

Schedule of Responses to Consultation on the proposed Burton on Trent Article 4 HMO restrictions December 2021/ January 2022, with officer comments

Ref	Name of Responder	Comment	Officer Comments
1	Crew Lettings Ltd	<p>The growth of small HMO's in Burton that are currently not regulated / licensed is a concern – the reduction in 3 bed housing is having an effect on families looking for accommodation both to rent and buy and street character is being changed – notably around the Hospital / Belvedere area but growing in other areas too, where Landlords are looking to maximise returns at the expense of the character of areas and of living conditions for tenants, with room rates bordering on the same as a 1 bedroom self-contained apartment in many cases.</p> <p>Some properties that should already be licensed as C4 are not and the amount of C3s springing up with no oversight is increasing.</p> <p>As a letting agent I have, since starting in 2008, avoided working with HMO's out of principal and will continue to decline any work related to them. Many agents feel the same (though not all) which leads to landlord portfolios that are not regulated in the same way as an agent with no Property Redress Scheme or Client Money Protection in place.</p>	Noted
2	Jerry Greatorex	I'm sure some landlords will disagree for me if it feels like the right thing to do.	Noted
3	Mrs Kay Lear Parish Clerk /Proper Officer	I have to say I raised this with planning years ago, so sad it has taken this long to consider.	Noted
4	Tina Jeffery Town Clerk	The consultation which has been included for consideration by the Policy and Planning Committee at its meeting held on 21 December 2021.	Noted
5	Farrington Group	I see this as benefit to our company with us having grandfather rights. Do you have a procedure arranged for current HMO's to register so we can have a smooth transfer into the A4 permission?	This comment is unclear, the respondent was asked for further information, but this has not been received to date.

6	Historic England - Midlands Region	This is clearly an important issue for your authority. However, as you can imagine Historic England only has limited resources and therefore must focus them carefully – in this circumstance we will not be providing comments on the proposed Article 4 Direction.	Noted
7	High Speed Two (HS2) Limited	I can confirm that HS2 Ltd have no comment to make on the “Removal of Permitted Development Rights from C3 (Dwelling House) to C4 (Small House of Multiple Occupation) in Burton on Trent” consultation.	Noted
8	Shobnall Parish Council	Shobnall Parish Council supports the proposal to remove permitted development rights from C3 (Dwelling House) to C4 (Small House of Multiple Occupation) in Burton upon Trent. The Parish Council believes it is important for ESBC to be able to monitor the usage of such dwellings in the interest of health, safety and welfare and to be able to use the data in drawing up future housing policies. The Parish Council also takes this opportunity to stress the need to increase the control of HMO's which currently sidestep planning requirements by limiting the number of individual rooms	Noted
9	Barton under Needwood Parish Council	<p>Barton Under Needwood Parish Council has been interested for a while in the principle of a possible Article 4 Direction in the village. From a very tentative discussion with an officer we got the impression, however, that ESBC did not really favour this approach. We were also very discouraged when we saw that the government had amended the criteria for making Article 4 Directions in the recent update of the National Planning Policy Framework. This states that they should only apply to the smallest geographic area and must be based on robust evidence.</p> <p>When we were notified of the present proposal to apply an Article 4 Direction to the urban area of Burton for the purpose of taking away permitted development rights to change to small HMOs, we therefore took more than a passing interest in terms of the process and the evidence required for submission. Barton is clearly not affected directly with the proposal but we would just like to make a few comments about the documents we have seen.</p> <p>We are gratified that our first impression of ESBC not really favouring Article 4 Directions has not come to fruition. We can also see that the application to the smallest geographic area has to be seen in context. Whilst a Burton wide area may be seen as an heroic interpretation of the guidance, because of that, we would hope that we may be able to open a dialogue with ESBC about how such an approach may be applicable to a much smaller area.</p>	Noted.

		<p>We also see that the requirement for robust evidence is perhaps not quite so onerous as we first imagined. Clearly the reason for making the order is on well-being grounds, particularly where HMOs can be associated with anti-social behaviour, but by ESBC's own admission (Cabinet Report August 2021) even the highest concentrations of HMOs never approach more than 2% in any ward. Elsewhere in the country action seems to have been taken where that percentage increases to 10%. So has the alternative of perhaps giving priority to those wards and streets with the highest concentration been considered and if so what were the reasons for rejection - off street parking, for example, may be more easier to achieve in some wards than others? The Report also refers to Environmental Health receiving over 200 complaints about unlicensed HMOs, over a five year period, but surely this needs to be seen in context of overall complaints over the same period, so that you can get some idea of the scale of the problem?</p> <p>We completely understand the desire of ESBC to want to take control of the planning position regarding the impact of HMOs in the neighbourhood. We therefore welcome the imaginative use of an Article 4 Direction to target a specific issue and look forward to discussing how a further selective use might be applied in other wards particularly in a conservation context.</p>	
10	Dr Douglas and Mrs Kate Brown	<p>With regard to the Statutory Notice regarding Article 4(1) Of the Town And Country Act: Change of use of Class 3 (dwelling House) to Class 4 (HMO) we wish to make the following comments:</p> <p>We agree that planning permission should be given to all changes from Class 3 to Class 4 for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Whilst it is appreciated that an HMO can provide accommodation for single people and often on a short term basis, it can disrupt the community. This comes because the tenants of an HMO do not usually mix with residents of Class 3 houses.</li> <li><b>2. There should be a maximum number of HMOs per Ward and also per street</b></li> <li>3. Class 4 may result in each resident having their own car with a possible 3 or 4 cars per HMO. As parking is currently at a premium for all who live in this ward, additional 3-4 cars per terrace house will cause trouble</li> <li>4. For car ownership how will they be able to charge electric cars in the future, given 4. above?</li> </ol>	Noted *This response was redacted in places to remove material which was either personally identifiable or not related to the consultation/ planning matters.

		<ol style="list-style-type: none"> <li>5. All prospective HMOs should be inspected BEFORE planning permission is granted AND BEFORE anyone moves in. Some current HMOs are not in good condition.</li> <li>6. A number of current HMOs have not been upgraded to the same standards required for rented accommodation, e.g. insulation, double glazing, etc. A standard should be set for ALL HMOs to adhere to both before change of category to Class 4 AND for existing HMO properties to achieve within a specified period of time, say, six months.</li> <li>7. Currently a number of HMOs in the Anglesey Ward are in, generally, poor condition. Little work occurs and the landlords seem content to charge high rents per room occupied. Any new HMO should be subject to strict conditions of an inspection every three months during the first year and six monthly thereafter. All existing HMOs should be inspected at six month intervals to prevent deterioration of standards and conditions.</li> <li>8. All HMOs should be registered and have a "landlord licence" as per other rented property. They should be charged a higher fee for a Class 4 property than for standard rental property (Class 3) to facilitate the more frequent inspections, especially as landlords appear to charge a higher rent when the property is an HMO compared to a standard class 3 unit.</li> <li>9. All HMOs should be subject to fire regulations for escape and prevention.</li> <li>10. Any property existing as an HMO but not registered as such should be subject to a heavy fine (e.g.£5,000 or greater) to ensure compliance.</li> </ol>	
11	Saeeda Bi	<p>I am writing to object to the proposal of obtaining planning permission for C4 (multiple occupation of properties).</p> <p>I believe that planning requirements for C4 will mean:</p> <ul style="list-style-type: none"> <li>• lack of cheap social housing for single people.</li> <li>• Increase of rental costs to cover planning expenses.</li> <li>• Homelessness due to increase in rents and less availability of housing.</li> </ul> <p>The C4 proposal will discriminate against the single renter, who is already struggling to keep a roof over his/her head.</p>	Noted. If the Article 4 is confirmed, we will seek to ensure that guidance provided in the determination of planning applications does not lead to an increase in homelessness or a substantial reduction in housing choice.
12	Tatenhill & Rangemore	The parish council do agree that changes from homes to small houses of multiple occupation should require planning permission.	Noted

	Parish Council		
13	Geoffrey Noble	<p>I wish to object to the approval of further HMOs in Shobnall that would not be in keeping with the historical and architectural character of the area and contravenes the requirements of the Local Plan. I am raising these objections as a resident of Shobnall Street for over 40 years, which has been degraded and damaged by these unnecessary and unwelcome developments.</p> <p>Tenancy of HMOs is predominantly taken up by single young people, whilst their ownership is in the hands of a small number of landlords who do not themselves live in the area or have any concern about the degradation their business has caused. The uncontrolled increase in HMOs is in direct contravention of Shobnall's Local Plan as follows:</p> <p>Policy HD3 states:</p> <p><b><i>Shobnall's particular housing needs include:</i></b></p> <ul style="list-style-type: none"> <li>· <i>Starter homes and homes suitable for young families</i></li> <li>· <i>Affordable housing</i></li> <li>· <i>Larger family homes</i></li> </ul> <p>There is no mention of rented multiple occupancy dwellings or small flats in either 8.5 or 8.6 which follow this.</p> <p>8.10 clearly states:</p> <p><i>The built environment in the older parts of Shobnall (i.e. the areas largely to the north of Shobnall Road) has a particular character which should be protected and enhanced by new development. This includes not only the Conservation Areas, but also other residential and commercial streets.</i></p> <p>The huge number of HMOs not only detracts from this character, but degrades the social and cultural environment, reduces the availability of much needed family homes and leads to the neglect and destruction of gardens. Furthermore there has been a major problem with on-street parking for many years, which is greatly exacerbated by the increased number of vehicles that HMOs attract.</p>	<p>Noted, the reason for the 12 months delay in implementing the article 4 direction if confirmed, is to allow for those in Burton to be given proper notice of the change. It also allows for the development of relevant planning guidance to assist with the determination of applications and the avoidance of potential compensation payments if the change was brought in without notice.</p> <p>Noted. Requiring Planning Permission for this form of development will allow the Shobnall Neighbourhood Plan to be considered as part of the decision making process for relevant applications.</p> <p>Noted. The consultation was advertised in the Burton Mail, and also was displayed on our website and Parishes and local Councillors have been informed, as have all email addresses on the planning policy consultation database, and statutory consultees in line with legislation.</p> <p>*This response was redacted in places to remove material which was either personally identifiable or not related to the consultation/ planning matters.</p>

		<p>There is now also a plethora of permanent <b>Vacant/Rooms To Let</b> signs upon the frontages of these properties which is an eyesore that seriously impacts upon the street view.</p> <p>The transient nature of single people renting these rooms means they do not engage with or relate to the existing community. Ironically this also means that they dilute and diminish the number of people likely to raise concerns about long term local developments, not just regarding HMOs, but many other issues.</p> <p>I would like to protest in the strongest possible terms that you also plan to consider further development of HMOs for 12 months after any decision. During that time immense further irreparable damage will be done – I do not accept that there is any need for the concession that <i>'A year is given before the rules come into force to help people get used to these changes, and so that the council can produce planning guidance to help with applications for this kind of development.'</i> All future development of small HMOs should be terminated with immediate effect and subjected to the same regulations as those for more than 6 occupants. There is absolutely no need to delay.</p> <p>Finally I suspect that you will receive very few letters like mine as this consultation has not been publicised effectively. I have only just found out about it by chance due to previous contacts with the Parish Council and ESBC Councillor Paul Walker who will substantiate much of what is written above.</p> <p>The huge number of HMOs not only detracts from this character, but degrades the social and cultural environment, reduces the availability of much needed family homes and leads to the neglect and destruction of gardens. Furthermore there has been a major problem with on-street parking for many years, which is greatly exacerbated by the increased number of vehicles that HMOs attract. <b>I gather that ESBC have a 'Parking Standards Policy' which many HMOs would probably contravene (there has been a recent precedent in Anglesey Road).</b></p>	
14	Brizlincote Parish Council	<p>On behalf of the parish council, thank you for extending the consultation period.</p> <p>They resolved this evening that they agree that changes from homes to small houses of multiple occupation should require planning permission, then anyone wishing to change their home into a small house of multiple occupation will need to apply for planning permission.</p>	Noted

15	Trent & Dove	<p>please find attached our representation for the removal of permitted development rights from C3 to C4</p> <p>We see the introduction of planning permissions for small HMOs as being beneficial in being able to control the numbers and the location of the HMOs.</p> <p>The other comments would be why is this just applied to Burton and not the whole authority, unless we have read this incorrectly. Are the changes being undertaken retrospectively? How will this be policed?</p> <p>In principle, we agree with the introduction of planning permission for small HMOs</p>	<p>Noted. The area of the Article 4 direction is proposed to be limited to the settlement boundary of Burton on Trent, as this is the area where we have most evidence of complaints and planning harm related to conversion of domestic dwellings to small HMOs. The changes are not retrospective, and the legislation does not allow for this. This means existing HMOs which have been lawfully converted under existing permitted development rights up until the direction comes into force will be unaffected by this change. Licencing and Enforcement council teams will be part of the monitoring and successful implementation of the restriction of permitted development rights should they come into force in this location.</p>
16	Branston Parish Council	<p>The council resolved this evening that it is important that a planning application should be submitted when changing a dwelling to a HMO (for under 6). They particularly felt that this would also ensure that other important measures like correct fire exits etc could also be evaluated.</p>	<p>Noted</p>