



## Mayor and Cabinet

**Report title: Article 4 Direction for the remainder of the borough to withdraw permitted development rights for the change of use from dwellinghouse (Use Class C3) to Small HMO (Use Class C4).**

**Date:** 6 July 2022

**Key decision:** Yes

**Class:** Part 1

**Ward(s) affected:** All apart from Bellingham, Downham and Grove Park

**Contributors:** Head of Strategic Planning

### Outline and recommendations

The purpose of this report is to provide Mayor and Cabinet with a summary of the 2022 Lewisham HMO Review and Evidence Paper and to set out the process of making an Article 4 Direction and the legal and financial implications of doing so.

It is recommended that Mayor and Cabinet:

- Note the contents of the 2022 HMO Review and Evidence Paper.
- Approve the making of a non-immediate Article 4 Direction for the remainder of the borough to withdraw permitted development rights for the change of use from Dwellinghouse (Use Class C3) to Small HMO (Use Class C4).
- Authorise officers to carry out a consultation in accordance with Section 5 of this report.
- Note the financial and legal implications of making the Article 4 Direction set out in Sections 6 and 7.

## Timeline of engagement and decision-making

17 December 2018	Housing Select Committee expressed strong support for a Small HMO Article 4 Direction for Lewisham's southern wards of Bellingham, Downham, Whitefoot and Grove Park.
16 January 2019	Making of a non-immediate Small HMO Article 4 Direction for Lewisham's southern wards of Bellingham, Downham, Whitfoot and Grove Park (previous ward boundaries) was presented to and approved by Mayor and Cabinet, with such direction to come into force 12 months after notice of the direction is published.
18 September 2019	Following consultation, Mayor and Cabinet approved the confirmation of a non-immediate Small HMO Article 4 Direction for Lewisham's southern wards of Bellingham Downham, Whitefoot and Grove Park, with such direction to come into force on 7 March 2020.
21 October 2021	The MP for Lewisham East hosted a public meeting to discuss the impact of HMOs in Catford South ward; around 150 residents attended. The panel consisted of the Director for Housing, the Director for Planning, the Licensing and Enforcement Manger and the Cabinet Member for Housing and Planning.
6 June 2022	Housing Select Committee noted that the committee receives further information, at a date to be agreed, on the extent of 'exempt accommodation' in the borough.

### 1. Summary

- 1.1. A small HMO is a property where between 3 and 6 unrelated individuals live and share basic amenities such as a bathroom or kitchen and falls within Use Class C4 of the Use Classes Order 1987 (as amended). Current legislation allows a family dwelling (Use Class C3) to change to a small HMO (Use Class C4) without planning permission by utilising permitted development rights.
- 1.2. An Article 4 Direction made under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (referred to hereafter as GDPO) removes these permitted development rights that would otherwise have been available to the property. It is important to note that an Article 4 Direction does not mean an application for a small HMO would be automatically refused. It merely requires the submission of a planning application for a proposed HMO so that the impacts can be assessed in accordance with the relevant planning policies adopted in the local plan at the time.
- 1.3. HMOs are an important source of low cost, flexible, private sector housing for those on low incomes, students, vulnerable groups, care leavers and those seeking temporary accommodation. Therefore, as part of a balanced mix of housing, the Council recognises that HMOs are a valuable form of housing that meets a need for many of Lewisham's residents.
- 1.4. However, negative impacts can arise when HMOs are highly concentrated and poorly

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managed. A report on this issue was published in 2008 by the then Department for Communities and Local Government (DCLG), now called the Department for Levelling Up, Housing and Communities (DLUHC). The report - titled "Evidence Gathering Housing in Multiple Occupation and possible planning responses" - noted the following negative impacts that can be experienced in such circumstances:

- Poor refuse management;
- Anti-social behaviour, noise and nuisance;
- Imbalanced and unsustainable communities;
- Negative impacts on the physical environment and streetscape;
- Pressures upon parking provision;
- Increased crime;
- Growth in private sector at the expense of owner-occupation; and
- Pressure upon local community facilities, and restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population

- 1.5. In 2018, the Council updated the 2016 HMO Review in response to concerns from Council Enforcement Officers, Councillors and local residents regarding the creation and concentration of poor quality HMOs. It concluded that while there was insufficient evidence to support a borough-wide Article 4 Direction, there was evidence to support an Article 4 Direction within a focussed area covering Lewisham's southern wards of Bellingham, Downham and Whitefoot and Grove Park. An Article 4 Direction was recommended in these wards. The Direction came into effect in March 2020.
- 1.6. By September 2021, the Council were receiving regular correspondence and concerns about the impact of HMOs in Catford South ward and more generally across the borough from Councillors, local residents and the MP. As such, the Council has updated 2018 HMO Review. The 2022 HMO review (see Appendix 1) found that the situation has changed significantly since 2018. Firstly, there is a high and increasing demand for HMOs in Lewisham, and that this has led to a significant increase in HMOs, with over concentrations likely to be occurring within most wards. And secondly, the evidence suggests a link between HMOs and anti-social behaviour, including rubbish and fly-tipping, worsening the street quality.
- 1.7. Based on the strength of the data within the 2022 Review, it concludes that there is now robust evidence to justify an Article 4 Direction for the remainder of the borough to better manage the impact of small HMOs and appropriately manage the supply of family housing (3 or more bedrooms).
- 1.8. Article 4 Directions can be implemented with immediate effect or with non-immediate effect. In the case of an immediate Article 4 Direction, the Local Authority may be liable for compensation to any landowner or other stakeholder who has a planning application refused for a development that would have been allowed under permitted development rights. Compensation could be the difference between the property's value had permission been granted and the property's value without planning permission. For example, if, with planning permission, the property is valued at £1,000,000 but without the value is £600,000, the Council could be liable to pay the landowner £400,000 if an application is submitted but refused. There is little analysis available on the uplift in property value following the conversion of a C3 dwellinghouse into a C4 small HMO within the borough. However, research by Octane Capital shows that currently, the average property value of an HMO nationally is 33% more than a comparably sized house. In London, this figure is 72%.
- 1.9. A non-immediate Article 4 Direction takes effect 12 months after notice of the Direction is published and negates compensation claims. Given the potential cost of compensation, officers recommend a non-immediate Article 4 Direction.

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- 1.10. An Article 4 Direction, if implemented, will not be introduced in isolation. It will assist the new Additional HMO Licensing Scheme - covering most HMOs - recently introduced in a complementary and coordinated approach between the Housing and Planning functions of the Council. This approach will help the Council ensure HMOs are of good quality and provide a suitable standard of accommodation in appropriate locations balanced with the need for family housing whilst preventing low-quality accommodation in inappropriate locations.

## 2. Recommendations

- 2.1. It is recommended that Mayor and Cabinet:
- Note the contents of the 2022 HMO Review and Evidence Paper.
  - Approve the making of a non-immediate Article 4 Direction for the remainder of the borough to withdraw permitted development rights for the change of use from Dwellinghouse (Use Class C3) to Small HMO (Use Class C4).
  - Authorise officers to carry out a consultation in accordance with Section 5 of this report.
  - Note the financial and legal implications of making the Article 4 Direction set out in Sections 6 and 7.

## 3. Policy Context

### Article 4 Directions

#### National Planning Policy Framework (NPPF)

- 3.1. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF advises that Article 4 Directions should be applied in a measured and targeted way.

- 3.2. Paragraph 53 of the 2018 NPPF states:

*The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area.*

- 3.3. In July 2021, the Government revised the NPPF to make it more difficult for Councils to enact Article 4 Directions by adding that they should apply to the smallest geographical area possible. Paragraph 53 of the current 2021 NPPF states:

*the use of Article 4 directions to remove national permitted development rights should be... limited to situations where this is necessary to protect local amenity or the well-being of the area [and]...be based on robust evidence, and apply to the smallest geographical area possible*

#### Planning Practice Guidance (PPG)

- 3.4. The government's online planning practice guidance (PPG entitled "When is permission required?") gives further detail on the use of Article 4 Directions.
- 3.5. An Article 4 Direction can be used to remove specific permitted development rights in all or parts of the local authority's area. It does not restrict development altogether but instead ensures that development requires planning permission. A planning application for the proposal would need to be submitted that would then be determined in

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accordance with the development plan unless material considerations indicate otherwise.

- 3.6. An Article 4 Direction cannot be used to restrict changes between uses in the same use class of the Use Classes Order. (PPG paragraph 030 revised 2020).
- 3.7. The PPG states that an Article 4 Direction to remove national permitted development rights should be limited to situations where it is necessary to protect the local amenity or the well-being of an area. It also states that in deciding whether an Article 4 Direction would be appropriate, local planning authorities should identify clearly the potential harm that the Direction is intended to address. Where the withdrawal of permitted development rights relates to a wide area (e.g. covering a large proportion of or the entire area of a local planning authority), the PPG states particularly strong justification is needed (PPG paragraph 038 revised 2021).
- 3.8. There are two types of Article 4 directions under General Permitted Development Order 2015 (as amended):
  - **An immediate Article 4 Direction** applies when the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. The direction withdraws permitted development rights with immediate effect once notice of the direction is published. However, a local planning authority may be liable to pay compensation to a landowner when permitted development rights are removed by an immediate Article 4 Direction. All claims for compensation must be made within 12 months of the date on which the planning application for development formerly permitted is refused or approved subject to conditions that go beyond those in the GPDO.
  - **A non-immediate Article 4 Direction** requires a 12 month interval after notice of the direction is published before the Direction comes into force. A non-immediate Article 4 Direction is therefore implemented to reduce the likelihood of any compensation claims against the Council.
- 3.9. The PPG explains when an immediate Article 4 Direction can be used. It states that an immediate Direction can be made where permitted development presents an immediate threat to local amenity or prejudices the proper planning of an area. It also states the consultation processes towards the making a non-immediate Article 4 Direction must have already begun (PPG paragraph 038).
- 3.10. The process for making a non-immediate Article 4 Direction is as follows:
  - **Stage 1** (the current stage) - the council decides whether to go ahead and make a Direction setting a date in the Notice for when the Direction will come into force which must be at least 28 days and no more than 2 years after the first date of the period for making representations in response to statutory consultation undertaken
  - **Stage 2** - Publication / Consultation stage.
  - **Stage 3** - On the same day that notice is given under Stage 2 above, the council sends a copy of the Direction to the Secretary of State who has wide powers to modify or cancel a Direction.
  - **Stage 4** - Confirmation Stage - the Council considers any representations received after a period of at least 28 days from publication/service of the Notice and decides whether to confirm the Direction. Once a Direction has been confirmed, the council must give notice of the confirmation in the same way as it gave notice of the initial direction, and must specify the date that the direction comes into force. A copy of the direction as confirmed must also be sent to the Secretary of State.

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## Lewisham's Housing Strategy (2020-2026)

3.11. The proposed Article 4 Direction will play a role in the implementation of Lewisham's Housing Strategy (2020-2026) vision, strategic direction and a number of the five key priorities, which are:

- delivering the homes that Lewisham needs
- preventing homelessness and meeting housing need
- improving the quality, standard and safety of housing
- supporting our residents to live safe, independent and active lives
- strengthening communities and embracing diversity

## Corporate Strategy (2018-2022)

3.12. The proposed Article 4 Direction will help the Council to better manage the impact of small HMOs within the borough and balance their demand with the need for family housing. This, in turn, will help to deliver on the following corporate priorities:

- **Tackling the housing crisis** - Everyone has a decent home that is secure and affordable.
- **Making Lewisham greener** - Everyone enjoys our green spaces and benefits from a healthy environment as we work to protect and improve our local environment.
- **Building safer communities** - Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.

## 4. Background

### Evidence Base

4.1. In establishing an evidence base for the 2016, 2018 and 2022 HMO Review, the accurate identification of the quantity and spatial distribution of HMOs in the borough is problematic due to several factors. These include:

- The expansion of permitted development rights to allow conversion of a C3 dwelling house to Class C4
- Unauthorised development
- Underreporting of conversion
- The different definitions of HMOs used by different Council/government departments

### 2018 HMO Review and Evidence Paper

4.2. However, for the 2018 Review an indicative picture of the range of HMOs was built up by assessing data from the following sources:

- Planning Records
- Planning Enforcement Records
- 2001 and 2011 census (Office for National Statistics)
- Council Tax records
- Benefits Data (Shared Accommodation Rate Claims)
- Street Surveys for Bellingham Downham and Whitefoot wards once the initial assessment had been undertaken. This was carried out to strengthen the evidence, as whilst the initial assessment demonstrated a change in HMOs' location, it did not clearly indicate a significant rise.

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- 4.3. The review found that whilst the data available did not suggest a significant increase of HMOs within the borough, it did demonstrate a change in their spatial distribution with a significant increase and clustering within the borough's southern wards. It was deemed that these wards, which traditionally had the lowest proportion of HMOs in the borough, are unsuitable locations for high HMO concentrations due to their:
- high levels of deprivation;
  - poor public transport accessibility; and
  - suburban character with a high concentration of family homes.

#### 2022 HMO Review and Evidence Paper

- 4.4. For 2022 Review, the same data sources were reviewed again apart from Census Data, Benefits Data and Street Surveys due to their unavailability. However, additional data sets were also reviewed. This includes predictive modelling undertaken by the Council's Housing data scientist, which uses a range of indicators to estimate the borough's total number of HMOs. And research previously undertaken by the Council into the private rental sector and HMOs to inform the Council's additional licensing scheme and the application for selective licensing.
- 4.5. The evidence has demonstrated a high and increasing demand for HMOs in the borough due to several factors, including:
- a large and growing private rented sector;
  - the housing affordability challenge across London and within Lewisham;
  - a large and growing student population;
  - welfare reforms adding to the proportion of residents who can only afford a room in a shared house;
  - borough-wide Article 4 Directions in neighbouring local authorities; and
  - higher rental yields for HMOs than that of a single family dwelling.
- 4.6. The data sets - council tax records and licensing records - show this has resulted in a significant increase of HMOs since 2018 in many wards with either a low, medium or high presence of HMOs traditionally. As a result, the spatial distribution of HMOs between wards has changed significantly in that there are now more wards with a high presence of HMOs compared to historically. The spatial distribution of HMOs has also changed at a street level with a greater degree of clustering. These changes have been corroborated by predictive modelling, which estimates there are currently 7,100 HMOs in the borough, representing a 274% increase since the 2017/18 estimate.
- 4.7. The evidence has shown that harm is arising from increased concentrations of HMOs:
- Predictive modelling indicates that over concentrations of HMOs (where at least 10% of properties in a neighbourhood are an HMO) are likely to exist throughout the borough, which is harmful in itself by creating unbalanced communities and reducing the supply of housing available for families.
  - Extensive research which supported the Council's new additional licencing scheme found that the proportion of anti-social behaviour incidents recorded close by to an HMO is higher than the private rented sector overall.
  - Concerns of the community through the submission of petitions and complaints to the Council's HMO inbox provided evidence that poorly managed and increased concentrations of HMOs can cause issues in terms of street quality, waste and management problems.
- 4.8. However, it is important to emphasize that anti-social behaviour should not be attributed to all HMOs; many occupants of HMOs form part of and make a valuable

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contribution to the communities of Lewisham. Nonetheless, this does not take away from the need to better manage the cumulative impact of an increasing number of HMOs.

- 4.9. Based on the evidence, it is considered that an Article 4 Direction covering the remainder of the borough is the smallest geographical area possible to help ensure that the local amenity and well-being of areas are protected and the supply of family housing is appropriately managed.
- 4.10. A research briefing to the House of Commons in 2022 titled ‘Supported exempt accommodation (England)’ highlighted a rise in recent years nationally in non-commissioned providers utilising the exempt provisions of housing benefits to provide accommodation for vulnerable groups within HMOs. This also creates increased demand for HMOs within the borough, with local communities highlighting that HMO developers are targeting exempt accommodation in Catford, Lewisham and their surrounding areas. Research by Crisis explains that several factors have driven growth in poor quality non-commissioned exempt accommodation nationally, including:
- reductions in spending on housing-related support;
  - reduced availability of social and private rented housing for single homeless adults; and
  - weak sector regulation and oversight.
- 4.11. However, it is important to acknowledge the planning system has limited tools to ensure HMO exempt accommodation occupied by less than seven people is of high quality and not over-concentrated in an area, which is recognised nationally as an issue with legislation. This is because these types of HMOs are unaffected by Article 4 Directions as they would fall under use class C3(b) - *not more than six residents living together as a single household where care is provided for residents* - and single households are not defined in legislation for C3(b). Article 4 Direction cannot be used to restrict changes between uses in the same use class.
- 4.12. Exempt accommodation is also exempt from HMO licensing schemes as buildings controlled and managed by non-profit registered providers of social housing are not legally defined as HMOs in Schedule 14 of the Housing Act 2004. This is also recognised nationally as an issue with legislation.

## Planning Applications

- 4.13. If permitted development rights are withdrawn and planning permission is required, the council would be obliged to determine any proposal in accordance with the development plan unless material considerations indicate otherwise. In Lewisham’s case, the development plan includes the London Plan, the Core Strategy, the Development Management Plan, the Site Allocations Plan and the Lewisham town centre Local Plan.
- 4.14. The relevant policy relating to Homes in Multiple Occupation (HMOs) in the Lewisham Development Management Plan is **DM Policy 6 Houses in multiple occupation (HMO)**:
1. *The Council will only consider the provision of new Houses in Multiple Occupation where they:*
    - a. *are located in an area with a public transport accessibility level (PTAL) of 3 or higher*
    - b. *do not give rise to any significant amenity impact(s) on the surrounding neighbourhood*
    - c. *do not result in the loss of existing larger housing suitable for family occupation, and*

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- d. satisfy the housing space standards outlined in DM Policy 32.*
- 2. The Council will resist the loss of good quality Houses in Multiple Occupation.*
- 3. The self containment of Houses in Multiple Occupation, considered to provide a satisfactory standard of accommodation for those who need shorter term relatively low cost accommodation will not be permitted, unless the existing floorspace is satisfactorily re-provided to an equivalent or better standard.*

- 4.15. The draft new Lewisham Local Plan (Regulation 18 stage “main issues and preferred approaches” document) proposes a more thorough and stringent policy in regard to HMOs, which factors in their overconcentration. This is set out in policy **HO 9 Housing with shared facilities (Houses in Multiple Occupation)**, which will take effect once the new Local Plan is adopted. Please note that the draft policy may be subject to revisions following consultation feedback, and that any amendments would be set out in the Regulation 19 Lewisham Local Plan: Proposed Submission Version.

## 5. Consultation

- 5.1. Consultation on making the Article 4 Direction will comply with the provisions set out in the General Permitted Development Order. Notice of the Direction will be made by:
- Local advertisement in the press.
  - Site notices placed in visible locations for a period of at least 6 weeks.
  - The requirement for written notifications can be waived as it is considered impracticable due to the number of owner or occupiers within the area.
  - The document will be made available on the Council’s website as well as in a number of convenient locations including Planning reception and local libraries
- 5.2. Following consultation and within 6 months, a report recommending whether the Direction should be confirmed will be reported back to Mayor and Cabinet.

## 6. Financial implications

- 6.1. The cost of making an Article 4 Direction can be met through existing budgets. A maximum expenditure of £1,000 is estimated.
- 6.2. There may be financial implications arising from the need to deal with future planning applications for change of use from C3-C4 which would have otherwise be covered under permitted development. This will be managed within the existing planning budget. As of 17th January 2018 Lewisham now charges fees for applications covered by Article 4 Directions
- 6.3. An immediate article 4 was considered and discounted due to the financial risk attached to it, and that this approach was endorsed by scrutiny.

## 7. Legal implications

- 7.1. Article 4 Directions are made under the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GDPO”) and have the effect of removing the right to carry out the specified development without the need for planning permission. In this case the direction will remove permitted development rights for the change of use from dwelling houses (class C3) to small houses in multiple occupation (class C4) (HMOs), in the further areas covered by the order.
- 7.2. The procedure for making an Article 4 direction that will not have immediate effect is set out in Schedule 3 of the GPDO 2015 as explained in paragraph 3.10 above
- 7.3. Section 107 as applied by Section 108 of the Town and Country Planning Act 1990

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provides for property owners to claim compensation where permitted development rights have been withdrawn and planning permission for the development formerly permitted by those rights is refused or is granted subject to conditions other than those that would have applied to that PD right. The compensation payable comes within two heads, abortive expenditure and any other loss or damage directly attributable to the loss of PD rights, which can include any depreciation in the value of the land.

- 7.4. A person who makes a planning application for a development which would have been permitted development in the absence of the Article 4 direction has a right to claim compensation if that planning permission is refused. However, compensation can only be claimed if the planning application is made within a period of 12 months following the initial notification of an intention to adopt an Article 4 direction.

Therefore if the local planning authority gives 12 months' notice before the Article 4 Direction comes into force, no compensation is payable. This report proposes that an Article 4 direction without immediate effect is made and that 12 months' notice of the introduction of an Article 4 Direction will be given. The Council will not, therefore, be liable for any compensation as a result.

Pursuant to section 9D of the Local Government Act 2000 all functions of an authority are executive functions unless they are specified as not in either the 2000 Act or the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). Whilst some planning functions cannot be the responsibility of the Executive, the making of an Article 4 direction is not a specified function and it is therefore an Executive decision.

- 7.5. When considering the recommendations in this report, regard must be given to the public sector equalities duty to eliminate unlawful conduct under the Equality Act 2010. The duty is set out at Section 149 of the 2010 Act. It requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination (both direct and indirect discrimination), harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.

## 8. Equalities implications

- 8.1. The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a public sector equality duty which covers the following nine protected characteristics: age; disability; gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.2. The Council must in the exercise of its functions, ***have regard to*** the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
- 8.3. The Council's Single Equality Framework 2020-2024 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.
- 8.4. HMOs are frequently occupied by low income, vulnerable, transient people. A refusal for a change of use from a dwelling house (Use Class C3) to a small HMO (Use Class

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C4) would not necessarily have a negative effect on these groups. Rather the Article 4 Direction would mean that the quality and location of HMOs could be managed through the planning system. If confirmed, it will assist in delivering better quality housing and regulate their concentration, improving the living conditions for occupants and those nearby.

- 8.5. The Public Sector Equality Duty is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors. The council also took into account other relevant factors in respect of the decision, including financial resources and policy considerations. In appropriate cases, such countervailing factors may justify decisions which have an adverse impact on protected groups.

## **9. Climate change and environmental implications**

- 9.1. A Strategic Environmental Assessment (SEA) Screening Assessment has been carried out and concludes that the proposed use of the Article 4 Direction is unlikely to have any significant effects. (see Appendix 3)

## **10. Crime and disorder implications**

- 10.1. There are no direct implications relating to crime and disorder issues.
- 10.2. Although it is worth noting that the then Department for Communities and Local Government (DCLG), previous street surveys carried out by the Council and responses to the previous consultation on the small HMO Article 4 Direction for Lewisham's southern wards have all highlighted areas which have experienced an increased clustering of HMOs have also experienced a rise in anti-social behaviour.

## **11. Health and wellbeing implications**

- 11.1. Housing has a huge influence on our mental health and wellbeing; poor housing conditions can have a long-term impact on health. The evidence suggests that the PRS, of which HMOs make a significant proportion, often provide a poor standard of living accommodations.
- 11.2. Combined with the new additional licensing scheme covering most HMOs, an Article 4 Direction would allow the Council to ensure that HMOs are of high quality and safe, providing appropriate internal and external spaces.

## **12. Background papers**

- 12.1. Lewisham HMO Review and Evidence Paper Update November 2018.  
<https://lewisham.gov.uk/myservices/planning/policy/adopted-local-plan/evidence-base/ldf-evidence-base--housing>
- 12.2. Report to Housing Select Committee 18 December 2018.  
[https://councilmeetings.lewisham.gov.uk/documents/s61360/04%20HMO\\_HousingComReport%20-%20171218.pdf](https://councilmeetings.lewisham.gov.uk/documents/s61360/04%20HMO_HousingComReport%20-%20171218.pdf)
- 12.3. Report to Mayor and Cabinet 16 January 2019.  
<https://councilmeetings.lewisham.gov.uk/documents/s61884/Article%204%20Direction%20to%20withdraw%20permitted%20development%20rights%20for%20the%20change%20of%20use%20from%20dwelling%20hou.pdf>
- 12.4. Report to Mayor and Cabinet 16 January 2019.

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<https://councilmeetings.lewisham.gov.uk/documents/s67509/Article%204%20Direction%20for%20Lewishams%20southern%20wards%20of%20Bellingham%20Downham%20Whitefoot%20and%20Grove%20Park%20t.pdf>

- 12.5. Lewisham’s existing adopted Local Development Framework.  
<https://lewisham.gov.uk/myservices/planning/policy/adopted-local-plan> Which includes:
- Core Strategy 2011
  - Development Management Local Plan 2014
  - Site Allocations Local Plan 2013
  - Lewisham Town Centre Local Plan 2014
- 12.6. National Planning Policy Framework (NPPF) 2021.  
<https://www.gov.uk/government/publications/national-planning-policy-framework—2>
- 12.7. National Planning Policy Framework (NPPF) 2018  
<https://webarchive.nationalarchives.gov.uk/ukgwa/20210708211349/https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- 12.8. Lewisham Local Plan Regulation 18 Stage “main issues and preferred approaches” document.  
<https://lewisham.gov.uk/myservices/planning/policy/planning/about-the-lewisham-local-plan>
- 12.9. Department for Communities and Local Government, Evidence Gathering – Housing in Multiple Occupation and possible planning responses 2008.  
<https://planningjungle.com/wp-content/uploads/Evidence-Gathering-Housing-in-Multiple-Occupation-and-possible-planning-responses-Final-Report-September-2008.pdf>
- 12.10. Article outlining research by Octane Capital, May 2022  
<https://www.landlordzone.co.uk/news/shock-drop-in-number-of-hmos-blamed-on-growth-of-council-licensing-schemes/>
- 12.11. Research Briefing, Supported exempt accommodation (England) 2022, Houses of Commons Library.  
<https://commonslibrary.parliament.uk/research-briefings/cbp-9362/>
- 12.12. Crisis Policy Briefing Supported exempt accommodation 2021  
<https://www.crisis.org.uk/ending-homelessness/latest-briefings-and-responses/crisis-policy-briefing-exempt-accommodation/>

### 13. Glossary

Term	Definition
Article 4 Direction	Article 4 direction is a direction under article 4 of the General Permitted Development Order which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area.

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<b>Term</b>	<b>Definition</b>
Development plan	The London Plan, Local Plans, other Development Plan Documents and Neighbourhood Plans.
Family housing	A residential unit with three or more bedrooms.
Exempt accommodation	Exempt accommodation is supported housing which is exempt from Housing Benefit regulations that limit rents to defined local levels . Exempt accommodation is defined as a resettlement place or accommodation provided by a county council, housing association, registered charity or voluntary organisation where that body or person acting on their behalf provides the claimant with care, support or supervision.
Large HMO	In planning terms it is property occupied by more than 6 unrelated individuals that share basic amenities such as a kitchen or bathroom.
National Planning Policy Framework	National Planning Policy Framework - Prepared by the Government to explain statutory provisions and provide guidance to local authorities and others on planning policy and the operation of the planning system.
Permitted development rights	Permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application
Regulation 18	Local Plans must be prepared in stages set out in law. Regulation 18 is a public consultation at an early stage in preparing the Plan. The Regulation 18 consultation document and the responses received will help us to prepare a final draft of Lewisham’s new local plan.
Regulation 19	Local Plans must be prepared in stages set out in law. Regulation 19 the second stage of the consultation process providing local communities, businesses and other interested stakeholders with the opportunity to comment on the policy content of a draft Local Plan, within a specific remit. The remit for public consultation relates to the ‘Tests of Soundness’ and includes legal compliance, as set out in National Planning Policy Framework.
Small HMO	In planning terms it is where dwelling that is occupied by between 3 and 6 unrelated individuals who share basic amenities such as a kitchen or bathroom.

## 14. Report author(s) and contact

14.1. David Syme - Head of Strategic Planning, [David.syme@lewisham.gov.uk](mailto:David.syme@lewisham.gov.uk)

### Comments for and on behalf of the Executive Director for Corporate Resources

14.2. Shola Ojo – Principal Accountant, Financial Service, [shola.ojo@lewisham.gov.uk](mailto:shola.ojo@lewisham.gov.uk)

### Comments for and on behalf of the Director of Law, Governance and HR

14.3. Paula Young, Senior Planning Lawyer, Legal Services, [Paula.Young@lewisham.gov.uk](mailto:Paula.Young@lewisham.gov.uk)

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## 15. Appendices

- Appendix 1: HMO Review and Evidence Paper May 2022
- Appendix 2: Plan indicating extent of Article 4 Direction
- Appendix 3: Draft Strategic Environmental Assessment (SEA) Scoping Assessment
- Appendix 4: Draft making of the Article 4 Direction

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