

Appendix C

Case Study of Bolton Borough Council actions regarding Article 4

Article 4 Direction

Removal of permitted development rights for the change of use from Use Class C3 (dwelling houses) to C4 (HMOs)

Background Document: Context, Proposals and Evidence and Justification

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Part 1: Context

Introduction

This paper provides the evidence base and policy context for the introduction of an Article 4 Direction to remove the permitted development (PD) right allowing the conversion of dwelling houses (Use Class C3) into Houses of Multiple Occupations (HMOs) for up to six residents (Use Class C4). The Article 4 direction would be made under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and would apply to the whole borough of Bolton. Its introduction will enable the council to have greater control in managing conversions of dwellings into HMOs.

National Policy and Legislative Context

In 2010 the government introduced *The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010* which allowed the conversion of a dwelling house (Use Class C3) into what was then a new use class of C4, which is a small shared house or flat which is occupied by three to six unrelated individuals who share basic amenities. This legislation has since been amended and the up to date legislation is *The Town and Country Planning (General Permitted Development) (England) Order 2015* which continues to allow the conversion of dwellings (C3) to small HMOs (C4) in class L of schedule 2.

Proposals for Houses of Multiple occupation for seven or more residents continue to require full planning permission.

Although government has granted permitted development rights to convert dwellings (C3) to small HMOs (C4), it is recognised that local circumstances will sometimes require that this permitted development right be restricted. These restrictions can be introduced, on a temporary or permanent basis, through an Article 4 direction, which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area. Although Article 4 Directions introduced by local planning authorities do not require approval from the Secretary of State, the Secretary of State for Housing, Communities and Local Government can intervene to stop Article 4 directives taking effect should they deem it appropriate. Both the type of restriction and the extent of the area the restriction is being applied to must be justified. The National Planning Policy Framework (NPPF) advises that Article 4 directions should be applied in a measured and targeted way, and should be limited to situations where the direction is necessary to protect the amenity or local wellbeing of the area (Paragraph 54). Article 4 directions which apply to large areas (such as those which cover the majority of a local planning authority) need to have a particularly strong justification.

These directions are made under Article 4 of the GPDO (2015).

There are two types of Article 4 directions, immediate and non-immediate directions. Immediate Article 4 directions come into effect as soon as they are made. However, in accordance with *Sections 107 and 108 of the Town and Country Planning Act 1990* and *The Town and Country Planning (Compensation) (England) Regulations 2015 (as amended)* property owners may be eligible for compensation if they are affected by the introduction of the direction. Non-immediate directions give 12 months notice from the time the Article 4 direction is made to the time it comes into effect. Compensation provisions do not apply in the case of non-immediate Article 4 directions, whereas in the case of an immediate Article 4 direction compensation is payable to landowners whose permitted development rights are restricted if they apply for planning permission for development that would have been allowed by the permitted development right for the first 12 months that the Article 4 direction is in place. Bolton Council will be pursuing a non-immediate Article 4 direction to remove the permitted development rights to convert a dwellinghouse (C3) into a small HMO (C4).

Regional Context

Other local planning authorities in the immediate vicinity of Bolton have already introduced Article 4 directions which restrict permitted development rights for HMO conversions.

Blackburn with Darwen introduced an Article 4 direction in February 2012 which covered a small number of wards. In August 2023 an Article 4 direction covering all urban areas of Blackburn and Darwen (excluding only more rural areas of the borough) was introduced. Policy DM06 in the local plan adopted in January 2024 states any application for a new HMO will be refused.

Manchester has an Article 4 direction which covers the whole city and was made on 7th October 2010 and came into force on 8th October 2011. The primary reason for introducing the Article 4 direction was issues caused by student housing. The Article 4 direction covers the whole city in order to prevent HMOs spreading into other areas as a result of the Article 4. Policy H11 of Manchester's Core Strategy relates to HMOs and states they will not be granted planning permission where there is a high concentration of existing HMOs near to the application site.

Salford has an Article 4 direction covering inner areas which came into effect in 2018. From November 2024 a new Article 4 came into effect which covers further areas of the city. The recently adopted Part 1 of Salford's Local Plan includes Policy H10 which limits the granting of permission to HMOs if they will have a negative impact on the residential character of the surrounding neighbourhood.

Trafford has a boroughwide Article 4 direction which came into force in December 2017. It was primarily implemented to mitigate the effects of students moving into the borough, however it was not intended to stop all HMO conversions. A Supplementary

Planning Document was adopted in March 2018 which includes policy on the concentration of HMOs which is allowed within certain geographical areas.

Wigan Introduced two Article 4 directions in 2020 covering small areas in Leigh and Swinley. These are two areas where evidence showed there is a large concentration of HMOs. Wigan has an SPD on HMOs which outlines policy on avoiding high concentrations of HMOs in specific areas when deciding whether to grant permission.

Bury, Chorley, Oldham, Rochdale, Stockport and Tameside do not currently have Article 4 directions which restrict conversions from dwellings (C3) to HMOs (C4).

Local Policy Context

Nowhere within the borough of Bolton is currently covered by an Article 4 direction relating to HMOs.

Unlike other local planning authorities in the region, Bolton does not have a specific supplementary planning document (SPD) relating to HMOs, nor does it have any policies in its development plan (which comprises the 2011 Core Strategy, 2014 Allocations Plan and the 2024 Greater Manchester Places for Everyone Plan as well as the GM Minerals and Waste plans) which relate specifically to HMOs.

There are, however, policies in Bolton's development plan which are used when determining applications for HMOs in Bolton. These include policies on amenity such as policy CG4 of the Core Strategy which states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security and does not generate unacceptable nuisance, odours, fumes, noise or light pollution, nor cause detrimental impacts upon water, ground or air quality as well as Policy JP-P1 of Places for Everyone which relates to sustainable places.

Outside of planning the management of HMOs is directly related to the "Safe, Strong and Distinctive" outcome of Bolton's Vision 2030 as this outcome seeks communities which are stronger, cohesive and more confident in which people feel safe, welcome and connected.

It is important to note that an Article 4 direction will not stop the conversion of dwellings into small HMOs. It will only mean that such conversions would require a full planning application. Without further HMO specific policy, such as that introduced through an SPD or a future local plan, Bolton Council will only have the grounds to refuse applications for smaller applications which it currently has at its disposal to refuse larger applications (namely those around amenity).

Wider Licensing Context

Separate to planning requirements is the system of licensing requirements for HMOs in England. Licensing requirements ensure that HMOs meet safety, amenity and management standards.

A mandatory license is required for HMOs which will be occupied by five or more unrelated people. Additional licensing can be applied by local authorities to HMOs which do not fall under mandatory licensing if they believe the property type poses particular problems related to management or safety (this includes HMOs with fewer than five residents).

Part 2: Evidence and Justification

Houses in Multiple Occupation

Definition of an HMO: An HMO is a property in which three or more unrelated people live and share basic amenities which can include kitchens and bathrooms.

The Number of HMOs in England:

The Office for National Statistics estimate that, on the 2021 census day, out of a total dwelling stock of 26,394,778 that 182,552 dwellings were HMOs. This represents 0.07% of England's total housing stock.

The Number of HMOs in Bolton:

Although the ONS estimated in 2021 that Bolton only had 117 HMOs out of a total dwelling stock of 125,979 (0.09%), investigation by Bolton Council has found the proportion to be significantly higher. Bolton Council has used licensing and complaints data from housing standards, planning and building control records, LLPG (Local land and property gazetteer) records, as well as council tax and housing benefits data to estimate the true number of HMOs within the borough. The total number of HMOs estimated from this investigation was 720. A breakdown of how these HMOs were identified can be found in table 1. This is out of a total dwelling stock which stood at 128,031 in March 2024, and therefore HMOs represent 0.56 % of the borough's total dwelling stock, which is a eight times higher than the national percentage estimated by the ONS. Since 2018 Bolton has received 76 planning applications for HMOs, in addition to 12 applications for certificates of lawful development (a full list of which can be found in appendix 1), indicating a sustained increase

Source	Number of HMOs
Housing Benefits	48
Council Tax	273
Housing Complaints	221
LLPG	136
Licensing	42

Table 1: Source of HMO Information *Please note some properties may appear in more than one category (e.g. a property with an HMO license may also be on the LLPG as an HMO). Each property is only counted in one category and individual categories, taken alone, would have higher numbers

in the number of HMOs in the borough over time.

Distribution of HMOs

The distribution of HMOs in Bolton can be seen in figures 1a and 1b below:

Figure 1a: Heat Map of HMOs in Bolton

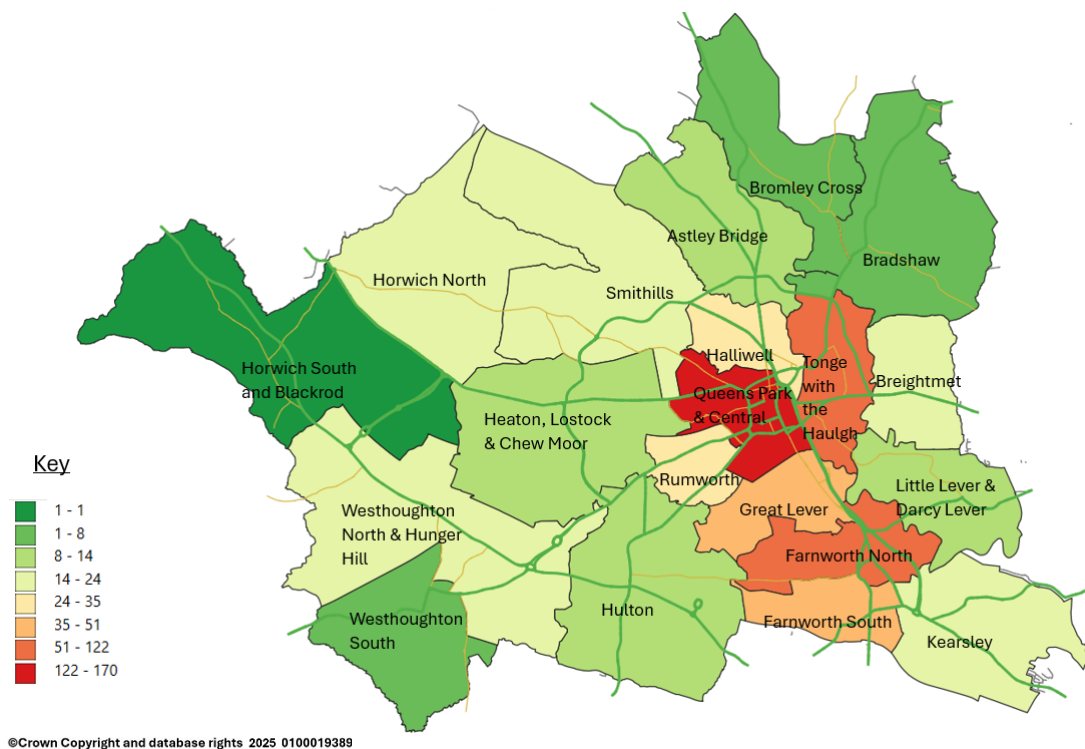
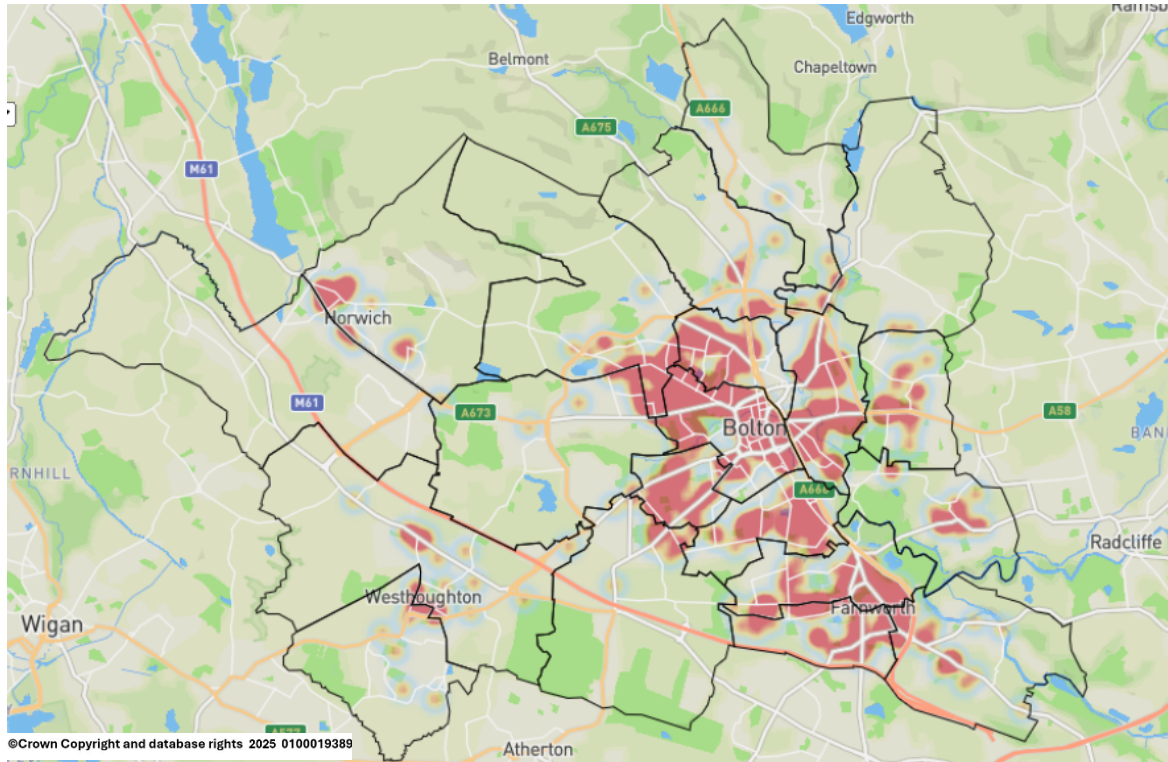


Figure 1b: Choropleth Map of HMOs in Bolton

This map demonstrates that HMOs are most concentrated in the inner urban areas of Bolton, namely in the wards of Queens Park & Central, Tonge with the Haulgh, Halliwell, Great Lever, Rumworth and both Farnworth North and South. Particularly high densities occur in the streets to the north and east of Bolton School which is situated on Chorley New Road, the streets around the Haulgh, and around the centre of Farnworth. Other smaller clusters can be found in Kearsley, Little Lever, Horwich (Specifically the town Centre area of Horwich North) and Westhoughton. Wards such as Heaton, Lostock & Chew Moor, Bradshaw, Bromley Cross and Horwich South contain only a relatively small number of HMOs. However, it should be noted that HMOs have a presence in all wards in Bolton.

Comparison with other GM areas

For consistency it is only possible to compare figures which have been derived using the same methodology, and it is therefore not possible to make a direct comparison between the figure of HMOs we have found in Bolton and other districts. A direct comparison can be made between the 2021 Census HMO estimates for each of the borough's. In terms of percentage of overall stock Bolton has a higher percentage of HMOs than Oldham, Rochdale, Tameside and Wigan, but a lower percentage than Bury, Manchester, Salford, Stockport and Trafford.

Demographics

Population

The Office for National Statistics estimated Bolton to have a population of 302,283 in mid-2023.

Deprivation

Bolton borough is a relatively deprived borough

The Indices of Multiple Deprivation provide statistics on relative deprivation which are reported at a small area level (called Lower Super Output Areas (LSOAs)) across 32,844 areas of England and 317 local authority areas. It uses 7 distinct domains, combined and weighted, which include income, employment, health, education, crime, barriers to housing and services, and the living environment.

The most recent indices of Multiple Deprivation were published in 2019. It shows that 24% of Bolton's LSOAs were in the most deprived 10% in the country, with a further 19% of Bolton's LSOAs being in the 20% most deprived in the country. In contrast only 5% of Bolton's LSOAs are in the least deprived 10% in the country, with a further 9% of Bolton's LSOAs being in the 20% least deprived in the country.

The relative picture has declined from the 2015 indices of multiple deprivation, where 20% of Bolton's LSOAs were in the 10% most deprived in the country, with a further 18% in the 20% most deprived in the country. However, the indices are relative, not absolute, as they are ranked in order nationally and so a change in ranking doesn't necessarily mean a worsening in performance, however the general direction of travel is that Bolton is becoming relatively more deprived.

Figure 2a shows a deprivation map of Bolton, sourced from the 2019 Indices of Multiple Deprivation (By MHCLG). Figure 2b is the heat map of HMOs in Bolton. A comparison of these two maps demonstrates that HMOs in Bolton are heavily concentrated in deprived areas.

Figure 2a: Indices of Multiple Deprivation 2019 Map for Bolton

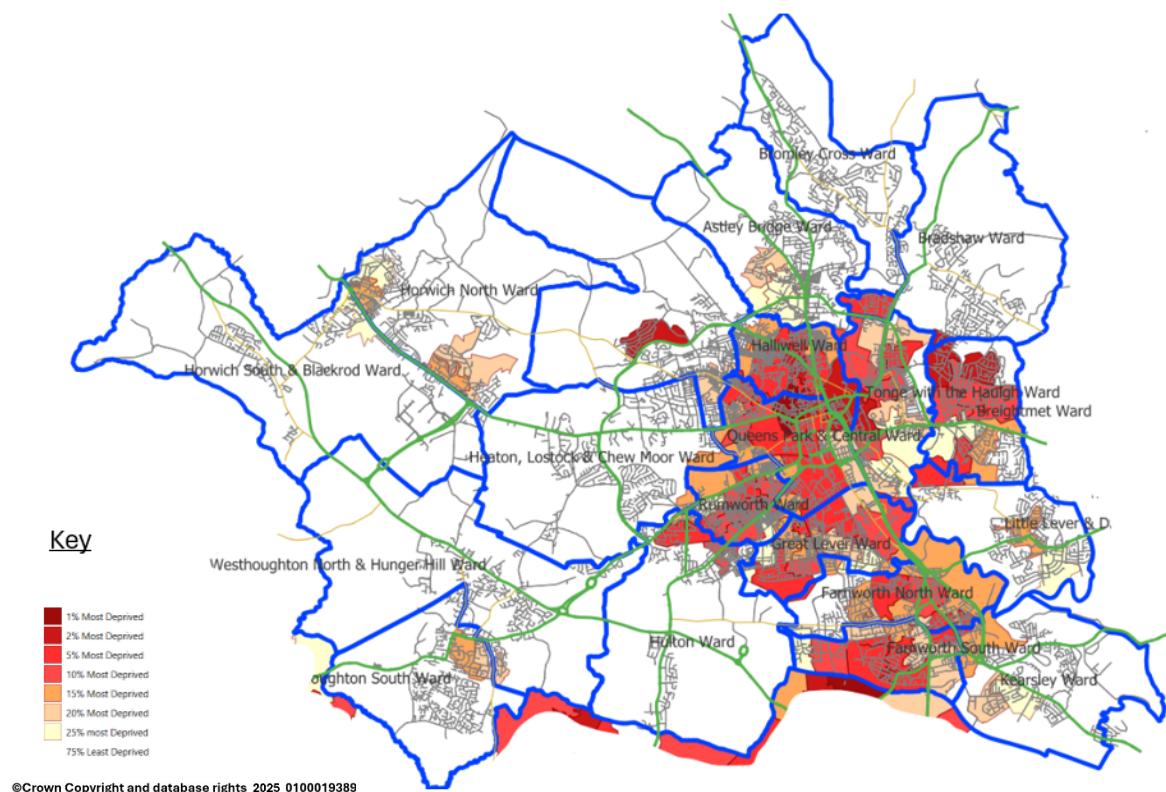
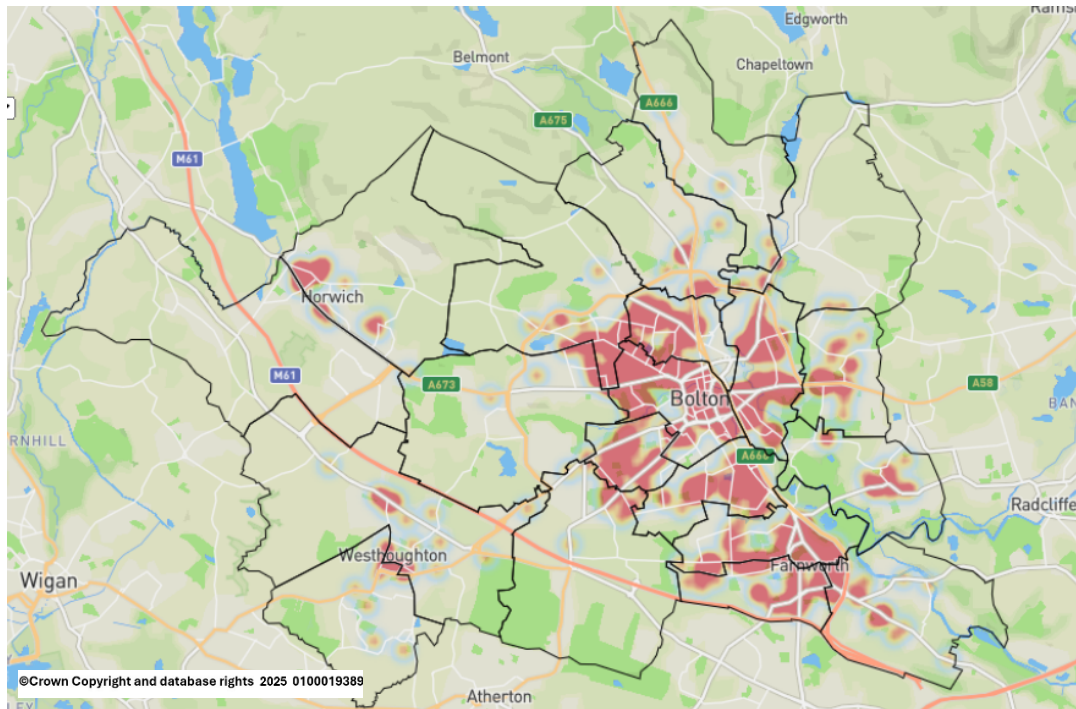


Figure 2b: Heat Map of HMOs in Bolton



Housing

House prices in Bolton are relatively low. The ONS states that the average house price in Bolton was £197,000 in July 2024, this represents a 5.9% increase from July 2023. Despite the increase this figure is low compared to the average English House Price which stood at £306,000. The average monthly private rent was £765 in August 2024, which represents an 8.9% increase from August 2023. However again, in spite of the increase, the average rent price remains low when compared to the Great Britain average of £1,286.

That rental prices are rising at a higher rate than house prices makes Bolton an attractive prospect for buy to let landlords. This is particularly the case given Bolton's low average house prices. This means that in addition to the current number of HMOs it is highly likely that, without more controls which includes subjecting small HMOs to planning control through an Article 4 direction, the number of HMOs in the borough will continue to increase.

Figure 3a shows house prices for small areas (LSOAs) within the borough. (The data has been taken from the ONS and can be found here: [Median house prices by lower layer super output area: HPSSA dataset 46 - Office for National Statistics](#)). Figure 3a:

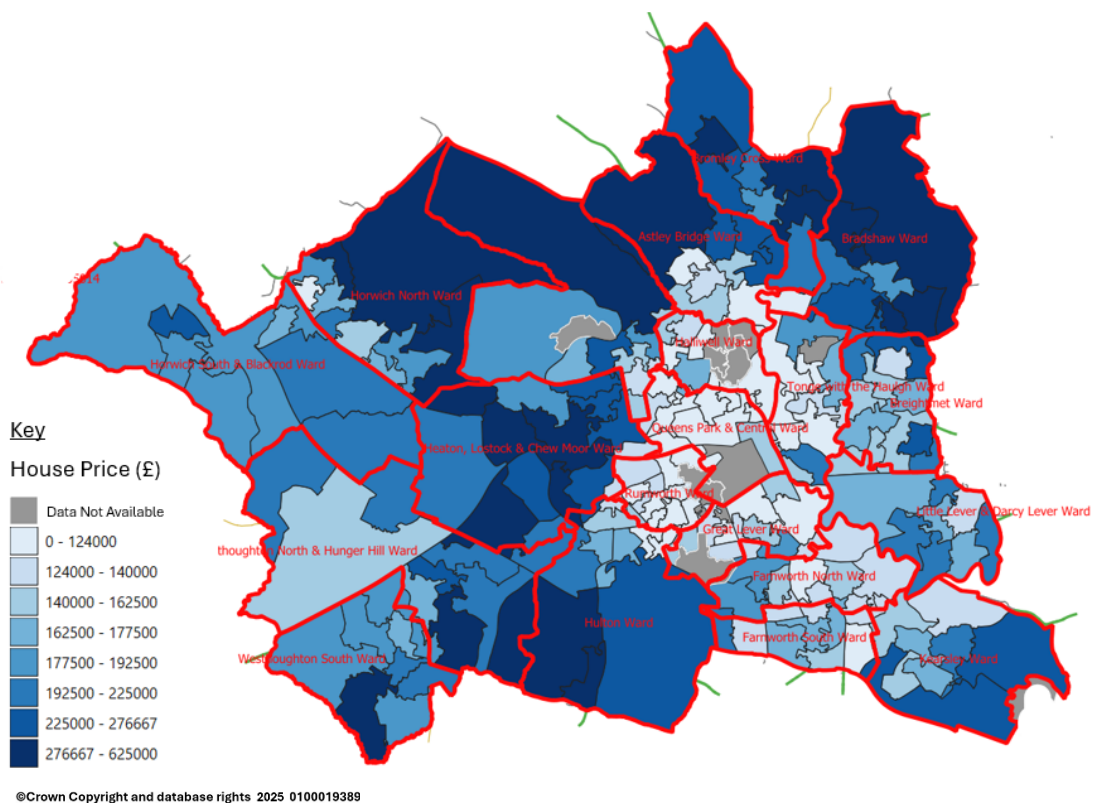
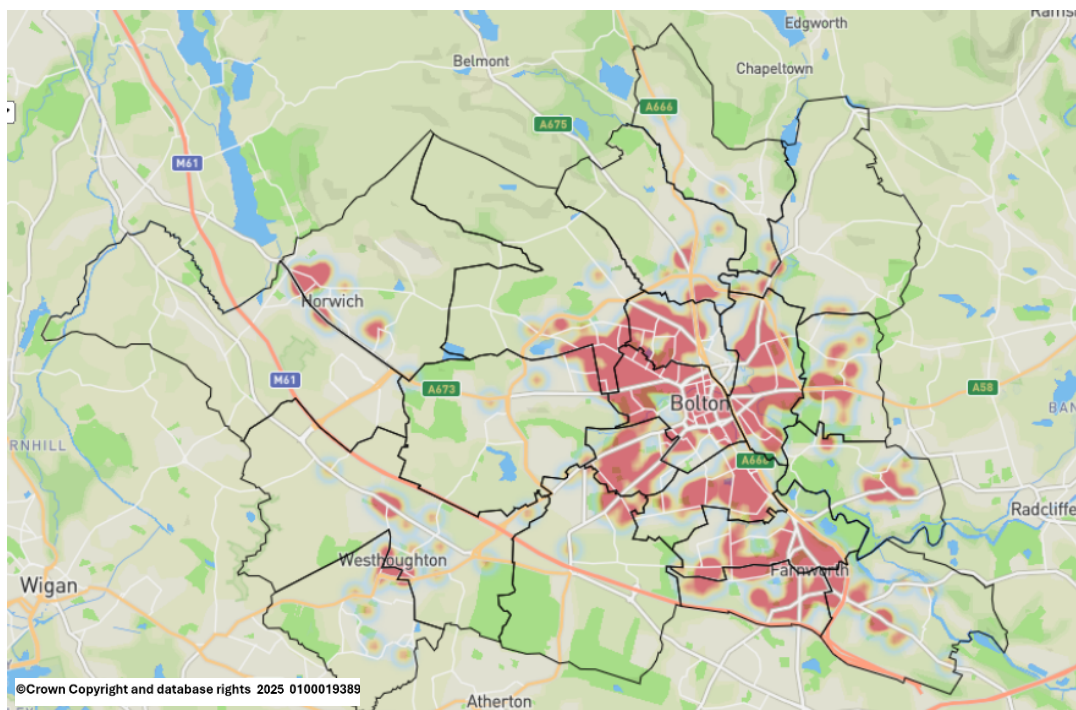


Figure 3b shows a heatmap of HMOs in Bolton:



Comparing the two maps demonstrates that HMOs are currently most heavily concentrated in parts of the borough with low house prices. However a smaller number

of more dispersed HMOs can also be found in areas of the borough with higher house prices.

Amenity/ Crime/ Anti-Social Behaviour

HMOs and Crime/ Anti-Social Behaviour

Analysis by Bolton Council of crime and incident (reports to police which are not crimes) data has been undertaken. The number of households and the numbers of crimes and incidents which occur within 100m of identified HMOs have been analysed, and compared to the numbers of households and crimes/ incidents which are more than 100m from an HMO. Through this it has been found that 27.5% of households in Bolton are within 100m of an HMO. 33.3% of crimes and 33.6% of incidents take place within 100m of HMOs, this is disproportionate compared to the number of households. There are 35 more crimes per 100 households within 100m of HMOs than per 100 Households more than 100m from HMOs. As well as this 26.81% of crimes which take place within 100m of an HMO are violent crimes compared to 23.45% in areas more than 100m from HMOs. This shows that areas with high concentrations of HMOs have higher rates of violent crime. It is also notable that 14.61% of incidents within 100m of HMOs are violent or public order incidents, compared to 11.76% of incidents more than 100m from an HMO.

Complaints to Housing Standards

As outlined in Table 1, Housing Standards have a total of 221 complaints relating to HMOs in their database. Examples of the reason HMOs have been complained about are as follows:

- Nuisance Neighbours
- Overcrowding
- Safety Concerns (about issues such as unsafe stairs and fire safety concerns)

Such complaints demonstrate that HMOs are negatively affecting the amenity of the areas in which they sit. Any further HMOs, or new clusters of HMOs, could cause further harm to the amenity of areas.

Summary of Evidence

Bolton has a high number of Houses in Multiple Occupation relative to its dwelling stock, with Bolton Council's investigation demonstrating that 0.56% of dwellings in the borough are HMOs compared to ONS figures which show that nationally only 0.07% of dwelling stock is HMOs. Bolton is a relatively deprived borough, with house prices and rental prices being lower than the national average. Low house prices make Bolton an attractive place for landlords to buy up large volumes of property to convert to HMOs, and rental prices which though low are increasing faster than house prices make Bolton even more attractive. It can be seen in the data above that HMOs in Bolton are concentrated in the most-deprived and cheapest areas of the borough. They are also situated in areas of the borough which have the highest incidence of

crime and incidents. It is evidenced by the complaints to housing standards that HMOs negatively affect the amenity of the area in which they are situated in, and by being situated in the most deprived areas of the borough they are negatively affecting the living environment of areas which already have poor living conditions. It is likely, given the steady stream of applications which planning has been receiving, that the numbers of HMOs is likely to increase.

Part 3: Proposals

New Article 4 Direction

In order to protect amenity and ensure Bolton's communities remain sustainable with a mix of dwellings including those for families and single occupiers the council proposes to introduce a permanent boroughwide Article 4 direction which will remove the permitted development rights which allow conversion of a dwellinghouse (Class C3) into a small HMO (Class C4) for up to six residents.

The Article 4 direction will have the direct impact of making all future HMO proposals subject to planning control. This will allow better regulation and monitoring of HMOs, as conditions can be attached to planning permission. Should Bolton introduce policy in the future, through the mechanism of a local plan or supplementary planning document, which seeks to restrict the grant of permissions for HMOs, an Article 4 direction is needed to ensure that all conversions go through the planning process. Without an Article 4 direction Bolton Council would not be able to apply any future policy on HMOs to conversions from dwelling houses to HMOs for up to six people.

It is proposed that the new Article 4 direction will be boroughwide. Evidence from Blackburn with Darwen shows that when an Article 4 direction is introduced in a smaller area that this merely shifts the problem to other areas of a borough. It should be noted that Salford is also expanding its Article 4 direction on HMOs to cover a much wider area, as the council has recognised that the issues caused by HMOs in the original smaller area are now being faced by other areas. A direction which covers the whole borough will prevent the amenity of areas which do not currently have a high concentration of HMOs from being harmed. Precedent which demonstrates that a borough/council-wide direction can be appropriate exists in both Manchester and Trafford.

Process of Making the Article 4 Direction

Article 4 directions are made through a two stage process.

Stage 1: The Local Planning Authority (Bolton Council) makes the direction. This will be a Cabinet decision. It then notifies the Secretary of State, and carries out consultation within the affected areas (the whole borough in this case).

Stage 2: The direction is confirmed by Cabinet and the Secretary of State is notified. When confirming the direction the council must take into account responses received

in the consultation in stage 1 and consider if it is necessary to make changes to the direction. If any material changes are necessary the council must re consult.

Schedule 3 of the GPDO 2015 sets out the procedures for publicity and consultation of an Article 4 Direction. In accordance with those requirements, the following consultation will be undertaken:

- Advertisement in the local press: Bolton News
- Display of Article 4 Direction site notice at all ten libraries in the borough
- Notice published on the Council's website
- A site notice
- Correspondence to statutory consultees and other bodies

Timescales

An indicative timescale could be as follows :

07.04.25: Article 4 Direction is made and secretary of state is notified

08.04.25-23.05.25: Six week consultation runs on Article 4 direction

23.05.25- 30.07.25: Officers Analyse the responses of the consultation

30.07.25: Article 4 direction is confirmed (taking into account consultation responses if necessary) and the secretary of state is notified

07.04.26: Article 4 direction comes into effect

Please note this timetable could change should material changes be required as a result of the consultation, or should a large volume of responses be received to the consultation which require a longer period of time to analyse. The timetable may also be subject to dates of ECM or Full Council meetings should approval from these bodies be required.

Risks

Risk	Mitigation
A rush of conversions could take place in the 12 months before the Article 4 direction comes into effect	The alternative, which would remedy this, is an immediate Article 4 direction. The council could be liable to pay compensation in this scenario, therefore the alternative is not a viable solution.
Planning applications for the conversion to an HMO in an Article 4 Direction area are exempt from a planning fee	Legislation introduced in 2018 removed this exemption and we can therefore now charge for such applications.
The Article 4 Direction could result in a reduction in the supply of HMOs	An Article 4 direction, in and of itself, only makes HMO conversions subject to planning permission, it does not mean

	that such applications will be refused. HMO conversions will therefore continue to happen, however they will be subject to planning permission. Should Bolton introduce further policy in the future to restrict the grant of planning permission for HMO conversions, this risk will have to be addressed when introducing such policy.
The secretary of state, after being notified of the Article 4 direction, intervenes to reduce the area the Article 4 direction covers or to stop the Article 4 direction completely	Bolton Council believes it has strong enough evidence to justify a boroughwide Article 4 direction. The evidence is outlined in earlier sections of this document.

Appendix

Appendix 1: List of Planning Applications and S192 Applications received since 2018

REFVAL	Application Type	ADDRESS	YEAR RECEIVED	DECSN
02908/18	FUL	101-103 Derby Street, Bolton, BL3 6HH	2018	AWC
04232/18	FUL	14 Silverwell Street Bolton BL1 1PP	2018	AWC
04446/18	FUL	20 Bolton Road Farnworth Bolton BL4 7JW	2018	RD
03334/18	FUL	37 Park Street Farnworth Bolton BL4 7RE	2018	RD
06461/19	FUL	16 Wyresdale Road Bolton BL1 4DN	2019	AWC
07766/20	FUL	30 Chorley Old Road Bolton BL1 3AA	2020	WDN
09534/20	FUL	108-110 Deansgate Bolton BL1 1BD	2020	RD
13322/22	FUL	71 Chorley Old Road Bolton BL1 3AJ	2022	WA
17416/23	FUL	Park Hotel 259 Bridgeman Street Bolton BL3 6RR	2023	
16242/23	FUL	4 Gregory Avenue Bolton BL2 6HS	2023	
17403/23	FUL	Star And Garter 11 Bow Street Bolton BL1 2EQ	2023	RD

17547/24	FUL	14 Burnmoor Road Bolton BL2 5NH	2024	WA
02921/18	FUL	16-18 Deansgate Bolton BL1 1BR (Former Amici Cafe)	2018	WDN
03070/18	FUL	2 Ann Street Kearsley Bolton BL4 8BD	2018	AWC
03134/18	FUL	128 Newport Street Bolton BL3 6AB	2018	
05155/18	FUL	20 Silverwell Street Bolton BL1 1PU	2018	AWC
04732/18	FUL	20 Manchester Road Kearsley Bolton BL4 8NZ	2018	RD
02789/18	FUL	224 - 226 St Georges Road Bolton BL1 2PH	2018	WDN
03402/18	FUL	First And Second Floors 46 Bridge Street Bolton BL1 2EG	2018	AWC
04002/18	FUL	16 Bradford Avenue Bolton BL3 2PF	2018	AWC
06278/19	FUL	78 Gilnow Road Bolton BL1 4LJ	2019	AWC
07448/19	FUL	101 Bradford Street Bolton BL2 1JY	2019	AWC
05488/19	FUL	38 Tong Road Little Lever Bolton BL3 1QB	2019	RD
05230/19	FUL	13 Plodder Lane Farnworth Bolton BL4 0BZ	2019	RD
06674/19	FUL	First Second And Third Floors 72-78 Bradshawgate	2019	AWC

		Bolton BL1 1QQ		
05659/19	FUL	99 Bolton Road Westhoughton Bolton BL5 3DY	2019	RD
05846/19	FUL	20 Bromwich Street Bolton BL2 1JF	2019	AWC
07703/20	FUL	48 Hilden Street Bolton BL2 1JA	2020	AWC
08242/20	FUL	93 Manchester Road Bolton BL2 1ET	2020	AWC
08300/20	FUL	28 Bradford Avenue Bolton BL3 2PF	2020	AWC
08496/20	FUL	565 Chorley Old Road Bolton BL1 6AE	2020	AWC
09563/20	FUL	161 Park Road Bolton BL1 4RG	2020	AWC
09759/20	FUL	65-67 Duke Street Bolton BL1 2LU	2020	AWC
09956/20	FUL	43 Brownlow Road Horwich Bolton BL6 7DW	2020	RD
09832/20	FUL	49 Bradford Street Bolton BL2 1HT	2020	AWC
10069/20	FUL	15 Park Street Bolton BL1 4BD	2020	AWC
08860/20	FUL	171 Park Road Bolton BL1 4RG	2020	AWC
09061/20	FUL	87 Buckley Lane Farnworth Bolton BL4 9PQ	2020	RD
08691/20	FUL	30 - 32 Great Moor Street Bolton BL1 1NJ	2020	RD

12699/21	FUL	97-99 Derby Street Bolton BL3 6HH	2021	AWC
11894/21	FUL	59 Hilden Street Bolton BL2 1JD	2021	AWC
12250/21	FUL	43 Seymour Road Bolton BL1 8PG	2021	AWC
13634/22	FUL	47-49 Higher Market Street Farnworth Bolton BL4 8HQ	2022	RD
12925/22	FUL	106-108 Derby Street Bolton BL3 6HG	2022	AWC
13128/22	FUL	7 Gilnow Road Bolton BL1 4LH	2022	AWC
14638/22	FUL	11 Crawford Avenue Bolton BL2 1JQ	2022	AWC
14882/22	FUL	32 Dobson Road Bolton BL1 4RL	2022	AWC
15229/23	FUL	55 Gilnow Lane Bolton BL3 5EL	2022	AWC
14218/22	FUL	1 Bolton Road Farnworth Bolton BL4 7JU	2022	AWC
17374/23	FUL	37 Hilden Street Bolton BL2 1JA	2023	
17289/23	FUL	55 Bradshawgate Bolton BL1 1DR	2023	
16891/23	FUL	24 Forester Hill Avenue Bolton BL3 2DR	2023	AWC
15840/23	FUL	120 St Georges Road Bolton BL1 2BZ	2023	AWC
15420/23	FUL	Unit 1 Victoria Plaza Oxford Street	2023	AWC

		Bolton BL1 1RD		
16603/23	FUL	47 Higher Market Street Farnworth Bolton BL4 8HQ	2023	AWC
16960/23	FUL	First Floor 48 Higher Market Street Farnworth Bolton BL4 9BB	2023	RD
17181/23	FUL	129 Mayor Street Bolton BL1 4SJ	2023	
16241/23	FUL	124 Hatfield Road Bolton BL1 3BL	2023	AWC
15417/23	FUL	172 Tonge Moor Road Bolton BL2 2HN	2023	WA
15583/23	FUL	First And Second Floors 127 Deane Road Bolton BL3 5AG	2023	RD
17054/23	FUL	180 Bolton Road Kearsley Bolton BL4 9BU	2023	
17301/23	FUL	256 - 258 Chorley Old Road Bolton BL1 4JE	2023	AWC
17944/24	FUL	209 St Georges Road Bolton BL1 2PG	2024	
17892/24	FUL	14 Bark Street East Bolton BL1 2BQ	2024	
18013/24	FUL	405 - 407 Derby Street Bolton BL3 6LT	2024	
18053/24	FUL	15 Bradshawgate Bolton BL1 1EL	2024	
17580/24	FUL	165 Tonge Moor Road Bolton BL2 2HR	2024	RD

17794/24	FUL	Triangle Works Back Darwin Street Bolton BL1 3PR	2024	RD
17662/24	FUL	1107 Chorley Old Road Bolton BL1 5SG	2024	
18044/24	FUL	205 St Georges Road Bolton BL1 2PG	2024	
18024/24	FUL	Flat Above 109 - 111 Bradshawgate Bolton BL1 1EL	2024	
18081/24	FUL	171 Park Road Bolton BL1 4RG	2024	
03313/18	LBC	25 Chorley Old Road Bolton BL1 3AD	2018	
11945/21	PAP3J	80 Higher Market Street Farnworth Bolton BL4 9BB	2021	FD
17104/23	PAPIA	63 Manchester Road Bolton BL2 1ES	2023	
10006/20	S192	122 - 124 St Georges Road Bolton BL1 2BZ	2020	TERMIN
12755/21	S192	15 Beechwood Street Bolton BL3 2DE	2021	PD
13659/22	S192	72 Hilden Street Bolton BL2 1JD	2022	PD
17719/24	S192	63 Lakeside Avenue Bolton BL3 2HY	2024	PD
13312/22	S192	28 Topp Street Farnworth Bolton BL4 9AU	2022	NTD
16909/23	S192	21 Station Road Kearsley Bolton BL4 8ED	2023	WA

16910/23	S192	56 Bury New Road Bolton BL2 2BG	2023	PD
17682/24	S192	124 Tonge Moor Road Bolton BL2 2DP	2024	PD
16358/23	S192	597 Bury Road Bolton BL2 6HZ	2023	PD
14507/22	S192	152 Rishton Lane Bolton BL3 2BU	2022	PD
15037/22	S192	38 Bromwich Street Bolton BL2 1JF	2022	RD
16309/23	S192	71 Hall Lane Farnworth Bolton BL4 7QE	2023	PD

Report Summary

Report to:	Cabinet		
Date of meeting:	09 June 2025		
Report of:	Jon Dyson, Director of Place	Report Number:	45553
Reporting Officer:	Dwayne Lowe, Assistant Director Highways and Planning		
Contact Officer:	Andrew Chalmers		
Report title:	Introduction of Article 4 Direction (Houses in Multiple Occupation)		
<p style="text-align: center;"><u>Confidentiality</u> <u>Non- confidential</u></p> <p>This report does not contain information which warrants its consideration in the absence of the press and members of the public.</p>			
Purpose:	To provide information to Cabinet on the options to introduce a boroughwide Article 4 Direction to remove the permitted development right allowing the conversion of dwelling houses (Use Class C3) into Houses of Multiple Occupations (HMOs) for up to six residents (Use Class C4).		
Recommendations:	<p>The Cabinet is recommended to:</p> <ul style="list-style-type: none">Consider the information provided in respect of the options for the introduction of a boroughwide Article 4 Direction (Houses in Multiple Occupation) as set out in this report;Approve its preferred option for the potential introduction of a boroughwide Article 4 Direction under the Town and Country (General Permitted Development) (England) Order 2015 to remove the permitted development right for the change of the use from a building and any land within its curtilage from a use falling within Class C3 (Dwellinghouse) of the Town and Country Planning (Use Classes) (Amendment) (England) Order to a use falling within Class C4 (House in Multiple Occupation) of that Order being development comprised within class L(b) of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); andDelegate authority to the Borough Solicitor to carry out any legal formalities.		
Decision:			
Background documents:	Proposed Introduction of Article 4 Direction Houses in Multiple Occupation.pdf Article 4 Direction Background Document.docx		
Signed:		Monitoring Officer	
Date:			

<u>Consultation with other officers</u>			
Finance	Yes	28/05/2025	Katherine Roscoe
Legal	Yes	28/05/2025	Louise McGuinness
HR	No	Click or tap to enter a date.	
Procurement	Yes	28/05/2025	Sarah Atherton
Climate Change	No		Click or tap here to enter text.
Information Governance	No	Click or tap to enter a date.	Click or tap here to enter text.
Equality Impact Assessment	Yes	23/05/2025	Tammy Tatman
Post consultation reports Please confirm that the consultation response has been taken into consideration in making the recommendations.			No
Vision outcomes Please identify the appropriate Vision outcome(s) that this report relates or contributes to by putting a cross in the relevant box.			<u>1. Start Well</u> <input type="checkbox"/>
			<u>2. Live Well</u> <input checked="" type="checkbox"/>
			<u>3. Age Well</u> <input type="checkbox"/>
			<u>4. Prosperous</u> <input type="checkbox"/>
			<u>5. Clean and Green</u> <input type="checkbox"/>
			<u>6. Strong and Distinctive</u> <input checked="" type="checkbox"/>

1. Introduction and Background

- 1.1. Since 2010 the conversion of a dwelling house into a House in Multiple Occupation (HMO) for up to six residents has been permitted development. This means that full planning permission is not required to undertake these conversions and the council, as the Local Planning Authority, has no control over the numbers or locations where these occur.
- 1.2. Local Planning Authorities do, however, have the ability to withdraw these permitted development rights where they can provide evidence to justify such a restriction. This is done through the introduction of an Article 4 Direction. This has been done by a number of neighbouring councils including Salford and Blackburn with Darwen. Doing so means that within the area in which you implement the Article 4 Direction, conversions to small HMOs require full planning permission. More detail on this can be found in the [Article 4 Direction Background Document](#).
- 1.3. The number of HMOs in Bolton has been increasing. When an area has very high concentrations of HMOs this can negatively impact the amenity of the area and lead to a lack of available properties for families and single occupiers.
- 1.4. In July 2023 Full Council approved a motion for a Place Policy Development (PDG) group to discuss the merits of implementing an Article 4 Direction to bring HMO conversions under planning control. This PDG was held in March 2024 and agreed that officers would progress work on implementing an Article 4 Direction.
- 1.5. The decision taken by Cabinet on 7 April to approve the introduction of a non-immediate Article 4 was 'called in' to allow further debate/consideration of the adoption of an immediate Article 4 at the Place Scrutiny Committee which met on 29th April. This process has been supported by the officer team who have undertaken a further period of research and review. This information, set out in Section 2 of this report, is now presented to enable Cabinet to determine which option it wishes to pursue in respect of the implementation of a boroughwide Article 4 Direction.

2. Report Details

- 2.1. The Office for National Statistics estimated in 2021 that Bolton Council had 117 HMOs. An investigation by Bolton Council, the details of which can be found in the background document, estimated that at the end of 2024 Bolton had a total of 720 HMOs. This represents 0.56% of the borough's dwelling stock, whereas nationally only 0.07% of dwelling stock comprises HMOs. It is therefore clear that Bolton has a disproportionately high number of HMOs.
- 2.2. Of the 720 HMOs, most are situated in areas with high levels of deprivation and crime, and where house prices are lowest. Particularly high concentrations of HMOs can be found in the Haulgh area (within Tonge with the Haulgh), the Chorley New Road area near Bolton school (straddling Queens Park and Central and Smithills Wards) and in the central area of Farnworth. The inner urban area of Bolton as a whole has more HMOs than other parts of the borough, however smaller clusters of HMOs do exist in Horwich, Westhoughton, Little Lever and Kearsley. HMOs are present in all wards in Bolton. The Council receives high numbers of complaints about HMOs and suspected HMOs, with complaints often relating to overcrowding, safety concerns and nuisance neighbours.
- 2.3. The evidence summarised above and detailed in the background document forms the justification for the council introducing an Article 4 Direction to remove permitted development rights for conversions from dwellings to HMOs and therefore require proposals for such conversions to apply for full planning permission and for each to be assessed against planning considerations.
- 2.4. The proposed geographical area the Article 4 Direction will cover is the whole borough. Evidence from Blackburn with Darwen and Salford shows that when an Article 4 Direction is implemented in

a small area, growth in the number of HMOs is displaced to areas outside of the Article 4 direction. Both councils have expanded the geographical extent of their original Article 4 Directions in response.

- 2.5. The introduction of an Article 4 Direction will allow better regulation and monitoring of HMOs, as conditions can be attached to planning permissions. It will also reduce complaints. It should be reiterated that an Article 4 is not an automatic ban on new HMOs. The Article 4 Direction does not prevent the conversion of dwellings to HMOs, as planning permission may still be granted for such conversions, where they are appropriate, and can still provide a valuable role in meeting housing needs. However, without an Article 4 direction, any future policy in a Supplementary Planning Document or future Local Plan policy on conversion of dwelling houses to HMOs would not apply to conversions for six or fewer residents. It will be necessary to progress a Supplementary Planning Document to further expand and update Bolton's planning policy on the matter of HMOs to enable planning applications to be considered taking account of the wider amenity and social considerations. This SPD will be progressed alongside the Local Plan after the Article 4 Direction has been published.
- 2.6. Article 4 Directions can either be non-immediate or immediate. A non-immediate Article 4 Direction does not take effect for a set period of time after it is introduced. This period of time can be any period from 28 days to 2 years, however it would normally be 12 months. An immediate Article 4 Direction takes effect as soon as it is introduced.
- 2.7. The implications of immediate and non-immediate are as follows:

Non-Immediate Article 4 Directions:

Advantages	Disadvantages
If a minimum of 12 months' notice is given before the Article 4 Direction takes effect, as it is in the case of an immediate Article 4 Direction.	In the period between the Article 4 Direction being introduced and it taking effect there is the potential for a large number of C3 to C4 conversions being carried out under permitted development rights, some of which may not be granted planning permission were they are required to apply for it. It should be noted that neither Salford nor Blackburn with Darwen saw a notable surge in these conversions in the intervening 12 months in their Non-Immediate Article 4 Directions.
In order to introduce a non-immediate Article 4 Direction, Council only needs evidence that an Article 4 Direction is necessary to protect local amenity or the well-being of the area. This is a lower evidence threshold than that required to introduce an immediate Article 4 Direction.	
A 12-month delay to implementation will give Bolton Council the opportunity to introduce a supplementary planning document on HMOs which will provide stronger material policy grounds on which to determine planning applications for HMO conversions.	

<p>A non-immediate Article 4 Direction will mean that consultation responses (to the consultation which will launch once the Article 4 Direction is introduced and will be considered at the confirmation stage) can be considered before the Article 4 Direction takes effect.</p>	
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Immediate Article 4 Directions:

Advantages	Disadvantages
<p>All conversions from dwellings to small HMOs would immediately require planning permission, bringing more control over the location and quality of HMOs in Bolton.</p>	<p>Within the first 12 months after the direction is introduced, property owners may be potentially eligible for compensation if they have planning permission refused for a conversion which would otherwise be permitted development or if conditions are attached to a planning permission which make the conversion more onerous than it would have been where it to have been undertaken under permitted development.</p> <p>It is unknown how many planning applications will be received and the outcome of these planning applications. It is therefore impossible to quantify the potential liability resulting from this decision. Any claim would divert resources. No budget has been identified to cover the cost of any subsequent potential compensation claims.</p> <p>It is to equally be noted that of the two Local Planning Authorities who introduced immediate Article 4 Directions relating to HMOs more than 12 months ago (Trafford and the London Borough of Merton) Trafford received no compensation claims, and the London Borough of Merton received one compensation claim outside of the claim period.</p>
	<p>Immediate Directions require evidence that the permitted development presents an immediate threat to local amenity or prejudices the proper planning of an area. This is a higher threshold to cross than the evidence base needed for a non-immediate Direction, where the Council only need prove that the Article 4 Direction is necessary to protect local amenity or the well-being of the area.</p>
	<p>The introduction of an immediate Article 4 Direction before a Supplementary Planning Document has been introduced (which</p>

	provides a clearer material decision making framework) could mean that planning applications are more difficult to assess without the material policy grounds given by an SPD.
	An immediate Article 4 Direction will mean that consultation responses (to the consultation which will launch once the Article 4 Direction is introduced and will be considered at the confirmation stage) cannot be considered before the Article 4 Direction takes effect.

2.8. The process of introducing the non-immediate Article 4 Direction is as follows:

- The Local Planning Authority (Bolton Council) makes the Direction and notifies the Secretary of State.
- The Article 4 Direction will be publicised by Bolton Council by placing a notice in the Bolton News, displaying Article 4 Direction site notices in at least two locations in the borough and placing a notice on the Council's website.
- Once the direction is made, a six-week consultation will be carried out.
- After consultation has concluded, and should no amendments be felt necessary, as a result of considering the responses, the making of the Article 4 Direction will need to be formally confirmed by Cabinet.
- 12 months after the Article 4 Direction is made it would then come into effect.

2.9. The process of introducing an immediate Article 4 Direction is identical to the above except that it comes into effect without any delay but must be confirmed within 6 months.

2.10. It should be noted that the Secretary of State has powers to intervene at any point after the making of the Direction to alter the geographical extent of the Direction, amend or stop the direction from taking effect completely. However, this is rare in the case of Article 4 Directions relating to HMOs.

3. Options

3.1. Option 1: Do not introduce an Article 4 Direction

3.1.1. Option 2: Introduce a boroughwide non-immediate Article 4 Direction under the Town and Country (General Permitted Development)(England) Order 2015 to remove the permitted development right for the change the use from a building and any land within its curtilage from a use falling within Class C3 (Dwellinghouse) of the Town and Country Planning (Use Classes) (Amendment) (England) Order to a use falling within Class C4 (House in Multiple Occupation) of that Order being development comprised within class L(b) of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3.1.2. Option 3: Introduce a boroughwide immediate Article 4 Direction under the Town and Country (General Permitted Development)(England) Order 2015 to remove the permitted development right for the change of use from a building and any land within its curtilage from a use falling within Class C3 (Dwellinghouse) of the Town and Country Planning (Use Classes) (Amendment) (England) Order to a use falling within Class C4 (House in Multiple Occupation) of that Order being development comprised within class L(b) of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

4. Impacts and Implications

4.1. Financial

- 4.1.1. The Article 4 Direction may result in an increase in the number of full planning applications for conversions of dwellings to HMOs. The increased cost of processing these will be covered by planning application fees and the existing departmental budget.
- 4.1.2. The estimated revenue cost of publicising the Article 4 Direction, including the placement of an advertisement in the Bolton News, is £1,000. This will be funded by existing departmental budgets.
- 4.1.3. If the Article 4 Direction were implemented immediately, there is the potential for landowners to claim compensation in the first 12 months after the Direction is introduced. It is unknown how many applications are likely to be submitted and how many of these might be refused which could result in compensation claims - it is therefore impossible to accurately predict the extent of any financial risk to the Council and no financial resources have been set aside to pay out on potential claims and their associated costs. It should equally be noted that of the two Local Planning Authorities who introduced immediate Article 4 Directions relating to HMOs more than 12 months ago Trafford received no compensation claims, and the London Borough of Merton received one compensation claim outside of the claim period.
- 4.1.4. Alternatively, if implementation of the Article 4 Direction is non-immediate, those wishing to purchase houses and develop HMOs would be aware of the changed planning context and would not be eligible for potential compensation.

4.2. Legal

- 4.2.1. An Article 4 Direction can be prepared in accordance with Article 4 of the Town and Country Planning (General Permitted Development) Order 2015.
- 4.2.2. Potential Article 4 Direction claims can only be made in the first 12 months of the Direction being in effect. As stated in this report it is currently impossible to calculate the total amount of potential monies and resources should an immediate Article 4 Direction be made.
- 4.2.3. Immediate Article 4 Directions also require evidence that the permitted development presents an immediate threat to local amenity or prejudices the proper planning of an area. This is a much higher legal threshold to cross than the evidence base needed for a non-immediate Direction, where in line with paragraph 54 of the NPPF the Council only need to legally prove that the Article 4 Direction is necessary to protect local amenity or the well-being of the area. All legal requirements and legal thresholds should be complied with, as appropriate.
- 4.2.4. If confirmed, the Article 4 Direction would automatically come into force on the date specified in the notice of making, which should be at least a year after such notice. In so doing, the Council will ensure that it will have no liability or risk for claims or compensation in respect of the loss of permitted development rights.

4.3. HR

- 4.3.1. None

4.4. Climate Change

- 4.4.1. None

4.5. Information Governance

4.5.1. None

4.6. Other

4.6.1. None

5. Equality Impact Assessment (EIA)

5.1. Under the Equality Act 2010, the council has a general duty to have due regard to the need to:

1. **eliminate unlawful discrimination, harassment**, victimisation and any other conduct prohibited by the Act;
2. **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
3. **foster good relations** between people who share a protected characteristic and people who do not share it.

5.2 It is important to consider how the proposals contained within this report may impact positively or negatively on protected characteristics.

5.3 As this is a New Policy a full EIA has been undertaken and is included at Appendix 1. The impact assessment has identified that there could be some adverse impacts to the following groups: Age and socio-economic group. This is addressed in the full EIA.

6. Consultation and Engagement

6.1. No public consultation or engagement has yet been undertaken in respect of the implementation (immediate or non-immediate) of an Article 4 Direction in Bolton.

6.2. In accordance with Schedule 3 of the GPDO 2015 a consultation will be undertaken after the introduction of the Article 4 Direction. This consultation will allow representations to be made to the council on the introduction of the Article 4 Direction. The consultation will last for six weeks and the consultation will be open for anyone to respond to. Bolton Council will contact everyone on the Planning Strategy consultation database including statutory consultees. Officers will analyse responses to this consultation before the Article 4 Direction returns to Cabinet to confirm or otherwise. There is potential that amendments could be made to the Article 4 Direction as a result of this process.

7. Vision 2030

7.1. As outlined on page 12 of the background document unregulated HMOs can have a negative impact on an areas amenity with Housing Standards having received numerous complaints about HMOs relating to nuisance neighbours, overcrowding and safety concerns. An Article 4 Direction will ensure all dwelling to HMO conversions are subject to planning permission, where the effects of a proposed HMO on an area's amenity and local community can be taken into consideration. This will ensure the borough is safe, strong and distinctive as the strength and cohesiveness of communities will not be undermined by unregulated HMO conversions. This in turn will ensure that residents can live well as their happiness and wellbeing is not being impacted by such conversions.

8. Recommendations

8.1. The Cabinet is recommended to:

- Consider the information provided in respect of the options for the introduction of a boroughwide Article 4 Direction (Houses in Multiple Occupation) as set out in this report;
- Approve its preferred option for the potential introduction of a boroughwide Article 4 Direction under the Town and Country (General Permitted Development)(England) Order 2015 to remove the permitted development right for the change of the use from a building and any land within its curtilage from a use falling within Class C3 (Dwellinghouse) of the Town and Country Planning (Use Classes) (Amendment) (England) Order to a use falling within Class C4 (House in Multiple Occupation) of that Order being development comprised within class L(b) of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); and
- Delegate authority to the Borough Solicitor to carry out any legal formalities.

APPENDIX 1: Equality Impact Assessment

Initial Screening for relevance: Details of Impact (Part 1)

Directorate:	Place		
Section:	Planning Strategy		
Person completing this form:	Andrew Chalmers	Date:	23 May 2025

Title of report or proposal:			Report Number	
Proposed introduction of Article 4 Direction (Houses in Multiple Occupation)			45553	
Brief details of proposal, including the aims, objectives and purpose (all strategies, policies, reviews, projects, existing proposals, etc will be referred to as 'proposal':				
An Article 4 Direction would remove permitted development rights allowing conversion of a single dwelling house into a small house in multiple occupation (HMO). Investigation by Bolton has estimated that there are 720 HMOs in the borough. Whilst HMOs are concentrated in some areas more than others, they are present in all areas of the borough. The Article 4 Direction is therefore proposed to apply boroughwide. The Article 4 Direction would not prevent the conversion of small dwelling houses into HMOs, it would only mean that such conversions would require planning permission.				
'Proposal' status (please tick)	Proposed / New	<input checked="" type="checkbox"/>	Existing (i.e.: routine recommission) (If an EIA has previously been completed please include the date) Click or tap to enter a date.	<input type="checkbox"/>
Bolton Council Led	<input checked="" type="checkbox"/>	Partner Led (Please attach partner EIA, and complete section 3 - EIA sign off sheet, as screening not needed)		Click or tap here to enter text.

Public sector bodies need to be able to evidence that they have given due regard to the impact and potential impact on all people with 'protected characteristics' in shaping policy, in delivering services, and in relation to their workforce.

Under the Equality Act 2010, the council has a general duty to have due regard to the need to:

1. **eliminate unlawful discrimination, harassment**, victimisation and any other conduct prohibited by the Act;
2. **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
3. **foster good relations** between people who share a protected characteristic and people who do not share it.

By completing the following questions, the three parts of the equality duty will be consciously considered as part of the decision-making process.

Details of the outcome of the Equality Impact Assessment must also be included in the main body of the report.

Initial Screening for relevance: Details of Impact (Part 1)

Which stakeholder groups will potentially be impacted?									
Residents	<input checked="" type="checkbox"/>	Partners	<input type="checkbox"/>	Workforce	<input checked="" type="checkbox"/>	Service users	<input type="checkbox"/>	Businesses	<input checked="" type="checkbox"/>
CVS Sector	<input type="checkbox"/>	Members	<input type="checkbox"/>	Other (please state)	N/A				

Anticipated Negative Impacts														
Protected Characteristics / Groups	N/A	Age	Armed Forces	Care Leavers	Caring Status	Disability	Gender Reassignment	Marriage / Civil Partnership	Pregnancy & maternity	Race	Religion / Belief	Sex	Sexual Orientation	Socio-economic
1) Will the 'proposal' potentially present any challenges / barriers to any protected groups?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Will any group be potentially excluded as a result of implementing your 'proposal'?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3) Does the 'proposal' have the potential to worsen existing discrimination or inequality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4) Will the 'proposal' have a potential negative impact on community / partnership relations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Anticipated Positive Impacts														
Protected Characteristics / Groups	N/A	Age	Armed Forces	Care Leavers	Caring Status	Disability	Gender Reassignment	Marriage / Civil Partnership	Pregnancy & maternity	Race	Religion / Belief	Sex	Sexual Orientation	Socio-economic
5) The 'proposal' could potentially reduce known inequalities, promoting equality of outcome or opportunity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6) The 'proposal' has the potential to support inclusion and engagement from protected groups.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7) The 'proposal' has the potential to foster good relations between people.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8) The proposal could reduce the potential for harassment or discrimination.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consultation / engagement / research findings	No consultation or engagement has been undertaken. However in accordance with Schedule 3 of the GPDO 2015 a consultation will be undertaken after the introduction of the Article 4 Direction. This consultation will allow representations to be made to the council on the introduction of the Article 4 Direction. Any representations made will be considered by officers before preparing the Cabinet report for the confirmation of the Article 4 Direction.													

Brief bullet point summary of positive / negative impacts:	
The proposal will not have any major adverse impacts on protected characteristics/ groups. HMOs are often favoured as accommodation by younger people and those with fewer financial means, and any restriction to the supply of HMOs could have an impact on these groups. However it is important to note that, should the Article 4 be introduced, it will still be possible to apply for full planning permission to convert a dwelling into a small HMO and therefore the Article 4 Direction is not stopping all supply of new HMOs. The impact of the Article 4 Direction will therefore not have a major adverse impacts on those groups.	
Details of any cumulative impact	No cumulative impacts are anticipated.

Decision:

* All reports to the Executive Member which propose a new policy / procedure or are a savings review should continue to undertake a full EIA (part 2).

No major adverse impact identified; therefore a full EIA is not required (complete sign off sheet in section 3 and send to your Departmental Equalities Lead)	<input type="checkbox"/>
Impacts identified in screening process, therefore a full EIA is required.	<input type="checkbox"/>
This is a new policy, business improvement review or savings review, therefore a full EIA is required.	<input checked="" type="checkbox"/>

Equality Impact Assessment

Full EIA (Part 2)

Directorate:

Place

Section:

Planning Strategy.

Person completing full EIA:

Thomas Godley

Date:

22 May 2025

Stakeholders involved in the development of the 'proposal' and how they are involved: (please list)

Only internal stakeholders have been involved in the development of this proposal. Officers from the Communities and Housing Department have worked with the Planning Strategy Team throughout the process including assisting with data gathering and being involved in decision making at all stages of preparation.

1) Impact to protected characteristics (only list the impacts & mitigations to those characteristics identified in the screening process).

a) Age

Summary of impact

HMOs are often favoured as accommodation by younger people, particularly students. Any policy which restricts HMOs could have a disproportionate impact on this group. An Article 4 Direction makes the process of converting a dwelling to a small HMO subject to planning permission, however it does not mean that planning permission will not be granted for such conversions, and in many cases planning permission will be granted. The impact of the Article 4 Direction will therefore not be major or adverse.

Mitigations to remedy any identified adverse impact

Any responses received to the consultation will be considered and addressed in the EIA that forms part of the Cabinet report for the confirmation of the Article 4 Direction. Any future planning policy which seeks to restrict HMOs further will be subject to a full EIA.

b) Armed Forces

Summary of impact

N/A

Mitigations to remedy any identified adverse impact N/A

c) Care Leavers

Summary of impact N/A

Mitigations to remedy any identified adverse impact N/A

d) Caring Status

Summary of impact N/A

Mitigations to remedy any identified adverse impact N/A

e) Disability

Summary of impact N/A

Mitigations to remedy any identified adverse impact N/A

f) Gender Reassignment

Summary of impact N/A

Mitigations to remedy any identified adverse impact N/A

g) Marriage / Civil Partnership

Summary of impact N/A

Mitigations to remedy any identified adverse impact N/A

h) Pregnancy & Maternity

Summary of impact	N/A
Mitigations to remedy any identified adverse impact	N/A

i) Race

Summary of impact	N/A
Mitigations to remedy any identified adverse impact	N/A

j) Religion / Belief

Summary of impact	N/A
Mitigations to remedy any identified adverse impact	N/A

k) Sex

Summary of impact	N/A
Mitigations to remedy any identified adverse impact	N/A

l) Sexual Orientation

Summary of impact	N/A
Mitigations to remedy any identified adverse impact	N/A

m) Socio-economic

Summary of impact	HMOs often provide cheap residential accommodation for those who cannot afford to rent or buy a full dwelling. Any policy which restricts HMOs could have a disproportionate impact on this group. An Article 4 Direction makes the process of converting a dwelling to a small HMO subject to planning permission, however it does not mean that planning permission will not be granted for such conversions, and in many cases planning permission will be granted. The impact of the Article 4 Direction will therefore not be major or adverse.
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Mitigations to remedy any identified adverse impact Any responses received to the consultation will be considered and addresses in the EIA that forms part of the Cabinet report for the confirmation of the Article 4 Direction. Any future planning policy which seeks to restrict HMOs further will be subject to another full EIA.

2) Does your proposal cause any adverse impacts to a protected group, where mitigations cannot be implemented?

- ☐ Yes: Please discuss this with your Directorate Equalities Leads before completing the sign off in section 3.
- ☒ No: this process is complete (complete sign off in section 3 and discuss with your Equalities Lead when you plan to review your EIA).

EIA - Sign Off

This EIA form and report has been checked and countersigned by the Directorate Equalities Officer before proceeding to Executive Cabinet Member(s)

Screening tool completed (please tick)	<input checked="" type="checkbox"/>	Full EIA completed (please tick)	Yes	N/A
			<input checked="" type="checkbox"/>	<input type="checkbox"/>
EIA review date (if applicable).		After the six week consultation period has concluded and the representations, if any, have been analysed a full Cabinet report recommending whether or not to confirm the Article 4 Direction will be prepared. This will include a new EIA. This report is likely to come to cabinet approximately three months after the introduction of the Article 4, but must come no later than 12 months after the introduction of the Article 4 Direction if a non-immediate Direction is selected, or six months in the case of an immediate Direction.		

Please confirm the outcome of this EIA:

Positive impact for one or more groups justified on the grounds of promoting equality - proceed	<input type="checkbox"/>
No major impact identified, therefore no major changes required – proceed	<input checked="" type="checkbox"/>
Adjustments to remove barriers / promote equality (mitigate impact) have been identified – proceed	<input type="checkbox"/>
Continue despite having identified potential for adverse impact/missed opportunities for promoting equality – this requires a strong justification	<input type="checkbox"/>
The EIA identifies actual or potential discrimination - stop and rethink	<input type="checkbox"/>

Report Officer	
Name:	Thomas Godley.
Date:	11 March 2025
Directorate Equalities Lead Officer	
Name:	Tammy Tatman
Date:	13/03/2025