



Communities Scrutiny Group

Thursday, 23 July 2026

Article 4 Direction – Houses of Multiple Occupation

Report of the Director – Neighbourhoods

1. Purpose of report

- 1.1. On 10 February 2026, a report was considered by Cabinet setting out the evidence base collected to inform a possible Article 4 Direction across Rushcliffe Borough, with the aim to remove permitted development rights for Houses of Multiple Occupation (HMO), introducing a new requirement for submission of a planning application to the Local Planning Authority for permission to change from Use Class C3 Dwellinghouse to a Use Class C4.
- 1.2. Cabinet resolved that there was insufficient evidence to justify the implementation of an Article 4 Direction and recommended the continuing monitoring of HMOs and that the matter be referred to Communities Scrutiny Group with set key lines of enquiry.
- 1.3. This report updates the evidence presented to Cabinet on 10 February 2026 and sets out the likely intended and unintended consequences impacts of introducing an Article 4 Direction and concluding responses to the key lines of enquiry.

2. Recommendation

It is RECOMMENDED the Communities Scrutiny Group scrutinise the contents of the report and the conclusions as set out in paragraphs 4.27 to 4.30.

3. Reasons for Recommendation

- 3.1. As set out in National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (NPG), an LPA should only make an Article 4 Direction where it can justify both its purpose and extent. Use of Article 4 Directions should be limited to the smallest geographical area possible and situations where it is necessary to protect the local amenity or wellbeing of the area. LPAs must clearly identify the potential harm the Direction is intended to address.
- 3.2. Following further investigative work, there is currently insufficient evidence to support the implementation of an Article 4 Direction covering the entire Borough, given the known numbers and distribution of HMOs (Appendix 1).

- 3.3. West Bridgford has a greater number of HMO properties than any other settlement within Rushcliffe Borough (Appendix 2). However, there is limited data to evidence amenity impact directly resulting from HMOs.
- 3.4. Since 2024, service requests relating to HMO's have been received by the Council from 14 complainants. One complainant made 271 complaints regarding one property, which were investigated, and found to be unsubstantiated.
- 3.5. NCC has indicated that there are insignificant numbers of service requests relating to parking which are directly attributed to HMOs within Rushcliffe Borough. A significant number of service area requests relating to parking received by NCC within the West Bridgford area are due to sporting events.

4. Supporting Information

- 4.1 On 10 February 2026, a report was considered by Cabinet setting out the evidence base collected to inform a possible introduction of an Article 4 Direction across Rushcliffe Borough, with the aim to remove permitted development rights for Houses of Multiple Occupation.
- 4.2 The introduction of an Article 4 Direction triggers the requirement of a planning application to be submitted to the Local Planning Authority for permission to change from Use Class C3 Dwellinghouse to a Use Class C4.
- 4.3 It was resolved that Cabinet:
 - a) confirms that there is insufficient evidence to meet the legal threshold to justify an Article 4 Direction to remove or restrict permitted development rights for Houses of Multiple Occupation (HMOs) in the Borough;
 - b) requests that the number of HMOs and complaints received continues to be monitored; and
 - c) requests that the matter is referred to Communities Scrutiny Group at the July 2026 meeting to scrutinise the following key lines of enquiry:
 - Is there a robust evidence base demonstrating harm or risk of harm?
 - What are the likely impacts - intended and unintended – of introducing an Article 4 Direction to remove or restrict permitted development rights for HMOs?
 - Is making an Article 4 Direction proportionate, enforceable and aligned with local and national planning policy?

Houses of Multiple Occupation

- 4.4 A HMO is a rental property, which houses at least three people from different households who share facilities such as kitchens and bathrooms. HMOs are an important part of the rental market, providing housing for young professionals, students and those on a lower income.

Licensing

- 4.5 The legal threshold for licensing a HMO is at an occupancy of five or more people from different households. Licenses cannot be sought for HMOs of 3 or 4 person occupancy.

Planning

- 4.6 Planning permission for HMOs is required in the following circumstances:
- To create a large HMO (7+ occupants); or
 - If a property falls within an Article 4 area, planning permission is required for 3 to 6 person occupancy.

Article 4 Direction

- 4.7 An Article 4 Direction is a legislative tool used to remove or restrict certain permitted development rights, including change of use, from an area or specific property in certain limited situations where it is necessary to protect local amenity or the wellbeing of an area.
- 4.8 In removing specific permitted development rights, an Article 4 Direction does not prevent the type of development specified but instead requires an application for planning permission to be made prior to any development within that Use Class taking place. As per the Town and Country Planning (Compensation) (England) (Amendment) Regulations 2017 explanatory notes: in making an Article 4 Direction, an LPA can be liable to pay compensation to those whose development rights have been withdrawn or restricted by the Direction. The amount of compensation that a Local Authority may be liable to pay is unknown.
- 4.9 As set out in National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (NPG), an LPA should only make an Article 4 Direction where it can justify both its purpose and extent. Use of Article 4 Directions should be limited to situations where it is necessary to protect the local amenity or wellbeing of the area and the LPA has clearly identified the potential harm the Direction is intended to address.
- 4.10 An LPA should only make an Article 4 Direction where it can justify both its purpose and extent. Use of Article 4 Directions should be limited to situations where it is necessary to protect the local amenity or wellbeing of the area, and the LPA has clearly identified the potential harm the Direction

is intended to address. In all cases, Article 4 Directions must be based on robust evidence, and apply to the smallest geographical area possible.

- 4.11 The making of an Article 4 Direction without clear justification and robust evidence as specified in the NPPF could result in the order being challenged in the courts. There is also a risk that the Secretary of State intervenes to withdraw or modify the Direction.

HMOs within Rushcliffe Borough

- 4.12 There are currently 188 licensed HMOs within Rushcliffe of 5 + person occupancy:
- 185 in West Bridgford
 - 2 in Sutton Bonnington
 - 1 in Radcliffe on Trent
- 4.13 This is based on a threshold of 5+ occupancy needing a licence. However, the number of 3-4 person occupancy HMOs can only be estimated.
- 4.14 On average, since 2014, the Council has permitted 1 HMO of 7+ occupants per year. Since 1 January 2026, 1 planning application was permitted for the creation of an HMO, in West Bridgford. Furthermore, 2 planning applications have been permitted for the conversion of 2 HMOs to apartments, within West Bridgford.
- 4.15 Data supplied by an independent company called Price Hubble indicates a further 175 properties which rank as likely to be HMOs within a 3-4 person occupancy range. 91 properties are within West Bridgford.
- 4.16 There are 47,400 residential properties within Rushcliffe Borough; HMOs represent 0.39% of the housing stock of the Borough.
- 4.17 Most HMOs in NG2 (Rushcliffe Borough) can be found on the main roads and in the centre of West Bridgford. The 1 newly licensed HMO (since the publication of 10 February Cabinet report) is located in Radcliffe on Trent.
- 4.18 Most of the licensed HMOs in West Bridgford are located along its main access roads with clustering on specific streets, including Rushworth Avenue, Rosebury Avenue and North Road.

Rushcliffe Borough Council Service Requests

- 4.19 14 complainants have made service requests to the Council since 2024 regarding issues with HMOs. The majority of service requests relate to noise, with a small proportion relating to anti-social behaviour. Wider ward-level analysis shows a similar trend, with noise forming the majority of recorded complaints. The service area requests are not clustered to a specific street.

Nottinghamshire County Council – Parking Service Requests and Parking Schemes

- 4.20 NCC has indicated that there are insignificant numbers of service requests relating to parking which can be directly attributed to HMOs within Rushcliffe Borough. A high number of NCC service area requests relating to parking within the West Bridgford area are due to sporting events, as a number of national sporting venues are located in and around the West Bridgford area.
- 4.21 NCC's parking guidelines require the allocation of 1 parking space per HMO bedroom. HMOs therefore have the potential to negatively impact parking availability on streets with parking schemes which are nearing/at/over-capacity. However, people living in HMOs generally have a lower income and may be less likely to own private vehicles.
- 4.22 NCC does not currently have the evidence to indicate that HMOs are directly affecting parking availability on streets with parking schemes. Other parameters to consider, as identified by NCC, include:
- Rise in car ownership generally
 - Home working
 - Multiple car family homes
- 4.23 The Council will continue to liaise with NCC on the analysis of resident parking schemes and service requests/complaints relating to parking within West Bridgford.

Potential Benefits and Impacts of Introducing an Article 4 Direction

- 4.24 Cabinet on 10th February 2026 requested that Communities Scrutiny Group scrutinise likely impacts - intended and unintended – of introducing an Article 4 Direction to remove or restrict permitted development rights for HMOs. Potential benefits and impacts of introducing an Article 4 Direction are considered below.
- 4.25 Potential Benefits of Introducing an Article 4 Direction include:
- Greater planning control: enables the Council to assess location, scale and constraints before approval, enabling case-by-case decisions rather than automatic conversions.
 - Protection of local amenity: helps manage potential amenity issues through planning controls, where clear harm can be demonstrated.
 - Managing HMO clustering: can limit impact by assessing cumulative impacts, preserving neighbourhood character.
 - Preservation of family housing stock: may reduce gradual loss of single-family homes to HMOs. Supports more balanced and stable communities.

- Increased transparency and community involvement: planning applications become publicly visible, allowing resident input.

4.26 Potential Impacts of Introducing an Article 4 Direction include:

- Reduction in affordable housing supply: HMOs often provide lower-cost accommodation for key groups such as students and young professionals. Restrictions could reduce availability and increase pressure elsewhere.
- Displacement effects (“spillover”): HMOs may shift to nearby unrestricted areas rather than reduce overall numbers. This could redistribute and potentially worsen impacts in other locations.
- Limited effectiveness: Article 4 does not stop HMOs; it subjects HMOs to planning control.
- False expectations among residents: some residents may expect control over who occupies HMO’s, which planning cannot provide. This may lead to dissatisfaction.
- Increased administrative and resource burden: more applications will increase officer workload and processing times, putting additional pressure on planning and enforcement teams.
- Risk of compensation liability: immediate implementation of Article 4 could trigger compensation claims. This creates potential financial risk if not carefully managed. The amount of claim and financial risk which the Council may be liable for is unknown.
- Reliance shift from existing tools: Article 4 may overlap with existing enforcement mechanisms like licensing and environmental legislation. This risks diverting focus from more targeted approaches.
- Delayed development/ uncertainty for landlords: adds time, complexity, and risk to property conversions. This may deter investment and reduce responsiveness in the rental market

Conclusion

- 4.27 In relation to the key lines of enquiry set by Cabinet on 10 February 2026 the following conclusions have been made based on the evidence gathered and reference to local and national planning legislation and guidance.

Is there a robust evidence base demonstrating harm or risk of harm?

- 4.28 The evidence set out in this report does not demonstrate, at this time, that HMOs are causing harm to local amenity or wellbeing at a level sufficient to justify the introduction of an Article 4 Direction, either Borough wide or specifically within West Bridgford. 1 new HMO has been licensed since

Cabinet on 10 February 2026, and the number of service area requests received by RBC and NCC directly relating to HMOs do not demonstrate significant harm or risk of harm.

What are the likely impacts - intended and unintended – of introducing an Article 4 Direction to remove or restrict permitted development rights for HMOs?

- 4.29 While an Article 4 Direction could provide greater planning control and increased community transparency, it would also carry risks including additional administrative burden due to likely increase in planning applications, possible displacement effects, reduced availability of lower-cost accommodation, legal challenge and potential compensation liability if not supported by a robust and proportionate evidence base.

Is making an Article 4 Direction proportionate, enforceable and aligned with local and national planning policy?

- 4.30 Article 4 Directions must be informed by robust, up-to-date and locally specific evidence. Due to there currently being insufficient evidence to demonstrate the requirement of an Article 4 Direction, it is not considered that an Article 4 Direction would be proportionate, enforceable or aligned with policy. The Council will continue to monitor HMO numbers, service requests and parking-related evidence, including through liaison with Nottinghamshire County Council.

5 Risks and Uncertainties

- 5.1 The proposed action not to implement an Article 4 Direction may lead to resident concern about the Council's approach to the increasing number of HMOs across the Borough. However, as discussed above, there is insufficient evidence base to robustly justify such action across any geographical area. Taking Article 4 action without a solid case would not be in accordance with the NPPF and associated PPG and could open the Council up to legal challenge and compensation claims from a range of sources, including landlords and developers.

6 Implications

6.1 Financial Implications

There are no financial implications arising directly from the report's conclusions. At current complaint levels, staff resources associated with ongoing monitoring can be contained within existing budgets.

6.2 Legal Implications

The conclusions of this report do not result in the implication of an Article 4 Direction. There are no legal implications or resource requirements for the ongoing monitoring that is recommended by this report.

6.3 Equalities Implications

Equality Impact Assessment (EIA) are required for new policies. The recommendations do not result in the implementation of new policies and consequently, an EIA is not required. Should the decision be taken to implement an Article 4 in the future, an EIA would be required.

6.4 Section 17 of the Crime and Disorder Act 1998 Implications

The Council actively responds to reports of antisocial behaviour; however, where ongoing, the Council will continue to monitor and respond, particularly in relation to licensed properties.

It should be noted that the vast majority of HMOs in Rushcliffe do not give rise to any complaints and there is insufficient evidence to suggest a link between HMOs and increased anti-social behaviour, noise nuisance or safety concerns at this time.

6.5 Biodiversity Net Gain Implications

There are no known Biodiversity Net Gain Implications.

6.6 Local Government Reorganisation Implications

There are no direct LGR implications arising from the recommendations of this report at this time.

7 Link to Corporate Priorities

The Environment	There are no identified links to the 'Environment' Corporate Priority.
Quality of Life	Article 4 Directions must be robustly reasoned, including 'to protect local amenity or the well-being of the area'. The low volume of complaints indicate that the local amenity and wellbeing of the area is not being significantly impacted by HMOs within the Borough, as such this report concludes that there is insufficient evidence to meet the legal threshold to justify an HMO Article 4 Direction, and that complaints should be continually monitored.
Efficient Services	The preparation and implementation of an Article 4 Direction is often resource heavy and could result in legal challenge and an increase in planning applications. Due to insufficient evidence, the recommendation of this report concludes that an Article 4 Direction cannot at this time be justified.
Sustainable Growth	Article 4 Directions remove permitted development rights which, if not justified, can stifle sustainable growth. Introducing an HMO Article 4 Direction would restrict the delivery of HMOs which serve a useful purpose of housing those with a lower income, students and young professionals.

8 Recommendation

It is RECOMMENDED the Communities Scrutiny Group scrutinise the contents of the report and the conclusions as set out in paragraphs 4.27 to 4.30.

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Background papers available for Inspection:	Report to Cabinet on 10 February – Article 4 Direction Houses of Multiple Occupation Report to Communities Scrutiny Group on 22 January 2026 – Asylum Dispersal and Contingency Accommodation including HMOs
List of appendices:	Appendix 1: Indicative diagram of licensed HMO distribution within Rushcliffe Borough Appendix 2: Licensed HMOs within the West Bridgford Area