



HMOs Residents' Guide

What HMOs are and how you can help

www.spelthorne.gov.uk/hmo

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What is an HMO?

A House in Multiple Occupation (HMO) is a property where:

- Three or more unrelated people live together
- They share facilities such as a kitchen or bathroom
- Each person or household has their own room or tenancy

Some HMOs require a Council licence, especially if five or more people who are not related to each other live there.

Why do HMOs exist?

HMOs provide affordable and flexible housing for many residents, including:

- Single people on lower or moderate incomes
- Younger residents starting out in work
- Key workers and people with irregular hours
- People who cannot afford self contained homes locally



HMOs provide valuable housing for people who may not have other options, but when they are poorly managed or illegally converted, they can cause issues such as:



Overcrowding



Fire risks



Parking pressures



Unsafe building works



Noise and waste problems

How are HMOs regulated?

Licensable HMOs must meet higher safety and management standards than most private rented homes, including:

- Fire safety measures
- Gas and electrical safety certificates
- Minimum room sizes
- Clear management and maintenance arrangements

Landlords must apply for a licence. Once a valid application is submitted, an HMO can operate while the Council completes its checks.

If the council refuses the application, it must issue a formal decision notice explaining the reasons. Common reasons include:

- The landlord or manager is not “fit and proper” (e.g. criminal convictions, housing offences)
- The property is unsuitable for the number of occupants
- Poor management arrangements
- Failure to meet amenities, space, or safety standards
- Incorrect or incomplete application

Where standards are not met, the Council can refuse licences, issue penalties or take legal action. If a licence is refused a landlord has the right to appeal within 28 Days to the First-tier Tribunal (Property Chamber).

Planning Permission and Article 4 Direction

What is Article 4 and what does it mean for landlords?

An Article 4 Direction removes certain “permitted development” rights. In Spelthorne, this means that planning permission is now required to change a property from a single, family dwelling (Use A Class C3) to a small HMO (Use Class C4) where 3 or 4 unrelated people live together.

Do all HMOs require planning permission?

- Yes, where Article 4 applies, planning permission is required to convert a family home into a small HMO (3–6 occupiers).
- Large HMOs (7 or more occupiers) have always required planning permission, as they are classified as sui generis (outside standard use classes).

How does a landlord apply for planning permission for an HMO?

Landlords must:

1. Submit a full planning application to Spelthorne Borough Council.
2. Provide supporting information, which may include:
 - » Floor plans and room sizes
 - » Waste and recycling arrangements
 - » Parking provision (where applicable)
 - » Amenity space and impact on neighbouring properties
3. Pay the relevant planning application fee.

Each application is assessed on its individual planning merits, including impacts on residential amenity and the surrounding area.

Can an HMO operate without planning permission if Article 4 applies?

No. Operating an HMO that requires planning permission without consent may result in planning enforcement action, which could require the use to cease.

HMO Licensing

What is an HMO licence?

An HMO licence is separate from planning permission and relates to management standards, safety, and living conditions within the property.

Which HMOs must be licensed?

Under mandatory licensing, a licence is required if:

- The property is occupied by five or more people
- Forming two or more households
- Sharing facilities such as kitchens or bathrooms

What does a landlord need to do to obtain an HMO licence?

To apply for an HMO licence, landlords must:

1. Submit an application to the Council and pay the licence fee.
2. Demonstrate the property meets required housing standards, including:
 - » Adequate room sizes
 - » Sufficient kitchen and bathroom facilities
 - » Suitable fire safety measures (alarms, fire doors, escape routes)
3. Provide valid safety certificates, such as:
 - » Gas Safety Certificate
 - » Electrical Safety Report
 - » Energy Performance Certificate (EPC)
4. Be assessed as a “fit and proper person” to manage the property.

Licensing checks are carried out by the Council’s Environmental Health Service residential team.

Do landlords need both planning permission and an HMO licence?

Yes, where applicable.

- Planning permission relates to the use of the property
- Licensing relates to how the property is managed and maintained

One does not replace the other.

What happens if a property is operated as an unlicensed or unauthorised HMO?

Failure to obtain the necessary planning permission or HMO licence can result in:

- Civil penalties of up to £30,000 or criminal prosecution
- Rent Repayment Orders
- Banning orders in serious cases
- Enforcement action requiring the property to cease HMO use

Where can landlords get advice before applying?

Landlords are encouraged to:

- Use the Council's pre application planning advice service
- Contact the Private Sector Housing or Planning teams for guidance before purchasing or converting a property

How many HMOs are there in Spelthorne?

The Council does not estimate HMO numbers simply by counting applications.

As of April 2026:

- 153 HMO licence applications are being processed
- A further 62 properties are under investigation to check whether they may need a licence

Most applications relate to existing properties being brought into the licensing system, not brand new HMOs.

Are HMOs linked to crime or antisocial behaviour?

Local experience shows that:

- Most HMOs generate no repeat complaints
- Issues that do occur are usually related to poor management (such as waste or maintenance), not crime
- A small number of properties account for most recurring problems

HMOs as a whole are not inherently linked to criminal behaviour.

What about impact on neighbourhoods?

Well managed HMOs can operate without harming community life.

- The Council regulates safety and management standards
- Decisions about location and concentration of HMOs sit with the planning system, not licensing

Problems are addressed through targeted enforcement, rather than blanket restrictions.

Are HMOs used to house Asylum Seekers?

The Home Office has statutory responsibility for the provision of asylum support accommodation and commissions private sector providers to source and lease suitable properties, ensuring they meet required safety and accommodation standards. Asylum seekers are dispersed across the UK in accordance with national dispersal arrangements. The Government also has an ongoing programme aimed at reducing reliance on hotel accommodation for asylum seekers.

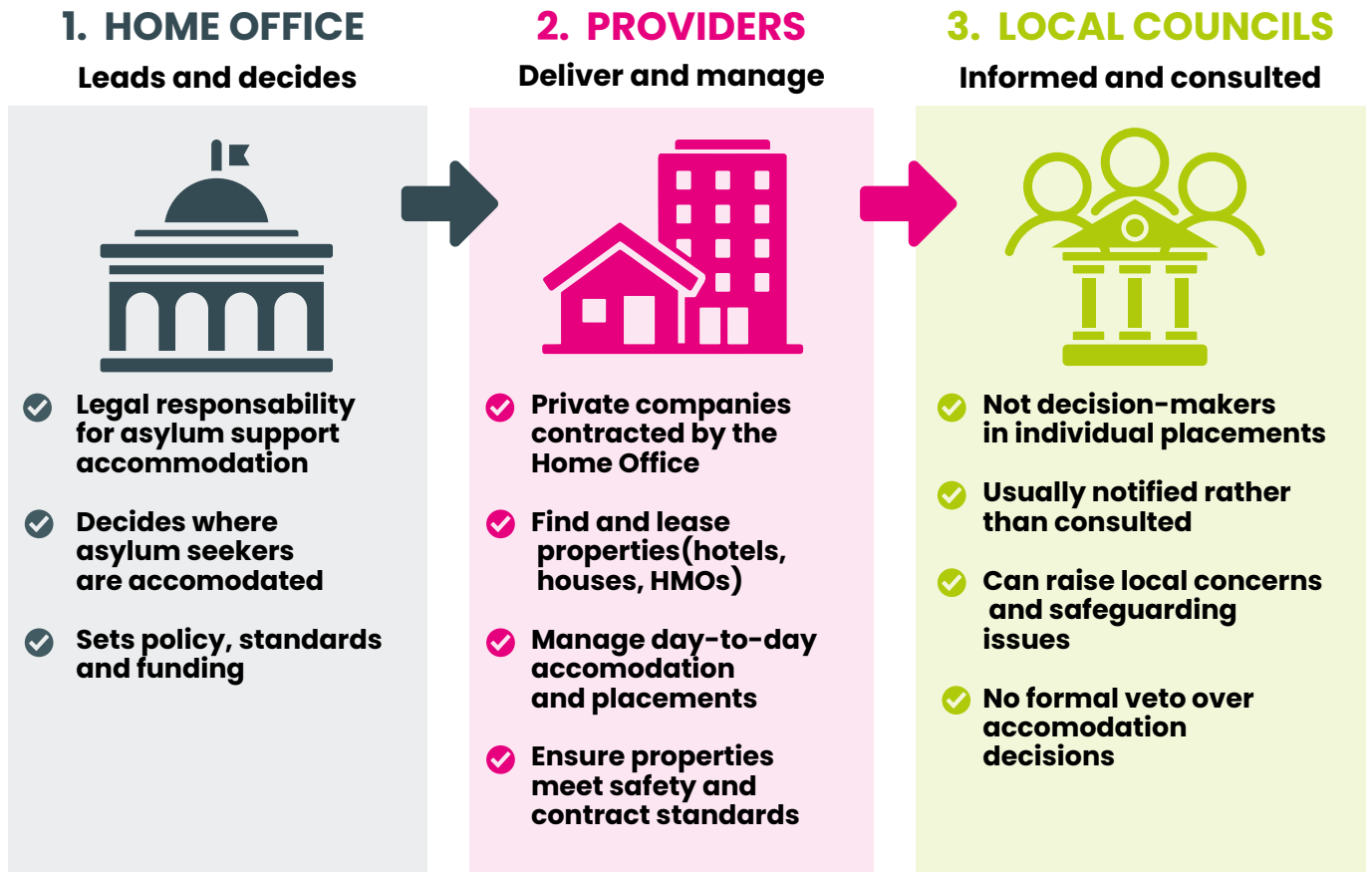
The Council has no statutory decision making authority over the provision or location of asylum accommodation. However, once notified by the Home Office of specific proposals, the Council is able to raise local concerns and draw attention to any potential safeguarding, operational, or community impacts.

As of 27 April 2026, of Spelthorne's total housing stock of around 44,000 homes, eight residential properties in the borough are being used to accommodate asylum seekers.

Diagram 1 below summarises the process for providing accommodation for Asylum Seekers.

WHO IS RESPONSIBLE FOR ASYLUM ACCOMMODATION?

How the system works in the UK



WHAT RULES AND LAWS GOVERN THIS?

Key Legislation

- Immigration and Asylum Act 1999 (section 95) - provides support for destitute asylum seekers
- Nationality, Immigration and Asylum Act 2002 - expanded powers on asylum support
- Immigration Act 2016 - reforms related to support systems

Policy & Contracts

- Asylum Accommodation and Support Contracts (AASC) - legally binding contracts with providers setting standards for suitability, safety, safeguarding and location
- Asylum Support Policy Instructions (Home Office guidance) - used to assess suitability and vulnerability in placements

KEY TAKEAWAY



The priority for all: Safety, safeguarding and appropriate accommodation for asylum seekers and local communities

What about dealing with issues of crime or anti-social behaviour (ASB) in HMOs?

Who deals with what?

- Crime → Police lead
- ASB & poor HMO management → Council lead
- Serious or persistent cases → Joint action
(This split is set out in law and national guidance.)

Council role (local authority)

Councils lead where issues arise from HMO management, tenant behaviour as neighbours, or environmental impact.

HMO licensing (Housing Act 2004)

- License HMOs and assess “fit and proper” landlords
- Set licence conditions (e.g. noise, waste, tenant ASB)
- Vary, suspend or revoke licences where ASB is not controlled

Failure to manage tenant ASB can itself be a licensing breach.

ASB powers (ASB, Crime and Policing Act 2014) Community Protection Notices – persistent noise, waste, intimidation)

- PSPOs – wider area controls
- Closure powers – serious nuisance or disorder

Environmental enforcement

- Noise nuisance, waste, vermin, hygiene and street scene issues
(usually via Environmental Health / Community Safety)

Police role

Police lead where behaviour is criminal, including:

- Violence, threats, drugs, criminal damage
- Harassment, stalking, public order offences

Police ASB powers include:

- Dispersal powers
- Criminal Behaviour Orders
- Arrest for breaches of orders or closures

Joint working

Problem HMOs usually require partnership:

- Intelligence sharing on repeat addresses
- Joint visits and coordinated enforcement
- Action where ASB escalates into crime or landlords fail to act

ASB is a shared responsibility requiring coordinated responses.

How You Can Help

Residents often notice issues before anyone else. You can report:

- Suspected illegal HMOs
- Too many occupants
- Properties in poor, unsafe or unsanitary condition
- Building work that looks unsafe or may not have planning/building approval
- Noise, waste and antisocial behaviour
- Unsafe construction sites

You do not need to be sure something is wrong—if it feels wrong, report it.

The Council will check and take action where appropriate.

Details of how to report

1. Report Concerns to Planning Enforcement


Use this if you believe:

- A normal home has been converted into an HMO without planning permission
- Too many people are living in the property
- Building changes (extensions, loft conversions, etc.) seem unauthorised

Report to Planning Enforcement:

What to include: the address of the property, what you've seen, photos if possible.

 planningenf@spelthorne.gov.uk

 01784 451499


2. Report Concerns about breaches of HMO Licensing Conditions or unlicensed HMOs

Use this if:

- You think five or more people live at the address and they are not part of a family or otherwise related to each other.
- You believe the property is overcrowded
- Fire safety measures seem inadequate
- Management looks poor (blocked exits, piles of waste, faulty alarms)

Report to the Environmental Health Team:

 eh.residential@spelthorne.gov.uk


 01784 451499

3. If you are a resident of a HMO Report Poor Housing Conditions

Environmental Health can investigate problems such as:

- Damp, mould or poor heating
- Electrical or fire safety concerns
- Overcrowding
- Hygiene issues or infestations
- Unsafe internal layout or blocked escape routes

 eh.residential@spelthorne.gov.uk

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Building Safety, Concerns & Neighbour Issues

4. Report Unsafe or Unapproved Building Work

Use this if you see:

- Structural work (lofts, extensions) done without control
- Builders removing walls or roofs unsafely
- Work that seems dangerous to people nearby

This may fall under:

Council Building Control

If you suspect work has no building control approval or looks unsafe.

Email: building.control@spelthorne.gov.uk

Please note that in some cases building control work is undertaken by private sector companies who are Registered Building Control Approvers (RBCAs) and in such cases the concerns may need to be directed to the relevant company.

Health & Safety Executive (HSE)

If you believe that building workers or members of the public are at immediate risk (e.g. due to unsafe scaffolding, falling hazards, unsafe electrics) you should report your concerns online to HSE, or in extreme cases contact the Emergency Services by dialling 999.

Report online: <https://www.hse.gov.uk/contact/tell-us-about-a-health-and-safety-issue.htm>

HSE Advisory Team: 0300 003 1747


5. Report Noise, Waste or Antisocial Behaviour

If an HMO is causing neighbourhood problems:

- Persistent noise
- Rubbish overflowing
- Poor waste storage
- Antisocial behaviour

Environmental Health or Community Safety can help.

 community.safety@spelthorne.gov.uk

 01784 451499

In emergencies or criminal behaviour: call 999 or 101.

How the Council Uses Reports

Once a concern is reported, the Council may:

- Inspect the property
- Check HMO licensing status
- Investigate planning or building breaches
- Work with Surrey Fire & Rescue
- Take enforcement action (notices, fines, prosecutions)
- Require safety improvements
- Support residents affected by nuisance


Your reports help keep homes safe, protect neighbourhoods, and prevent exploitation of tenants.

Key messages

- HMOs are lawful, regulated housing that meet real local needs
- Most are well managed and compliant
- The Council uses an evidence led, proportionate approach to protect residents, tenants and neighbourhoods

For more information or to report a concern, visit the Council website or contact Environmental Health.

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Further information at www.spelthorne.gov.uk/hmo



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