

## **The Independent Group (TIP) & Failsworth Independent Party (Joint Motion)**

### **Labour Amendment**

Moved by: Cllr Elaine Taylor

Seconded by: Cllr Davis

**Delete**

**Add**

### **Article 4(1) direction on small HMOs**

Residents are rightly concerned with the number of Houses of Multiple Occupancy (HMO's) which are currently being introduced across the borough.

We have always believed HMOs are a symptom of the housing crisis and not a solution. In some cases, exploiting some of the most vulnerable people within our community through substandard and unsafe accommodation.

Whilst it is not possible to prevent full planning applications from being submitted, 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.

The Council can, however, adopt an Article 4 Direction to remove these permitted development rights. This will require a planning application to be submitted for change of use from class C3 to C4. This means due process will be applied giving residents a say in what happens in their communities.

We had hoped the government would introduce new legislation to make HMO developers more accountable and give residents a greater say by making it mandatory for small HMO developers to be licensed with the local authority.

In addition, the government has stated it is committed to removing all asylum applicants (approximately thirty thousand) from temporary hotel accommodation. We believe this action will inevitably mean further demand for HMOs.

We acknowledge and accept that the implementation of Article 4 borough wide will have a significant impact on available resources particularly the Planning Department. ~~Therefore, to enable the council to gear up to meet requirements, the~~

~~Civil Parish of Shaw & Crompton and Failsworth are to be prioritised with the implementation of Article 4. With Article 4 being extended to the rest of the borough no later than twelve months thereafter.~~

This Council resolves to:

1. As soon as possible, Cabinet to consider and make a direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 on a borough wide basis. ~~prioritising the Civil Parish of Shaw & Crompton and Failsworth.~~ Withdrawing 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 promote the wellbeing of the aforementioned areas.
2. To delegate authority to OMBC Planning Department to carry out all necessary consultation and to notify the Secretary of State in accordance with statutory requirements.
3. That, the ~~Shaw & Crompton Civil Parish and Failsworth~~ Borough wide Article 4(1) Direction will come into effect once made.
4. ~~To implement Article 4(1) Direction borough wide, no later than twelve months after coming into effect in the aforementioned priority areas.~~ To put existing and prospective HMO landlords on notice that OMBC will look to implement the Article 4(1) Direction on 1<sup>st</sup> January 2026.

Oldham Council ~~cannot~~ does not intend to rely on or hide behind government legislation on this issue.

An Article 4(1) Direction can be used to manage HMO concentration and prevent the formation of imbalanced communities and negative impact on local amenity.

~~If the Council values~~ As a resident focused Council, we value resident's' opinions and puts communities at the forefront of decision making. ~~, it must give~~ We are committed to giving residents a voice and a transparent process to ensure that their views are heard.

The adoption of this motion demonstrates to the people of the borough that the council is prepared to act in their interests.

**Motion as Amended**

## **Article 4(1) direction on small HMOs**

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This Council resolves to:

1. As soon as possible, Cabinet to consider and make a direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 on a borough wide basis. Withdrawing 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 promote the wellbeing of the aforementioned areas.
2. To delegate authority to OMBC Planning Department to carry out all necessary consultation and to notify the Secretary of State in accordance with statutory requirements.

3. That, the Borough wide Article 4(1) Direction will come into effect once made.
4. To put existing and prospective HMO landlords on notice that OMBC will look to implement the Article 4(1) Direction on 1<sup>st</sup> January 2026.

Oldham Council does not intend to rely on or hide behind government legislation on this issue.

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