

Dwelling houses and Houses in Multiple Occupation

Changes to planning law which came into force on 6 April 2010 mean that dwelling houses and small Houses in Multiple Occupation (HMO's) are now in different 'Use Classes'.

What is a House in Multiple Occupation?

As a result of the changes there are now two main types of HMO: -

1. Shared dwellings occupied by 3 to 6 unrelated people. These are now in their own 'Use Class'¹ – C4. Before the 6 April change they were treated no differently to 'dwelling houses' which are in Use Class C3.
2. Shared houses occupied by more than 6 people. HMO's of more than 6 people will continue to need planning permission and are not within a defined Use Class.

A dwelling will fall into the C4 Use Class if:

- It is a shared dwelling house occupied by between 3 and 6 unrelated persons.
- At least two of the households who occupy the living accommodation share one or more basic amenities (kitchen, bathroom, toilet). This could include small bed-sits. *Self-contained flats, for example, in a converted building, will not be in Use Class C4 although individual flats can themselves fall within Class C4 if they meet the criteria.*
- It is occupied as a main residence. Students, migrants and asylum seekers living in the property for only part of the year will be considered as living in the property as their main residence.
- Rent is paid by at least one occupant.

A dwelling will not fall into the C4 Use Class where:

- It is a single household. This means members of the same family including step children and foster children, married or same sex couples or those in an equivalent relationship, and relatives. There is a more detailed definition of "single household" in the Housing Act 2004.
- It is occupied by the owner and up to 2 lodgers or the owner and domestic employees such as nurses and an au pair.
- It is a residential or care home
- It is social housing such as that managed by local authorities or registered social landlords, or is a property occupied by students which is managed by the education establishment.

‘Permitted Development’ rights and restrictions in certain areas covered by ‘Article 4’ Directions

From 1 October 2010 further legislation means that although the C3 and C4 Use Classes remain in place, planning permission is not normally needed to change from C3 to C4. Exceptions will be where a condition imposed on a grant of planning permission restricts such changes or where an ‘Article 4 Direction’ is in place. Leeds City Council is currently in the process of implementing an Article 4 Direction which will mean that planning permission will be needed to change the use of a C3 Dwelling House to a C4 small House in Multiple Occupation within certain areas. Further information on this can be found [here](#). Planning permission will however normally be needed to change the use of a dwelling house to a larger (over 6 residents) House in Multiple Occupation.

Will planning permission be granted (where needed) to change the use of a dwelling house to a C4 House in Multiple Occupation?

There is no simple answer to this. Throughout the district the issues which are likely to be addressed if you make an application for the change of use of a dwelling house to a Class C4 HMO will be: -

- The impact of the change on the living conditions of existing neighbouring residents.
- The availability of car parking off or on-street.
- The need to maintain a diverse housing stock which caters for all sections of the population including families. This will be particularly so within the defined Area of Housing Mix which covers Headingley, Hyde Park, and Burley and Woodhouse and also extends into parts of Kirkstall, Far Headingley and West Park. In this area HMO’s form a significant part of the housing stock and this creates its own particular issues and pressures. Applications within this area will in addition be considered against policy H15² of the Leeds Unitary Development Plan (Review 2006)

Change of use from C4 to C3

Planning permission is not required for a property to change from a Class C4 HMO to a Class C3 dwelling house.

These notes are intended as a quick and simplified guide to the planning system as it affects HMO’s but should not be treated as a definitive interpretation of the law. For further information please contact Planning Services.

¹ Use Classes group similar uses together and planning permission is not normally needed to change from one use to another within a defined Class.

² Policy H15 states that:

Within the area of housing mix planning permission will be granted for housing intended for occupation by students or for the alteration, extension or redevelopment of accommodation currently so occupied where:

i) the stock of housing accommodation, including that available for family occupation, would not be unacceptably reduced in terms of quantity and variety;

ii) there would be no unacceptable effects on neighbours' living conditions including through increased activity, or noise and disturbance, either from the proposal itself or combined with existing similar accommodation

iii) the scale and character of the proposal would be compatible with the surrounding area;

iv) satisfactory provision would be made for car parking and ;

v) the proposal would improve the quality or variety of the stock of student housing.