



Director of Regeneration, Growth and Employment in consultation with the Cabinet Member for Regeneration and Planning
3 November 2022

Report from the Head of Planning and Development Services

HOUSES IN MULTIPLE OCCUPATION SUPPLEMENTARY PLANNING DOCUMENT – ADOPTION

Wards Affected:	All, but will not apply to parts of Alperton, Harlesden and Kensal Green, Stonebridge and Tokyngton wards where Old Oak and Park Royal Development Corporation is the Local Planning Authority.
Key Decision:	Yes
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Appendix A – Consultation Responses Appendix 2 – SPD Changes
Background Papers:	Article 4 Direction - Change Of Use From Residential To Houses In Multiple Occupation – Confirmation 21 January 2022
Contact Officer(s): (Name, Title, Contact Details)	Paul Lewin, Team Leader, Planning Policy. paul.lewin@brent.gov.uk

1.0 Purpose of the Report

- 1.1 The purpose of the report is consider the representations made to the draft Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD), officer responses and proposed amendments to the SPD, and approve the adoption of the amended HMO SPD.

2.0 Recommendations

- 2.1 That the Director of Regeneration, Growth and Employment in consultation with the Cabinet Member for Regeneration and Planning consider the representations received and officer responses set out in Appendix 1.
- 2.2 That the Director of Regeneration, Growth and Employment in consultation with the Cabinet Member for Regeneration and Planning approves the adoption of the Houses in Multiple Occupation Supplementary Planning Document set out in Appendix 2.

3.0 Detail

- 3.1 Cabinet on 18th July 2022 considered a [report](#) on the draft HMO SPD and resolved to:
 - a) To approve the Draft Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) as set out in Appendix A of the report, to be issued for consultation.
 - b) To delegate authority to the Strategic Director for Regeneration and Environment in consultation with the Cabinet Member for Regeneration and Planning to consider consultation responses, along with any necessary changes, and the decision on whether to adopt the HMO SPD.
- 3.2 As due to a restructure there is no longer a Strategic Director of Regeneration and Environment post, this decision is now delegated to the Director of Regeneration, Growth and Employment.
- 3.3 The draft SPD was issued for eight weeks consultation between 28th July 2022 and 22nd September 2022. The document was placed on the Council's website in the items for consultation and planning policy webpages and paper copies were made available within the Council's libraries. Notifications of the consultation were sent to people on the planning policy database as well as to all registered Brent private sector landlords. Councillors were made aware through the weekly members' bulletin. Representations could be made either through the Council's consultation portal or via e-mail or post.

Responses to consultation

- 3.4 A total of eleven sets of responses were made, four from residents, one HMO landlord, one councillor, four statutory consultees and one student accommodation operator. A summary of the representations received, officer response and where appropriate recommended changes to the SPD are set out in Appendix 1.
- 3.5 The majority of responses were supportive of the SPD. Those that weren't indicated existing licensing and planning controls were sufficient, or that the SPD would push up rents. The Unite Group PLC, a purpose built student accommodation provider, considered that whilst the principal focus of the SPD

was to deal with issues associated with typical HMOs, it could also be applied to large scale purpose built student accommodation when this wasn't its purpose. It identified that in policy terms the Council had treated this accommodation differently from general HMOs in the Local Plan examination process, e.g. in relation to policy BH7 and how over-concentration might be identified. As such, it stated that the SPD should make it clear it did not apply to purpose built student accommodation.

- 3.6 This is accepted. These large scale forms of accommodation often incorporating hundreds of rooms are very different to the typical small scale HMO in terms of size, operation, management and impacts. It is considered that existing policies and the planning application process are providing sufficient quality outcomes without the need for additional guidance related to this form of accommodation.

Changes to the SPD

- 3.7 As set out in Appendix 1 there are some recommended changes to make it clear that the SPD will not apply to purpose built student accommodation. These are incorporated in a revised version of the SPD within Appendix 2 which shows the changes through strike-through or underlining. The SPD has also been updated to reflect that the consultation has been undertaken. It also incorporates minor changes to remove duplicate text, typos and provide greater clarity where potential ambiguity has been identified in its use in assessing HMO applications submitted since consultation commenced.

Options

- 3.8 There are essentially two options to pursue now:
- a) Do not adopt the HMO SPD
 - b) Adopt the HMO SPD

Do not adopt the HMO SPD

- 3.9 In this scenario, the Council is likely to receive a number of planning applications for HMOs that ultimately are unacceptable, and refused. This is because there will be no detailed advice to applicants on the Council's interpretation of its Local Plan policies. This may result in delay and confusion for the applicant. Lack of clarity over interpretation of policy could also lead to more appeals as applicants might challenge the Council's interpretation of policies used as reasons for refusal. It also may mean that the Council cannot take enforcement action effectively in the absence of a clear reference point for judging the acceptability of proposals of this nature.

Adopt the HMO SPD

- 3.10 In this scenario, it is likely that the Council receive a higher proportion of planning applications for a better standard of HMOs that ultimately it can approve. This is because there will be detailed advice to applicants on the Council's interpretation of its Local Plan policies. The SPD will identify all issues that applicants need to consider and address. Applicants therefore will be able to better understand the potential risk in submitting an application.

This will reduce wasted resource from the applicant and Council as it is likely to result in fewer refusals and then re-submission to address refusal reasons. It will also reduce appeals, as the Council's interpretation of policies used as reasons for refusal will be clear. These are important factors considered that the number of HMO planning applications will increase as a result of the Article 4 that removed permitted development rights for small HMOs (six or less occupants) coming into effect from 1st November 2022.

- 3.11 The Council has carried out consultation and addressed comments raised, making changes where necessary consistent with regulations. Nothing has been raised that is so substantive that it suggests a reconsideration of the desirability of adopting the SPD.
- 3.12 Taking account of the negative and positive impacts of the options, Option b) is recommended, with the SPD incorporating proposed changes, as set out in Appendix 2 is adopted.

Next steps

- 3.13 If adopted, the final 'clean' version (not showing the underlining and strike-through of changes) of the HMO SPD will be placed on the website. An updated consultation statement that incorporates Appendix 1 showing how the Council took into account representations will also be placed on the website. The adopted SPD will have significant weight as a material consideration in the determination of planning applications.

4.0 Financial Implications

- 4.1 The adoption of the HMO SPD is likely to be limited in its resource requirements. This expenditure has been accounted for in the existing planning policy budgets.

5.0 Legal Implications

- 5.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the processes that need to be followed by the Council in taking forward a SPD. The Council has followed these processes.

6.0 Equality Implications

- 6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have "due regard" to the need to:
 - 1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 3. Foster good relations between people who share a protected characteristic and those who do not.
- 6.2 For the HMO SPD, on balance the implications are likely to overall be positive. Due to their lower cost, HMOs are more likely to be occupied by the economically disadvantaged which proportionately are more likely to comprise the young and black and minority ethnic groups. A rise in the quality of HMOs through implementation of the SPD will improve outcomes for these groups. On the other hand, there may be a small reduction in the number of HMOs that come forward, due to the likely reduction in rooms that can be let in some HMOs to meet internal bedroom and amenity space requirements. In the context of the existing supply of HMOs (approximately 15,000), the impacts of the SPD overall are likely to be marginal.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 The consultation was publicised in the members' bulletin.
- 7.2 Details of internal consultation were set out in paragraph 3.9 of the Cabinet report on the draft HMO SPD. The external consultation undertaken is set out in paragraph 3.2 of this report.

Report sign off:

Gerry Ansell
Head of Planning and
Development Services