

## Report to Cabinet

**Subject:** Houses in Multiple Occupation (HMOs) in Gedling Borough

**Date:** 29<sup>th</sup> January 2026

**Author:** Assistant Director – Development

**Wards Affected:** Netherfield

**Purpose:** This an updated report is to inform Members of the number of HMOs within the Borough and provide a recommendation regarding the suitability of implementing an Article 4 direction to remove permitted development rights in order 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) within any particular ward.

**Key Decision:** No

### Recommendation(s)

**THAT Cabinet:**

- 1) Agree that there is currently sufficient evidence to demonstrate that an Article 4 direction is necessary to protect local amenity or the well-being of Chandos Street, Ashwell Street and Beech Avenue within Netherfield Ward and approve the making of the direction that will be referred back to Cabinet for confirmation 12 months after it is made.
- 2) Notes the total number of HMOs within the Borough.
- 3) 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 entirety of any ward or wider area within the Borough.
- 4) Agree that the overall number of HMOs within the Borough 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 as the correct decision making body within the Council. 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 withdraw 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 focussing on HMOs within the Netherfield Ward were considered by Cabinet on 16<sup>th</sup> June 2022, 8<sup>th</sup> December 2022 within a further updated report being considered by Cabinet on 4<sup>th</sup> September 2025. These 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 sets out the evidence considered by Cabinet on 4<sup>th</sup> September 2025. 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 with a further resolution that a new boroughwide report for HMOs be brought before the committee within the next three months.

## **2      Proposal**

- 2.1 Details of the numbers of HMOs within each Ward of the Borough is set out within the Table in Section 3 of Appendix 2 along with an updated

analysis of the suitability of implementing an Article 4 direction in any area of the Borough. The report considers the current evidence available to the Council including the following:

- Details of the total number of HMOs within each Ward within Gedling Borough
- Details of the impacts arising from HMOs including issues relating to character and amenity, refuse, car parking and highway safety and anti-social behaviour
- An assessment of the planning applications for HMOs across the borough determined within the last 2 years being:
  - 18 Clementine Drive, Mapperley - Change of use from C3 dwelling to sui generis, 8 bedroom, house in multiple occupation – Refused planning permission
  - 15 Church Drive, Daybrook - Change of use from Class C3 (dwellinghouse) to Sui Generis House in Multiple Occupation (HMO) for 15 occupants (11 bedrooms, 4 of which are double-occupancy), including demolition of the existing garage, construction of a wraparound single-storey rear and side extension, and internal reconfiguration. A rear-facing L-shaped dormer and two front rooflights are proposed under permitted development rights – Refused planning permission
  - 3 & 5 West Street, Arnold - Change of use from social club to 9 person HMO (Sui Generis use) with minor external alterations for new windows – Granted planning permission
  - 7 Thackeray's Lane, Woodthorpe - Change of use from residential dwelling to HMO – Granted planning permission
  - 48 Bourne Street, Netherfield – change of use to a 7 bedroom, 7 person HMO (Sui Generis use) – Granted planning permission

2.2 The table shows that there are a total of 54,870 residential properties within Gedling Borough (Valuation Office Agency 2024). The assessment of the composition of the housing stock within Gedling Borough shows that there are a total of 112 HMOs which comprise 0.20% of the total housing stock.

2.3 The Ward with both the greatest number of HMOs and proportion of HMOs as a percentage of total dwellings is Netherfield with a total of 1.15% of properties being HMOs. There are 3120 residential properties within the

ward of Netherfield (Valuation Office Agency 2024) with a total of 36 properties being HMOs. Carlton Hill Ward has a total of 0.48% of properties being in use as HMOs, or 19, and Daybrook Ward has 0.47% of properties in use as HMOs, or 15. As these 3 wards have the highest proportion of properties in use as HMOs within the Borough it is considered appropriate to focus the assessment of the impacts of HMOs within these 3 wards.

#### Netherfield Ward

- 2.4 In terms of the distribution of the HMOs within the Netherfield Ward, the records assessed show the greatest number of HMOs on Chandos Street, where there are a total of 7. The properties on Chandos Street are numbered up to 156, assuming this number of dwellings on the street the total proportion of HMOs on the street is 4.49%.
- 2.5 There are 4 HMOs on Ashwell Street, 3 on Forester Street and 2 on each of Victoria Road, Meadow Road, Bourne Street, Burton Road and Beech Avenue. Ashwell Street comprises 46 residential properties with the proportion of HMOs being 6.5%. Beech Avenue is directly to the north-west of Ashwell Street and features only 19 dwellings which means 10.5% of dwellings on this road are in use as HMOs. Forester Street runs parallel with Chandos Street to the south-east and is numbered to 79, meaning 2.37% of properties are in use as HMOs.
- 2.6 The distribution of existing HMOs in the Netherfield Ward is shown at Appendix 3. This shows a cluster of HMOs on Chandos Street with numbers 26, 42, 44, 46 and 49 all in use as HMOs or able to be occupied as such. The HMOs on Ashwell Street appear at 39, 40, 41 and 45 which appears as a cluster of HMOs. This cluster is increased in size by the 2 HMOs on Beech Avenue which appears to the north-west of Ashwell Street.
- 2.7 The analysis shows that there are 22 additional HMOs in Netherfield when compared to the assessment with the Cabinet Report of September 2025. However, it should be made clear that in order to provide Members with the total number of HMOs in the Borough, this report includes all records of properties that are able to be used as HMOs whereas the previous report included only those properties which could be confirmed as being in use as a HMO. Therefore whilst there has clearly been an increase in

HMO numbers within the ward this should not be used as a direct comparison to the data presented to the Cabinet meeting of September 2025.

2.8 It should be reiterated that 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. Whilst the overall number of HMOs on Chandos Street represents a small proportion of the dwellings on the road, there is a cluster of 5 HMOs within 100m. There is a further cluster of 6 HMOs that appears on Ashwell Street and Beech Avenue.

2.9 In 2008, the Government published 'Evidence Gathering: Housing in Multiple Occupation and possible planning responses – Final Report' which set out the main impacts of high concentrations of HMOs which can be summarised as;

- Anti-social behaviour, noise and nuisance
- Imbalanced and unsustainable communities
- Negative effects on the physical environment and streetscape
- Pressure upon parking provision
- Increased crime
- Growth in the private rented sector at the expense of owner-occupation
- Pressure upon local facilities
- Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population

2.10 Local Planning Policy acknowledges the need to address the issues set out above within both the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (ACS) and the Gedling Borough Local Planning Document Part 2 Local Plan (LPD). Policy 8 of the ACS states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities and Policy 10 states that all new development should be designed to create an attractive, safe, inclusive and healthy environment. Policy LPD32 states that planning permission will be granted for development proposals that do not have a significant

adverse impact on the amenity of nearby residents or occupiers. LPD 39 states that planning permission will be granted for residential development that provides for an appropriate mix of housing, subject to housing need and demographic context within the local area.

- 2.11 The Council does not currently hold any evidence to suggest the increased numbers of HMOs within Netherfield have resulted in an increase in anti-social behaviour or any detrimental effects to the character of the streetscape. However, the majority of the ward of Netherfield is characterised by a linear pattern of streets of traditional semi-detached and terraced dwellings fronting the road. The density of the built form means that very few dwellings within the ward benefit from off-street parking.
- 2.12 The Government Report referenced in paragraph 2.9 identifies one of the issues arising from high concentrations of HMOs as increases in parking pressure. Given the character of Chandos Street, Ashwell Street and Beech Avenue are typical of Netherfield it is considered that the identified clusters of HMOs are increasing parking pressure on these streets where there is already considerable off-street parking. In order to protect the amenity of the surrounding area and that of residents the introduction of an Article 4 Direction limited to Chandos Street, Ashwell Street and Beech Avenue, as detailed on the plan attached as Appendix 6 is considered necessary.
- 2.13 It should be noted that the introduction of an Article 4 Direction would not preclude additional C4 HMOs, but would allow individual applications to be considered on their own merits. At present, the Borough Council has the ability to manage additional large HMOs (with 7 or more unrelated occupants) through the planning application process. Extending this to cover Use Class C4 HMOs within the specific locations identified would allow the Council to give full consideration to the impacts arising from HMOs, particularly regarding on-street car parking and highway safety.
- 2.14 Having regard to the requirements set out in the NPPF and PPG, it is considered 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 entire Netherfield ward. It is considered likely that there will be additional HMOs developed within the ward and it is therefore

considered that the situation across the ward should continue to be monitored to ensure that a proliferation of HMOs does not emerge.

- 2.15 Two types of article 4 direction can remove permitted rights to change from a C3 Dwellinghouse to a C4 HMO. Firstly, an article 4 direction may take effect immediately but this must be confirmed by the local planning authority following consultation within six months or it will lapse. Secondly, a non-immediate article 4 direction may be made which results in development rights being withdrawn only upon confirmation of the direction following local consultation.
- 2.16 The legal requirement for a non-immediate direction is that the local planning authority considers it is expedient that the development should not be carried out unless permission is granted for it on an application. For an immediate direction the local planning authority must consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. Local authorities can elect to make a nonimmediate direction in instances where it would be legally possible to make an immediate direction. The immediacy of the threat and compensation liability may be considerations in determining which to use.
- 2.17 A direction coming into effect immediately would have the clear advantage of straight away providing the Council with the ability to manage new C4 HMOs in the areas identified. However, it would also expose the Council to potentially very high levels of compensation liability in cases where applications submitted within the first 12 months of the removal of the permitted development rights were refused or granted subject to conditions, such compensation being based, in part, on the difference in property values arising from the Council's decision.
- 2.18 A non-immediate direction with a prior notice period of 12 months would avoid compensation liability and also allow the results of local consultation to be taken into account in advance of the Council deciding to confirm the direction and remove permitted development rights. However, there would be a delay in the Council's ability to manage additional C4 HMOs and a clear risk of acceleration in changes of use to C4 HMOs during the notice period, resulting in exacerbation of existing problems.

2.19 The harm identified is judged to be sufficient justification to instigate the necessary stages leading to the introduction of a non-immediate article 4 direction covering Chandos Street, Ashwell Street and Beech Avenue, as detailed within Appendix 6, to remove these permitted development rights, thereby enabling additional C4 HMOs and their effects to be coherently and comprehensively managed within the context of a robust policy framework. Having regard to the scale of potential compensation liability, a prior notice period of 12 months would be given of the direction taking effect, despite the threat presented by the continued exercising of permitted development rights during this notice period.

#### Carlton Hill Ward

2.20 In terms of the distribution of the HMOs within the Carlton Hill Ward, this is shown at Appendix 4. The records assessed show the greatest number of HMOs on Standhill Road, where there are a total of 4. The properties on Standhill Road are numbered up to 231, assuming this number of dwellings on the street the total proportion of HMOs on the street is 1.7%. There are 3 HMOs on Mayfield Road and 2 on each of Curzon Avenue and Honeywood Drive.

2.21 Whilst a large area of the Netherfield Ward is characterised by a uniform street linear street pattern comprising traditional terraced and semi-properties without very little off-street car parking, the Carlton Hill Ward is much more varied in character with a greater proportion of properties benefiting from some off-street car parking provision.

2.22 There is not currently any evidence that the use of the properties identified as HMOs is resulting in any detriment to the amenity of the Ward. Therefore, the overall conclusion of the assessment, having regard to the requirements set out in the NPPF and PPG, is that there is insufficient evidence to demonstrate that an Article 4 direction is necessary to protect local amenity or the well-being of the Carlton Hill Ward. It is however considered that the situation should however be monitored to ensure that a proliferation of HMOs does not emerge

#### Daybrook Ward

2.23 Appendix 5 shows the distribution of the HMOs within the Daybrook Ward. This shows the highest number of HMOs on Edwin Street, where there

are a total of 3 such properties. The properties on Edwin Street are numbered up to 101, assuming this number of dwellings on the street the total proportion of HMOs on the street is 2.9%. There are 2 HMOs on Sherbrook Terrace where there are 22 properties (9% of dwellings), 2 on Furlong Street where there are 53 dwellings (3.77% of dwellings).

- 2.24 Similar to Carlton Hill Ward, Daybrook has a more varied character than Netherfield with dwellings having a mixture of both on-plot and on-street car parking arrangements. Whilst some streets do largely rely on on-street car parking there are not currently any identified clusters of HMOs that would result in an exacerbation of on-street car parking.
- 2.25 Whilst 9% of the dwellings of Sherbrook Terrace comprise HMOs, these do not form part of wider cluster and there does not appear to be any proliferation of HMOs within any one locality within the Daybrook Ward. There is not currently any evidence that the use of these properties as HMOs is resulting in any detriment to the amenity of the Ward. Therefore, the overall conclusion of the assessment, having regard to the requirements set out in the NPPF and PPG, is that there is insufficient evidence to demonstrate that an Article 4 direction is necessary to protect local amenity or the well-being of the Daybrook Ward. It is however considered that the situation should however be monitored to ensure that a proliferation of HMOs does not emerge in the 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 an entire Ward or several Wards 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. This option would not however be evidenced based and would not comply with the guidance contained within NPPF and PPG as it would not identify the smallest possible geographical area
- 3.2 A further option would be to impose an immediate Article 4 Direction in respect of the identified streets within Netherfield. However, this would expose the Council to the threat of significant compensation where

applications are either refused or granted subject to conditions for a period of 12 months.

### 3.3

A third option is not to implement an Article 4 Direction in the areas identified. This may result in the proliferation of HMOs on these streets being further exacerbated, leading to a detriment to the amenity of residents and highway safety due to increased on-street car parking.

## 4 Financial Implications

- 4.1 Any applications for planning permission to change the use of a property within the Article 4 Areas would be subject to the nationally set application fee which is currently £588. It is not possible to predict the number of applications that may be received within the Article 4 areas.
- 4.2 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.

The revenue costs of publishing and advertising the Article 4 Direction in local press and notices around the borough pursuant to consultation will 4.3 need to be met by existing budgets.

## 5 Legal Implications

- 5.1 The statutory power and policy requirements in relation to the making of Article 4 directions are set out within this report and within Section 2 of 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.
- 5.2 The article 4 direction would be prepared in full accordance with legislative requirements set out with Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Any decision to subsequently confirm the direction would be made having regard to the outcome of the consultation process and evidence, thereby minimising the risk of legal challenge.

- 5.3 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 Article 4(1) direction within in a 12-month period of it coming into effect.
- 5.4 The Secretary of State has the power to cancel or modify an Article 4 direction at any time before or after it is confirmed.

## **6 Equalities Implications**

- 6.1 There are no direct equalities implications arising from this report. The proposed Direction will be subject to a public consultation which will allow any concerns to be identified and dealt with through a subsequent decision on the confirmation (or otherwise) of the Direction.

## **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 – September 2025 - 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 of an Article 4 Direction to introduce a requirement for planning permission to change from a Use Class C3 Dwellinghouse (dwellinghouse) to a Class C4 HMO (3-6 unrelated people who share facilities) within the Borough.
- 8.3 Appendix 3 – Distribution of existing HMOs in the Netherfield Ward.
- 8.4 Appendix 4 - Distribution of existing HMOs in the Carlton Hill Ward
- 8.5 Appendix 5 - Distribution of existing HMOs in the Daybrook Ward
- 8.6 Appendix 6 – Proposed Article 4 Direction Area

## **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](#)  
The Town and Country Planning (General Permitted Development)
- 9.3 (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 plan and local policy documents](#)
- 9.5 'Evidence Gathering: Housing in Multiple Occupation and possible planning responses – Final Report' MHCLG – September 2008 [Evidence Gathering: Housing in Multiple Occupation and possible planning responses - Final Report](#)

## **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) within an area comprising an entire Ward or several Wards.
- 10.2 It is considered appropriate to implement an Article 4 Directions to remove the permitted development right to change the use of a C3 Dwellinghouse (family dwelling) to a C4 HMO (3-6 unrelated people who share facilities) to cover Chandos Street, Ashwell Street and Beech Avenue in order to protect the amenity of streets.
- 10.3 To ensure continued monitoring of the position.

<b>Statutory Officer approval</b>
<b>Approved by:</b> <b>Date:</b> <b>On behalf of the Chief Financial Officer</b>
<b>Approved by:</b> <b>Date:</b>

**On behalf of the Monitoring Officer**