Changes to planning permission required for HMOs
(Houses in Multiple Occupation)

From 1 October 2010, if you are the landlord of a house which is shared by up to six tenants, you will no longer need to apply for planning permission for a change of use from a dwelling house to a small HMO.

Local authorities that want to retain control over the proliferation of multi-tenanted houses in a specific area can apply article 4 directions (which means that planning permission will be required in specific areas). Landlords should check the planning department of their local authority to see whether an article 4 direction applies to their local area.

HMOs of more than six people will still require planning permission.

Use Class C3 Dwellinghouse

Under the Town and Country Planning (Use Classes) Order 1987 (as amended) a dwellinghouse is a house which is used by a single household. For most people this will be use by a single family. Care providers should note that this also covers use by up to six people living together as a single household where care is provided. This will include small care homes or children’s homes.

Use Class C4 Small HMO

A new use class was created on 6 April 2010 for houses in multiple occupation. This is where between three and six people are living together in two or more households sharing basic amenities such as the kitchen and the bathroom.

The C4 use class was introduced to allow local authorities more control over problems associated with multi-tenanted houses, such as increased noise, litter and parking problems. However, the new coalition government sees that such a blanket requirement to apply for planning permission for all changes of use from C3 to C4 is costly and time consuming for both landlords and local authorities.

Article 4 Directions

Instead, the assumption will be that no planning permission is required, unless there is an article 4 direction in place in relation to a particular area. Councils can use article 4 directions to control the use of HMOs, in areas where there are high concentrations of HMOs which are having a detrimental impact on the other residents in the area. Please refer to the table below for planning use classes and when planning permission is not required for a change of use.
### Planning Use Classes and Permitted Development

<table>
<thead>
<tr>
<th>Use Classes Order</th>
<th>Description</th>
<th>General Permitted Development (no planning permission required)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A1</strong> Shops</td>
<td>Shops, post offices, ticket offices, travel agencies, sandwich bars, hairdressers, funeral directors, showrooms, domestic hire shops, internet cafes</td>
<td></td>
</tr>
<tr>
<td><strong>A2</strong> Financial and Professional Services</td>
<td>Banks, building societies, estate agencies, betting offices</td>
<td>A2 (where ground floor display window exists) to A1</td>
</tr>
</tbody>
</table>
| **A3** Restaurants and Cafes | Sale of food and drink for consumption on the premises e.g. restaurants, snack bars, cafes | A3 to A1  
A3 to A2 |
| **A4** Drinking Establishments | Pubs, wine bars, drinking establishments | A4 to A1  
A4 to A2  
A4 to A3 |
| **A5** Hot Food Takeaways | Sale of hot food for consumption off the premises | A5 to A1  
A5 to A2  
A5 to A3 |
| **B1** Business         | Offices not within A2, research and development, light industrial | B1 to B8 (if 235 square metres or less) |
| **B2** General Industrial | Industrial processes going beyond B1 | B2 to B1  
B2 to B8 (if 235 square metres or less) |
| **B8** Storage or Distribution | Storage and distribution | B8 to B1 |
| **C1** Hotels           | Hotels, boarding and guest houses |                                                                 |
| **C2** Residential Institutions | Residential care homes, hospital or nursing homes, boarding schools |                                                                 |
| **C2A** Secure Residential Institutions | Prisons, young offenders institutes, detention centres, secure training centres, custody centres, short-term holding centres, secure hospitals, secure local authority accommodation, military barracks | C3 to C4 (from 1 October 2010)  
(Until 1 October 2010 planning permission is required for change of use from dwellinghouse (C3) to small HMO (C4)) |
| **C3** Dwellinghouses   | Use by a single household; use by up to six people living as a single household where care is provided for residents (e.g. small care homes, small children’s homes); use by up to six people living as a single household where no care is provided to residents, |                                                                 |
including small religious communities’ homes, owner-occupied properties with up to two lodgers

| C4 Small HMOs – Houses in Multiple Occupations (HMO) | Use by between three and six people living in two or more households sharing amenities such as kitchen, bathroom | C4 to C3 (from 6 April 2010) |
| Non-residential Institutions | Doctors’ surgeries, clinics, health centres, crèches, day nurseries, day centres, schools, colleges, training centres, art galleries, museums, libraries, public or exhibition halls, places of worship, law courts |
| Assembly and Leisure | Cinemas, concert halls, bingo halls, dance halls, swimming baths, skating rinks, gyms |
| Sui Generis | Theatres, amusement arcades and fun fairs, laundrettes, fuel filling stations, sale of motor vehicles, taxi business or hire car business, scrapyards, hostels, waste disposal installations, nightclubs, casinos, HMOs of more than six people | Casino to D2 |

**Relevant Legislation**

The Town and Country Planning (Use Classes) Order 1987 as amended

The Town and Country Planning (General Permitted Development) Order 1995 as amended

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