

## **Public consultation on the Planning Policy Document for managing the growth of Houses in Multiple Occupation (HMOs) in parts of Selly Oak, Harborne and Edgbaston**

### **FREQUENTLY ASKED QUESTIONS (FAQs)**

These questions refer to the **Planning Policy Document** which will be used to determine planning applications within the Article 4 area. For a list of the general frequently asked questions related to the Article 4 Direction, please visit the website at [www.birmingham.gov.uk/hmoppdarticle4](http://www.birmingham.gov.uk/hmoppdarticle4)

#### **1. What is the Planning Policy Document?**

- The Planning Policy Document will set out the principles that the Planning Committee will use to make decisions for planning applications for new Houses in Multiple Occupation (HMOs) in parts of Selly Oak, Harborne and Edgbaston (the Article 4 Direction area).

#### **2. What will the Article 4 Direction do?**

- Within the area covered by the Article 4 Direction, planning permission will be required to convert a family dwelling into a small HMO (i.e. the permitted development right will be removed).

#### **3. What policy approach will the Council take to determining planning applications for change of use from Class C3 to C4?**

- Conversion of C3 dwelling house to HMOs will not be permitted where there is already an over concentration of HMO accommodation (C4 or Sui Generis) or where it would result in an over concentration. An over-concentration would occur when 10% or more of the houses, within a 100m radius of the application site, would not be in use as a single family dwelling (C3 use).

#### **4. How did you arrive at the 10% figure?**

- We have looked at good practice elsewhere as well as looking closely at our own circumstances. The HMO lobby has identified 10% at which an area is considered imbalanced if dominated by any one particular type of housing.

#### **5. What other factors will you consider in determining an application, in addition to the 10% threshold?**

- If an application meets the threshold test, it will then be considered on its merits applying existing planning policies considering issues such as design and impact. Assuming it meets these criteria, it is likely to be approved.

#### **6. What happens if I am in the process of converting my house to a HMO?**

- Until 30 November 2014, the earliest date by which the Direction can come into force, you do not need planning permission to change use from a C3 (single family house) to a C4 (house occupied by no more than six unrelated people sharing) although we would like you to inform us.

- However if you are converting your property now to an HMO, planning permission may be required for the building works and this will not alter with the introduction of the Article 4 Direction. You may also need Building Regulations approval and an HMO licence.

**7. Does the Article 4 Direction apply retrospectively?**

- No, the Article 4 Direction does not apply retrospectively. Therefore if a property within the Article 4 Direction area was in a lawful planning use as a C4 small HMO, planning permission is not required to continue this use. You are requested however to advise the council of a property that has changed its use from a C3 (single family house) to a C4 (house occupied by no more than six unrelated people sharing) so we can register the correct use class for that property.

**8. Do I need planning permission to change a Class C4 (HMO) back into a C3 (single family dwelling) house?**

- No.

**9. What will be the cost for planning applications under the new rules?**

- There is no fee for an application for change of use from Class C3 to Class C4 in the Article 4 area. The fee for change of use to a sui generis HMO will still apply.

**10. Will I be able to find out if a property I am looking to purchase or change to an HMO is or isn't already over the threshold?**

- In order to check if a property is likely to get planning permission before a formal application is submitted, the city council's Planning and Regeneration service provide free pre-application advice.

**11. Why is this system of checking the percentage of HMOs in an area not available to the public?**

- The data sets we will use to determine the percentages are subject to the Data Protection Act and therefore we are unable to make this information public.

**12. Is this policy now in place permanently or is it likely to change?**

- The policy approach and in particular the threshold will be reviewed annually to ensure that it is effective in preventing the over concentration of HMOs occurring.

End