Houses in Multiple Occupation and Article 4 Direction
Frequently Asked Questions – Updated April 2012

What are Dwellinghouses?

Dwellinghouses are defined by planning use class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). In brief, in order for a property to fall into class C3 it must be occupied by people who form a single household. Class C3 (dwellinghouses) is split into three parts:

C3(a): those living together as a single household as defined by the Housing Act 2004 (basically a ‘family’);

C3(b): those living together as a single household and receiving care, and

C3(c): those living together as a single household who do not fall within the C4 definition of a house in multiple occupation.

What are small Houses in Multiple Occupation?

Small houses in multiple occupation (HMOs) are defined by planning use class C4. Class C4 include houses or flats which are occupied as a main residence by between 3 and 6 unrelated people who share basic amenities such as communal kitchen and bathroom areas.

What are large Houses in Multiple Occupation?

Large HMOs are unclassified by the Planning Use Classes Order. They are in a class of their own (known as ‘sui generis’). Sui generis HMOs include houses or flats which are occupied as a main residence by 7 or more unrelated people who share basic amenities such as communal kitchen and bathroom areas.

Is a block of flats a House in Multiple Occupation?

A block of flats is not a HMO. However, an individual flat within a block of flats might be a HMO falling into the C4 or sui generis use class depending on the number of occupants.

Why was the C4 use class created?

On the 6th April 2010 the government, following a lengthy public consultation process, announced changes to the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development)
Order 1995. These changes resulting in the subdivision of the C3 use class to create of a new use class – C4 Houses in Multiple Occupation. This meant that from the 6th April 2010 planning permission was required to change the use of a property from the C3 use class to the C4 use class.

On the 17th June 2010 the new government announced their intention to change planning legislation to replace the rules brought in on the 6th April 2010. The Government’s stated aim was to replace “the current blanket requirement to submit planning applications for material changes of use from family houses to HMOs with a system which allows those areas experiencing problems with HMO development to take local action”. The government suggested that Article 4 Directions could be used to control the spread of HMOs in problem areas.

Following a limited consultation period, on the 1st October 2010 the government amended the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 to allow a change of use from a C3 (dwelling house) to a C4 (HMO) use to be permitted development. Therefore from this date this change of use does not require planning permission. On the 4th November 2010 the government released revised guidance in relation to the use of Article 4 Directions stating that they could now be used where the exercise of permitted development rights would ‘undermine local objectives to create or maintain mixed communities’.

**What is an Article 4 Direction?**

Permitted development rights allow certain types of development to occur without the need to obtain planning permission first. In exceptional circumstances an Article 4 Direction can be used by Local Planning Authorities to remove permitted development rights in order to secure local amenity or the proper planning of an area.

The Article 4 Direction which came into effect in Leeds on 10th February 2012 removes permitted development rights for a change of use of a property from Use Class C3 (dwellinghouse) to Use Class C4 (small house in multiple occupation) within the direction area. This means that planning permission is required to change the use of a property from the C3 use class to the C4 use class.

A change of use to a sui generis HMO (7 or more occupants) is unaffected by the Article 4 Direction and continues to require planning permission inside and outside the Article 4 Direction area.

**Does the Article 4 Direction apply to all parts of Leeds?**

No, the Article 4 Direction only applies to the defined Article 4 Direction area. A copy of a map showing this area can be downloaded from the Council’s Article 4 Direction page.

Outside of the Article 4 Direction area permitted development rights still exist to change the use of a property from Use Class C3 (dwellinghouses) to Use Class C4 (small houses in multiple occupation) without the need to gain planning permission.
Does the Article 4 Direction apply retrospectively?

No, the Article 4 Direction does not apply retrospectively. Therefore if a property within the Article 4 Direction area was in a lawful planning use as a C4 small HMO before 10th February 2012, planning permission is not required to continue this use.

My property was empty before the 10th February 2012. What planning use class does it fall under on 10th February 2012?

If a property was empty before the 10th February 2012 then its lawful planning use (i.e. the use class which it falls under) on the 10th February would be the last lawful planning use of the property.

Can I apply for a Certificate of Existing Lawful Use for a property with a C4 small HMO use?

Yes, if you would like the Council to formally confirm the existing lawful use of a property you are able to apply for a Certificate of Lawful Existing Use by submitting the relevant application form and fee. The relevant application form can be found on the Council’s website on the [planning applications forms page](#). Such an application should be submitted with the relevant information required to make a decision. A list of validation criteria can also be found on the [planning applications forms page](#) which details what information is required.

What planning application forms do I need to complete to make an application to change the use of a property from C3 to C4?

The Full Planning Application form can be found on the Council’s website on the [planning applications forms page](#). Such an application should be submitted with the relevant information required to make a decision. A list of validation criteria can also be found on the [planning applications forms page](#) which details what information is relevant.

How much is the fee for a planning application to change the use of a property from a C3 to C4 use?

At present there is no fee to apply for this change of use.

How long will it take for my application to be dealt with?

The Council will aim to deal with your application within 8 weeks.

What policies will the Council judge a planning application to change the use of a property from a C3 to C4 use against?

The Council, as the Local Planning Authority, must determine planning applications on their own merits in accordance with the statutory development plan, unless material considerations indicate otherwise.
The statutory development plan includes the local plan and neighbourhood plans. In Leeds the current local plan is the Leeds Unitary Development Plan (Review) 2006. There are currently no neighbourhood plans in Leeds.

Within the Leeds UDP policy H18 sets out local planning policy in relation to the change of use or conversion of properties to houses in multiple occupation. In addition to this Leeds UDP policy H15 sets out the local planning policy in relation to new student housing in the Area of Housing Mix. The Area of Housing Mix is a defined area in inner north west Leeds.

The Leeds UDP is currently in the process of being replaced by the Leeds Local Development Framework (LDF). The draft LDF Core Strategy (2012) policy H6 sets out emerging local planning policy in relation to HMOs. Because Policy H6 is only in draft form at this stage it has limited weight as part of local planning decisions. Policy H6 also states that the Council intends to publish more detailed supplementary planning guidance in the future to expand on this policy.

If you would like further advice in relation to a proposal to change the use of a property from C3 to C4 use the Council offers a pre-application advice service for planning proposals. Your pre-application enquiry will be dealt with by a development management officer from the relevant area team but in the first instance enquiries should be directed towards the Development Enquiry Centre. The Development Enquiry Centre can be contacted on 0113 222 4409 or at dec@leeds.gov.uk. You can also write to the DEC at Leonardo Building, 2 Rossington Street, Leeds, LS2 8HD.

Do I need planning permission to change from a C4 use to a C3 use?

No, a change of use of a property from C4 to a C3 use benefits from permitted development rights and as such does not require planning permission.

I currently live in a property with a C3 use. If I intend to take in lodgers will I need to apply for planning permission to change to a C4 use?

Properties which are occupied by the owner and up to 2 lodgers are normally considered to fall under the C3 use class. If an owner of a property were to take in 3 or more lodgers then this would be likely to constitute a change of use which would require planning permission.

My property has a C4 use. If I were to let the property to a family as a C3 use for a short time will I need planning permission to let it as a C4 property again?

Yes, if the lawful planning use of a property were to change to the C3 use class, by being occupied by a family, planning permission would be required to change the use to a C4 small HMO again.

Dwelling houses falling under the C3 use class benefit from permitted development rights to extend, alter or create additions to them. Do HMOs falling in the C4 and sui generis use classes benefit from these permitted development rights?
Householder permitted development rights allow householders to undertake limited extensions, alterations and create additions to ‘dwellinghouses’ under the Town and Country General Permitted Development Order 1995 (as amended). In some instances the Council may have withdrawn certain householder permitted development rights, for example in Conservation Areas, and you should check with the Council if you are unsure whether your property has these rights.

Householder permitted development rights only apply to ‘dwellinghouses’ and do not apply to flats/ apartments.

Some small HMOs falling under the C4 use class are considered ‘dwellinghouses’. These properties benefit from householder permitted development rights. If you are unsure whether a property benefits from householder permitted development rights you should check with the Council’s Development Enquiry Centre.

Large HMOs which fall within a ‘sui generis’ use (7 or more occupants) do not benefit from householder permitted development rights.