

Houses in multiple occupation

Supplementary Planning Document



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1. Status of the document

1.1 This Supplementary Planning Document (SPD) replaces the SPD of the same name which was adopted by the Council in 2014. This SPD provides guidance on the change of use of dwellings to Houses in Multiple Occupation (HMOs) within the Article 4 Direction area.

2. Background

2.1 The University of Exeter has grown significantly since 2006/7 from approximately 11,200 full time equivalent students to 27,300 in 2021/22. Future student numbers are uncertain, but the University currently forecasts limited further growth over the next five years.

2.2 With this growth in the student population, there has been a growth in the need for and amount of student housing. The Council's planning policy response has included adopting the HMO SPD and making an Article 4 Direction to help manage the impact of increasing numbers of student-HMOs in certain parts of the City close to the University's campuses. At the same time the Council has focused on meeting additional student housing needs in Purpose Built Student Accommodation (PBSA). This has ensured that most of the growth in student numbers has been met by PBSA. Availability of PBSA has increased from around 2,000 bedspaces in 2007 to around 12,500 bedspaces in 2022.

2.3 Data on student Council Tax exemptions, PBSA planning permissions and HMO Licences gives a good indication of the location of student accommodation within Exeter. It is currently estimated that around 45% of students in need of housing can be accommodated in PBSA, which is the accommodation of choice for a large majority of first year students. Around 35% of undergraduate students are in HMO accommodation and around 20% live in the private rental sector.



3. The purpose of the guidance

3.1 The purpose of this SPD is to clarify the implementation of Saved Policy H5 criterion (b) of the Exeter Local Plan First Review 1995-2011 (2005). Within the Exeter St James Neighbourhood Planning Area it also clarifies the implementation of Policy C1 criterion (e) of the Exeter St James Neighbourhood Plan (2013). The SPD may need to be updated further when the emerging Exeter Plan is adopted to clarify any relevant policies in that plan.

3.2 The law requires that planning decisions be in accordance with local and neighbourhood plans unless material considerations indicate otherwise. The relevant part of Exeter Local Plan First Review policy H5 states:

H5: The conversion of dwellings to flats, self contained bedsitters or houses in multiple occupation and the development of special needs or student housing will be permitted provided that:

(b) The proposal will not create an over concentration of the use in any one area of the city which would change the character of the neighbourhood or create an imbalance in the local community.

3.3 The relevant part of the Exeter St James Neighbourhood Plan policy C1 is as follows:

Changes of use to houses in multiple occupation (HMO) will not be permitted unless;

(e) the proposal would not result in an over concentration of HMOs in any one area of the ward, to the extent that it would change the character of the area or undermine the maintenance of a balanced and mixed local community.



4. Scope of the guidance

4.1 The guidance in the SPD applies to all planning applications made for a change of use from a dwelling (Class C3 of the Use Classes Order) to an HMO occupied by three to six people (Class C4 of the Use Classes Order) or a 'sui generis' HMO of seven or more occupants within the Article 4 area. Within that Article 4 area, planning permission is required for a material change of use from Class C3 to Class C4. The Article 4 area is mapped in the Article 4 Direction published on the Council's website. The SPD does not apply to purpose built student accommodation.

4.2 The Article 4 area surrounds but excludes the following streets, due to the high proportion of properties with student Council Tax exemptions that they already contain:

- Culverland Road
- Danes Road
- Edgerton Park Road
- Hillsborough Avenue
- Mowbray Avenue
- Old Park Road
- Springfield Road
- Victoria Street
- Wrentham Estate

4.3 The restriction on further HMOs within the Article 4 area will not affect properties that can prove an existing lawful use as an HMO.

4.4 Applicants for planning permission are advised to consider the licencing requirements for HMOs which are set out on the Council's website:

[www.exeter.gov.uk](http://www.exeter.gov.uk/housing/private-landlords/houses-in-multiple-occupation-hmo/houses-in-multiple-occupation)
[/housing/private-landlords/houses-in-multiple-occupation-hmo](http://www.exeter.gov.uk/housing/private-landlords/houses-in-multiple-occupation-hmo/houses-in-multiple-occupation)
[/houses-in-multiple-occupation](http://www.exeter.gov.uk/housing/private-landlords/houses-in-multiple-occupation-hmo/houses-in-multiple-occupation)

These include local and national space and amenity standards.



5. Policy interpretation

5.1 The SPD resists any further changes of use to HMOs within the area covered by the Article 4 Direction. In other words, within the area subject to the HMO Article 4 Direction, the Council regards the existing proportion of properties with student Council Tax exemptions to be an over-concentration of student housing for the purposes of Local Plan Policy H5(b) and St James Neighbourhood Plan Policy C1(e).

6. Exceptional circumstances

6.1 The personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of the local community may be material to the consideration of a planning application. Such arguments will seldom outweigh more general planning considerations. However, there may be cases where very localised communities are already so imbalanced that the policy objective of protecting a balance is unlikely to be achieved. In these cases owners of Class C3 dwellings may have difficulty in finding a purchaser for continued Class C3 Use and may therefore wish to change to Class C4/sui generis HMO use. In considering whether to make an exception to the policy and this proposed SPD, the Council will have regard to:

- Local representations in support or objection from those directly affected by the proposal;
- The proximity of existing Class C4 uses, larger HMOs or student Council Tax exempt properties where they might be likely to affect the amenities of normal family life (e.g. if there are such uses on both adjoining sides);
- Any demonstrable difficulty in achieving a satisfactory sale of a property as a Class C3 dwelling;
- Any other circumstances indicating the policy restriction is causing severe personal hardship.

6.2 The Council will continue to monitor HMO licences, delivery of purpose built student accommodation and student Council Tax exemptions in order to consider future changes to the Article 4 area and this SPD.



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