🏰 17 – C4 HMO – 5 tenants

🏰 29 – C4 HMO – 6 tenants – licenced


5/40 = 12.5%

NB [amended post meeting to 5/38] = 13.15%



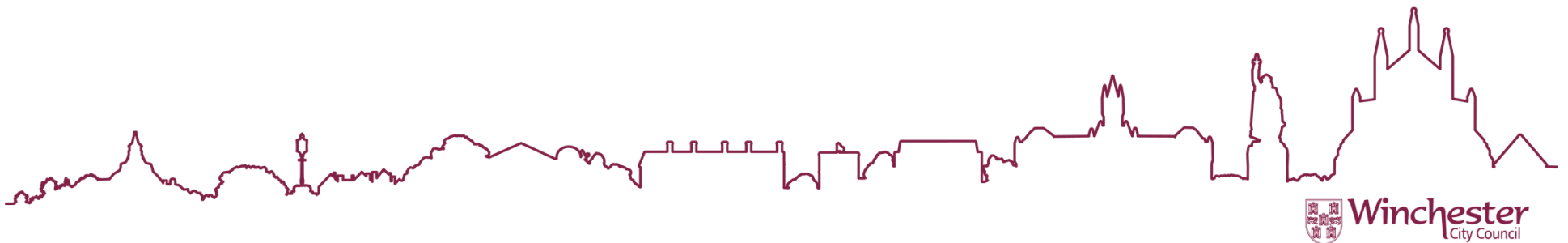
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 **Does an article 4 direction mean that development is not allowed?**

 An article 4 direction only means that a particular development cannot be carried out under permitted development and therefore needs a planning application. This gives a local planning authority the opportunity to consider a proposal in more detail.

 Paragraph: 040 Reference ID: 13-040-20140306

 Revision date: 06 03 2014



LOCAL PLAN POLICY WIN9

Policy WIN9 - Houses in Multiple Occupation

In order to retain a balanced housing stock, the Council will designate Article 4 Directions in areas where it is necessary to restrict permitted development rights in relation to the creation of Houses in Multiple Occupation (HMO). In these areas, proposals for the conversion of dwellings to houses in multiple occupation will be permitted where the proposal accords with the Development Plan and:

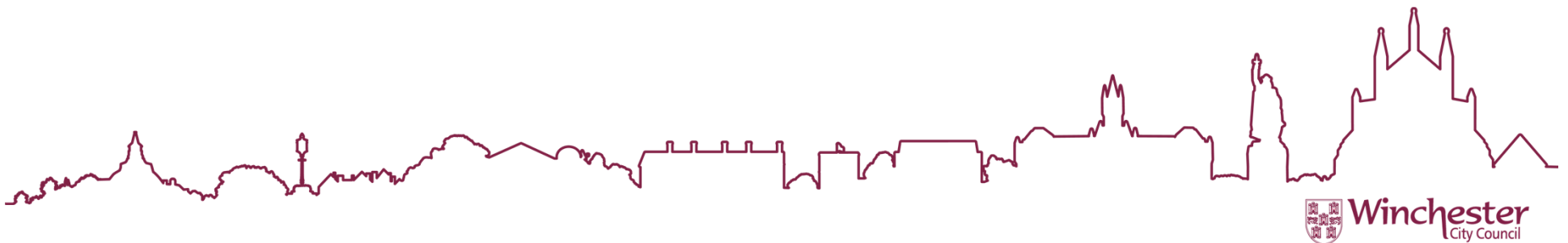
- i would not create an over concentration of HMOs, with no more than 20% of all properties in the total area being HMOs, or no more than 25% of the properties on any one street in use as HMOs; and
- ii would not result in a dwelling being bounded by HMOs on both sides or a continuous line of 3 or more HMOs. Exceptionally, the change of use of an existing dwelling to an HMO may also be permitted where its suitability for continued use is seriously compromised because of existing domination by HMOs; and
- iii provides parking to meet the needs of the development taking into consideration the availability and adequacy of on-street parking.

'Dwellings' are defined as housing within Use Class C3 and Houses in Multiple Occupation are within Use Class C4 or *Sui Generis*.

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When is it appropriate to use article 4 directions?

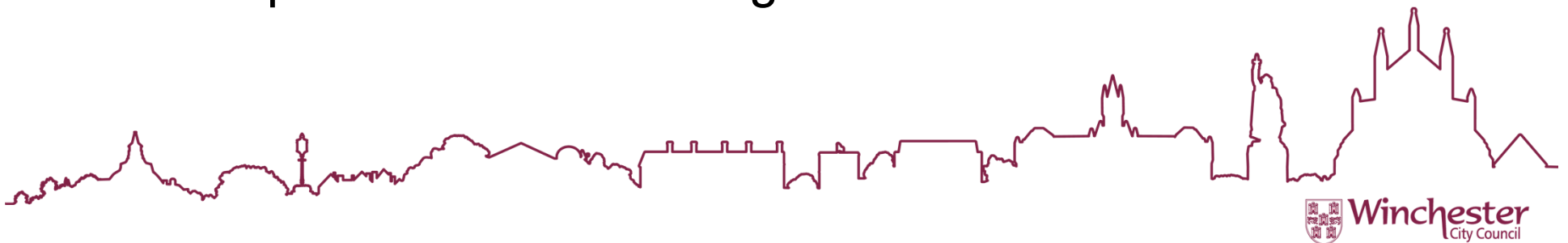
- 🏰 The use of article 4 directions to remove national permitted development rights should be limited to situations where this is **necessary** to protect local amenity or the wellbeing of the area. The potential **harm** that the direction is intended to address will **need to be clearly identified.**



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Procedure:

- 🏰 The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 3 sets out the procedure for serving Article 4 direction.
- 🏰 Firstly the council would need to make a formal decision to agree to serve an article 4. Cabinet decision.
- 🏰 There is then a statutory process which includes formal press advert and site notice (for 6 weeks).
- 🏰 Must take into account representations made during that period before deciding to confirm an article 4



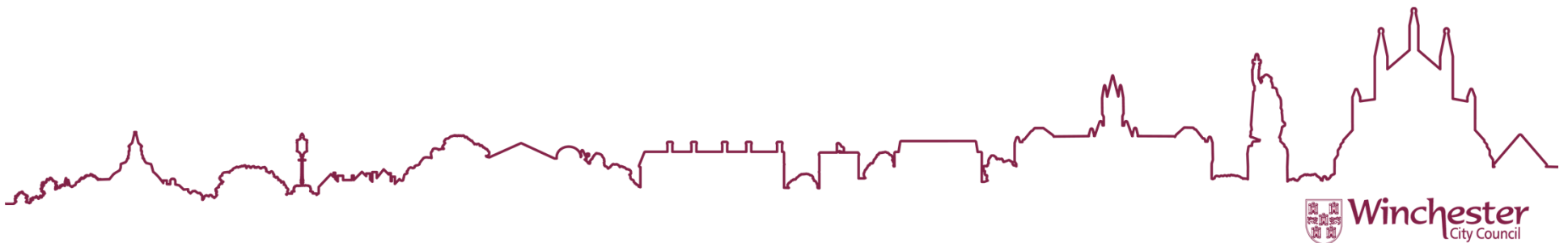
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Types of article 4 directions

 non-immediate directions;

 directions with immediate effect.

If the council serve an immediate direction we could be liable to pay compensation where permitted development rights have been withdrawn and we subsequently refuse planning permission.



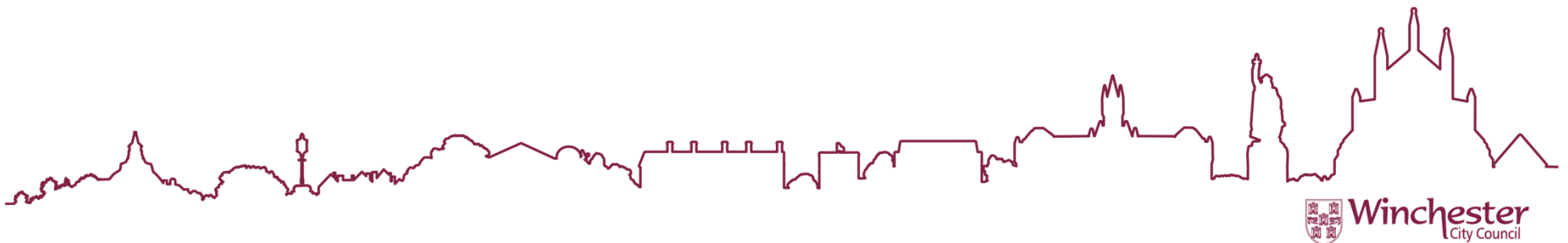
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Conclusions

We need to establish the planning harm arising to the character of the area as a result of increased HMO's

Determine whether an article 4 direction is the right tool in this case.

Consider if there are other measures that could be used to approach some of the issues



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Thank you for your
participation

