

REPORT TO:	Planning Committee - 11 January 2023
SUBJECT:	Houses in Multiple Occupation (HMO) in Arun
LEAD OFFICER:	Neil Crowther, Group Head of Planning
LEAD MEMBER:	Councillor Terence Chapman
WARDS:	Marine, River and Hotham
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
<p>The recommendations supports: -</p> <ul style="list-style-type: none"> • Improve the Wellbeing of Arun; • Delivering the right homes in the right places. 	
DIRECTORATE POLICY CONTEXT:	
<p>The proposals will help to enhance the quality of the natural and built environment, protect the district's natural and heritage assets and to promote economic growth in a sustainable manner, striking a balance between the need for development and the protection of scarce resources.</p>	
FINANCIAL SUMMARY:	
<p>The designation of an Article 4 Direction would remove permitted development rights for small scale HMOs and make them subject to requiring planning permission. The consequence of this is a loss of planning application fees. There will be an administrative and resource cost to preparing the Article 4 Directions that can be accommodated within existing budgets.</p>	

1. PURPOSE OF REPORT

- 1.1. This report updates the Planning Committee on the completion of the Article 4 Direction 21-day representation and 6-week notification periods concerning the proposed removal of Permitted Development rights for smaller scale Houses in Multiple Occupation (i.e.C4 Use Class) in the three Wards of Marine, Hotham (Bognor Regis) and River (Littlehampton). The notification and representation period commenced on 2 November 2022 and closed on the 23 November and 14 December respectively. Two representations were received, one from Littlehampton Town Council and one from Bognor Regis Town Council fully supporting Article 4 Directions for the wards affected in their areas (See Appendix 1: Representations from Town Councils).

2. RECOMMENDATIONS

- 1.2. That Planning Committee recommend to Full Council that the Article 4 Directions (under Article 4(1) Schedule 3 (1) of the Town and Country Planning (General Permitted Development) (England) Order 2015) for the three Wards of Marine, Hotham and River, to come into effect on 19 January 2023.

2. EXECUTIVE SUMMARY

- 2.1. The notification and representation periods to establish Article 4 Directions for Marine, Hotham (Bognor Regis) and River (Littlehampton) Wards has been completed with no objections. Two representations were received; one from Littlehampton Town Council and one from Bognor Regis Town Council. Both representations were fully supportive of the proposed Article 4 Directions respectively, for the wards of River (Littlehampton), Marine and Hotham (Bognor Regis). The Article 4 Directions when confirmed by Full Council, will come into effect on 19 January 2023. The Article 4 Directions will remove permitted development rights for C4 Houses in Multiple Occupation (HMO) and make them subject to a planning application.

3. DETAIL

- 3.1. Planning Committee considered the proposed Article 4 Direction for the three Wards of Marine, Hotham (Bognor Regis) and River (Littlehampton) at the meeting 26 October 2022.
- 3.2. The officer report included consideration of the evidence showing demonstrable harm arising from C4 HMO accommodation in the three Wards and consequent need for the removal of permitted development rights and which would require planning applications to be submitted for such proposals. Applications could then be determined in accordance with the Local Plan Policy H SP4 'Houses in Multiple Occupations', taking into account any such material considerations.
- 3.3. The Committee agreed that a 21-day representation and 6-week notification period be implemented and following that, should there be any representations these would be reported back to this meeting for consideration on whether any changes are necessary. Notification commenced on the 2 November 2022 with:-
- Advert in the West Sussex Gazette;
 - Notice to local Libraries;
 - Occupier Notification in each Ward;
 - Notices sent to Town Councils of Bognor Regis and Littlehampton;
 - Notices sent to Ward members.
- 3.4. The Committee should note that following legal advice, and in compliance with Regulation 4 (1) (2) (b) Town and Country Planning (General Permitted Development) (England) Order 2015 - SCHEDULE 3: Procedures for Article 4 directions; the occupier notification only required site notices in each Ward and the advert in the West Sussex Gazette, because the numbers (11,700 households) and cost (£6,550) made it impractical to serve individual notices.

Conclusion

- 3.5. Officers consider that the proposed Article 4 Direction for the three Wards should now be confirmed in accordance with the recommendation set out in this report and compliant with the regulations (i.e. under Article 4(1) Schedule 3 (1) of the Town and Country Planning (General Permitted Development) (England) Order 2015).

4. CONSULTATION

- 4.1. The Planning and Housing Services have coordinated on the commissioning of the BRE Evidence base study and its outputs and the earlier collation and reporting of available evidence in 2020.

5. OPTIONS / ALTERNATIVES CONSIDERED

- 5.1. The Council can choose to make the Article 4 Directions in response to the evidence on the environmental impact of HMOs and help to safeguard the amenity of the affected Wards and Towns or the Council can choose not to introduce Article 4 Directions and rely on other licensing interventions – however, these measures would not regulate the number of HMOs or wider amenity considerations.

6. COMMENTS BY THE GROUP HEAD OF CORPORATE SUPPORT / SECTION 151 OFFICER

- 6.1. The implementation of the recommendations can be accommodated within existing budget and resources.

7. RISK ASSESSMENT CONSIDERATIONS

- 7.1. Implementing the recommendation will minimise the risk of needing further interventions and associated costs to the Council in taking enforcement and other environmental measures.

8. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 8.1. Under the Planning Acts the Council has the powers to introduce Article 4 Directions in accordance with regulations, removing Permitted Development rights, in order to protect amenity and the environment and ensure the effective planning and regeneration of local communities.

9. HUMAN RESOURCES IMPACT

- 9.1. There are no implications arising from the proposals.

10. HEALTH & SAFETY IMPACT

- 10.1. The proposals should help to improve the amenity and regeneration prospects of the wards and towns affected as well as the concentration and quality of HMO accommodation, leading to healthier and safer living conditions.

11. PROPERTY & ESTATES IMPACT

- 11.1. There are no direct implications for Council property. However, the proposals would mean that any land and property owned by the Council put forward, falling within the affected wards, for small scale C4HMO development would be subject to planning approval.

12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 12.1. There is a risk that the availability of smaller scale HMO property for rent may be restricted in the Wards affected at a time where there is increasing cost of living (i.e. energy and food price inflation) impacting on more disadvantaged households finding suitable living accommodation.

13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

- 13.1. There are no direct adverse implications for Climate Change and the proposed recommendations are likely to improve the amenity of the Wards affected through ensuring that smaller scale HMOs are subject to planning regulation.

14. CRIME AND DISORDER REDUCTION IMPACT

- 14.1. The proposed recommendations will help to regulate the concentration of smaller scale HMO properties within the Wards identified, by making smaller scale HMO subject to planning applications.

15. HUMAN RIGHTS IMPACT

- 15.1. There is a risk that the availability of smaller scale HMO property for rent may be restricted in the Wards affected at a time where there is increasing cost of living (i.e. energy and food price inflation) impacting on more disadvantaged households finding suitable living accommodation.

16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

- 16.1. There are no implications.

CONTACT OFFICER:

Name: Kevin Owen
Job Title: Planning Policy & Conservation Manager
Contact Number: 01903 787853

BACKGROUND DOCUMENTS:

Planning Committee agenda 27 October 2022.

Appendix 1: Representations from Town Councils

Littlehampton town Council

“This proposal was considered by the Town Councils Planning and Transportation Committee at its meeting held on Monday 7 November 2022 and unanimously supported.

Please keep us advised of the progress with formalising the Direction.”

Bognor Regis Town Council

“Members of the Town Council’s Planning and Licensing Committee considered the Article 4 Direction proposed for Hotham Ward and Marine Ward, in Bognor Regis, at their meeting held 22 November 2022.

Those present were unanimous in their support for the Direction to come into effect, as detailed, and appreciate the opportunity to have responded to this consultation.”