

## **EXETER CITY COUNCIL**

### **SUPPLEMENTARY PLANNING DOCUMENT HOUSES IN MULTIPLE OCCUPATION (INCLUDING CLASS C4 USES)**

#### **1 STATUS OF DOCUMENT**

- 1.1 This amended Supplementary Planning Document was adopted by the Council's Executive on 21 January 2014.

#### **2 BACKGROUND**

- 2.1 The University of Exeter has grown significantly in recent years from 11,923 full time equivalent students in 2006/7 to 16,501 at 2013/14 and it expects to reach 18,000 by 2018/19. While a significant and increasing proportion of students live in purpose-built student accommodation, a large number live in shared student houses that are concentrated in certain parts of the City that are close to the University's campuses. The number of properties in Exeter that are exempt from Council Tax due to entire occupation by full time students has increased from 1,184 in 2006 to 2,711 in May 2013. This includes an increasing number of about 750 purpose-built private student cluster flats and studios.
- 2.2 Not all students who live in private houses are in properties that are registered as exempt from Council Tax. There are students who lodge or share with non-students. There are also many houses in multiple occupation that are not entirely occupied by students and small properties of 1 or 2 bedrooms that are Council Tax exempt that are not classified as houses in multiple occupation. Therefore the figures for Council Tax exemptions do not show the whole picture so far as houses in multiple occupation (HMO's) are concerned, but they do provide a useful indicator for gauging the growth and distribution of student occupation in private dwellings.

#### **3 PURPOSE OF GUIDANCE**

- 3.1 The purpose of the guidance document is to clarify the implementation of Policy H5(b) of the Exeter Local Plan. Within St James ward it clarifies the implementation of Policy C1(e) of the Exeter St James Neighbourhood Plan. It will also apply to emerging Policy DD12(e) of the draft Development Delivery DPD (December 2013). These policies are reproduced at Appendix A.
- 3.2 The law requires that planning decisions be in accordance with the development plan unless other material considerations indicate otherwise. The main part of the development plan relevant to student accommodation is criterion (b) of Policy H5 of the adopted Exeter Local Plan. This 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.

#### **4 SCOPE OF GUIDANCE**

- 4.1 The guidance will apply to all planning applications for change of use from homes (Class C3 of the Use Classes Order) to Class C4 (houses in multiple occupation by three to six people) and to 'sui generis' houses in multiple occupation of seven or more occupants, within the areas shown on the accompanying plan. In this area planning permission is required for material change of use from Class C3 to Class C4 following the removal of permitted development rights through an Article 4 Direction taking effect in January 2012. The guidance does not apply to purpose-built student accommodation or to nine streets that are not subject to the Article 4 Direction. They are:

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

- 4.2 Further guidance on the need for planning permission for houses in multiple occupation is available on the Council's website at <http://www.exeter.gov.uk/index.aspx?articleid=13208&listid=9485>
- 4.3 The proposed restriction on further houses in multiple occupation will not affect properties that can prove an existing lawful use as a house in multiple occupation.
- 4.4 Council Tax exemptions within the area amounted to 21.2% of homes at May 2013. The area where the restriction applies was extended in January 2014 to include two parts of Newtown ward and parts of Pennsylvania and Duryard wards which previously had been less than 20% of exemptions.

#### **5 BASIS OF PROPOSED POLICY**

- 5.1 The Council is proposing to resist any further changes of use to houses in multiple occupation within the area shown stippled on Plan 1. In other words the Council will regard the existing proportion of Council Tax exemptions as an over-concentration of HMO use for the purposes of Policy H5(b).

##### Exceptional Circumstances

- 5.2 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 the more general planning considerations. However, there may be some 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 find difficulty in finding a purchaser for continued Class C3 use and may therefore wish to change to Class C4/HMO use. In considering whether to make an exception in such cases to the policy and this SPD guidance 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 Council Tax exempt properties where they might be likely to affect the amenities of normal family life (e.g. if there were 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.

5.3 This policy has been drafted on the basis of data at May 2013. Data will be updated on an annual basis every May.

## **6 FURTHER INFORMATION**

6.1 For further information on this SPD please contact:

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## HOUSES IN MULTIPLE OCCUPATION

### DRAFT DELIVERY DPD

**POLICY DD12:** *Development involving the conversion of a building to flats, bedsits, or a house in multiple occupation, will be permitted provided:*

- (a) the proposal would not harm the character and appearance of the building;*
- (b) the design, layout and intensity of use of the building would not have an unacceptable impact on neighbouring residential amenities;*
- (c) internal and external amenity space, refuse storage and car and bicycle parking is provided at an appropriate quantity, to a high standard and so as not to harm visual amenity;*
- (d) the proposal would not cause unacceptable highway problems; and,*
- (e) the proposal would not result in an over concentration of HMOs in any one area of the city, to the extent that it would change the character of the area or undermine the maintenance of a balanced and mixed local community.*

The Houses in Multiple Occupation SPD provides additional guidance on the implementation of policy and includes a map of the area covered by the Article Four Direction. The Council's Residential Design SPD provides additional details of the Council's approach to residential conversions and the Sustainable Transport SPD provides the standards used to determine an appropriate level of car and cycle parking.

### ST JAMES NEIGHBOURHOOD PLAN

#### **C1: HOUSES IN MULTIPLE OCCUPATION**

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.*