

**REPORT TO:** Executive Board

**DATE:** 11<sup>th</sup> September 2025

**REPORTING OFFICER:** Executive Director Environment and Regeneration

**SUBJECT:** Article 4 Direction - Removal of permitted development rights for the change of use from Use Class C3 (dwelling houses) to C4 (HMOs)

**WARD(S)** Parts of Appleton, Central & West Bank, Halebank, Mersey & Weston, Beechwood & Heath, Grange, Bridgewater, Halton Castle, Halton Lea, Norton North and Norton South & Preston Brook

## **1.0 PURPOSE OF THE REPORT**

- 1.1 This report seeks approval from the Executive Board to make an Article 4 Direction to remove the permitted development rights for the change of use from Use Class C3 (dwelling houses) to C4 (HMOs).

## **2.0 RECOMMENDED: That**

- 1) the making of an immediate Article 4 Direction to remove permitted development rights for the change of use from Use Class C3 (dwelling houses) to C4 (HMOs) as set out at Appendix A be approved.**
- 2) The required notifications as set out in the report and the publication of a public notice as shown in Appendix C be authorised.**
- 3) Following notification and consultation, the matter is brought back to the Executive Board to consider any consultation responses and make a decision on whether to confirm the immediate Article 4 Direction.**
- 4) Authority is delegated to the Director of Planning and Transportation and Portfolio Holder for Environment and Urban Renewal, and the Portfolio Holder for Housing and Environmental Sustainability to amend the Houses in Multiple Occupation Supplementary Planning Document, (SPD) to include the making of the article 4 direction.**
- 5) It be noted that this proposal is a Key Decision which has not been included on the Council's Forward Plan and the procedure set down in Rule 16 of the Access to Information Procedure Rules, of the constitution, has been followed.**

## **3.0 SUPPORTING INFORMATION**

### **3.1 Introduction and Background**

The change of use from a family house (Use Class C3) to a small House of Multiple Occupation (HMO) (Use Class C4) has been permitted development since 2010. This means that an application for planning permission to the Local Planning Authority (“LPA”) is not required since there has been a national grant of planning permission for these types of developments. The effect of this is that the Council, as the Local Planning Authority, has no control on the numbers or locations of these types of HMOs. Larger HMOs, that is those accommodating more than 6 unrelated people, do not benefit from permitted development rights and still require planning permission.

3.2 Local Planning Authorities do, however, have the power, in exceptional circumstances, to withdraw permitted development rights through the making an Article 4 direction. This means that deemed planning permission is not granted automatically and that an application needs to be made to the Council. It does not prohibit development but enables the Council to have some control over the proposed development and to apply its own policies.

3.3 HMOs meet important and specific housing needs within the borough. However, there has been a significant increase in the number of HMOs in recent years and there are high concentrations in certain wards. Clustering of HMOs can impact local character, community cohesion and residential amenity.

3.4 Local Councillors and residents in a number of wards, have expressed their concerns over the clustering of HMOs in their area and the negative impact it is having. In September 2022, the Environment & Urban Renewal Policy and Performance Board (PPB) resolved to form a Working Party of Members to consider policy to address the proliferation and standards in Houses of Multiple Occupation. The working party made a number of recommendations on the information available at the time and the HMO SPD was then approved by Halton’s Executive Board in March 2025. A Supplementary Planning Document (SPD) provides detailed guidance and advice on specific planning policies within a local plan.

3.5 Although the SPD concluded that there was no evidence to introduce an Article 4 direction at that time of writing the SPD, new research provided evidence that there was an increase in HMOs, in the identified areas and concluded that an article 4 for those areas could be justified. Furthermore, the policy within the SPD cannot currently be applied to smaller HMOs. However, since the preparation of the SPD, the Council has been able to obtain additional evidence and data through the Housing Needs Assessment. This document is being used to inform the emerging Housing Strategy. This demonstrates that new trends are starting to emerge and, therefore, highlights the

need for the Council to consider other policy options including the introduction of an Article 4 direction. If Members resolve to approve the Article 4 direction, this policy will apply to all HMOs going forward.

3.6 **Article 4 Directions**

Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows LPAs to make directions withdrawing permitted development rights where an authority considers it expedient that development should not be carried out unless express planning permission has been obtained for the same.

3.7 Government Guidance contained in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance advises that Article 4 directions should be limited to situations where the direction is necessary to protect local amenity or the wellbeing of the area (Paragraph 54 of the NPPF). They should be applied in a measured and targeted way, based on robust evidence and cover the smallest geographical area possible. The potential harm that the direction is intended to address should be clearly identified and Article 4 directions which apply to large areas (such as those which cover the majority of a local planning authority) need to have a particularly strong justification.

3.8 There are two types of directions under the General Permitted Development Order: non immediate directions and directions with immediate effect.

- Non-immediate directions are those where permitted development rights are withdrawn following a prior notice period which includes a period of consultation.
- Immediate directions are where permitted development rights are withdrawn with immediate effect. These are then confirmed by the Council following consultation, including with the Secretary of State.

3.9 Immediate directions can be brought in when the development to which the direction relates would be prejudicial to the proper planning of the area or constitute a threat to the amenities of their area.

3.10 There is no right to appeal against an Article 4 direction. However, the decision to make one can be subject to judicial review proceedings.

3.11 The Secretary of State also has the power to 'call-in' article 4 directions.

- 3.12 The council could also see the number of lawful develop certificates increase for existing HMOs that are currently operating.

3.13 **Compensation**

In accordance with *Sections 107 and 108 of the Town and Country Planning Act 1990* and *The Town and Country Planning (Compensation) (England) Regulations 2015 (as amended)* property owners may be eligible for **compensation** if they are affected by the introduction of an **immediate** direction, or a **non-immediate** direction where less than 12 months' notice of the withdrawal of the permitted development rights has been given. However, compensation is only payable if an application for planning permission for the type of development formerly permitted by the GDPO 2015 is made within 12 months of the Article 4 direction taking effect.

- 3.14 The claim can include:

- Abortive expenditure, which could include preparatory work such as professional fees, plans, and reports.
- Other loss of damage directly attributable to the withdrawal of the permitted right i.e. the difference in the value of land if the development had been carried out and its value in its current state.
- Reduction in profit in carrying out the smaller development.
- The cost in complying with conditions i.e. bike storage.

3.15 **Proposed Article 4 direction / Evidence – summary of report**

An Article 4 direction is required as it is necessary to protect the local amenity and the wellbeing of the areas identified on the map. Furthermore, an immediate Article 4 direction is being proposed because introducing a non-immediate Article 4 direction would lead to delay in the protection of these areas, during which time more small HMOs could be developed. Given that impact of the current number and clustering of HMOs, any further uncontrolled HMOs would be prejudicial to the proper planning of the area and constitute a threat to the amenities of the area as discussed further in the attached evidence basis/ justification document.

- 3.16 The Council have identified areas of clustering within wards in both Widnes and Runcorn. The Council is aware of the importance of HMOs within the dwelling stock. However, there is a concern around the impact of clustering on local character, community cohesion and residential amenity. It is evidenced by the complaints found in the SPD public consultation that HMOs may negatively affect the amenity of the area. Furthermore, clustering of these properties can really start to change the character of the area, as when HMOs are grouped in close proximity the difference in lifestyle between households can lead to a loss of community cohesion and suburban feel.

3.17 With planning control, facilitated by an Article 4 direction, development management teams can mediate the issues that may come from HMO applications. Without this control, the Council risks development that would be prejudicial to the proper planning of the area or constitute a threat to residential amenity. This could have adverse effects on the local character and community cohesion. Therefore, it is recommended to introduce an article 4 in the identified areas, to manage the location of future HMOs and prevent clustering of these properties. If the Article 4 was not introduced this would be prejudicial to the proper planning of the area or constitute a threat to the amenities of their area

3.18 **Procedure**

Article 4 directions are made through a two stage process.

Stage 1: The Local Planning Authority (Halton Council) issues the direction. This will be an Executive Board decision. It then serves a notice to all affected areas and notifies the Secretary of State of the direction on the same day notice is given. It then carries out consultation within the affected areas.

3.19 Stage 2: The direction is confirmed by Executive Board no later than 6 months after the date on which it comes into force and the Secretary of State is notified. When confirming the direction the council must take into account responses received in the consultation in stage 1 and consider if it is necessary to make changes to the direction. If any material changes are necessary the council must re consult. Schedule 3 of the GPDO 2015 sets out the procedures for publicity and consultation of an Article 4 Direction.

3.20 In accordance with those requirements, the following consultation will be undertaken:

- Advertisement in the local press
- Display of Article 4 Direction site notice in the areas within the borough
- Notice published on the Council's website.
- Correspondence to statutory consultees and other bodies

3.21 **Timescales**

An indicative timescale could be as follows:

September - Article 4 Direction is made and secretary of state is notified, the permitted development right in relation in HMO's in the specified are immediately applied.

**September** - Six week consultation runs on Article 4 direction.

**October:** Officers Analyse the responses of the consultation

**February** - Article 4 direction is considered and confirmed (taking into account consultation responses if necessary) and the secretary of state is notified of this.

- 3.22 Please note this timetable could change should material changes be required as a result of the consultation or should a large volume of responses be received to the consultation which require a longer period of time to analyse. The timetable may also be subject to dates of Executive Board.

#### **4.0 POLICY IMPLICATIONS**

- 4.1 The Council does not have a direct HMO Policy within its most recently adopted Local Development Plan, the Delivery and Allocations Local Plan (DALP) 2022. However, Policy RD3 Dwellings, Alterations and Extensions which details the standards expected from dwelling extensions, alterations and residential conversions. Although HMO proposals are small scale, their impact on the local area can be considerable, particularly cumulatively.
- 4.2 The Council does have a HMO supplementary planning document, which will continue to provide guidance on the development of HMOs within the borough. However, as small HMOs are not currently monitored by planning due to being PD, without an Article 4 direction this SPD could not be applied to the smaller HMOs within the borough.

#### **5.0 FINANCIAL IMPLICATIONS**

- 5.1 The recommended immediate Article 4 direction means that the Council may be liable for compensation made under section 108 of the Town and Country Planning Act 1990.

#### **6.0 IMPLICATIONS FOR THE COUNCIL'S**

##### **6.1 Improving Health, Promoting Wellbeing and Supporting Greater Independence**

This Article 4 direction will ensure all HMOs are subject to Council planning policy, which seeks to protect housing standards and the general health and wellbeing of residents within the Borough.

##### **6.2 Building a Strong, Sustainable Local Economy**

Without an Article 4 direction, unregulated HMO growth can impact the character of local areas, reduce property values and put strain on infrastructure and business.

##### **6.3 Supporting Children, Young People and Families**

Without an Article 4 direction, dwellings for families can be converted into HMOs without an application for planning permission

being made to the Council. HMOs can also place a strain on local services like schools and create waste, noise and parking issues.

An article 4 direction means that the development can be brought into the control of the Council so that the impact of the development on these issues can be considered and addressed by either granting or refusing an application for planning permission in accordance with the Council's development plan and related planning policies.

#### **6.4 Tackling Inequality and Helping Those Who Are Most In Need**

Evidence suggests HMOs are located in areas which experience high levels of deprivation. An Article 4 direction will mean officers can monitor and protect against the poor standards associated with HMOs. This can protect those who are most vulnerable and ensure the issues they face are not aggravated by poor quality housing.

#### **6.5 Working Towards a Greener Future**

Surges in unregulated HMOs can increase the population density, which can increase pressure on the local environment. By controlling the number of HMOs in an area, the council can mediate the impact on waste collection and reduce fly-tipping which will help protect the local ecosystem.

#### **6.6 Valuing and Appreciating Halton and Our Community**

Enacting an Article 4 direction can support community cohesion, as it potentially places a restriction on the number of people who do not view the area as a long-term home. People who stay in HMOs are often quite transient, so it can be more difficult to establish or promote long-term relationships within the community.

#### **7.0 Risk Analysis**

7.1 The Council is liable for compensation due to the immediate nature of Article 4. However, a non-immediate (12 month delay) Article 4 direction poses too much risk to the amenity and character of the borough.

7.2 The Article 4 Direction could result in a reduction in the supply of HMOs. However, the impact of an Article 4 direction is that an application to the Council for planning permission would now be required for all small HMOs. It does not mean that such applications would be refused but that they would have to be determined in accordance with the Council's development plan and related planning policies

7.3 The Secretary of State, after being notified of the Article 4 direction, can intervene to reduce the area the Article 4 direction covers or can

stop the Article 4 direction completely. However, the Council believes it has a strong enough justification for its Article 4 direction.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

- 8.1 The Council has included an Equality Impact Assessment alongside this directive.

## **9.0 CLIMATE CHANGE IMPLICATIONS**

- 9.1 As it stands, development that is considered permitted development is not assessed by planning officers through the development management process. This means that small HMOs are not currently assessed against climate related policy in the Delivery and Allocations Local Plan or other supplementary planning documents. Enacting an article 4 would mean officers could monitor climate related standards of HMOs.

## **10.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Town and Country Planning (General Permitted Development) Order 2015 (as amended).	Municipal Building, Widnes	Rebecca Taylor
National Planning Policy Framework (NPPF 2025)	Municipal Building, Widnes	Rebecca Taylor
National Planning Practice Guidance (PPG)	Municipal Building, Widnes	Rebecca Taylor
Halton Delivery and Allocations Local Plan (DALP 2022)	Municipal Building, Widnes	Rebecca Taylor
Waste Local Plan (2013)	Municipal Building, Widnes	Rebecca Taylor
Houses in Multiple Occupation SPD	Municipal Building, Widnes	Rebecca Taylor