

## **Report to Cabinet**

**Subject:** Houses in Multiple Occupation (HMOs) in Netherfield Ward

**Date:** 4<sup>th</sup> September 2025

**Author:** Assistant Director – Development

**Wards Affected:** Netherfield

**Purpose:** This an updated report is to inform Members of the suitability of implementing an Article 4 direction to introduce a requirement for planning permission to change from a Use Class C3 Dwellinghouse (dwelling) to a Use Class C4 HMO (3-6 unrelated people who share facilities) in the Netherfield Ward.

**Key Decision:** No

### **Recommendation(s)**

#### **THAT Cabinet:**

- 1) Agree that there is currently insufficient evidence to demonstrate that an Article 4 direction or any other measure is necessary to protect local amenity or the well-being of the Netherfield Ward.**
- 2) Agree that the overall number of HMOs in the Netherfield Ward should be monitored.**

## **1 Background**

- 1.1 On 20 April 2022 the Council resolved to refer the principle of making of an Article 4 Direction to remove permitted development rights for change of use from Use Class C3 (dwellinghouse) to Use Class C4 (house in multiple occupation) covering the Netherfield area to Cabinet. The Council also called upon the government to reverse the legislation it introduced in September 2010 that removed a requirement for planning permission for HMOs and resolved to write to local members of parliament accordingly.

- 1.2 An Article 4 direction is a direction made under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which enables the Secretary of State or the local planning authority to withdrawn specific permitted development rights across a defined area. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) advises that the use of Article 4 directions to remove national permitted development rights should be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area and in all cases, be based on robust evidence, and apply to the smallest geographical area possible
- 1.3 Reports were considered by Cabinet on 16<sup>th</sup> June 2022 and 8<sup>th</sup> December 2022. Both reports concluded that there was insufficient evidence to demonstrate that an Article 4 Direction should be served in order to protect amenity or the surrounding environment.
- 1.4 Appendix 1 was evidence considered by Cabinet on 8<sup>th</sup> December 2022. Cabinet agreed with the recommendation to; Agree that i) there was currently insufficient evidence to demonstrate that an Article 4 direction or any other measure is necessary to protect local amenity or the well-being of the Netherfield Ward; and ii) to monitor the overall number of HMOs in the Netherfield Ward.

## **2 Proposal**

- 2.1 An updated analysis of the suitability of implementing an Article 4 direction is attached at Appendix 2 of the report. The report considers the current evidence available to the Council including the following:
  - An assessment of the planning application received since the Cabinet report of 8<sup>th</sup> December 2022 being the change of use of 48 Bourne Street to a 7 bedroom, 7 person HMO (Sui Generis use). It should be noted that this property was already in use as a HMO with 6 occupiers. The application was determined to be compliant with the NPPF, Greater Nottingham Aligned Core Strategy (Part 1 Local Plan), Local Planning Document and the Parking Provision for Residential Developments – Supplementary Planning Document
- 2.2 There are 3120 residential properties within the ward of Netherfield (Valuation Office Agency 2024). An assessment of the composition of the housing stock in Netherfield concludes that only 0.44%, a total of 14 properties, are HMOs with capacity to accommodate 5 or more unrelated individuals. There are currently 2 HMOs present on Chandos Street, 3 on Ashwell Street and 2 on Victoria Road. Presently, there does not appear

to be an over concentration on one particular locality. The distribution of existing HMOs in the Netherfield Ward is shown at Appendix 3.

- 2.3 There is currently one application being considered for a Lawful Development Certificate for a HMO of up to 6 occupants at 24 Bourne Street. This is not an application for planning permission but seeks confirmation that the proposed development is lawful in planning terms, i.e. permitted development, and therefore the usual material considerations are not relevant in the determination of the applications. Two further applications for Lawful Development Certificates have recently been granted at 42 Forester Street and 5 Beech Avenue. Should all 3 of these properties be developed into HMO's, the total number of HMO's in Netherfield Ward would be 17, or 0.54% of the housing stock.
- 2.4 Analysis shows that there are 2 additional HMO's in Netherfield when compared to the assessment with the Cabinet Report of December 2022. The overall conclusion of the assessment, having regard to the requirements set out in the NPPF and PPG, is that there is still currently insufficient evidence to demonstrate that an Article 4 direction is necessary to protect local amenity or the well-being of the Netherfield ward. As there are further HMO's being developed within the ward, the situation should however be monitored to ensure that a proliferation of HMOs does not emerge, in any particular locality or the Netherfield ward as a whole which might then justify further that consideration of an Article 4 direction is required. No other measures are therefore required to protect the amenity or well-being of the Netherfield ward.

### **3 Alternative Options**

- 3.1 An alternative option is to implement either an Article 4 direction to remove permitted development rights for change of use from Use Class C3 (dwellinghouse) to Use Class C4 (house in multiple occupation) covering the Netherfield Ward which takes effect immediately, or a non-immediate Article 4 direction which would result in permitted development rights being withdrawn upon confirmation of the direction, following local consultation. These options would not however be evidenced based and would not comply with the guidance contained within NPPF and PPG.

### **4 Financial Implications**

- 4.1 There are no direct financial implications arising from the recommendations in this report. Should either of the alternative options be pursued this may give rise to a liability to compensate, as detailed in Section 5, Legal Implications, for which there is no budgetary provision.

## **5 Legal Implications**

- 5.1 The statutory power and policy requirements in relation to the making of Article 4 directions are set out in section 2 at appendix 3. The making of such a direction without the necessary justification and evidence as specified in the NPPF could result in the order being challenged. The withdrawal of development rights by an Article 4 direction may give rise to liability to compensate where permission is sought and refused.

## **6 Equalities Implications**

- 6.1 There are no direct equalities implications arising from this report.

## **7 Carbon Reduction/Environmental Sustainability Implications**

- 7.1 There are no carbon reduction/environmental sustainability implications arising from this report.

## **8 Appendices**

- 8.1 Appendix 1 - Article 4 Directions and the suitability of implementation in the Netherfield Ward to introduce a requirement for planning permission to change from a C3 Dwellinghouse (family dwelling) to a C4 HMO (3-6 unrelated people who share facilities)
- 8.2 Appendix 2 – Updated Assessment: Article 4 Directions and the suitability of implementation in the Netherfield Ward to introduce a requirement for planning permission to change from a C3 Dwellinghouse (family dwelling) to a C4 HMO (3-6 unrelated people who share facilities).
- 8.3 Appendix 3 – Distribution of existing HMOs in the Netherfield Ward.

## **9 Background Papers**

- 9.1 National Planning Policy Framework (2024) [National Planning Policy Framework - GOV.UK](#)
- 9.2 Planning Practice Guidance [Planning practice guidance - GOV.UK](#)
- 9.3 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#)
- 9.4 Adopted Local Plan and Policy Documents [Adopted local plan and policy documents - Gedling Borough Council](#)

## **10 Reasons for Recommendations**

10.1 Insufficient evidence exists to support an Article 4 direction to introduce a requirement for planning permission to change from a C3 Dwellinghouse (family dwelling) to a C4 HMO (3-6 unrelated people who share facilities) in the Netherfield Ward.

10.2 To ensure continued monitoring of the position.

**Statutory Officer approval**

**Approved by:**

**Date:**

**On behalf of the Chief Financial Officer**

**Approved by:**

**Date:**

**On behalf of the Monitoring Officer**