

# Houses in Multiple Occupation Supplementary Planning Document

March 2025



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**Introduction**

A House of Multiple Occupation, (HMO), is defined as a property occupied by 3 or more people who do not form a single household (i.e. not living in a family setting) and who share facilities such as a bathroom

or kitchen. An HMO with more than 5 occupants must be licensed with the council in accordance with the Housing Act 2004.

HMOs form an important part of Halton's housing supply, adding to the choice of living for many residents. They provide a flexible and affordable option for housing for many who may have limited options. A variety of residents are known to occupy HMOs including people on low incomes, students, young professionals and those on short term work contracts. HMO's can form conversions of existing buildings or be purpose built.

In terms of planning controls; the conversion of a dwelling house (class 3) to a small HMO with less than 4 occupants (class 4) has permitted development rights and does not require planning permission. Larger HMO's with more than 7 occupants (sue generis) require planning permission. Therefore, most smaller HMOs currently require neither a license nor planning permission.

In September 2022 the Environment & Urban Renewal PPB resolved to form a working party of members to consider policy to address the proliferation and standards in Houses of Multiple Occupation.

The objectives of the working party were to:

- Review HMO Amenity Standards for licensed HMO's
- Develop and adopt the HMO Supplementary Planning Document (SPD)
- Commission a detailed door to door survey in the West Bank area of the Central and Westbank Ward to establish property type and tenure.
- Commission a Borough Wide review of the private rental housing stock in the borough, and the following topic areas:
  - Negative impact on the character of the area
  - Parking
  - Waste storage
  - Anti-social behaviour
  - Inadequate living conditions for inhabitants

(The findings of this can be found at footnote<sup>1</sup>)

The percentage of private rental properties in Halton is now estimated to be 19% compared with 11% in 2011. The percentage of owner-occupied properties has fallen from 64% in 2011 to 58% in 2024. The percentage of social rented properties has dropped slightly from 25% in 2011 to 23% in 2024. These figures suggest the private rental sector is fulfilling the demand for affordable rented accommodation that is not currently met by the social rented sector.

The report (2025) notes that the ward areas Appleton (30.3%) and Mersey and Weston (29.9%), West Bank area of the central and west bank ward (30%) had private rental property rates that were above the average rate of other ward areas in Halton. The evidence does not currently suggest that these properties are being used as HMOs and therefore an article 4 directive is not currently required. If in the future, it was identified and evidenced that the number of HMOs within these areas increased significantly the council would review its current stance and explore powers within the permitted licencing laws and legislation.

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<sup>1</sup> Halton Borough Council (2025). Environment and Urban Renewal Policy and Performance Board – Wednesday 18<sup>th</sup> September, 2024 6:30pm. Available at: <https://councillors.halton.gov.uk/ieListDocuments.aspx?CId=307&MId=8986&Ver=4> Accessed: 03/01/25

Halton is currently developing a new Housing Strategy which will explore and evidence the housing needs of the Borough, it is anticipated this report will be concluded in the summer of 2025. Any changes to policy or interventions will be included in this report.

Overall HMOs in Halton are well managed and provide a choice of living accommodation. At the time of writing, Halton has 187 known HMOs of which 116 are larger HMO's that are licensed by the council.

The findings of the working group inferred that there is no evidence to apply article 4 rulings at this present time. More information on article 4 directives and HMOs can be found at the following footnote<sup>2</sup>.

This Supplementary Planning Document (SPD) acknowledges the findings of the above report and informs the reader of the key requirements of HMOs within Halton. This document aims to support the improvement in HMO accommodation that is provided and reduce detrimental impacts on the neighbours. The SPD provides an interpretation of national and local planning policy and outlines good practice for planning outcomes.

This SPD will apply to planning applications for the creation of HMOs, such as those:

- HMOs created through conversions of other buildings,
- Purpose built HMOs,
- The expansion of HMOs.

## **Policy Framework**

### **The National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies and is a material planning consideration in planning decisions. It states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

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<sup>2</sup> <https://www.legislation.gov.uk/ukpga/2004/34/part/2> Accessed 03/01/25

The NPPF sets out that the Local Plan should meet the objectively assessed needs for housing, as far as it is consistent with the policies in the NPPF. It should provide a mix of housing types to meet the needs of different groups in the community and create sustainable, inclusive and mixed communities. It also seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

### **Local planning policy**

Relevant local planning policies are set out in the development plan for the area. The Development Plan for Halton comprises the Halton Delivery and Allocations Local Plan (March 2022).

Halton Delivery and Allocations Plan does not have a specific development plan policies specifically relating to HMOs however the following policies are applicable and are summarized below and reproduced in full in Appendix A.

Policy CS(R)12 Housing Mix states that the Council will support the right type of housing to facilitate mechanisms to meet the needs of Halton's existing population, address imbalances in the existing housing stock and ensure the homes provided can adapt to changing demographics.

Policy RD3 aims to raise the quality of design in Halton. A significant proportion of planning applications received by the Council relate to dwelling extensions, alterations and residential conversions and although most of the proposals are small scale, their impact on the local area can be considerable, particularly cumulatively.

Policy CSR18 addresses the design of places and spaces can have a profound effect on the way that we live, how we understand an area, the way that we treat an area and the way that we move through it. It is crucial for development design in Halton to be of a high quality, build upon an area's character, be adaptable to changing situations, and provide safe, healthy and accessible environments for all members of society.

Policy GR1 focuses on how design is not just about how a development looks but also whether it is successful in its context, whether it functions well, whether it is enduring and of high quality, and lastly, whether it contributes toward broader sustainability objectives.

Achieving appropriate high-quality design should be a key objective of all those involved in delivering sustainable development. Development should take the opportunities available to improve the quality and appearance of an area and the way it functions.

## **Controls on the Location and Distribution of HMOs**

Forming part of the borough's housing supply and contributing towards meeting housing needs, HMO conversions can also enable the continued viable use of older housing and provide an effective use of land and buildings. However, HMOs typically intensify the use of properties, with more resident and visitor

movements than a typical family home, and concentrations of them can impact on the amenity of neighbouring properties and the wider neighbourhood.

Therefore, in order to help ensure mixed and balanced communities and to ensure that new development does not have an unacceptable adverse impact on amenity and quality of life, this SPD sets out restrictions to limit the concentration of HMOs in small areas and to manage the siting of HMOs relative to other HMOs. This will contribute to retaining local character, help to ensure a mix of house types and tenures, and reduce potential residential amenity issues. To achieve this the council will apply three measures:

- A. Concentration Threshold
- B. Restricting the Sandwiching of Properties
- C. Restricting Three Adjacent HMOs

### **A. Applying a Concentration Threshold**

Planning permission will not normally be granted for new HMOs, or for proposals to extend existing HMOs, where the proportion of HMOs exceeds, or will exceed, 10% of the properties (residential and commercial) within a 50-metre radius of the application property.

The radius will be measured from the mid-point of the front boundary of the application property and calculated through the inclusion of properties that have a Land and Property Gazetteer address point within that radius. Existing properties that have been sub-divided into flats will be counted as single properties for the purposes of the calculation, as some of the issues that can be associated with HMOs can also be associated with flat conversions. However, purpose-built flats will be counted on an individual basis, as they are not subject to the same constraints as flat conversions and issues should have been fully addressed as part of the planning process.

To identify those properties used as HMOs, the Council will utilise data held on the council's databases, which identifies HMOs from a variety of sources, including HMO licensing data, planning records, and council tax data. However, this may not be an exhaustive record of all HMOs in an area, because some HMOs may not be known to the Council, particularly if they are too small to have required planning permission or be subject to mandatory licensing. Further investigation may therefore be required as part of the planning application process in response to new or updated information about the presence of HMOs in the locality.

There are limited circumstances where permission could be granted for an HMO that results in the 10% threshold being exceeded. They might include where:

- There is a strong physical barrier, such as a railway line, between the application property and established HMOs,
- There are a limited number of properties within the 50-metre radius, or
- The nature of the application property means that impacts will be lessened e.g., the property could be detached and have a substantial curtilage.

An example of applying the concentration threshold is shown in Figure 3.1.

A proposed HMO is shown in red and residential properties within 50 metres of the proposed HMO are identified. If the proportion of properties in use as HMOs exceeds, or will exceed, more than 10% of the properties within the 50-metre buffer zone, then permission will not normally be granted.

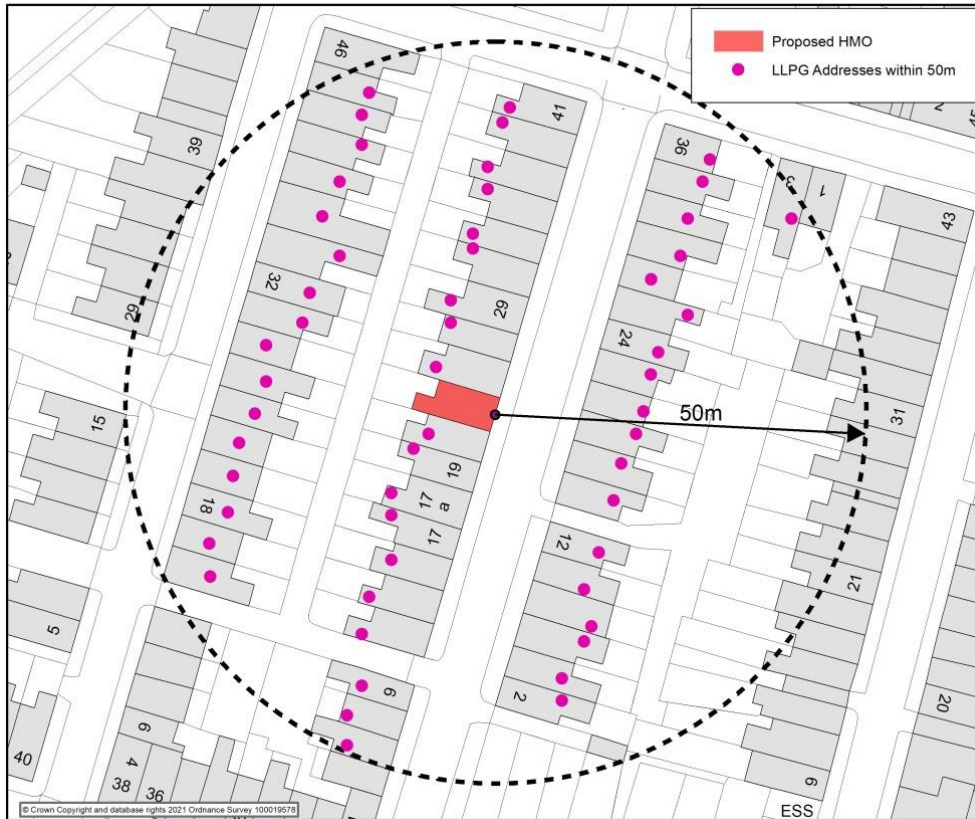


Figure 3.1 Applying a concentration threshold.

**B. Restricting the sandwiching of properties**

Planning permission will generally not be granted for the development of HMOs that lead to the ‘sandwiching’ of residential properties. Sandwiching occurs when a non-HMO residential property has an HMO on either side. This has the potential to lead to amenity issues for the non-HMO property due to the greater intensity of use of the HMOs.

Exceptional circumstances where permission might be granted for an HMO that ‘sandwiches’ a non-HMO residential property are limited but could include where there is a significant gap between the curtilages of the properties, or where properties are set within large gardens or curtilages.

An example is shown in Figure 3.2. The proposed HMO (in red) would result in the residential property at No. 33 being sandwiched between two HMOs. This would not normally be granted planning permission.



Figure 3.2 Restricting the sandwiching of property No. 33.

**C. Restricting three adjacent HMOs**

Planning permission will not generally be granted for proposals that would result in a block of three or more adjacent HMOs. Streets can sometimes become dominated by HMOs, which has the potential to lead to amenity issues for the non-HMO properties, particularly those opposite or adjacent, due to the greater intensity of use of the HMOs.

Exceptional circumstances where permission might be granted for a proposal that would result in a block of three or more adjacent HMOs are limited but might include where there is a significant gap between the curtilages of properties, or where properties are set within large gardens or curtilage.



## HMO Licensing, Management, and Amenity Standards

It is important to ensure that HMOs provide a good standard of accommodation for their occupants.

### HMO Management Regulations

HMOs must comply with statutory regulations on management. This legislation places certain duties on the individuals managing the property and non-compliance with these regulations may result in a prosecution and/or fine (including a civil penalty).

### HMO Licensing

All properties that are occupied by five or more people, from two or more households and sharing an amenity are subject to mandatory HMO licensing. Licenses are valid for five years and properties are subject to inspection during this period. If the council receives complaints regarding a property this will prompt further inspection and enforcement action is taken if necessary.

### Halton Borough Council's HMO Standards

HMOs should also adhere to the council's HMO standards, in relation to:

- Natural and artificial lighting
- Ventilation
- Heating
- Water supply
- Bathrooms, shower rooms and sanitary conveniences
- Refuse
- Kitchen facilities
- Licensing

All properties that are occupied by five or more people, from two or more households and sharing an amenity are subject to mandatory HMO licensing. Licenses are valid for five years and properties are subject to inspection during this period. If the council receives complaints regarding a property this will prompt further inspection and enforcement action is taken if necessary. Further information can be found at:

<https://www3.halton.gov.uk/Pages/business/EnvironmentalHealth/PrivateHousing.aspx>

The Management of Houses in Multiple Occupation Regulations 2006 apply to all HMOs and cover a number of items. In essence they require that the properties are kept in a good state of repair and that all facilities are in good working order at all times. A full copy of the Management Regulations can be found at the relevant government webpage,

[http://www.legislation.gov.uk/uksi/2006/372/pdfs/uksi\\_20060372\\_en.pdf](http://www.legislation.gov.uk/uksi/2006/372/pdfs/uksi_20060372_en.pdf)

### Management

All HMOs must be sound, safe and well managed. They need to be free from health and safety hazards. One area of particular emphasis is ensuring that there are appropriate fire

precautions. This includes the provision of fire doors, firefighting equipment (such as fire blankets and extinguishers) along with automatic fire detection systems and in some cases emergency lighting. The Housing Health and Safety Rating system covers the level of protection and likelihood of a fire in an HMO. A fire risk assessment will determine the level of fire precautions required.

### Amenity Standards

In addition to the general duty on landlords. The Housing Act 2004 and associated regulations set out prescribed standards for all licensed HMO's. These regulations are set nationally by the Government. Prescribed standards are set out below.

### Space Standards

#### Sleeping accommodation

Rooms must comply with the minimum legal space standards set out below.

One person over 10 years of age	6.51 m <sup>2</sup>
Two persons over 10 years of age	10.22m <sup>2</sup>

However, if no other private or communal living areas are provided the minimum sleeping room sizes that HMOs in Halton must comply with are.

One person over 10 years of age	10 m <sup>2</sup>
Two persons over 10 years of age	15m <sup>2</sup>

#### Communal areas

Where communal areas are provided in addition to the rooms used for sleeping the space standards for communal areas are 17.5m<sup>2</sup> based on a 5 bed HMO.

For each additional tenant an additional 1 m<sup>2</sup> of space must be provided.

If this cannot be provided in a single room an additional communal room of a minimum 13m<sup>2</sup> must be provided. The overall size of the additional room must take into account the total number of occupants but as a guide an additional 1m<sup>2</sup> of space per tenant must be provided.

#### Space calculation and room design Any

area of the room with a ceiling height of less than 1.5m must not be counted in the calculation for space standards.

The shape and layout of bedrooms must be capable of accommodating a single bed for single occupancy rooms or a double bed or two singles for a double occupancy room. The rooms must also be capable of accommodating basic bedroom furniture such as a wardrobe and dressing table.

### **Kitchens and kitchen facilities**

It is recommended that applicants discuss the design and layout of kitchens with the Council prior to installation, particularly for properties with more than 5 occupants.

### **Kitchen size**

Where kitchen facilities are shared the kitchen must have a minimum total floor area of 7m<sup>2</sup> based on 5 people sharing. Ideally, more than 5 people should not share the same kitchen. If this is not practicable then an additional 1m<sup>2</sup> of kitchen space must be provided for each occupant, up to 10 people.

### **Additional Kitchens ratio**

If the additional kitchen space cannot be provided within the same room an additional kitchen must be provided i.e.

6-10 persons 2 Kitchens

11-15 persons 3 Kitchens

To ensure the safe movement of people a single room must not contain more than 2 sets of kitchen facilities.

### **Kitchen facilities**

Where shared kitchens are provided, they must contain the following facilities:

For up to 5 persons:

- A suitable fixed worktop, not including the draining board, no less than 2m by 0.6m
- Four cooking rings, an oven and a grill (whether integrated into one appliance or separates).
- Four twin 13amp power socket outlets above the work surface height in addition to any sockets serving major electrical appliances. They must be adjacent to the work surface and at a suitable safe distance of minimum 1 meter, from any sink/wash basin.
- A standard 1m sink unit and integral draining board fixed within a base unit, together with an adequate supply of constant hot water and wholesome cold drinking water, and tiled splash back. The sink unit must be properly plumbed into the water supply and drainage systems.
- A suitable storage cupboard with a minimum capacity equivalent to a 500mm wall unit per person.
- A refrigerator of not less than 5 cu ft capacity (0.15m<sup>3</sup>).

Additional facilities for 6-10 persons sharing a single kitchen must include the following:

- A suitable fixed worktop, not including the draining board, of no less than 3m by 0.6m, instead of the 2m worktop for a single set of kitchen facilities.

- Fridge/freezer capacity to approximately 9 cu ft capacity 0.27m<sup>3</sup>, instead of 5 cu ft as above

Facilities for more than 10 residents must be provided on a pro rata basis and agreed with the council.

### **Hygienic and safe and design**

The wall area behind sinks and food preparation areas must be tiled or provided with a splash back to enable the wall to be effectively cleaned. Food preparation surfaces and the surfaces of appliances and equipment must be impervious and easy to clean.

The floor area must be of suitable material that can be effectively cleaned whilst avoiding the risk of slips and falls. It is recommended that applicants discuss the design and layout of kitchens with the council prior to installation, particularly for properties with more than 5 occupants.

The layout of the kitchen must enable the safe movement of people and avoid the risk of burns, scalds, slips and trips. For example, cooking appliances must not be situated adjacent to doors or next to sinks.

### **Toilet and bathroom facilities**

It is recommended that applicants discuss the design and layout of bathrooms and toilet facilities with the council prior to installation, particularly for properties with more than 5 occupants.

#### **Bathroom**

All baths and wash hand basins must be equipped with taps providing an adequate supply of potable cold water and a constant supply of hot water and be properly connected to the drainage system.

All bathrooms must be situated in a proper room, must be suitably and adequately heated and ventilated and must be of an adequate size and layout.

Adequate electric lighting must be provided, and walls and floors must have a non-porous and easily cleanable finish. Suitable locking mechanisms must be fitted to the access doors of bathrooms and W/Cs to ensure privacy.

#### **W/Cs**

Toilet compartments must be located within 30 meters of the furthest occupant who will be using it, preferably on the same floor. Where this is not possible, the WC must be no more than one floor and no more than 30m distance from the users.

The room must be provided with adequate ventilation and electric lighting, and a suitable locking mechanism must be fitted to the access door to ensure privacy.

All foul waste within the building must be adequately connected to the drainage system, with provision of rodding eye and inspection chamber.

A separate w/c compartment must contain:

- A fixed w/c with water supply to the cistern, and foul drainage to the external foul drainage system.
- A fixed wash hand basin with constant hot and cold running water, properly connected to the drainage system.

### **Wash hand basins A**

wash hand basin (WHB) with a tiled splash back and satisfactory supply of cold and constant hot water properly connected to the drainage system must be situated in a bathroom or shower room containing a w/c.

A wash hand basin as described above must also be provided in a separate w/c compartment.

### **Shared Bathroom and toilet facilities in**

bedsit type accommodation or shared houses, the bathroom and W.C. facilities may be shared between the occupants. There must be an adequate number of bathrooms and W.C.s provided for the number of people occupying the dwelling.

The table below shows the permitted sharing ratios based on nationally prescribed standards.

<b>up to 5 persons</b>	1 bath / shower room with 1 WC and 1 wash basin.
<b>6 – 10 persons</b>	2 bath/shower and 2 WCs (+WHB in the same room as the WC, the WCs may be contained within the bathroom or a separate closet).
<b>11 – 15 persons</b>	3 bath/shower and 3 WCs (+WHB in the same room as the WC, the WCs may be contained within the bathroom or a separate closet).

### **Space Heating**

#### **Heating provision and minimum temperature**

Where the house is not provided with central heating to the whole of the dwelling, it must be adequately and efficiently heated with the provision of permanent, fixed heating appliances or space heaters. Any heating system must be appropriate to the design, layout and construction of the building and provide adequate heat output to efficiently heat the whole of the property.

Any heating system must be economical and capable of achieving a healthy indoor temperature of 21°C for each habitable letting room, and 18°C in all other rooms and common areas.

Any form of heating must be controllable by the occupier and safely and properly installed and maintained.

In properties where the heating is centrally controlled, such systems must be operated to ensure that occupants are not exposed to extreme indoor temperatures and must be provided with controls to allow the occupants to regulate the temperature within their own private rooms.

Coin-operated heating and/or hot water systems in are not acceptable.

### **Energy Efficiency To**

make homes as energy efficient as possible adequate insulation must be provided to cavity walls and loft areas.

It is now unlawful to rent a property that does not meet a minimum energy efficient rating of E as part of the licensing and inspection process energy rating certificates may be requested. An HMO license will not be issued to properties that do not achieve the minimum energy efficiency rating.

### **Gas and Electrical Safety**

#### **Gas and Solid Fuel Installations All**

gas supplies, distribution pipework and gas fired appliances must comply with the relevant gas safety regulations.

All gas appliances must have an annual gas safety check undertaken by a GAS SAFE registered gas installer. A copy of the gas safety record must be made available to the occupier in accordance with the regulations. A copy must be made available to Halton Council on request and will be considered as part of the license and inspection process.

All gas appliances must be serviced and maintained regularly in accordance with regulations and the manufacturer's instructions (usually every 12 months).

The property manager **MUST** keep the previous two years' gas safety records available for inspection upon request.

All work on any gas appliances must be carried out by a suitably qualified GAS SAFE registered engineer.

Where occupants need to operate controls for gas fired central heating or hot water systems, simple and precise instructions for their safe and efficient use must be available.

An emergency control valve must be provided within 500mm of the gas meter that all occupants can easily access.

### **Electrical Installation**

It is a legal requirement that all landlords must arrange for the electrical installation at their property to be inspected and tested every 5 years by a qualified electrician. Landlords are also required to carry out any urgent remedial works identified by the inspection report to ensure the installation is safe. A copy of the inspection report and details of any remedial work undertaken must be provided to the local authority on request and will be required as part of the application process. In practice this will involve obtaining an Electrical Installation Condition Report.

### **Carbon Monoxide**

It is a legal requirement that a carbon monoxide alarm is installed in all habitable rooms that contain a fuel combustion appliance such as a gas fire, gas boiler or wood burner. The alarm must be maintained in working order. Habitable rooms will include bedrooms, kitchens, bathrooms and communal areas.

### **Fire Safety and Precautions**

#### **Building Regulations**

Where internal works or changes to the use of a premises require Building Regulation approval these requirements must be complied with as they will determine the appropriate fire precautions required by Building Regulations for that building at that time.

#### **Fire risk Assessment**

This is a specialist area, and applicants may need to consider obtaining their own professional advice.

The Regulatory Reform (Fire Safety) Order 2005 requires the person responsible for a property to undertake a fire risk assessment. A fire risk assessment must be undertaken for the entire HMO property with the aim of identifying potential hazards and reducing the risk of those hazards by deciding what fire precautions need to be installed.

Further detailed guidance on conducting a fire risk assessment and appropriate precautions in relation to sleeping accommodation for certain types of existing housing is available at: <https://www.gov.uk/government/publications/fire-safety-riskassessment-sleeping-accommodation>.

A fire risk assessment must be completed for all HMO properties and will be requested as part of the license application process.

#### **Smoke detection**

In addition to implementing the precautions identified during the fire risk assessment the prescribed standards set by the Housing Act 2004 require a smoke detector to be installed on each floor of the living accommodation

## **Fire Safety Enforcement**

The responsibility for the enforcement of fire safety requirements in private rented accommodation is shared between Halton Council and Cheshire Fire and Rescue Service. A memorandum of understanding has been signed by both organisations relating to enforcement of the requirement and joint inspections of properties in relation to fire safety will be undertaken as required.

## **Lighting**

### **Natural light**

All habitable rooms must have sufficient natural light to enable normal domestic tasks to be carried out during daylight hours. Windows must be of adequate size, and of appropriate shape and position to allow for reasonable daylight penetration into rooms. Basement and sub-ground level rooms can pose particular problems, and there must be sufficient adequate open space outside the window to allow for adequate light penetration.

### **Artificial lighting**

Artificial lighting must be positioned to provide sufficient light to enable domestic and recreational activities to be carried out without eyestrain and without creating glare or shadows. Artificial light is particularly important where domestic tasks require adequate light, for example in the kitchen over worktops, sinks and cookers.

Staircases must have artificial lighting that sufficiently illuminates their full length to avoid shadows and dark corners where users cannot clearly see where they are going. There must be switches or controls for artificial lighting at both the top and foot of stairs. Any lighting provision for staircases and common areas must be in addition to any required emergency lighting.

## **Security**

The HMO as a whole and individual private rooms within must be capable of being secured to deter unauthorised entry. Windows and doors must be robust and fitted with adequate security. Sheds or outbuildings must be maintained in good order and made secure. However, security measures must not compromise the means of emergency escape in the event of a fire.

## **Waste Disposal**

Adequate facilities must be made available for the storage of waste and recycling. Communal bins must be stored in a secure external area within the private curtilage of the property. It will not be acceptable for communal bins to be stored unsecured on public land.



The owner or manager of the HMO must ensure adequate bins have been provided to enable the tenants to comply with the councils' waste collection and recycling service. Information must be made available to tenants to ensure they are aware of collection days and when to present waste for collection and recycling. Once collected tenants must be instructed to return bins to the property. The owner must periodically monitor the arrangement to ensure the number and types of bins available are adequate and tenants are correctly following the council's waste and recycling scheme. A condition will be attached to all licenses requiring owners and managers to take steps to ensure this requirement is complied with.

## Making a planning application

An HMO comprises a house or flat which is occupied by three or more unrelated people who share an amenity such as a kitchen, lounge or bathroom. It includes a range of different types of accommodation such as bedsits and shared houses.<sup>3</sup>

In 2010, changes to the planning regulations introduced a new use class - Class C4 "Houses in Multiple Occupation". This comprises a house or flat that contains between three and six unrelated occupants who share basic amenities. These are sometimes also referred to as "small HMOs".

HMOs comprising more than six sharing occupants are unclassified by the amended regulations (i.e., being "Sui Generis" (ii)) and are generally known as "large HMOs".

### **Change of use to / from a large HMO (Sui Generis)**

The change of use of a dwelling house (use Class C3) to a large HMO (shared housing defined as an HMO and occupied by more than six people) requires planning permission. The change from a large HMO (Sui Generis) to a dwelling house (use Class C3) also requires planning permission. Planning permission may also be required for a material change of use from a small HMO (use Class C4) to a large HMO (Sui Generis).

### **Change of use to small HMOs (use Class C4)**

Under normal circumstances the change of use of a dwelling house (use Class C3) to a small

HMO for up to six people (use Class C4) is 'permitted development' and no formal planning permission is required.

### **Change of use from other uses to HMOs**

A change of use from other uses such as a shop or office to an HMO (large or small) is also likely to require planning permission.

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<sup>3</sup> The legal definition of an HMO is contained within Part 7 of the Housing Act 2004.

## How will planning applications for HMO's be considered?

The change of use from a dwelling to a HMO will not necessarily involve any physical internal or external alterations, but the material change of use in itself constitutes development requiring planning permission. This guidance will therefore apply to all planning applications consisting of:

- a change of use from a dwellinghouse (use Class C3) to a large HMO ('sui generis'); or
- a change of use from a small HMO (use Class C4) to a large HMO ('sui generis'); or
- a change of use from another use, for example an office (use Class B1) or shop (use Class A1) to a large or small HMO that requires planning permission.

Issues to be considered in the determination of planning applications for an HMO are as follows:

### **Suitability of property for use as an HMO**

The size of the dwelling and internal layout must be sufficient to accommodate any increased number of residents to protect the residential amenity of the occupants.

Appropriate means of storing and dealing with waste should be specified as part of the planning application. This must include provision for waste and recycling storage containers in a suitable enclosure within the curtilage of the property which will not impact negatively on the visual amenity of the area or the residential amenity of neighbouring residents.

Appropriate provision must also be made for suitable, covered and secure convenient cycle parking within the curtilage of the property where possible, referring to Policy C2 Parking Standards as guidance. There should also be sufficient space for cars to park, within the residential curtilage of the property where possible. This should not, however (where practical/unless deemed unnecessary by HBC), result in the loss of front garden for hard standing for parking and refuse areas where this would detract from the existing street scene.

Proposed HMOs should meet the amenity standards set in the Delivery and Allocations Local Plan policies C1- Transport Network and Accessibility; C2- Parking Standards; RD3- Dwellings Alterations, Extensions, Conversions and Replacement Dwellings; GR2- Amenity; and any relevant standards set at a national level by national housing legislation and guidance.

### **Impact on local amenity**

Any proposed change of use to an HMO should not place an unacceptable strain upon local facilities or have an unacceptable impact on local amenities. Consideration will be given as to whether the increase in the number of occupants within the property will have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy. This is particularly relevant when considering the use of semi-detached or terraced properties, properties in narrow streets or densely developed areas where potential impact is likely to be more concentrated and directly affecting neighbouring residents. Applicants will be expected to demonstrate appropriate measures to mitigate potential impacts such as appropriate soundproofing to address noise transmission and impact issues. Consideration

will also be given to whether the proposal would exacerbate any existing problems to an unacceptable level.

### **Display of advertisements**

The Council recognises that in areas with high levels of HMOs there is the potential for a proliferation of signage which can detract from the street scene and adversely affect residential amenity.

The display of advertisements in England is primarily governed by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Certain types of outdoor advertisements, including property 'for sale' and 'to let' boards benefit from 'deemed consent' under this legislation and do not require advertisement consent to be obtained from the Local Planning Authority, provided that the advert is displayed in accordance with the criteria set out in the regulations. Any board advertising a property for sale or to let must however be removed within 14 days of the completion of the sale/let.

## Appendix 1 – Relevant Local Plan Policies

### **Policy CS(R)12: Housing Mix and Specialist Housing**

1. On sites of 10 or more dwellings, the mix of new property types delivered are encouraged to contribute to addressing identified needs (size of homes and specialist housing) as quantified in the most up to date Strategic Housing Market Assessment, unless precluded by site specific constraints, economic viability or prevailing neighbourhood characteristics.
2. Proposals for new specialist housing for the elderly, including extra-care and supported accommodation, will be encouraged in suitable locations, particularly those providing easy access to local services and community facilities. Development proposals for specialist housing should provide adequate amenity space and parking.
3. Affordable housing provision in line with Policy CS(R)13 will still be required where the proposal for specialist accommodation provides self-contained dwellings.
4. There will be a presumption against further residential care accommodation resulting in or exacerbating an oversupply.
5. In order to reduce reliance on specialist housing in the future and to allow residents to live within their own homes for as long as they are able, the Council will encourage designs of dwellings that can be adapted should they be required.
6. Proposals for development that would result in the loss of special needs housing will only be granted permission where it can be demonstrated that there is no longer an established local need for this type of accommodation or adequate replacement accommodation will be provided.

**Policy RD3: Dwelling Alterations, Extensions, Conversions and Replacement Dwellings**

1. Proposals for dwelling alterations, extensions, conversion and replacement dwellings outside the Green Belt will be supported where they:
  - a. Retain the character of the existing property, its setting and the surrounding residential area;
    - i. This will include consideration of the siting, scale, design, and materials to be used.
    - b. Will not have a significant adverse impact on the amenity and living conditions of occupants of neighbouring properties; this will include consideration of
      - i. The potential for overlooking and the preservation of appropriate privacy distances; and
      - ii. The loss of sunlight or daylight to neighbouring properties; and
      - iii. The dominance or overbearing nature of the extension.
    - c. Enhance, provide or maintain safe highway conditions for pedestrians, cyclists and motor vehicles.
    - d. Will not result in isolated residential development.
    - e. Provide, or retain, sufficient parking within the curtilage of the property, where applicable.
    - f. Provide, or retain, adequate storage for recycling, refuse and cycles.
    - g. Retain outside access to the rear of the property; and they
    - h. Provide, or retain, a reasonable amenity space.

**Conversion**

2. Residential conversions of existing buildings will be permitted where they meet all of the above criteria (1. a-h) and where it is demonstrated that the building to be converted is of a permanent and substantial construction; capable of being converted; and in the case of sub-division or intensification of the existing residential use:
  - i. they would not create or contribute to a harmful concentration of such uses with regards to amenity and highways; and
  - ii. it would not result in a loss of character.

**Replacement Dwellings**

3. Replacement dwellings will be supported where they meet all of the above criteria (1. a-h) and they will not result in over-development of the site, or the curtilage.

**Change of Use**

4. The conversion of buildings from non-residential to residential use will be supported where they meet all of the above criteria (1. a-h) and where it is demonstrated that:
  - a. The building is of a permanent and substantial construction capable of being converted; and that.
  - b. It will provide a satisfactory residential environment.

**Policy CS(R)18: High Quality Design**

1. Achieving and raising the quality of design is a priority for all development in Halton.
2. Development proposals, where applicable, will be expected to:
  - a. provides beautiful and well-designed residential, commercial and industrial developments appropriate to their setting.
  - b. enhances and reinforces positive elements of an area's character contributing to a 'sense of place', including the incorporation of public art where appropriate.
  - c. respect and respond positively to their setting, including important views and vistas, landmark buildings, features and focal points that have been identified in a proper context appraisal.
  - d. be flexible and adaptable to respond to future social, technological, economic, environmental and the health needs of the Borough.
  - e. promote safe and secure environments through the inclusion of measures to address crime, fear of crime and anti-social behaviour;
  - f. creates public spaces which are attractive, promote active lifestyles and work effectively for all members of society.
  - g. incorporates appropriate landscape schemes into development designs, integrating local habitats and biodiversity.
  - h. provides safe, secure and accessible routes for all members of society, with particular emphasis on walking, cycling and public transport; and
  - i. be well integrated and connected with existing development.

**Policy GR1: Design of Development**

1. The design of all development must be of a high quality, and must demonstrate that it is based upon the following principles:
  - a. A clear understanding of the characteristics of the site, its wider context and the surrounding area.
  - b. Efficient and effective use of the site; and
  - c. The creation of visually attractive places that are well integrated with the surrounding buildings, streets and landscapes.
2. The Council will consider each of the following elements in determining whether the design is appropriate:
  - a. Local architecture and character.
  - b. Siting, layout, scale, height, proportion, form, grouping and massing.
  - c. Topography and site levels.
  - d. Orientation and appearance.
  - e. Materials, landscaping and green infrastructure.
  - f. The relationship to neighbouring properties and street scene; and
  - g. Reducing the fear of crime by promoting safe and connected environments.
3. Development proposals should make a positive contribution to their surroundings and ensure they contribute to the creation of a high-quality public realm that enhances conditions for pedestrians and cyclists.  
Development must where appropriate:
  - a. Provide welcoming routes that are easy to use, well-lit and overlooked.
  - b. Create well-defined streets and spaces.
  - c. Where buildings are located on corners, ensure that they present a strong and active frontage to both aspects of the corner, and that the corners of the buildings themselves clearly define the corner in the streetscape.
  - d. Integrate car parking and servicing so as not to dominate the street scene.
  - e. Avoid detrimental impacts on existing infrastructure and natural features; and
  - f. Provide linkages to the wider neighborhood.
4. All major<sup>4</sup> development proposals involving the construction of new buildings must demonstrate how sustainable design and construction methods will be incorporated to achieve resource efficiency and resilience to climate change in accordance with CS(R)19 taking into account the site-specific viability of the development, where appropriate.

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<sup>4</sup> Major development is defined as:

development involving any one or more of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits.
- (b) waste development.
- (c) the provision of dwellinghouses where—
  - (i) the number of dwellinghouses to be provided is 10 or more; or
  - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within subparagraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more: or
- (e) development carried out on a site having an area of 1 hectare or more.