

EXETER CITY COUNCIL

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

1 STATUS OF DOCUMENT

- 1.1 This Supplementary Planning Document was agreed by the Council's Executive on 5 July 2011.

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 15,250 at 2010/11 and it expects to reach 18,700 by 2025/6. 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 2,417 in May 2011. This includes an increasing number of 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 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 measure 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.
- 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 stippled on Plan 1 and potentially within the areas shown striped. In all these areas planning permission will be 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 will not apply to purpose-built student accommodation or to nine streets that are not subject to an 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.

5 BASIS OF PROPOSED POLICY

- 5.1 With effect from 1 January 2012, the Council is proposing to resist any further changes of use to houses in multiple occupation within the area shown stippled on Plan 1, where the proportion of homes exempt from Council Tax already exceeds 20%. In other words the Council will regard a proportion greater than 20% as an over-concentration of HMO use for the purposes of Policy H5 (b).

Exceptional Circumstances

- 5.2 PPS1 *The Planning System: General Principles* states (para 21):

'Exceptionally,... 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 (eg 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 If annual monitoring indicates that the proportion of Council Tax exemptions in the areas shown striped on the plan have increased to over 20%, then the restrictions will be applied to those areas. The proportion of existing Council Tax exemptions in these areas is shown on the plan.
- 5.4 This policy has been drafted on the basis of data at May 2011. Data will be updated on an annual basis every May. The proportions have been calculated on the basis of areas that respect ward boundaries.

6 FURTHER INFORMATION

- 6.1 Annex 1 is a chronology listing events and the background documents on the Council's website that relate to the issue.
- 6.2 Anyone wishing to discuss the issues or seek further information should contact planning@exeter.gov.uk or telephone 01392 265223.

7 PUBLIC CONSULTATION

- 7.1 A copy of a consultation statement is available on the Council's website.

RICHARD SHORT
HEAD OF PLANNING AND BUILDING CONTROL

JULY 2011

CHRONOLOGY AND BACKGROUND DOCUMENTS RELATING TO UNIVERSITY OF EXETER STUDENT ACCOMMODATION ISSUES

DATE DOCUMENT AND DESCRIPTION

- Dec 2006** **Report to Planning Committee on University of Exeter Supplementary Planning Guidance.**
This report proposes to agree 9 principles for public consultation and adoption as supplementary planning guidance on future development of University of Exeter related facilities.
- It attaches a report that was considered by the Council's Planning Member Working Group in November 2006 on the University of Exeter's proposed Estates Strategy 2006-2016 that identifies the significant scale of future potential expansion and related residential accommodation and car parking issues.
- Planning Committee Report on draft SPG Report on draft SPG.**
- [http://committees.exeter.gov.uk/Data/Planning%20Committee/20061211/Agenda/\\$Item%2004a.doc.pdf](http://committees.exeter.gov.uk/Data/Planning%20Committee/20061211/Agenda/$Item%2004a.doc.pdf)
- PMWG report 28 November 2006**
Report on Estates Strategy
- [http://s-civ-wap01:9071/Data/Planning%20Committee/20061211/Agenda/\\$Item%2004a.doc.pdf](http://s-civ-wap01:9071/Data/Planning%20Committee/20061211/Agenda/$Item%2004a.doc.pdf)
- June 2007** **University of Exeter Related Development Supplementary Planning Guidance.**
The adopted nine principles SPG. These include support for expansion of the University subject to 75% of additional students being accommodated in purpose built accommodation
- Adopted SPG**
- <http://exeter.gov.uk/CHttpHandler.ashx?id=7530&p=0>
- Executive report**
Explains the consultation process and response to comments upon the consultation draft
- <http://committees.exeter.gov.uk/mgConvert2PDF.aspx?ID=1239>
- June 2007** **PMWG report on proposed students in residential areas SPG.**
Proposes draft supplementary planning guidance on Student Accommodation in Residential Areas
- <http://s-civ-wap01:9071/mgConvert2PDF.aspx?ID=1081>
- Feb 2008** **Student Accommodation in Residential Areas Supplementary Planning Guidance.**
Adopted SPG identifying three areas of the City where further student accommodation will be restricted to avoid creating imbalanced communities. The areas already have more than 25% of homes exempt from Council Tax due to their entire occupation by full time students
- Adopted Supplementary Planning Guidance.**
- <http://co.exeter.gov.uk/mgConvert2PDF.aspx?ID=2588>

Executive report

Explains the consultation process and response to comments upon the consultation draft

<http://committees.exeter.gov.uk/mgConvert2PDF.aspx?ID=1124>

Oct 2008 Annual report to Planning Member Working Group on University/student related issues.

Includes proposed response to a DCLG consultation on the introduction of greater planning controls of houses in multiple occupation.

PMWG report

<http://s-civ-wap01:9071/mgConvert2PDF.aspx?ID=4220&ISATT=1#search=%22annual%20monitoring%20%22>

June 2009 Annual report to Planning Member Working Group on University/student related issues.

PMWG report

<http://s-civ-wap01:9071/mgConvert2PDF.aspx?ID=8832>

Feb 2010 Report to PMWG on Government announcement regarding creation of new Class C4 giving councils planning control over small HMOs.

PMWG report

<http://s-civ-wap01:9071/mgConvert2PDF.aspx?ID=13000>

Apr 2010 Government's proposed new Class C4 comes into effect.

Material changes of use from Class C3 homes to Class C4 small HMOs of 3-6 persons now require planning permission

Aug 2010 Report to Planning Member Working Group on University/student related issues.

Updates Councillors on proposed changes in legislation to make change of use from Class C3 to Class C4 permitted development from 1 October. Councils can only retain planning control on the change of use from Class C3 to Class C4 by making an Article 4 Direction removing the permitted development right.

PMWG report

<http://s-civ-wap01:9071/mgConvert2PDF.aspx?ID=15204&ISATT=1#search=%22Class%20C4%22>

Sept 2010 Report to Executive

Authority delegated to the Head of Planning and Building Control Services in consultation with the Portfolio Holder Sustainable Development and Transport to make an Article 4 Direction including consideration of representations.

Executive report

<http://committees.exeter.gov.uk/mgConvert2PDF.aspx?ID=15652>

- Oct 2010** **Government's new Permitted Development right takes effect.**
Material changes of use from Class C3 homes to Class C4 small HMOs or 3-6 persons become 'Permitted Development' not requiring planning permission unless a local authority makes an Article 4 Direction removing that right.
- Nov 2010** **Consultation on proposed Article 4 Direction.**
Exeter City Council consults on a proposed Article 4 Direction covering about 7,300 homes mainly to the north and east of the City Centre. Letters are sent to all occupiers.
- Dec 2010** **Report to Executive on a petition from about 800 residents of St James Ward.**
The petition urgently sought an early Article 4 Direction and various policy initiatives. (Executive also received a report on the adoption of a Masterplan SPD for Streatham Campus the background to this document is not covered by this chronology)
- Executive report**
<http://committees.exeter.gov.uk/mgConvert2PDF.aspx?ID=16501>
- Dec 2010** **Article 4 Direction confirmed.**
It is effective from 1 January 2012 due to the provision of 12 months notice and covers about 7,000 homes.
- Report on consultation on Direction**
<http://committees.exeter.gov.uk/mgConvert2PDF.aspx?ID=16501>
- Article 4 Direction**
<http://www.exeter.gov.uk/CHttpHandler.ashx?id=15237&p=0>
- Feb 2011** **PMWG report on future planning policy on student accommodation issues.**
Report proposes a series of principles as the basis of the proposed Supplementary Planning Document.
- PMWG report**
<http://s-civ-wap01:9071/mgConvert2PDF.aspx?ID=17166>
- March 2011** **Report to Executive on proposed draft Supplementary Planning Document.**
Report recommends a draft document be published for public consultation
- <http://committees.exeter.gov.uk/ieListDocuments.aspx?CIId=112&MID=2775#A113774>
- June/ July 2011** Report to PMWG and Executive on Supplementary Planning Document Houses in Multiple Occupation (Including Class C4 Uses)
<http://committees.exeter.gov.uk/mgConvert2PDF.aspx?ID=2778&T=10>
- Jan 2012** Article 4 Direction takes effect introducing planning control over new small HMOs in the area covered.

*Copies of these documents can be inspected by prior arrangement with
Planning Services*