

REPORT TO: Executive Board

DATE: 12th February 2026

REPORTING OFFICER: Executive Director Environment and Regeneration

PORTFOLIO: Environment and Urban Renewal

SUBJECT: Article 4 Direction: Confirmation

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 The purpose of the report is to update Members on the outcome of the public consultation on the immediate Article 4 Direction made on 24 September 2025, removing permitted development rights for the change of use of a building from that of a use falling within Class C3 (dwelling house) to that falling within C4 (small HMOs) for parts of the borough, as detailed further below, and to ask Members to confirm it, accordingly.

2.0 RECOMMENDED: That the immediate Article 4 Direction removing permitted development rights for the material change of use of a building from a use falling within Class C3 (dwelling houses) to that falling within Class C4 (HMOs) made on 24 September 2025 is confirmed.

3.0 SUPPORTING INFORMATION

3.1 Introduction and Background

The material change of use from a family house (Use Class C3) to a small House of Multiple Occupation (HMO) (Use Class C4) (that is the use of a property by between 3 and 6 residents as a HMO) 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.

- 3.2 The effect of this is that the Council, as the LPA, has no control over the conversion of family homes to small HMOs, particularly in terms of their numbers and location. Larger HMOs, that is those accommodating more than 6 unrelated people, do not benefit from permitted development rights and require planning permission.

- 3.3 The Council does have the power, to remove these permitted development rights in exceptional circumstances and where there is evidence to justify the removal. This is through the making an Article 4 direction. This means that conversions to small HMOs would require full planning permission, thereby bringing them in line with the approach for larger HMOs. It should be emphasised that an Article 4 direction does not prohibit the conversion of dwellings to small HMOs but means they must be assessed against the Council's planning policies. Additionally, any changes of use that do not amount to material changes of use will be unaffected by the Article 4 direction since this does not amount to development and does not require planning permission.
- 3.4 Where there are high concentrations of HMOs, this can negatively impact the local character and residential amenity of the area. Complaints have been received from residents and ward Councillors about such impacts and, following the recommendations of a working party set up to consider the proliferation and standards in HMOs, the Houses in Multiple Occupation Supplementary Planning Document ("SPD") was approved by the Council in March 2025. Although the SPD concluded that there was no evidence to introduce an Article 4 direction at that time of writing the SPD, new research concluded that there was an increase in clusters of HMOs in certain areas of the Borough and an Article 4 Direction for those areas could be justified.
- 3.5 At the 11th September 2025 Executive Board Meeting it was agreed that the Council would introduce an immediate Article 4 Direction on the 24th September 2025 to remove permitted development rights for the material change of use from Use Class C3 (dwelling houses) to C4 (HMOs) within parts of Appleton, Central & West Bank, Halebank, Mersey & Weston, Beechwood & Heath, Grange, Bridgewater, Halton Castle, Halton Lea, Norton North and Norton South & Weston Brook.
- 3.6 The Executive Board agreed that the required statutory notifications and public consultation be carried out and the matter brought back to the Executive Board to consider any consultation responses before making a determination on whether to confirm the immediate Article 4 Direction.
- 3.7 It was also agreed that authority would be 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.

3.8 **Article 4 Direction**

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

3.9 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.

3.10 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.

3.11 Immediate directions can be made where an LPA wants to restrict certain permitted development rights quickly if such rights "would be prejudicial to the proper planning of the area or constitute a threat to the amenities of their area". Due to the prejudicial impact that the conversion of further family homes into small HMOs would have on the proper planning of parts of the Council's borough, the Executive Board resolved to make an immediate Article 4 direction removing the permitted development rights for material changes of use of a dwelling from use class C3 to use class C4 on 11 September 2025.

3.12 Immediate Article 4 directions are made through a two-stage process.

Stage 1: The Local Planning Authority (Halton Council) makes the direction. This will be an Executive Board decision. It then serves notice that the direction has been made 1) by local press advert 2) by site display at no fewer than 2 locations for a period not less than 6 weeks and 3) by serving it on the owner and occupier of every part of land within the area or site to which the direction relates. A copy of

that notice must also be served on the Secretary of State on the same day notice of the direction is published or displayed. The LPA then consults on the direction for a period not less than 21 days.

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. In deciding whether to confirm 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. If the Direction is confirmed, notice of the confirmation must be given as soon as reasonably practicable in the same manner as above and, again, a copy sent to the Secretary of State.

3.13 Notice of the made Immediate Article 4 direction has been given in accordance with the statutory procedures as detailed at paragraph 3.11 above. In addition, the notice was published on the Council's website and sent to statutory consultees. A copy of the notice was also sent to the Secretary of State.

3.14 The consultation period ran from 24th September 2025 to 5th November 2025; this is in excess of the statutory minimum 21 day period. The responses to the consultation exercise are detailed further below.

3.15 **Article 4 Consultation Responses**

Overall, a total of four statutory consultees responded to the Article 4 Consultation.

3.16 Historic England, Homes England and the Coal Authority did not raise any objections to the Article 4 Direction.

3.17 Moore Parish Council expressed an interest in extending the Article 4 Red Line Boundary to cover the entire Halton Borough. However, the parish offered no evidence for the necessity for this, which is required in line with the requirements of the NPPF. Therefore, the Council does not consider that the extension of the boundary can be justified.

3.18 The Council received no responses from members of the public or any landowners affected by the immediate Article 4 Direction.

3.19 More detail on the Article 4 Consultation can be found in Appendix A.

3.20 **Conclusions**

No matters have arisen during the consultation period that are material to the decision, and it is not proposed to recommend any changes to the immediate Article 4 direction that was approved by the Executive Board on the 11th September 2025. It is therefore appropriate to now seek a final decision on whether to confirm the immediate Article 4 Direction from the Executive Board.

- 3.21 Should the direction be confirmed, it will then be necessary to inform the Secretary of State and give public notice of the confirmation as set out above.

4.0 POLICY IMPLICATIONS

- 4.1 The Council's most recently adopted Local Development Plan, the Delivery and Allocations Local Plan (DALP) 2022 contains Policy RD3 Dwellings, Alterations and Extensions which details the standards expected from dwelling extensions, alterations and residential conversions.
- 4.2 Without the Article 4 direction, the material change of use from a family home to a small HMO can take place without planning permission and, therefore, without the application of these policies. As such, the Council has no control over which properties are converted and therefore cannot prevent unsuitable homes being converted, or neighbourhoods being inundated with HMOs. The confirmation of the Article 4 direction would bring this development within the Council's control and within the auspices of its planning policies, particularly the HMO SPD.

5.0 FINANCIAL IMPLICATIONS

- 5.1 The Article 4 direction may result in an increase in the number of full planning applications for the conversions of dwellings to HMOs. The increased cost of processing these will be covered by planning application fees.
- 5.2 As the Article 4 direction has been implemented immediately, there is the potential for landowners to claim compensation from the Council. A claim for compensation can only be made within 12 months of the Article 4 direction taking effect and where planning permission has been refused or granted subject to conditions other than those conditions imposed by the GDPO. The claim for compensation can include abortive expenditure and other loss or damage directly attributable to the withdrawal of the permitted development right. This can include the difference in the value of the land if the development had been carried out and its value in its current state, as well as the cost of preparing the plans for the works.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Improving Health, Promoting Wellbeing and Supporting Greater Independence

This Article 4 direction will ensure the material conversion of family homes to small 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, the material change of use from a family home to a small HMO can occur without an application for planning permission being made to the Council. HMOs can place a strain on local services like schools and create waste, noise and parking issues. An article 4 direction means that this type of 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 bringing the change of use from a family home to a small HMO back into the Council's planning control, thereby monitoring and protecting against the poor planning standards associated with these types of HMOs. This can result in the protection of 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 the material conversion of family homes to small 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 potentially reduce fly-tipping which will help protect the local ecosystem.

6.6 Valuing and Appreciating Halton and Our Community

Confirming the 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 There are a number of legal implications to note. Firstly, whilst there is no right to appeal against an Article 4 direction, the decision to make one can be subject to judicial review proceedings. This can result in incurring legal costs and, if the proceedings are successful, could result in the Article 4 direction being quashed.
- 7.2 Secondly, the Secretary of State also has the power to make a direction cancelling or modifying an Article 4 direction at any time before or after its confirmation.
- 7.3 Thirdly, the Council may be liable for compensation due to the immediate nature of Article 4, as discussed above at paragraph 5.2.
- 7.4 In addition, to the legal implication, there may be an indirect impact on the Council's staffing resources as the Council could also see the number of applications for lawful development certificates increase for existing small HMOs that are currently operating, as well as an increase in planning applications for future conversions.
- 7.5 The Article 4 Direction could also 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 the material change of use from a family home to a small HMO. 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.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 The Council conducted an Equality Impact Assessment (EIA) to evaluate the impact of this Article 4 Direction, in accordance with the Equality Act (2010). The EIA clarified that the policy could have unintended consequences on people from socio-economically disadvantaged backgrounds. However, the assessment identified that the policy does not discriminate as it does not intend to prevent future HMO planning permissions. The policy will instead ensure that the planning team can monitor and minimise the impact of HMOs on the local character and amenity of neighbouring properties. More information can be found in Appendix B.

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 None identified.

10.0 REASON(S) FOR THE DECISION

An Article 4 direction is required as it is necessary to protect the local character and residential amenity of the identified areas in the Borough.

11.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The alternative option would be to not confirm the Article 4 Direction. The Council concludes that this is not feasible due to the potential impact of not having an Article 4 Direction in place in the identified areas, notably the impact on local character and residential amenity.

12.0 IMPLEMENTATION DATE

27th February 2026

13.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
National Planning Policy Framework (NPPF 2025)	Municipal Building, Widnes	Rebecca Taylor
Delivery and Allocations Local Plan (DALP) 2022	Municipal Building, Widnes	Rebecca Taylor

Appendix A

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

Introduction

This consultation statement summarises the public consultation process undertaken by Halton Borough Council, regarding 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).

The statement notes and considers the representations received in respect of the statutory consultation process in order to inform the decision whether to confirm the Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 2015 (“the Order”).

Consultation Process

Under schedule 3 of the Town and Country Planning (General Permitted Development) Order 2015 (“the Order”), the statutory consultation procedure for Article 4(1) Directions with immediate effect is set out. Halton Borough Council has duly followed the statutory consultation process through the following means:

A Consultation period ran from 24th September 2025 to 5th November 2025 (6 week period). The Consultation was advertised on numerous online webpages such as the Council’s Article 4 webpage¹, the Runcorn and Widnes Weekly News, and the HBC Newsroom. The Consultation was also publicised through offline channels, such as paper copies of all relevant documents located in libraries and public notices displayed on lampposts throughout the borough. Hard copies could also be requested.

Also, the Council notified all statutory consultees by email, letter and public notice (including Parish Councils, Ward Councillors, neighbouring authorities and members of the public, agents, developers and organisations contained on the Planning Policy Consultation Database) about the consultation.

Notice includes a description of the development, the area to which it relates to, the effects of the direction, the date the direction will come into force, and location of relevant documents.

¹ <https://www3.halton.gov.uk/Pages/planning/Article4.aspx>

The Council sent correspondence to the Secretary of State informing of the Article 4 Direction on the 24th September 2025, the same day that the Notice was published and displayed throughout the borough. The Council received correspondence from the Secretary of State asking for the evidence for making the Article 4 Direction, and the Council responded to the Secretary of State explaining where the Article 4 information could be found.

The Council also emailed all known estate agents which could be impacted by the implementation of the Article 4 Direction.

Schedule 3 of the Order refers to giving notice to the owner and occupier of every part of land to which the direction relates, except where the number in the area makes individual service impracticable. It can be considered that the number of owners and occupiers in the defined area makes it impractical to give notice to all. To address this, public notices were displayed in prominent locations throughout the Borough.

Prior to the public consultation, the Planning Policy Team liaised with various internal Council departments, including Environmental Health, Development Control, and Legal Services.

Representation Summary

Overall, a total of four statutory consultees responded to the Article 4 Consultation. This includes representations from the following:

- Historic England
- Moore Parish Council
- Homes England
- The Coal Authority

Historic England, Homes England and the Coal Authority did not offer any specific comments on the Article 4 Direction.

Moore Parish Council expressed an interest in extending the Article 4 Red Line Boundary to cover the entire Halton Borough. However, at this time Halton Borough Council does not feel that there is the evidence to extend the Article 4 Red Line Boundary. The Council will review the Article 4 Red Line Boundary periodically, to ensure it meets its intended purpose.

The Council received no responses from members of the public in regard to the Article 4 Direction.

Article 4 – Next Steps

The Consultation concluded on the 5th November 2025. The responses received will be taken into consideration at a future Executive Board meeting that will determine whether to proceed with confirming the Article 4 Direction. This is to be brought to the Executive Board in the New Year. This should leave enough time for due process and the Direction can be confirmed within the 6-month deadline. If confirmed the Article 4 Direction will remain applicable throughout the Borough.

Appendix B

Equality Impact Assessment – Article 4

EIA Ref	EIA/ARTICLE4	
Lead Officer	Name	Forward Planning Team
	Position	
	Contact details	forwardplanning@halton.gov.uk

SECTION 1 –Context & Background

1.0 What is the title of the policy / ~~practice~~/service?

HMO Article 4 Directive

1.1 What is the current status of the policy / ~~practice~~ / service?

Existing

Changed

New

1.2 Who are the main stakeholders and who has primary responsibility for delivering the service?

Planning Policy, Planning, Enforcement, Environmental Health

1.3 Are there any other related ~~policies~~ / practices / ~~services~~?

Mandatory HMO Licencing - Environmental Health

1.4 Who is the policy / practice / service intended to affect?

Residents

Staff

~~Specific Group(s)~~

(add details below)

N/A

1.5 What are the principal aims and the intended outcomes of the service?

To remove the permitted development rights for the change of use from Use Class C3 (dwelling houses) to C4 (HMOs) in the identified areas of the borough, currently experiencing clusters of HMOs.

The Article 4 direction will have the direct impact of making all future HMO proposals subject to planning control.

This does not mean all HMOs will be refused planning permission. It gives control to the planning team so they can monitor and minimise the impact of HMOs on the local character and amenity of neighbouring properties.

SECTION 2 – Consideration of Impact

2.1 Is there sufficient evidence to determine, on the balance of probability, that the policy / ~~practice~~ / ~~service~~ has, or could have, an impact upon each of the equality groups identified below?

Yes (proceed to question 2.4) No ✓

2.2 Where further data / intelligence / consultation is required please provide details below.

Information Activity	Source / Planned	Timeframe	Lead Officer
Working group Evidence Report HMO SPD Licencing		2023 to 2025	Forward planning

2.3 What were the principal findings / conclusions of this research / consultation?

Identified clusters of HMOs which undermine the principles of the HMO SPD.

2.4.1 On the basis of evidence has the actual / potential impact of the policy / practice been judged to be positive (+), neutral (=), or negative (-) for each of the equality groups and is the level of impact considered to be high (H), Medium (M) or low (L)

**Equality Impact Assessment – Absence
Management Policy**

Key

R- Race/Ethnicity A – Age G – Gender SO – Sexual Orientation GR – Gender Reassignment SE – Socio Economic	D – Disability F – Faith/Religion PM – Pregnancy and Maternity MCP – Marriage/Civil Partnership C - Carers PSED – Public Sector Equality Duty*	- Negative Impact + Positive Impact = Neutral Impact
<p>* Does this service</p> <ul style="list-style-type: none"> √ Help towards the elimination of discrimination, √ Advance equality of opportunity √ Foster good relations <p>(√ or X – give evidence where appropriate)</p> <p>√ - This Policy applies equally to all residents and all protected characteristics</p>		
<p>Preserve the residential amenity and local character. Protect vulnerable communities. Support a balanced housing mix. Protect local infrastructure and services.</p>		

STRATEGIC AIM	R	A	G	SO	G R	D	F	PM	MCP	SE	C	PSED *	COMMENTS
Preserve residential amenity and local character	=	=	=	=	=	=	=	=	=	=	=	√	<p>This policy does not aim to discriminate against any individual group. This policy does not intend to prevent future HMO planning permissions. It gives control to the planning team so they can monitor and minimise the impact of HMOs on the local character and amenity of neighbouring properties.</p> <p>This policy will work in conjunction with any licencing initiatives put forward by environmental health.</p>
Promote good quality standard of housing, whilst ensuring these properties provide a positive impact on communities	=	=	=	=	=	=	=	=	=	X	=	√	
Support a balanced housing mix	=	=	=	=	=	=	=	=	=	=	=	√	
Protect local infrastructure and services	=	=	=	=	=	=	=	=	=	=	=	√	

2.4.2 Does the policy / ~~practice~~ / ~~service~~ have any potential impact upon safeguarding vulnerable people?

No specific impact

2.5 What data and information has been used in determining the positive impact of the policy / procedure / service under review in relation to promoting equality or good relations or eliminating discrimination and is this justifiable and lawful in regards to any negative impacts for other groups?

Equality Group(s)	Working group, evidence report, SPD consultation and licencing.
--------------------------	---

Baseline data and information

As per evidence report

Nature of impact and where this is positive justification

Ensure equitable distribution of HMOs throughout the borough

2.6 How will the impact of the policy / practice / service be monitored?

Referrals to Housing Solutions to monitor single person households who cannot access HMOs

2.7 Who will be responsible for monitoring and how will this be arranged?

Forward Planning

2.8 What actions, if any, has this review identified (that do not form part of a stage 2 assessment) to promote equality of opportunity or relations between groups and to support community cohesion? If no actions have been identified, please insert 'no further action identified' within first column.

Action & purpose / outcome	Priority	Timeframe	Lead Officer
Review Article 4 Directive	<i>High</i>	12 months from directive enacted	Forward Planning

2.9 Summary of stakeholders involved in this review

Job Title or Name	Organisation / representative of
<ul style="list-style-type: none"> Working Group - Cllr Woolfall 	Halton Borough Council

<ul style="list-style-type: none"> - Cllr S Hill - Cllr Philbin - Cllr Lowe - Cllr Wallace - Tim Gibbs - Environmental Health team - Legal representation - Council Members • Portfolio Holder for Environment and Renewal Paul Nolan • Portfolio folder for Housing and Environment Sustainability Cllr Phil Harris 	
--	--

2.10 Public Sector Equality Duty

General Duty

Does this policy / service take into account the need to: -

- (a) Eliminate discrimination, harassment, victimisation and any other conflict that is prohibited by the Equality Act 2010 Yes
No
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it Yes
No
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it Yes
No

2.11 Completion Statement

**As the identified Lead Officer of this review, I confirm that: -
(Please complete only one of the following sections)**

1. ~~A negative impact has been identified for one or more equality groups and that a Stage 2 Assessment is required~~
2. **There is sufficient information available to provide assurance that there will be a positive differential impact for one or more equality groups, and that this is justifiable and lawful OR a neutral impact has been determined but actions to mitigate the impact have been identified.**

Signed	
Dated	

Completed CIRAs should be sent to Policy, People, Performance and Efficiency Division to be given a unique reference number and for inclusion on the central register.