



**NORTHAMPTON**  
**BOROUGH COUNCIL**

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**BOROUGH WIDE  
NON-IMMEDIATE ARTICLE 4 DIRECTION  
HOUSES IN MULTIPLE OCCUPATION  
Consultation Statement  
March 2020**

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## **1 INTRODUCTION: PLANNING AND LEGAL CONTEXT**

1.1 Houses in multiple occupation (HMOs) play an important role in Northampton, providing affordable accommodation for a range of people including students, key workers, young professionals, migrant workers and transient workers. There are local plan policies in place which require the provision of houses in multiple occupation.

1.2 However, evidence shows that there are issues associated with areas with high concentrations of HMOs. Loughborough University prepared a study on HMOs<sup>1</sup> as part of the evidence base required to progress the Northampton Local Plan Part 2 and it concluded that areas of high concentration can have an adverse impact on the physical character of the area affected, as well as the wellbeing of occupants and residents.

1.3 Planning permission is not required to change the use of a dwelling house (use class C3) to a HMO for 3 – 6 unrelated people who share basic amenities (C4). This is known as a Permitted Development Right (PDR). However, in exceptional circumstances, a Local Planning Authority can remove the PDR by introducing an Article 4 Direction. These exceptional circumstances include evidence that clearly demonstrates that the removal of the PDR is justified.

1.4 Northampton currently has four Article 4 Direction Areas<sup>2</sup> associated with HMOs. They cover Sunnyside Ward, St David's Ward, Obelisk Ward, Northampton North and Central, parts of Far Cotton and Delapre and parts of Cliftonville. However, the Loughborough Study recommended that the Article 4 be extended to cover the whole borough partly because the problems associated with areas of high concentrations of HMOs are moving into the areas not currently covered by a Direction. Evidence gathered to date, including those undertaken by Northampton Borough Council's Private Sector Housing, confirmed that a Borough wide Article 4 Direction is justified.

1.5 On the 16<sup>th</sup> October 2019, the Council's Cabinet agreed to consult on the proposal to make an Article 4 Direction for the rest of Northampton Borough, in areas not currently covered by an HMO Direction.

## **2 CONSULTATION**

### **a Consultation Exercise**

2.1 The Council consulted on the making of the Article 4 Direction on the 14<sup>th</sup> November 2019, for a period of 21 days, ending at 5pm on the 5<sup>th</sup> December. The following were carried out as part of the consultation:

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<sup>1</sup> <https://www.northampton.gov.uk/downloads/file/11015/02-houses-in-multiple-occupation>

<sup>2</sup> <https://www.northampton.gov.uk/info/200206/planning-applications/986/permitted-development-rights---article-4-directions>

- Statutory consultees were sent copies of the consultation documents by special delivery
- Non-statutory consultees were sent copies of the consultation documents by first class mail or by email
- Consultation documents were placed on the Borough Council's website
- A press release was placed on the Borough Council's website
- The Notice of Making was published in the Northampton Chronicle & Echo
- Copies of the Notice of Making, the Direction and the map were sent to the Secretary of State
- Copies of the Notice of Making, the Direction and the map were placed in the One Stop Shop and the Northampton's Guildhall for inspection during office hours

2.2 In addition, Council Officers did a presentation, followed by a Question & Answer session, to the Northampton Landlords Forum on the 19<sup>th</sup> November 2019. The Forum was briefed on the proposal and its timeline.

#### b Consultation Responses

2.3 A total of 12 respondents made comments (one of which was received after the deadline) on the proposal to extend the Article 4 Direction for HMOs to areas not currently covered by a Direction. The responses received are summarised below:

<b>Ref</b>	<b>Respondent</b>	<b>Organisation/ Sector (where specified)</b>	<b>Comment</b>	<b>Policy response</b>
0001	P Strachan	Growing Together	This is less of an issue in the East. It will play well in places like Semilong and the Mounts.	Noted.
0002	M Pritchard MBE		Support the increase of planning permission for smaller houses to be included when their use is for HMOs	Support welcomed.
			Many occupants will have a car which increases parking problems. Just because they are near a good bus route will not stop individuals having a car	Should the Article 4 Direction be confirmed and it comes into effect, planning permission will be determined against the HMO Supplementary Planning Document which contains a principle on parking.
			Scale of map is too small. Hope Northampton East is included	Northampton East is included.
0003	K Huewen	Landlord	Fully support the implementation of requiring planning permission for all	Support welcomed.

			HMOs across the whole region. Uncontrolled PDR for HMO properties is, at best, unwise and at worst, a local disaster for neighbouring properties and/or communities.	
0004	P F Mills	Resident	Urge the Council to adopt the practice of all HMOs requiring planning permission regardless of size and action	Permitted development rights is a mechanism imposed by Central Government. PDR is currently in place for change of use from dwellinghouse to an HMO for 3-6 unrelated people. This consultation relates to the removal of this right. Change of use from dwellinghouse to larger HMOs do require planning permission.
			Refuse permission where other HMOs are present within 250 metres of another	Evidence shows that the concentration of HMOs can be effectively managed by the introduction of a threshold – which currently specifies 1 10% HMO within a 50 metre radius.
			Better investigation into unlicensed HMOs	Licensing is continually managed by Private Sector Housing.
			Current level of HMOs unacceptable for long term residents. Dramatic decline in living standard, including dangerous and illegal parking, noise, fly tipping and general street filth. Short term tenants do not have the same level of investment in their environment as others. The number of HMOs permitted prevents would be purchasers of solid traditional properties from buying a decent home	The proposal to extend the Article 4 Direction to the rest of the borough will, if confirmed, allow the Council to manage the concentration of HMOs and their amenity spaces by ensuring that planning applications are determined in accordance with updated planning policies.
0005	F Hafesji	Resident	Delighted if Article 4 would be introduced across the Mounts. Seen the decline of	The proposal is to extend the Article 4 to all areas within

			this area. Car parking and littering is also a huge issue	Northampton Borough that are not currently covered by an Article 4 Direction for HMOs.  Support welcomed.
0006	C Scanlan		Tougher and thoughtful decisions required. In all streets, there are HMOs adjacent to family homes. These have been purchased at significant cost and are to be family homes. Helps maintain integrity of an area and keep anti-social behaviours at a lower level. Many areas have parking, fly tipping and litter issues turning neighbourhoods into unsightly areas.	The proposal to extend the Article 4 Direction to the rest of the borough will, if confirmed, allow the Council to manage the concentration of HMOs and their amenity spaces by ensuring that planning applications are determined in accordance with updated planning policies.
			Live adjacent HMO and it has never impacted in a negative way – well maintained and parking provided for tenants	Noted.
			Ensure that HMOs are not a cheap way for the Council to reduce the possibility of a further housing crisis at no cost to them. Or a way for bad landlords to make money quickly with little involvement in the community where they are purchasing property	The proposal to extend the Article 4 Direction to the rest of the borough will, if confirmed, allow the Council to manage the concentration of HMOs and their amenity spaces by ensuring that planning applications are determined in accordance with updated planning policies.
0007	L Houston		Agree that such planning permission should be required throughout the whole borough	Support welcomed.
0008	H Hughes		Agree with the recommendation that the introduction of a borough wide Article 4 Direction should go ahead	Support welcomed.
0009	G Youens	Duston Parish Council	DPC fully supports the proposal. HMOs can cause problems such as parking, noise and high amounts of	Support welcomed.

			rubbish	
0010	M Rahman	Borneo Martell Turner Coulston	Responded on behalf of clients – the response refers to the Article 4 Direction but the comments relate to the public consultation on borough wide Licencing of Landlords under section 80 Housing Act 2004	The comments do not relate to proposal to withdraw permitted development rights for change of use from dwellinghouses to HMOs for 3 – 6 unrelated persons. They relate to a previous consultation undertaken by Private Sector Housing.
0011	P Mulvihill	Woodland Residents Association	The community fully supports the proposal	Support welcomed.
			Bringing HMOs within the planning system will help promote a decent system of providing affordable housing for needy people, if linked to rent controls	Noted.
<b>Late response</b>				
0012	R Webber	Resident	In favour of an Article 4 Direction being introduced in Upper Mounts. Too many in the area and the Article 4 would help redress the balance in this mixed area	Noted.

**APPENDIX 1:  
ADVERT IN THE NORTHAMPTON CHRONICLE AND ECHO**

Thursday, November 14, 2019

**NORTHAMPTON BOROUGH COUNCIL  
TOWN AND COUNTRY PLANNING (GENERAL  
PERMITTED DEVELOPMENT) (ENGLAND)  
ORDER 2015 AS AMENDED  
NOTICE OF MAKING OF DIRECTION UNDER  
ARTICLE 4(1)**

NOTICE IS GIVEN that Northampton Borough Council ('the Council') have made a Direction under article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) ('the Order').

The Direction was made on 7th November 2019 and will come into force, subject to confirmation by the Council, on 13th November 2020.

The Direction applies to development consisting of a change of the use of a building and any land within its curtilage to a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended), being development comprised within Class L of Part 3 of Schedule 2 to the Order, within the Council boundary, excluding existing Directions under Article 4(1) for houses in multiple occupation.

The effect of the Direction is that the permission granted by article 3 of the Order shall not apply to such development and such development shall not be carried out within that area unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

Any objections or representations concerning this Direction should be submitted in writing to the Planning Policy & Heritage Manager, Planning Services, Northampton Borough Council, The Guildhall, St Giles Square, Northampton NN1 1DE (Ref:Non - Immediate Article 4 Direction) or by email to [planningpolicy@northampton.gov.uk](mailto:planningpolicy@northampton.gov.uk) between 14th November 2019 and no later than 5.00 pm on 5th December 2019.

A copy of the Direction and a plan showing the area to which it relates may be seen at the offices of the Council at the One Stop Shop, The Guildhall, St Giles Square, Northampton during normal office hours.

Francis Fernandes Borough Secretary & Monitoring Officer Northampton Borough Council  
The Guildhall St Giles Square Northampton NN1 1DE

Signed: 

Dated: 7th November 2019

## APPENDIX 2

### PRESS RELEASE ON THE BOROUGH COUNCIL'S WEBSITE (first page)



# Views sought on Borough-wide control of multiple occupancy housing

Published: Friday, 15 November 2019

Northampton Borough Council is consulting on a proposal that would mean all property conversions to houses in multiple occupation (HMOs) anywhere in the borough would require planning permission.

Currently, permission is only required to convert dwellings into small HMOs for three to six unrelated people sharing basic amenities in Sunnyside, St David's, Obelisk, Northampton North and Central, parts of Far Cotton and Delapré and parts of Cliftonville wards. In planning terms, this is known as an Article 4 Direction.

All other areas in the borough fall under a permitted development right, which allows conversion to a small HMO to take place without planning permission. If a borough-wide Article 4 Direction is agreed, this permitted development right would cease.

The conversion of a house to a larger HMO, for seven or more unrelated people, already requires planning permission.

The introduction of a borough-wide Article 4 Direction was a recommendation made in a 2018 study of HMOs produced on the Council's behalf by Loughborough University.

The study outlined the issues associated with the presence of too many HMOs in parts of Northampton, including fly tipping, an excess of parked cars and general poor upkeep of properties.

It concluded that a borough-wide Article 4 Direction could reduce the over concentration of HMOs in areas just outside the boundaries of areas already covered by Article 4 Directions.

The Council would also be better able to regulate and effectively plan for the distribution of HMOs across the wider Borough, as well as ensure that high quality and well managed HMOs are available, the study suggested.

The consultation closes at 5pm on 5 December 2019. If a borough-wide Article 4 Direction is established, it will come into force on 13 November 2020.

<https://www.northampton.gov.uk/news/article/3040/views-sought-on-borough-wide-c...> 18/11/2019

## **APPENDIX 2** **PRESS RELEASE ON THE BOROUGH COUNCIL'S WEBSITE (second page)**

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Consultation documents can be viewed on the planning web pages and comments should be submitted via email or in writing to Planning Policy, Northampton Borough Council, The Guildhall, St Giles Square, Northampton, NN1 1DE.

### **Useful links**

[More articles in the news archive](#)

