

CROYDON COUNCILPLACERECORD OF DELEGATED DECISION

<b>TITLE</b>	<b>BOROUGH-WIDE NON-IMMEDIATE ARTICLE 4 DIRECTION FOR THE CHANGE OF USE FROM A DWELLING HOUSE (C3) TO SMALL HOUSE IN MULTIPLE OCCUPATION (HMO) (C4)</b>
<b>REFERENCE NO.</b>	028 (19) DD
<b>SUMMARY</b> (include all appropriate considerations to the decision)	<p><b>BACKGROUND</b></p> <p>This report seeks delegated authority to undertake the introduction of a "non-immediate" Article 4 Direction in accordance with the requirements set out in Schedule 3 under the Town and Country Planning (General Permitted Development) (England) Order 2015 to allow a Local Planning Authority to remove permitted development rights for the change of use between a dwelling house (C3) and a small House in Multiple Occupation (HMO) (C4).</p> <p>Currently, changes of use between a dwelling house (C3) and small HMO (C4) do not require planning permission as it is permitted development under Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015. The change of use from a dwelling house (C3) to a 'large' HMO (Sui-Generis) does however require planning permission.</p> <p>Evidence supporting the Croydon Local Plan 2018 identified a need to protect and deliver a large proportion of family homes to meet the estimated need as part of the borough's overall housing need. For this reason policy SP2.7 of the Croydon Local Plan 2018 sets a strategic target for 30% of all new homes in Croydon up to 2036 to have 3 or more bedrooms to provide homes for existing and future families in Croydon. Additionally, in order to meet this strategic demand Policy DM1.2 on Housing Choice for Sustainable Communities seeks to protect the loss of 3 bedroom homes (as originally built) or the loss of homes smaller than</p>

130m<sup>2</sup>. Also, Policy DM1.1 requires that any new build development or conversions consisting of 10 or more units will need to provide a minimum percentage of 3 or more bedroom units as part of their scheme. Over the past 10 years, Croydon has lost over 900 family homes to conversion and large HMO properties. This does not include the number of family homes lost to the current permitted development right, which remains unknown due to the inability to specifically quantify the change of uses. However, other sources of data and intelligence from other Council Services, especially the Landlord Licencing and Environmental Services point to any ever increasing number of small HMOs in the borough. Given the rapid decline in necessary family home stock in the borough, the introduction of this Non-Immediate Article 4 has never been more relevant and justified.

#### **PROPOSED PERIOD OF REPRESENTATIONS**

Schedule 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 states that an Article 4 Direction without immediate effect introduced by a Local Planning Authority (LPA) must be notified for a minimum of 21 days during which representations concerning the direction may be made to the LPA for consideration by the Council in making the Direction. For a non-immediate Article 4 Direction, this notice must occur as soon as practicable after the direction has been made and must specify the date on which it is proposed that the direction will come into force. The Council is proposing to provide a 6 week period for representations to be submitted. Notices will be available via local advertisement, at two (2) locations in the borough and via written correspondence to contacts on the Council's Local Development Framework (LDF) database. Following the period for representations, the Council must take into account any representations received during the period and make a decision as to whether to "confirm" the direction. The decision to confirm must not occur until the expiration of 28 days following the latest date on which any notice relating to the direction was published. If

the decision is not to confirm the Article 4 Direction, the Direction will lapse.

Following confirmation, a "non-immediate" Article 4 Direction would come into effect in 12 months on the date specified in the publication notice.

#### **TIMETABLE**

The process and proposed timetable for the making of this "non-immediate" Article 4 Direction is as follows:

**January 2019 to March 2019:** Six-week period for representations for the "non-immediate", borough-wide Article 4(1) Direction, during which comments can be made.

**Spring 2019:** Report back to Planning Committee on the results of the six-week period for representations, and after taking all responses into consideration, a decision will be taken on whether to confirm that the Article 4(1) Direction. If confirmed it will come into effect in January 2020.

**January 2020:** The Council will give notice of the confirmation of the Article 4(1) Direction.

#### **FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

The decision to introduce a "non-immediate" Article 4 Direction will avoid claims for compensation from the Council.

The introduction of a "non-immediate" Article 4 Direction would result in fee income for the Planning Department through the cost of submitting a planning application. However, this is likely to be cost neutral given the resource needed to determine the submitted planning applications.

#### **LEGAL AND STATUTORY IMPLICATIONS**

Whilst the Council has powers to make an Article 4 Direction, it must be referred to the Secretary of State where there is residual power to intervene and prevent the Article 4 Direction from remaining in effect.

	<p><b>RISK MANAGEMENT</b></p> <p>There is a risk that the Secretary of State may intervene and prevent the introduction of an Article 4 Direction if it is considered the need for the Article 4 Direction is not justified.</p>
<p><b>RECOMMENDATIONS</b></p>	<p>The Council approve the undertaking of a borough-wide "non-immediate" Article 4 Direction to remove permitted development right for the change of use from residential use (C3) to small HMO use (C4).</p>
<p><b>BACKGROUND PAPERS/ CABINET OR COMMITTEE REPORT</b></p>	<p>Borough-Wide Non-Immediate Article 4 Direction</p> <p>Borough-Wide Non-Immediate Article 4 Direction for the change of use from a dwelling house (C3) to a small house in multiple occupation (HMO) (C4) - Evidence report</p>

I agree to the recommendation (as amended\*)  
 \* delete as appropriate

Heather Cheesbrough

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 Print Name



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 Signature  
 Director of Planning and Strategic Transport

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 Title  
 11<sup>th</sup> January 2019

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 Date