

Article 4 (1) direction on small HMOs

Residents from across Shaw and Crompton have contacted both the Shaw & Crompton Independents and Liberal Democrats concerned with the expansion of HMOs.

Whilst there is very little we can do to prevent full planning applications from being considered, we can act to close the loophole that allows for permitted development rights for Houses in Multiple Occupation (HMOs) where between three and six unrelated people share basic amenities, such as a kitchen or bathroom.

Oldham Council currently permits, without the need for planning permission under 'permitted development rights', the change of use of a typical dwelling house occupied by a single household in use class C3, to a property used as a 'small' HMO that is shared by between three and six unrelated people in use class C4.

Such concerns were put before the Shaw & Crompton Parish Council on 29/08/23.

At this meeting the Parish Council recognised that:

- There is an increasing threat to the residents of Shaw & Crompton from speculator developers purchasing, and outbidding with ease, domestic dwellings designed for housing young families, further pricing them out of the area.
- There is growing concern from local residents about the increasing harm the conversion of domestic dwellings designed for family housing are having on the fabric of residential streets and the overall neighbourhood.
- Clusters of HMO premises that are emerging in neighbourhoods within the parish due to the utilisation of permitted development rights.
- It is time that the Parish Council took immediate steps to safeguard the fabric of our community.

On this basis the Parish Council voted unanimously to, as a matter of urgency, for OMBC to seek to approve a Shaw & Crompton Parish wide Article 4 Direction to remove permitted development rights for changes of use from dwellings (Use Class C3) to Houses in Multiple Occupation (Use Class C4).

Motion

This Council resolves to,

1. For the OMBC executive to consider and investigate the making of a direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 on a Shaw & Crompton Parish wide basis to withdraw the permitted development rights to convert a dwellinghouse (C3) to a House in Multiple Occupation (C4) is appropriate, and justified, to prevent harm to local amenity and the wellbeing of the parish area.
If direction (1) is approved by the council executive then following resolutions are to be applied.
2. To approve the making of the Article 4(1) Direction for the Parish Boundary.

3. To delegate authority to OMBC to carry out all necessary consultation following the making of the Direction, to notify the Secretary of State in accordance with statutory requirements and to take all other action considered necessary or expedient to give effect to the matters set out in this motion.
4. To confirm that, the Shaw & Crompton Parish wide Article 4(1) Direction will be effective with immediate effect once made.

Oldham Council leadership cannot hide behind government legislation on this issue. As it has the authority to give residents both a voice and a transparent process to ensure that their views and community factors are considered.

As it is expected that the Council values resident's views and opinions and puts communities at the forefront of decision making.

The adoption of this motion is an obvious step to demonstrating to the people of this town that the council is prepared to act in their interests. And not just pay lip service to concerns relating to their communities.

Motion Proposer:

Cllr Marc Hince MBA MCMl

Motion Seconder:

Cllr Howard Sykes MBE

Amendments – Proposer Cllr B Brownridge, Seconder Cllr A Shah.

After Paragraph 1, insert “Information from the Council’s planning team shows that as of August 2022, there were 31 HMOs within the Shaw and Crompton Parish boundaries, 10 in Crompton and 21 in Shaw, representing 0.32% of households in these wards.”

Delete “Oldham Council currently permits, without the need for planning permission under ‘permitted development rights’, the change of use of a typical dwelling house occupied by a single household in use class C3, to a property used as a ‘small’ HMO that is shared by between three and six unrelated people in use class C4.”

Insert “In 2015, the Coalition Government introduced a Statutory Instrument, **The Town and Country Planning (General Permitted Development) (England) Order 2015**, which removed the need for planning permission for certain developments, which includes the conversion of homes into Houses of Multiple Occupancy (**HMO**)”

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- 4.To confirm that, the Shaw & Crompton Parish wide Article 4(1) Direction will be effective with immediate effect once made.”

Insert “Instruct the Planning department to collect and collate evidence on the number of HMOs in each ward across the borough, identifying clusters and report back to the relevant cabinet member if any case can be made for an Article 4 direction, noting the National Planning Policy Framework requires that any such direction should apply to the smallest possible geographical area based on this evidence.”

Delete: “Oldham Council leadership cannot hide behind government legislation on this issue. As it has the authority to give residents both a voice and a transparent process to ensure that their views and community factors are considered.

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Insert “The Council is committed to following the law around planning, and would pursue any action it could take to support residents that wouldn’t open the council up to legal action and fines from the planning inspectorate.

This council is resident focused and acts in the interests of the wider borough, and any action taken without robust evidence would be irresponsible and harmful to residents in every ward in Oldham.”