

August 2023

Gloucester City Council

Houses in Multiple Occupation

A guide for applicants and decision takers

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1. Houses in Multiple Occupation – A guide for applicants and decision takers

- 1.1 Houses in Multiple Occupation (HMOs) can provide a practical and affordable housing option for a range of people including young professional ‘house-shares’ and students wanting to live out of residential halls, as well as vital source of housing for those on lower incomes.
- 1.2 However, it is important that a range of properties are available including family homes, and that HMOs are not concentrated in one area. An over concentration of HMOs can change the character of the area and impact existing residents in terms of parking pressures, noise, management of waste and recycling and anti-social behaviour.
- 1.3 To achieve a balance of accommodation types across the city, protect existing residents and the character of the area, the Council has a number of adopted planning policies.
- 1.4 This guide primarily provides guidance to support the use of Policy A2: Houses in Multiple Occupation from the adopted Gloucester City Plan (2011-2031). It is intended to be used by prospective planning applicants, property developers and land owners, as well as decision takers such as planning officers and elected planning committee members.
- 1.5 The guide sets out definitions, details when an application for planning permission is required, what information needs to be provided, and how the council as Local Planning Authority (LPA) will assess applications for HMOs.

2. What is a House in Multiple Occupation (HMO)?

- 2.1 A HMO can be defined as a house with three or more people from two or more families living together in a home. It is sometimes called a ‘house share’. Most HMOs are conversions or subdivisions of larger houses.
- 2.2 For the purposes of this guide, in simple planning terms HMOs come in two sizes, small and large:

Small HMO (use class C4)

A small HMO is a property occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

Large HMO (use class Sui-Generis)

A large HMO is a property occupied by 7 or more people who form more than 1 household.

- 2.3 If you would like more details the Housing Act 2004 provides a series of tests for determining whether or not a property is a HMO. These tests have been summarised in the [appendix](#) of this guide.

3. What is not an HMO?

3.1 The following are NOT considered to be HMOs.

- An entire flat or house let to one person, a couple, a family or two people sharing.
- Two lodgers living with an owner occupier in the flat or house.
- Higher education halls of residence.
- Properties occupied by religious communities.

4. Do I need planning permission to convert a property into an HMO?

4.1 The use of existing houses (use class C3) can be converted to a [small HMOs](#) (use class C4) without normally requiring planning permission¹. There are however some exceptions which are outlined in the rest of this chapter.

4.2 A small HMO will require planning permission if the property is in an area with an Article 4 Direction removing permitted development rights to convert housing into small HMOs without planning permission. There are currently no [Article 4 Directions](#) to this effect in Gloucester but do check the council's website for the latest information.

4.3 Even if you do not require planning permission for the change or use, you may still require planning permission for any external changes to the property. Do check with the council if you are planning external alterations to the building such as new windows, new boundary treatments, or any extensions as they may require planning permission.

4.4 If your property is a [Listed Building](#) and you are making internal or external changes or alterations you will likely require listed building consent. A pre application discussion is advised as even small changes may need permission.

4.5 Whether or not your property is listed, if your property is in a [conservation area](#) you may need planning permission to make external alterations. Please contact the council for advice.

4.6 A change of use to a [large HMO](#) will always require planning permission in any location.

NOTE: Planning and licensing are two different matters. You may not need planning permission but could still need a license from the Council to operate. HMOs with five or more people require a license. Please visit <https://www.gloucester.gov.uk/housing/hmo-licences/housing-in-multiple-occupancy-hmo/> for more information.

Please ensure you are familiar with both planning and licensing. Failure to meet the requirements for either planning or licensing can result in enforcement action and fines.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

5. How are planning applications for Large HMOs assessed?

- 5.1 A planning application for a large HMO will be determined against the whole development plan which includes:

Gloucester City Plan 2011-2031 (Adopted Jan 2023) (GCP)

Policy A1: Effective and Efficient Use of Housing, Land and Buildings

Policy A2: Houses in Multiple Occupation

Policy C1: Active Design and Accessibility

Policy E6: Development Affecting Cotswold Beechwoods Special Area of Conservation

Policy F6: Nationally Described Space Standards, of the Gloucester City Plan

Policy G1: Sustainable transport and parking

Joint Core Strategy 2011 – 2031 (Adopted 2017) (JCS)

SD3: Sustainable Design and Construction

SD4: Design Requirements

SD11: Housing Mix and Standards

- 5.2 Not all policies are listed in this guidance note so please make sure that you familiarise yourself with the whole [development plan](#).
- 5.3 This section of the guide looks at some of the policies in more detail. The guide does not introduce any new policies or requirements. It simply sets out how the policy is interpreted by the council and how the requirements could be met.

Policy A1: Effective and efficient use of housing, land and buildings

- 5.4 The policy states:

Policy A1: Effective and efficient use of housing land and buildings

Development will be permitted where it makes effective and efficient use of land and buildings. Development proposals should:

- 1. Result in overall improvements to the built and natural environment; and**
- 2. Be of a suitable scale for the site and not have a significant adverse impact on the character of the locality, the appearance of the street scene and the living conditions of neighbouring occupiers or future residents; and**
- 3. Provide adequate off-street parking, access, covered and secure cycle storage which provides for the existing and proposed use; and**
- 4. Not prejudice the potential for the comprehensive development of adjacent land; and**
- 5. Provide outdoor amenity space and garden space at a level that reflects the character of the area and the scale of the development; and**

6. Provide adequate, well designed, appropriately located and accessible bin storage areas; and

7. Be well-designed to create and support healthy living conditions.

Mixed-use developments and the re-use of vacant floors above commercial premises will be supported where it can be demonstrated that the uses are compatible and will result in safe and healthy living conditions.

- 5.5 Applicants will need to satisfy decision takers that the HMO will not have a significant adverse impact on the character of the locality, the appearance of the streetscene, and the living conditions of neighbouring occupiers or future residents.
- 5.6 In order to achieve this applicants should consider:
- Retaining or reinstating boundary treatments and soft landscaping where it forms part of the character of the wider area.
 - Providing noise attenuation to protect residents of adjoining properties and future occupiers. Particularly where kitchens, bathrooms, living rooms will be positioned adjacent to bedrooms.
- 5.7 The policy also requires the provision of outdoor amenity space and garden space at a level that reflects the character of the area and the scale of the development. All residents in the HMO should have access to garden space at the property. This also helps to ensure healthy living conditions by not only providing outdoor space to relax, but also the opportunity to dry clothes outside protecting indoor air quality from condensation, damp, and mould.
- 5.8 Having a space to garden can also help residents play their part in mitigating and adapting to the climate crisis, not just by drying clothes without using energy, but also by allowing opportunities for growing plants, reducing food miles, and composting at home.
- 5.9 Having covered and secure cycle storage ensures that all residents can cycle should they choose to. Cycling is not only cheaper than getting around by car, but it is a good form of exercise and is better for air quality and the environment.
- 5.10 Living conditions can be negatively impacted by poor layouts, restricted access, inadequate private space, communal space and storage, poor levels of natural light, ventilation and outlook. Applications that are not well-designed and do not support healthy living conditions will be refused in accordance with the adopted policy.
- 5.11 The Council operates bin and kerbside recycling facilities. Recycling is an important part of the Council's commitment to sustainability. HMO applications will need to demonstrate how they can comfortably provide space for the various bins required so that residents can easily access all of the recycling and collection services available.
- 5.12 In terms of enhancing the natural environment, the applicant could provide: Sustainable Urban Drainage solutions including rain gardens, tree planting, biodiversity improvements including meadow planting, bee bricks, bird boxes and habitat creation within gardens. Applications with no improvement to the natural environment will be refused in accordance with the policy.

- 5.13 Other improvements to the wider natural environment could include compost bins, water butts, grey water recycling and renewable energy microgeneration. These measures would help to address SD3: Sustainable Design and Construction of the JCS and help meet the climate changes objectives of the GCP.

Policy A2: Houses in Multiple Occupation

- 5.14 Policy A2: Houses in Multiple Occupation ensures that the concentration of HMOs is kept to a level that protects the character of the area, creates balanced and mixed communities, and protects existing residents. The policy was written for residential properties converting to HMOs. It does not apply to other uses, such as shops and offices converting to HMOs. The policy states:

Policy A2: Houses in Multiple Occupation

Planning permission for the creation of a House in Multiple Occupation (HMOs) will be permitted where:

- 1. The development would not result in any existing residential property (C3 use) being 'sandwiched' between two HMOs; and**
- 2. The development would not result in the creation of more than two adjacent properties in HMO use; and**
- 3. HMOs, including the proposed development, would represent no more than 10% of properties within a 100-metre radius of the application property.**

- 5.15 The following pages explain what criteria 1 and 2 look like in practise, and how to source the information and complete the calculation for criterion 3.

Please note: Across the following pages 'HMO' refers only to [Large HMOs](#), unless in an area with an Article 4 Direction.

Figure 1: Examples of Sandwiching



■	= Existing HMO
■	= C3 dwelling house
■	= Proposed HMO likely to result in sandwiching and not be permitted

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- 5.16 When assessing sandwiching, properties at the side or rear that are separated by rear garden to rear garden are not normally considered (number 1 in above diagram). Where properties to the side or rear are not separated by rear garden to rear garden they will be considered as sandwiching (number 2 in above diagram).

- 5.17 Here are some examples of what is considered unacceptable in terms of criterion 2 of the policy which prevents the creation of more than two adjacent properties becoming HMOs.

Figure 2: Adjacent HMOs



- 5.18 Properties that area aligned rear to rear (number 1 in the above diagram) are not considered adjacent in the assessment of criterion 2. Properties that aligned side to rear (number 2 in the above diagram) are considered adjacent.

Calculating Saturation

- 5.19 In terms of criterion 3 of the policy - HMOs, including the proposed development, would represent no more than 10% of properties within a 100-metre radius of the application – it is for the applicant to provide adequate information for the LPA to be able to assess. Failure to provide adequate information will result in delays to the processing of any planning application and could result in a refusal due to insufficient information.
- 5.20 The LPA will require a scaled plan showing the 100m radius identifying the application site and any existing HMOs within the radius. Information of existing HMOs can be found on the Council's [HMO Licensed Property Register](#). As the HMO register is only published periodically the applicant must also check with the Council's Private Sector Housing Team who manage HMO licenses to ensure that they have the most recent information. Remember that unless in an area with an Article 4 Direction, the calculations should only include [Large HMOs](#).
- 5.21 Applicants must also check the planning history and recent planning applications via the [Public Access](#) system of properties within the 100m radius. A site visit is also recommended.

- 5.22 Each property has a unique location point defined on the National Land and Property Gazetteer (NLPG) and the location point of the proposed HMO will be the centre of the 100m radius. The number of residential properties falling within the 100m radius of the proposed HMO will be assessed by totalling the location points falling within that defined radius. Properties that fall partly within the 100m radius will only be included if the location point, as depicted on the NLPG, falls within this buffer.
- 5.23 For the purpose of this approach, dwellings that are either within purpose-built blocks of flats, or within houses that have been sub-divided into separate flats, are all counted as one single property, and only the first address point is counted. This will avoid counts becoming 'skewed' by a high proportion of flats in one small area. Where a property is in mixed use, the first residential address point is counted.
- 5.24 When calculating the percentage of HMO properties within the radius the application site is also included as a HMO. Where the percentage is not a whole number, such as 10.3% or 10.9% this shall be rounded down.
- 5.25 Here are step by step instructions:

Step 1 – Go to www.gloucester.gov.uk and click on “view planning applications”.

Step 2 – click on ‘Public Access’ followed by ‘Search Public Access’.

[Gloucester City Council](#) > [Planning and development](#) > [Planning Applications](#) > [Search Planning Applications](#)

Search Planning Applications

You can view planning applications made to the City Council via Public Access.

[Search Public Access](#)

Step 3 – Click on the ‘Map’ tab.

Planning – Simple Search

Search for Planning Applications, Appeals and Enforcements by keyword, application reference, postcode or by a single line of an address.

Simple [Advanced](#) [Weekly/Monthly Lists](#) [Property](#) [Map](#)

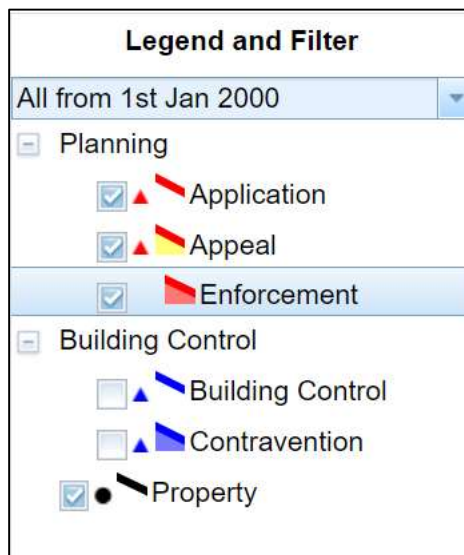
[Applications](#) [Appeals](#) [Enforcements](#)

Status:

Enter a keyword, reference number, postcode or single line of an address.

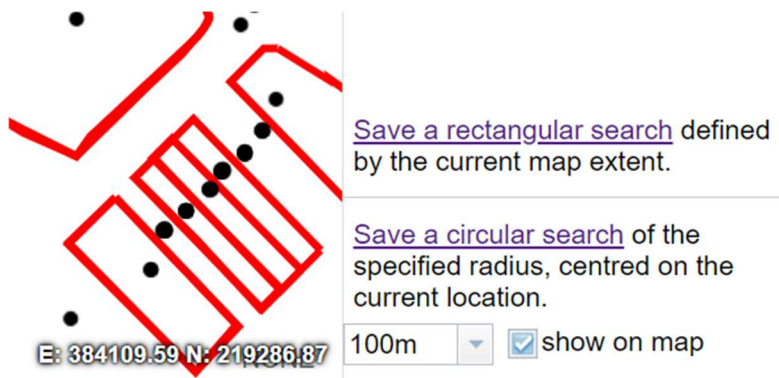
Step 4 – Zoom into the map to find the application site.

Step 5 – Change the Legend and Filters to match the picture below. This will turn on the planning history, appeals, enforcement and the UPRN property dots.



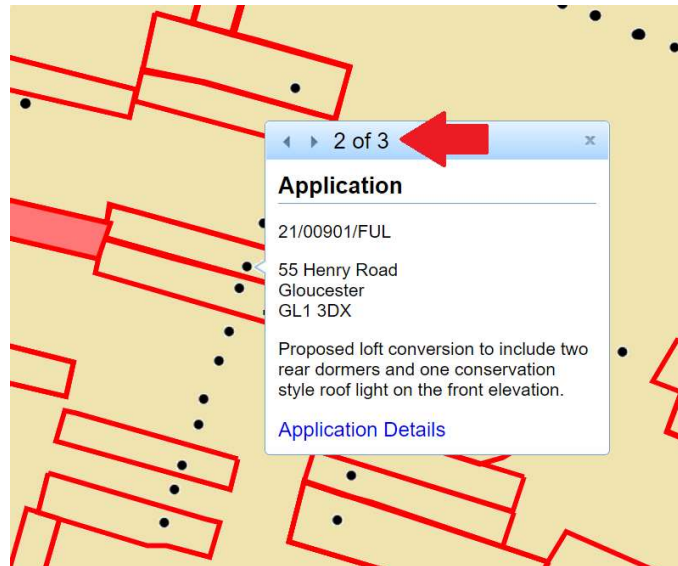
Step 6 – Centre the property dot for the application site on the map by clicking and dragging it with your cursor.

Step 7 – Click on the pull-down menu in the bottom right hand corner of the map and change it to '100 m' and make sure the 'show on map' box is clicked. A 100m radius will now be displayed around the property.



Step 8 – Count up the number of property dots within the radius and make a note of the number. Including the dot on the application site. Only include dots that are fully within the radius line.

Step 9 – Click on each black dot within the radius in turn and note any relevant planning history. Be careful to check all applications by clicking on the arrows at the top of the pop-up box as shown below. Take a note of any applications for HMOs and click on ‘Application Details’ to check if the application was granted or refused. Use this approach to check if there would be any sandwiching or if any of the adjacent properties are already HMOs. This will help you see if criteria 1 and 2 can be met.



Step 10 – Find out the percentage of HMOs in the radius by dividing the number of HMOs by the total number of black dots by HMOs and then multiplying that by 100.

Example:
$$\frac{7 \text{ planning histories granted for HMO in the radius}}{45 \text{ black property dots in the radius}} = 0.155$$

$$0.155 \times 100 = 15.5\%$$

Round the number down to a whole number = 15

This is over the 10% and unlikely to receive planning permission.

Remember: ‘HMO’ refers only to [Large HMOs](#), unless in an area with an Article 4 Direction.

Policy C1: Active Design and Accessibility/ JCS SD4: Design

- 5.26 The GCP also requires that development can be used safely, easily and with dignity by all regardless of ability, age, gender, ethnicity, or economic circumstances; and developments are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation, or special treatment.
- 5.27 The JCS SD4: vi. Inclusiveness and adaptability states that new development should provide access for all potential users, including people with disabilities, to buildings, spaces and the transport network, to ensure the highest standards of inclusive design.
- 5.28 One potential solution to demonstrate meeting these policy requirements would be to ensure that any proposed shared facilities, at least one bedroom, and the garden is designed in such a way that it can be easily accessed and used equally by all.
- 5.29 Other solutions to demonstrate compliance with this policy will also exist and will vary depending on the circumstances of the site. It is for the applicant to clearly demonstrate how they have ensured that their application meets the policy and is safe and easily accessible by all potential users.
- 5.30 Further guidance on the layout of rooms to facilitate accessible living can be found in the Building Regulations M4(2) 'accessible and adaptable dwellings' and M4(3) 'wheelchair user dwellings'.

Policy E6: Development Affecting Cotswold Beechwoods Special Area of Conservation

- 5.31 The policy states that:

Development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the Cotswold Beechwoods Special Area of Conservation (SAC) (alone or in combination), and the effects cannot be mitigated.

In order to retain the integrity of the SAC, and to provide protection from recreational pressure, all development that results in a net increase in dwellings will be subject to Habitats Regulations Assessment for likely significant effects. Any development that has the potential to lead to an increase in recreational pressure on the SAC will be required to identify any potential adverse effects and provide appropriate mitigation. This will be in accordance with the SAC mitigation and implementation strategy or through a Habitats Regulations Assessment.

Development which is likely to generate road traffic emissions to air, which are capable of affecting the SAC, will be screened against the Habitats Regulations Assessment Framework.

- 5.32 In order to conform with this policy, applicants will be required to provide a financial contribution in accordance with the published Cotswold Beechwoods Mitigation Strategy or provide a Habitats Regulation Assessment which will demonstrate no adverse impacts (alone or in combination) on the Cotswold Beechwoods Special Area of Conservation (SAC).

Policy F6: Nationally Described Space Standards

- 5.33 Large HMOs are also required to meet the Nationally Described Space Standards (NDSS)² as set out in Policy F6 of the Gloucester City Plan which states:

Policy F6: Nationally Described Space Standards

Development proposals for new residential development (including change of use or conversion) must meet Nationally Described Space Standards (or any future successor).

- 5.34 For properties that have more bedrooms or persons than provided in the NDSS table, demonstration of compliance with items 'b' to 'i' will suffice. For convenience an extract from the Technical Housing Standards NDSS has been included in [Appendix 2](#) of this guide.
- 5.35 It is also important to note that there are minimum size standards in place for Licencing of a HMO which must also be met. These can be found [here](#). Both standards must be met.

Policy G1: Sustainable transport and parking

- 5.36 Policy G1: Sustainable transport and parking requires that for HMOs cycle parking shall be provided at a ratio of 1 space per bedroom. This must be sheltered, secure and easily accessible.
- 5.37 Applicants should in the first instance look to design facilities located close to the primary entrance of the dwelling or building. In all cases to be easily accessible the cycle parking should be located closer to the main entrance than the car parking that serves that building or dwelling. This will require careful design to present an attractive facility.
- 5.38 In some circumstances, for example where dwellings do not have front gardens or where the number of spaces may be greater than the physical space available at the front of the property, parking in the rear garden will be accepted where the route is direct and as short as possible. It is not considered acceptable to negotiate 90-degree bends and/or several doors with a bicycle. Access through the dwelling to the rear garden is not considered acceptable.

² <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

- 5.39 Car parking will be provided to a level and design that is appropriate for the local context. This will take into account accessibility, any parking restrictions in the area, availability of public transport and car ownership levels. A minimum car parking space is 2.4m x 4.8m. Further details can be found in the [Gloucester City Plan](#).

6. What do I need to include with a planning application?

- 6.1 Prior to submitting any proposals or planning application, applicants are advised to engage in the pre-application process provided by the Council. Further information can be found online at <https://www.gloucester.gov.uk/planning-development/planning-applications/pre-application-advice/>
- 6.2 In addition to the standard information, you will need to provide when making a planning application, you will also need to include:
- A scaled plan showing the 100m radius and a list of all the property addresses within the radius. The plan should also identify those properties that are HMOs.
 - The calculation of the percentage of HMOs within the 100m radius showing the existing percentage and the proposed percentage with the application site included.
 - The internal measurements floor area for each room (bedrooms and communal spaces) indicating what each room will be used for.
 - A statement detailing how the scheme meets NDSS.
 - For bedrooms, indicate if they are a single or a double and how many people will occupy each room. Also indicate any areas of reduced ceiling height.
 - External layout plans showing the location, size and design of the:
 - Waste storage area for waste bins and recycling receptacles.
 - Outdoor amenity space.
 - Areas for drying clothes.
 - Covered and secure bicycle parking and storage at one space per bedroom.
 - Car parking (if on site).
 - Improvements to the natural environment.
- 6.3 Further information on planning application fees and submitting a planning application can be found online at <https://www.gloucester.gov.uk/planning-development/planning-applications/submitting-a-planning-application/>

7. Contact Us

If you have any questions about this guide, please contact us:

Website: <https://www.gloucester.gov.uk/contact-us/>

Email: cityplan@gloucester.gov.uk

Telephone: 01452 396396

Post: Gloucester City Council,
PO Box 2017,
Pershore,
WR10 9BJ

Appendix 1 – Housing Act HMO tests

The definition of HMOs was originally set by the Housing Act 2004, with a definition of HMOs introduced to the Use Classes Order for planning decisions in 2010.

Under section 254 of the Housing Act (2004), a building, or part of a building, is considered to be an HMO if it meets one of the three following tests:

- It is occupied by more than one single household which shares facilities such as a toilet, bathroom or kitchen. This is known as the 'standard test'; or,
- It is occupied by more than one single household within a converted building that does not entirely comprise self-contained flats (whether or not there is also a sharing or lack of amenities). This is known as the 'self-contained test'; or,
- It is occupied by more than one single household within a property made up entirely of converted self-contained flats and the standard of conversion does not meet, at a minimum, that required by the 1991 Building Regulation and more than one third of the flats are occupied under short tenancies. The 'converted building test'.

A household is defined within the Housing Act 2004 as an individual or members of the same family, partners or co-habiting couples and relatives.

Appendix 2 – Nationally Described Space Standards

- a. the dwelling provides at least the gross internal floor area and built-in storage area set out in Table 1 below
- b. a dwelling with 2 or more bedspaces has at least 1 double (or twin) bedroom
- c. in order to provide 1 bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide
- d. in order to provide 2 bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m²
- e. 1 double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide
- f. any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1m² within the Gross Internal Area)
- g. any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all
- h. a built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72m² in a double bedroom and 0.36m² in a single bedroom counts towards the built-in storage requirement
- i. the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area

Table 1. Minimum gross internal floor areas and storage (m²)

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
1b	2p	50	58		1.5
2b	3p	61	70		2.0
2b	4p	70	79		2.0
3b	4p	74	84	90	2.5
3b	5p	86	93	99	2.5
3b	6p	95	102	108	2.5
4b	5p	90	97	103	3.0
4b	6p	99	106	112	3.0
4b	7p	108	115	121	3.0
4b	8p	117	124	130	3.0
5b	6p	103	110	116	3.5
5b	7p	112	119	125	3.5
5b	8p	121	128	134	3.5
6b	7p	116	123	129	4.0
6b	8p	125	132	138	4.0

*Where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39m² to 37m², as shown bracketed.