



Advice produced by the Planning Inspectorate for use by its Inspectors – 15 January 2014

Houses in Multiple Occupation (HMOs) and Permitted Development Rights

1. The Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GDPO) Schedule 2 Part 1 Class A grants certain permitted development rights to dwellinghouses.
2. Houses in Multiple Occupation, including those which fall within Class C4 can benefit from the permitted development rights granted to dwellinghouses by the GDPO. Class C4 use is defined as use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.¹
3. The test for whether a property is eligible to use the permitted development right is whether it can be considered a “dwellinghouse” within the context of the GDPO. This will depend on the facts of the case.
4. Case law² has established that the distinctive characteristic of a “dwelling house” is its ability to afford to those who use it the facilities required for day-to-day private domestic existence. Whether a building is or is not a dwelling-house is a question of fact.
5. For the purposes of the GDPO a “dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building.

¹ Town and Country Planning (Use Classes) Order 1987 (as amended)

² *Gravesham Borough Council v The Secretary of State for the Environment and Michael W O'Brien* (1982) 47 P&CR 142 [1983] JPL 307