

7 September 2010

The Chief Planning Officer
Local planning authorities in England

Dear Chief Planning Officer,

Amendments to the planning rules for houses in multiple occupation

As you will be aware, on 17 June, the Government announced proposals to amend the planning rules for houses in multiple occupation (HMOs) and confirmed that we would seek the views of key partners on the proposed changes.

I am writing to inform you that after consideration of the representations received we have decided to proceed with the amendments as announced. This will mean that changes of use from family houses to small HMOs will be able to happen freely without the need for planning applications. Where there is a local need to control the spread of HMOs local authorities will be able to use existing powers, in the form of article 4 directions, to require planning applications in their area.

Two statutory instruments which will give effect to the changes have been laid before Parliament and will come into effect on 1 October 2010.

The Town & Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2010 (2010 No. 2134) will make changes of use from Class C3 (dwellinghouses) to Class C4 (houses in multiple occupation) permitted development.

The Town and Country Planning (Compensation) (No. 3) (England) Regulations 2010 (2010 No. 2135) will reduce local authorities' liability to pay compensation where they make article 4 directions as follows:

- where 12 months' notice is given in advance of a direction taking effect there will be no liability to pay compensation; and
- where directions are made with immediate effect or less than 12 months' notice, compensation will only be payable in relation to planning applications which are submitted within 12 months of the effective date of the direction and which are subsequently refused or where permission is granted subject to conditions.

(Please note that the Town and Country Planning (Development Management Procedure) (England) Order 2010 (SI 2010 No.2184) (DMPO) referred to in the Compensation Regulations is due to be laid before Parliament shortly. The DMPO is a consolidation of the Town and Country Planning (General Development

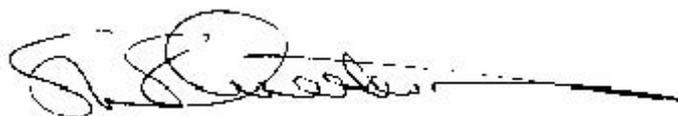
Procedure) Order 1995 and I will provide further information on this in a separate letter.)

Copies of the statutory instruments can be found at: <http://www.opsi.gov.uk/si/sis07-09>.

We will update the Communities and Local Government circular 05/2010, Changes to the planning regulations for dwelling houses and houses in multiple occupation, to reflect these changes. We will also issue revised guidance on the general procedures for making article 4 directions to replace the guidance contained in the Department of the Environment circular 9/95. Our aim is to publish both these documents in time for the HMO changes coming into effect on 1 October.

If you have any questions about these changes please contact Theresa Donohue on telephone: 0303 4441719 or e-mail: theresa.donohue@communities.gsi.gov.uk.

I am copying this letter to the Planning Inspectorate.

A handwritten signature in black ink, appearing to read 'Steve Quartermain', with a long horizontal line extending to the right.

STEVE QUARTERMAIN
Chief Planner