

# **Managing the Development of Houses in Multiple Occupation (HMOs)**

## **Supplementary Planning Guidance**

**March 2026**



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## **1 Purpose and Scope of the SPD**

- 1.1 This document is a Supplementary Planning Document (SPD) that supplements the adopted Spelthorne Local Plan 2024 – 2039/40. It constitutes formal planning policy of Spelthorne Borough Council and is an important material consideration for the Council when determining planning applications for new HMOs.
- 1.2 This SPD seeks to ensure that:
- a) the overall quality of new HMO accommodation in the borough is improved, through compliance with the standards set out in this SPD;
  - b) potential adverse impacts on neighbouring properties and communities are recognised and mitigated where possible;
  - c) a balanced approach is achieved between meeting the significant demand for three or more bedroom dwellings for larger families and addressing the needs of those who rely on HMO accommodation; and
  - d) a quantitative, objective, transparent and consistent framework is established for making decisions on HMO planning applications.
- 1.3 This SPD expands on policies in the Spelthorne Local Plan 2024 – 2039/40 that are relevant to HMO development, specifically:
- a) Policy PS2: Designing Places and Spaces
  - b) Policy H1: Homes for All
- These are set out in Section 3.2 below.
- 1.4 This SPD assists in the interpretation and application of existing policies. It should be noted that potential harms caused by an HMO can include planning and non-planning issues. This document only provides planning guidance.
- 1.5 This SPD cannot, therefore, itself address non-planning issues such as potential Anti-Social Behaviour (ASB) or nuisance; these are matters to be addressed by other agencies such as the police, or other functions within the Council, such as Environmental Health or Community Safety.

## **2 Legislative Background**

### **2.1 What is a House in Multiple Occupation (HMO)?**

- 2.1.1 A property (a house or flat) is defined as an HMO if it is occupied by 3 or more persons from 2 or more households typically sharing facilities such as a toilet, bathroom or cooking facilities. HMOs can include house and flat shares, student homes, bedsits and some buildings converted into self-contained flats.

2.1.2 The full legal definition of an HMO is given under sections 254 and 257 of the Housing Act 2004 <https://www.legislation.gov.uk/ukpga/2004/34/section/254>.

2.1.3 The Housing Act 2004 also defines types of living accommodation that are not HMOs. These include properties occupied by the owner and up to two lodgers (if three lodgers or more, then the property is classed as an HMO), higher education halls of residence or other types of student accommodation and properties occupied by religious communities.

<https://www.legislation.gov.uk/ukpga/2004/34/schedule/14>

## 2.2 HMOs in Planning Legislation

2.2.1 The use of any land or building is categorised into “Use Classes” for planning purposes.

<https://www.planningportal.co.uk/permission/common-projects/change-of-use/use-classes>

Residential properties (“Dwelling Houses”) are categorised as Use Class C3, formed of three parts:

- a) C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child
- b) C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems
- c) C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition (see 2.2.2 below), but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger

A dwelling house can change between any of the aforementioned three elements within Use Class C without the need for planning permission.

2.2.2 In 2010 a new planning Use Class - C4 - was created for dwellings occupied as HMOs by up to six residents (“small HMOs”). The planning meaning of the new Use Class was aligned with the definition of an HMO in the Housing Act 2004.

2.2.3 Use Class C4 (“small HMOs”) is defined as:

“Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.”

2.2.4 HMOs with over 6 occupants (“large HMOs”) do not fall within any specific Use Class. These are known as “Sui Generis” uses. A Sui Generis Use is one which does not fit into any of the defined classes and will always require planning permission for a change of use. ‘Sui Generis’ therefore means a “use on its own.”

2.2.5 Therefore, from a town planning perspective, HMOs fall into the following classes as per the Town and Country Planning (Use Classes) Order 1987 (as amended):

- a) Use Class C4 – use of a dwelling house by three, but no more than six unrelated individuals, as an HMO (“small HMO”); or
- b) Sui Generis – accommodating 7 or more unrelated individuals (“large HMO”).

### 2.3 When is Planning Permission Normally Required?

2.3.1 Changes of use from Use Class C3 (dwelling house) to Use Class C4 (an HMO with between 3 and 6 unrelated occupants) is considered to be “Permitted Development” (PD) and therefore does not require planning permission. The exception to this is when a specific Article 4 Direction is in place. Article 4 Directions are explained in 2.4 below.

2.3.2 Changes of use from C3 (dwelling house) to a “large HMO” (7 or more unrelated occupants) always requires planning permission.

### 2.4 What is an Article 4 Direction?

2.4.1 An Article 4 Direction is a planning tool that allows local councils to remove specific "permitted development rights," which means planning permission is required for certain types of use and/or development that would normally not need any. It is used when a local authority believes that development without prior planning permission could harm local amenities or the proper planning of an area. Examples include changes of use, such as from a commercial to a residential property, or changes to a building's exterior in a conservation area.

2.4.2 Article 4 Directions must relate to a specific geographical area and must also specify the particular permitted development rights that are removed by virtue of that Direction.

2.4.3 Article 4 Directions cannot, by law, be applied retrospectively.

### 2.5 The Planning Requirements for HMOs in Spelthorne Borough

2.5.1 On 21 August 2024, the Council made a non-immediate Article 4 Direction to remove permitted development rights for a change of use from a dwellinghouse (C3 use) to a small house in multiple occupancy (C4 use) across the following three wards:

- Staines
- Stanwell North
- Ashford North & Stanwell South

2.5.2 The Article 4 Direction was confirmed on 18 February 2025 following a vote at planning committee on 08 January 2025 and came into effect on 29 August 2025. The effect of this Direction is that all new HMOs now require planning permission in these 3 wards, regardless of the number of occupants.

2.5.3 A further Article 4 Direction was confirmed on 17 December 2025, following a vote at Planning Committee on 9 December 2025, for the remaining 10 wards in the Borough and came into effect on 13 March 2026. **The effect of this Direction is that all new HMOs**

require planning permission in these remaining wards from 13 March 2026, regardless of the number of occupants.

2.5.4 The cumulative effect is that with effect from 13 March 2026, all new HMOs in the Borough, regardless of the number of occupants, now require planning permission.

2.6 HMOs and Licensing

2.6.1 The planning and HMO licensing requirements are entirely separate and operate wholly independently, under different legislative regimes.

2.6.2 Spelthorne operates the mandatory licensing scheme under Part 2 of the Housing Act 2004, but does not currently operate any additional or selective licensing schemes. <https://www.legislation.gov.uk/ukpga/2004/34/part/2>

2.6.3 A HMO needs a licence if:

- it has five or more people, and
- the occupants form two or more households

HMOs in Spelthorne with three or four occupants do not need to be licensed.

**HMO PLANNING vs HMO LICENSING**

**KNOW THE DIFFERENCE!**

**WHAT COUNTS AS AN HMO ?**  
A House in Multiple Occupation is a property rented to **3 OR MORE PEOPLE** FROM **2+ HOUSEHOLDS**.

PLANNING (USE & ZONING)	LICENSING (SAFETY & MANAGEMENT)
<p><b>3+ PEOPLE</b> FROM 2 OR MORE HOUSEHOLDS</p> <ul style="list-style-type: none"> <li>• Change of Use &amp; Zoning</li> <li>• Local Impact &amp; Density (Q1 2026)</li> <li>• Article 4 Restrictions (March 2026 for all wards)</li> </ul>	<p><b>5+ PEOPLE</b> FROM 2 OR MORE HOUSEHOLDS</p> <ul style="list-style-type: none"> <li>• Safety &amp; Management Standards</li> <li>• Fire &amp; Health Safety</li> <li>• Property Conditions</li> </ul>

**KEY DIFFERENCES**

	HMO PLANNING	HMO LICENSING
WHO OVERSEES	Planning Authority	Council Housing Dept
WHEN REQUIRED	3+ OCCUPANTS	5+ OCCUPANTS
MAIN FOCUS	Land Use	- Tenant Safety

**ALWAYS CHECK WITH YOUR LOCAL COUNCIL !**  
PLANNING RULES AND LICENSING REQUIREMENTS MAY VARY BY AREA

Figure 1: Planning and Licensing Overview

2.6.4 The Council's Environmental Health Department must grant an HMO licence with appropriate conditions where:

- the house is reasonably suitable for occupation having regard to amenity levels, available living space and general health and safety consideration;
- the management arrangements are satisfactory, and
- the licensee, manager and those involved in the running of the property are fit and proper persons.

2.6.5 Other relevant legislation that falls within the Environmental Health's remit includes the Management of Houses in Multiple Occupation (England) Regulations 2006, the Environmental Protection Act 1990, and the Prevention of Damage by Pests Act 1949.

2.6.6 Spelthorne HMO's licensing scheme is a risk-based system that results in licences being granted for differing durations according to risk. Licences are granted with of a one, three or five-year duration depending on a risk rating of the property. The cost of the licence remains the same regardless of the term of the licence.

## 2.7 HMOs and Other Legislation

2.7.1 In addition to planning and potential licensing requirements, HMOs are likely to also be required to comply with other legislation. In particular, Building Regulations approval will be required for new build premises and is likely to also be required where a property is changed from a single household dwelling to an HMO. Similar to housing licensing, it will be for the property owner to ensure that the necessary building regulations have been secured for the premises to operate as an HMO.

2.7.2 In addition, proposals may need to comply with the Party Wall Act 1996 <https://www.legislation.gov.uk/ukpga/1996/40/contents> . This is a civil matter and HMO applicants are advised to seek independent advice through a suitably qualified professional.

## **3 Planning Policy Background**

### 3.1 National Planning Policy Framework

3.1.1 Whilst the National Planning Policy Framework (NPPF) does not contain any specific guidance on HMOs, it sets out a need to provide a mix of housing to provide for current and future generations and to achieve healthy, inclusive and safe places.

3.1.2 The NPPF also places emphasis on the quality of new residential development and requires a good standard of amenity to be provided for all existing and future occupants of land and buildings.

[https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF\\_December\\_2024.pdf](https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf)

## 3.2 Spelthorne Local Plan 2024 – 2039/40

3.2.1 The Spelthorne Local Plan 2024 – 2039/40 was adopted on 17<sup>th</sup> March 2026. The policies below (as mentioned in 1.3 above) are particularly relevant in assessing HMO planning applications and form the overarching policy basis for this SPD.

### **PS2: Designing Places and Spaces**

- 1) The Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will:
- create buildings and places that are attractive with their own distinct identity;
  - respect and make a positive contribution to the street scene and the character of the area in which they are situated; and
  - pay due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.

#### **Impact on Neighbours**

- 2) Proposals for new development should demonstrate that they will achieve a satisfactory relationship to adjoining properties avoiding adverse and un-neighbourly impacts in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.

#### **Accessibility**

- 3) All new development will be designed to meet the needs of all users and be accessible to all. This includes the setting of the building in the wider environment, the location of the building on the plot, the gradient of the plot, transport infrastructure and public realm.

#### **Landscaping**

- 4) All new development should:
- (a) incorporate landscape to enhance the setting of the development;
  - (b) avoid the loss of trees and other vegetation worthy of retention and supplemented with additional high-quality planting, or where retention is not feasible or desirable provide for high quality replacement planting; and
  - (c) provide for suitable boundary treatment to enhance the setting.

#### **Public Realm**

- 5) All development proposals should:
- (a) seek to positively impact on public realm through:
    - enhancing the quality of existing public realm where appropriate;
    - establishing relationships between development proposals and existing public realm;
    - maximising opportunities to create new public realm where appropriate.
  - (b) ensure that public realm is well-designed, safe, inclusive, attractive, well-connected, adaptable, related to the local and historical context and easy to understand, service and maintain. Landscape treatment, planting, street furniture and surface materials should be of good quality, fit-for-purpose, durable and sustainable; and

- (c) seek to incorporate green infrastructure such as street trees and other vegetation into the public realm to support rainwater management through sustainable drainage, reduce exposure to air pollution, moderate surface and air temperature and increase biodiversity; and
- (d) ensure appropriate management, maintenance and governance arrangements are in place to secure the quality of public realm in perpetuity.

#### **Safe, Connected and Efficient Streets**

- 6) All new development will be designed:
  - (a) in a manner which is safe and welcoming, supporting natural surveillance through the use of active frontages and mixed used development. This will ensure maximum opportunities for natural security through layout and design, to reduce opportunities for crime and antisocial behaviour; and
  - (b) Secured by Design standards should be incorporated and consideration given to how an area functions at different times of day, on different days of the week and throughout the year.
  - (c) to ensure it connects appropriately to existing street patterns and creates safe and accessible spaces. Proposals should offer safe, attractive, legible and permeable routes which are suitable for all users, linking people with places through active and sustainable travel choices delivered to best practice standards and in accordance with the principals set out in the National Model Design Code<sup>17</sup> and Manual for Streets<sup>18</sup>.

#### **Major Developments and Allocated Sites**

- 7) Given the size, function and proposed density of major developments, particularly those exceeding 50 dwellings, tall buildings and/or allocated sites on former Green Belt land, it may not always be desirable to reflect locally distinct patterns of development. These sites should create their own identity to ensure cohesive and vibrant neighbourhoods. High rise development in appropriate locations will be expected to be supported by a visual impact assessment and demonstrate a positive contribution to the skyline through its architectural merits. In Staines, the Development Framework will provide site specific guidance on the design of larger and tall buildings. On a case-by-case basis, it may be appropriate for larger developments to be shaped by a design panel review process at the applicant's expense, and in conjunction with the Council.

## H1: Homes for All

### **Housing Need**

- 1) The Council will make provision for at least an additional 618<sup>26</sup> homes per annum in Spelthorne Borough over the plan period.

### **Housing Mix and Standards**

- 2) New residential development is required to deliver a wide choice of homes to meet a range of accommodation needs. New development should provide a mix of housing tenures, types and sizes appropriate to the size, characteristics and location.
- 3) Development proposals will be expected to contribute to meeting identified housing needs by having regard to the housing type and size mix as set out in the Strategic Housing Market Assessment<sup>27</sup> or any similar evidence for market and affordable units.
- 4) All new residential development across all tenures (under Use Class C3) will be expected to meet with the minimum space standards as set out by the Ministry of Housing, Communities and Local Government (MHCLG). Houses of Multiple Occupation (HMOs) will be expected to comply with HMO space standards defined by the Council.
- 5) The Council will permit residential development provided that it does not result in a net loss of units (C2 or C3<sup>28</sup> use class accommodation or gypsies, travellers and travelling showpeople pitches or plots) unless the loss can be justified on other policy grounds.
- 6) The Council supports development proposals which take opportunities to facilitate healthy lifestyles and include measures to boost the sustainability of the location.

- 7) The Council is supportive of Build to Rent housing, where a need for this type of accommodation can be demonstrated. Where Build to Rent housing is proposed, the proportion of Affordable Housing provision should be in line with the benchmark level set by the Council and follow any up to date evidence, plans or strategies.

#### **Accessible Homes**

- 8) All new homes must be designed and constructed in a way that enables them to be adaptable, so they can meet the changing needs of their occupants over their lifetime. Planning permission will be granted for new dwellings subject to the following:
- (a) All new build dwellings will, as a minimum, be constructed in accordance with the requirements of Building Regulations Part M4 (2) and any subsequent updates, unless it can be demonstrated that it is unfeasible to do so.
  - (b) The encouragement, where practicable and viable, of dwellings on schemes involving major development being provided as wheelchair adaptable dwellings in accordance with the Building Regulations M4(3) standard: Category 3.
  - (c) Unless it can be demonstrated that it is unfeasible to do so, the Borough Council will require a minimum of 10% of new dwellings on major housing developments to accord with Category M4(3) (wheelchair adaptability).
- 9) Exemptions will only be considered where the applicant can robustly demonstrate that compliance would significantly harm the financial viability of the scheme, or where it is not practical to do so given the flood risk. All residential proposals should be accompanied by a separate document setting out how proposals (including each dwelling type) accord with each of the standards as detailed in Building Regulations. Where exemptions are sought on practicality or viability grounds, the minimum number of units necessary will be exempted from the requirements i.e. If only 1 out of 3 wheelchair accessible dwellings can be provided, then the 1 still applies.

#### **Specialist Accommodation**

- 10) The provision of well-designed specialist forms of accommodation, including sheltered housing, care homes and other appropriate forms of accommodation for the elderly and those with particular needs, will be permitted provided that the development:
- (a) Meets demonstrable established local community need; and
  - (b) Is in a sustainable location, with access to appropriate services and facilities where these are not provided on site. This includes public transport, shops, local services and community facilities.
- 11) Where specialist accommodation falls within use class C3, an appropriate proportion of affordable housing in accordance with Policy H2 will be required, with the mix of tenures negotiated by the Council having regard to advice from appropriate specialist bodies.
- 12) The Council encourages mixed development that include an element of specialist accommodation (including sheltered housing, supported housing, extra care housing and residential/nursing care homes) on larger schemes where the character and size of the site allows.

### **Self and Custom Build Housing**

- 13) The Council will support Self and Custom Build developments for residential accommodation in appropriate locations, in the interests of supporting high quality homes which meet the identified needs of the Borough. In considering major development applications, the Council will consider the currently applicable Self Build Register and whether provision should be included within the development.
- 14) The delivery of housing on these plots will:
- (a) In terms of the mix of plots, be negotiated by the Council as informed by the Council's self-build and custom housebuilding register;
  - (b) Be required to be completed within 3 years of a custom builder purchasing the plot;
  - (c) Where plots have been made available and marketed appropriately for at least 12 months and have not sold, the plot(s) will be expected to remain on the open market as self-build or custom build or be offered to the Council or a Housing Association before being built out by the developer.

## 4 Spelthorne’s Approach to Assessing Planning Applications for New HMOs

### 4.1 Four-Stage Approach to Assessment

4.1.1 In considering planning applications for new HMOs, the Council will take a sequential four-stage approach, as follows:

	<b>Assessment Involved</b>	<b>Description</b>
Stage 1	Proximity Impact Assessment	Assess whether the proposal results in existing dwellings being “sandwiched” between or surrounded by HMOs
Stage 2	Neighbourhood Impact Assessment	Assess whether the proposal creates a harmful concentration within the locality
Stage 3	Planning Standards Assessment	Assess whether all planning criteria and standards are met, including space standards, car parking provision and waste management arrangements
Stage 4	Design Assessment	Ensure, where applicable, that the Council’s Design Code is complied with

All proposals for new HMOs are assessed sequentially against Stages 1 to 4. A proposal must satisfy all four stages to be approved and failure at any stage will normally result in refusal.

4.1.2 Notwithstanding the sequential nature of the assessment, if a proposal fails Stage 1 or Stage 2, the Council will still complete the Stage 3 and, where applicable, Stage 4 assessments. This ensures that all potential grounds for refusal are identified and included in the final decision notice.

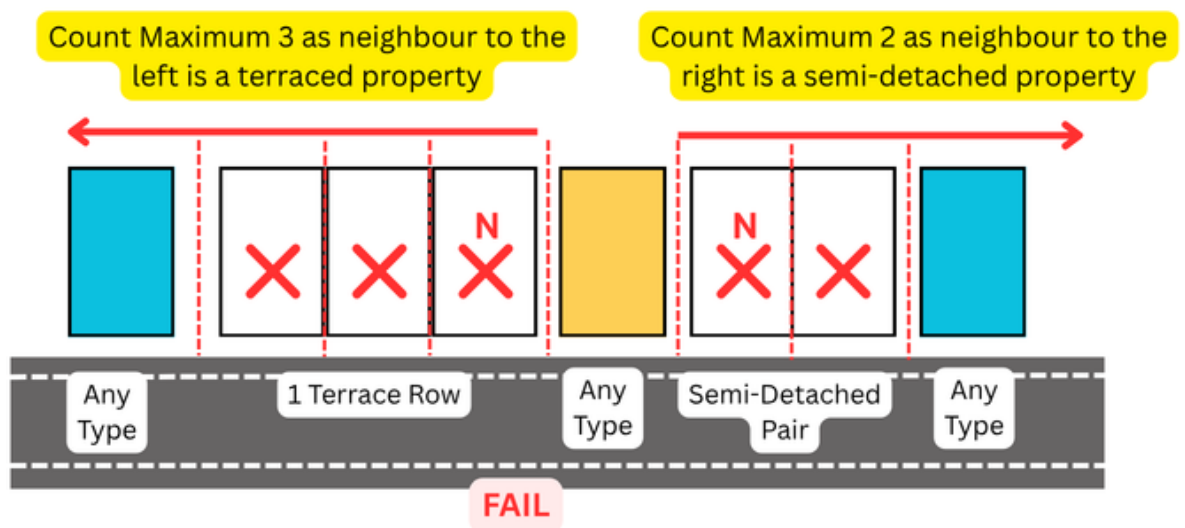
### 4.2 **Stage 1 – Proximity Impact Assessment (Applying the Sandwiching Criterion)**

4.2.1 Planning permission will not be granted where the introduction of a new HMO would result in existing dwellings being sandwiched by adjoining HMOs on both sides or to the front and back. This also applies where the properties are separated by an intersecting road and can be on different streets.

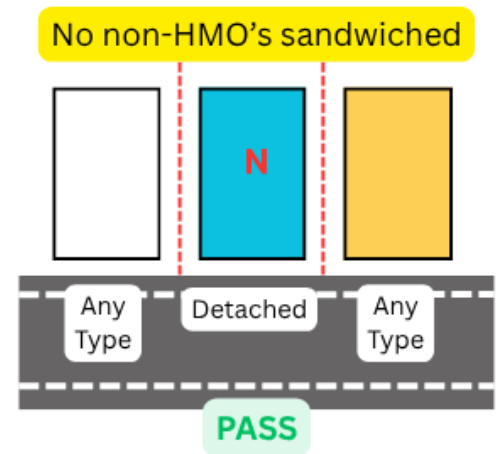
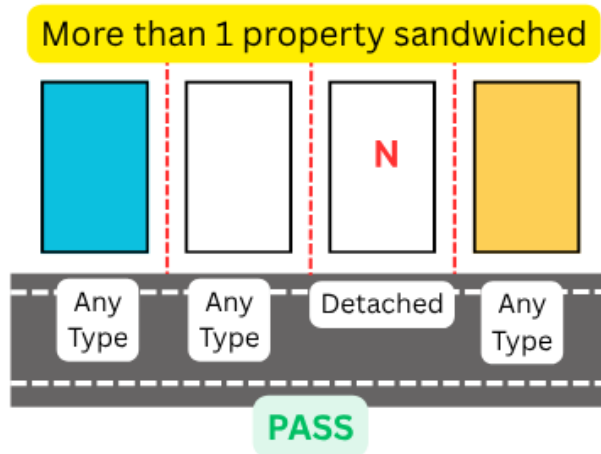
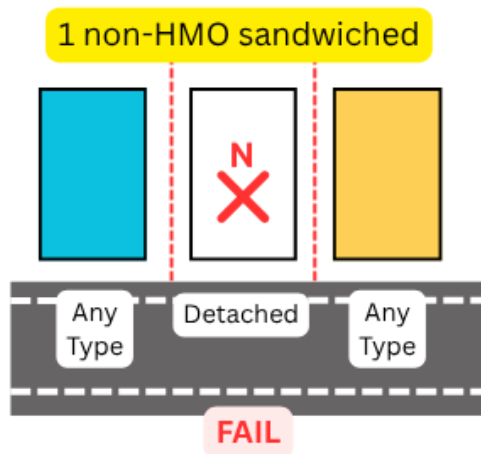
4.2.2 The side-to-side assessment will be applied differently, depending upon the type of dwellings which lie adjacent to the proposed HMO. Proposals for the development of an HMO will not be permitted where the development would result in residential properties (Use Class C3) being located between two HMOs as follows:






Adjacent Dwelling Type	Criteria
Detached	The proposed HMO will result in one property being sandwiched between HMO properties on each side
Semi-Detached	The proposed HMO will result in one or two adjacent properties being sandwiched between HMO properties on each side
Terraced	The proposed HMO will result in one, two or three adjacent properties being sandwiched between HMO properties on each side

The following diagrams explicitly illustrate scenarios where the dwelling type changes on the **left-hand side** of the application property. However, the same principles and rules apply symmetrically when moving to the **right-hand side** of the application site (example below). Every application must be independently assessed in both directions (left and right).

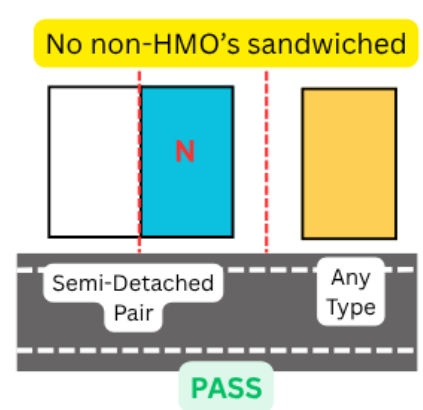
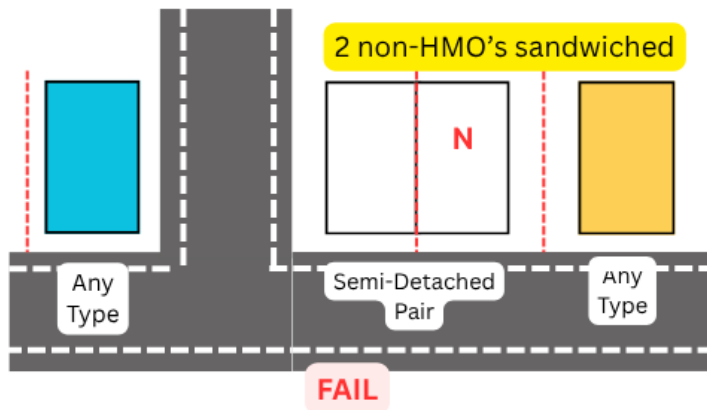
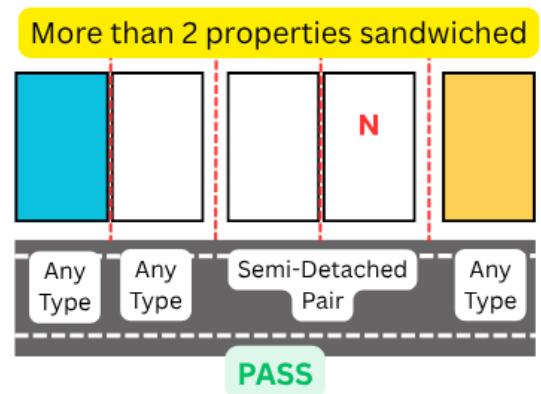
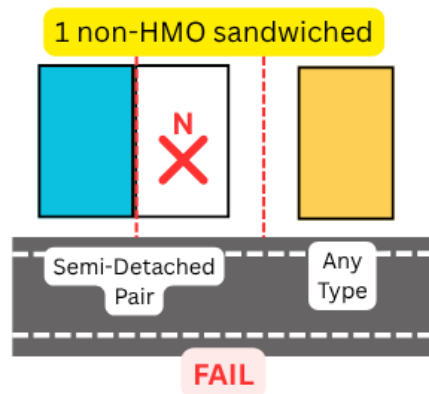
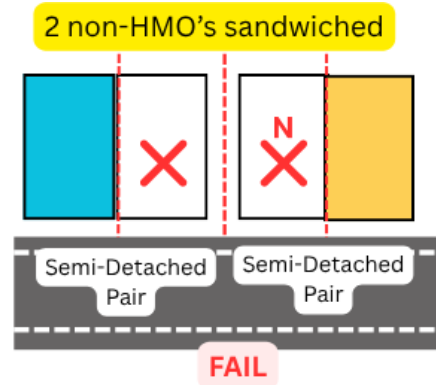
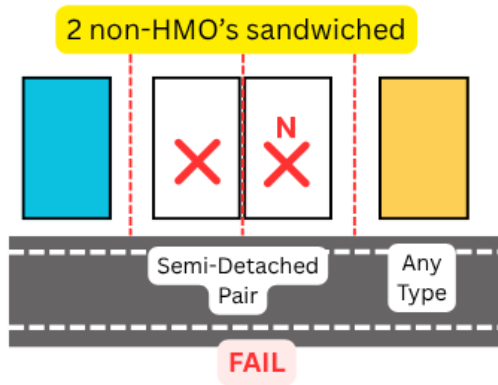


If neighbouring properties were Detached Dwellings

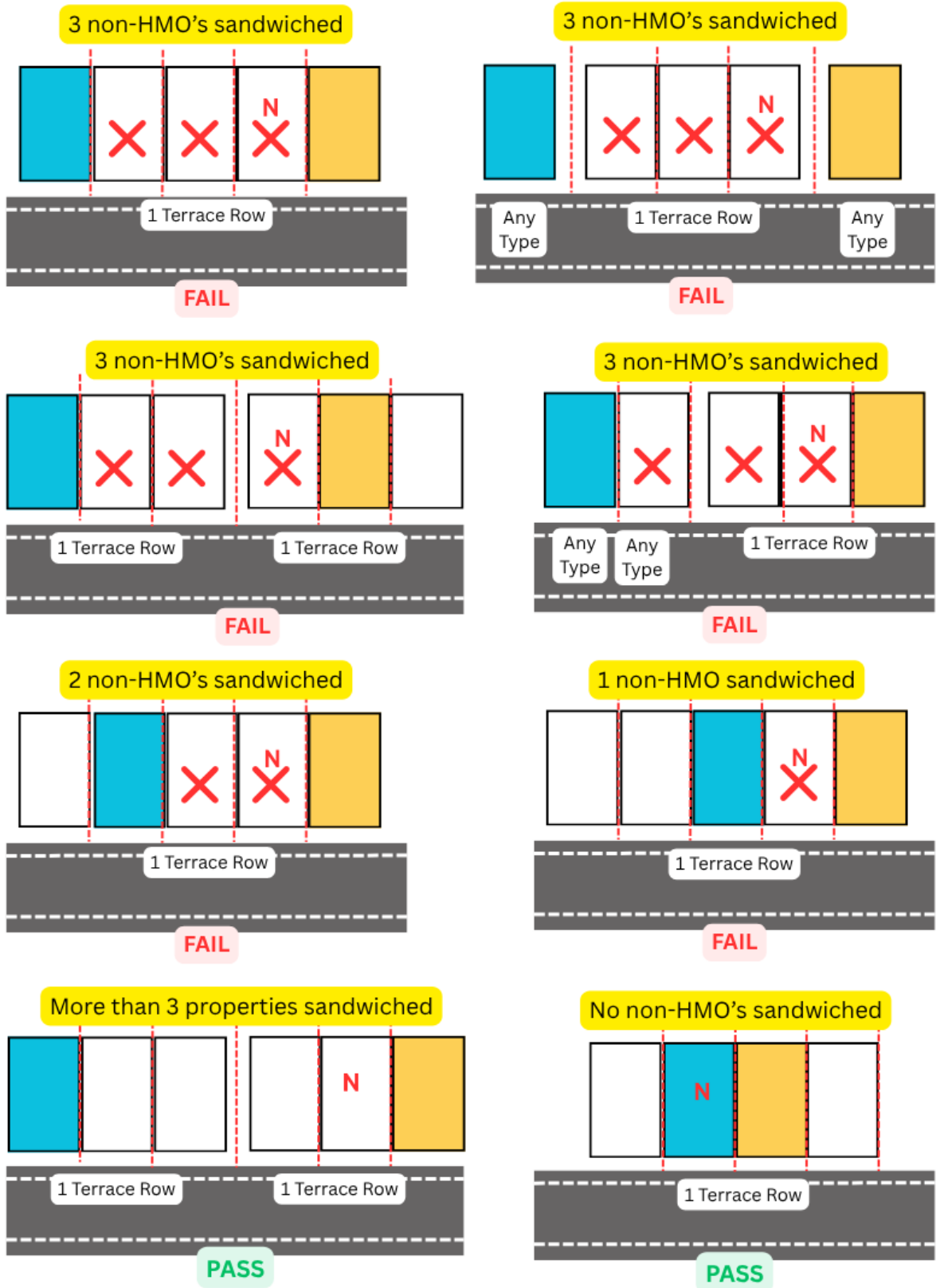


-  Proposed HMO
-  Existing HMO
-  Immediate Neighbour
-  Sandwiched non-HMO
-  Boundary Line

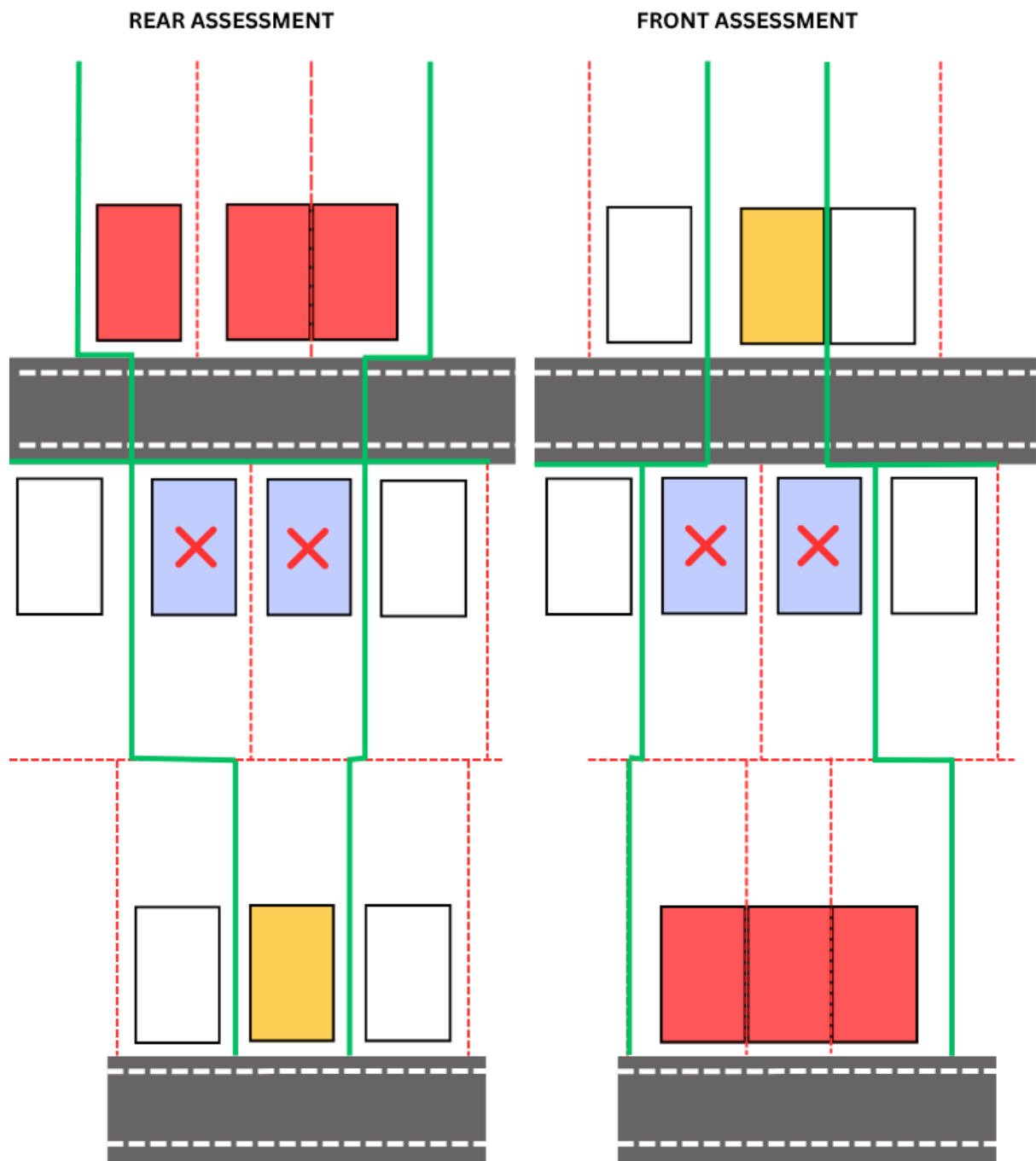
If neighbouring properties were Semi-Detached Dwellings









If neighbouring properties were Terraced dwellings

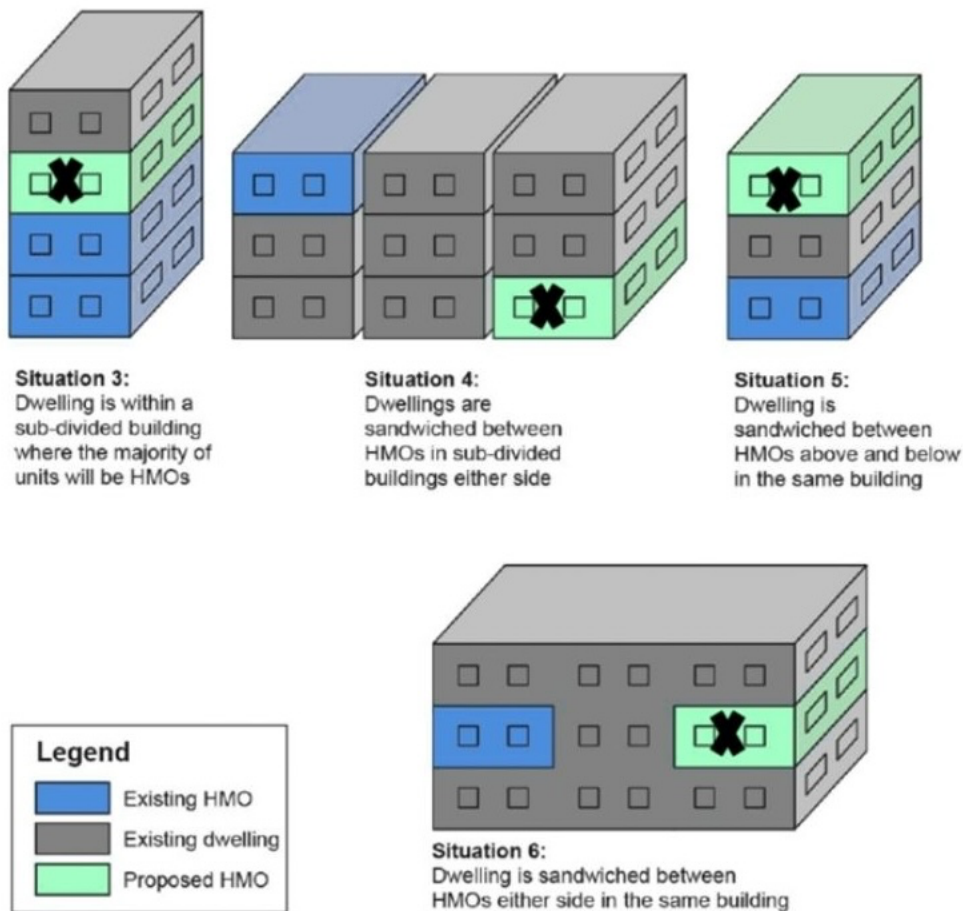


Front and rear sandwiching.



-  Proposed HMO
-  Properties to the front/rear
-  Properties to check for HMO use
-  Potentially Sandwiched non-HMO
-  Boundary Line
-  Line to follow to capture assessment

- 4.2.3 HMO sandwiching situations apply regardless of minor interruptions in the building line, such as vehicular or pedestrian access points (e.g. drives or footpaths).
- 4.2.4 In assessing which properties are affected to the front side and rear of a proposed HMO, the focus will be on the site boundary of the proposal. Any adjacent property to the side or rear whose boundary overlaps the boundary will be taken into consideration.
- 4.2.5 In respect of properties on the opposite side of a road from the proposed site, a line will be extended from each side of the property boundary and any property opposite whose boundary overlaps these lines will be taken into consideration.
- 4.2.6 There may be occasions where street layout is “unconventional.” In such cases, officers will use their professional judgement, whilst applying the principles established in this SPD.
- 4.2.7 In the case of flats or sub-divided dwellings, new HMOs will not be permitted where this will result in:
- a) The majority (more than 50%) of the dwellings in the building being HMOs;
  - b) A dwelling in the sub-divided building in a street being located between two other sub-divided buildings with at least one HMO in each building;
  - c) A dwelling in a sub-divided building being located between two HMO flats above and below; or
  - d) A dwelling in a sub-divided building being located between two HMO flats on both sides.



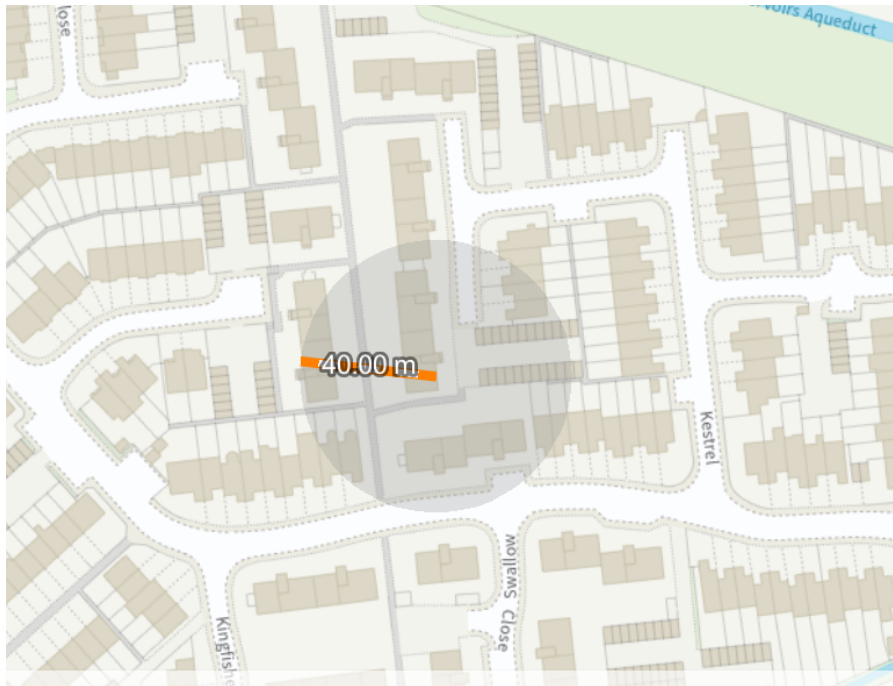
4.2.8 If Stage 1 is satisfied, the proposal progresses to consideration under Stage 2. If the proposal does not satisfy Stage 1, then the recommendation will usually be that the proposal be refused.

4.3 **Stage 2 – Neighbourhood Impact Assessment (Avoiding a Harmful Concentration)**

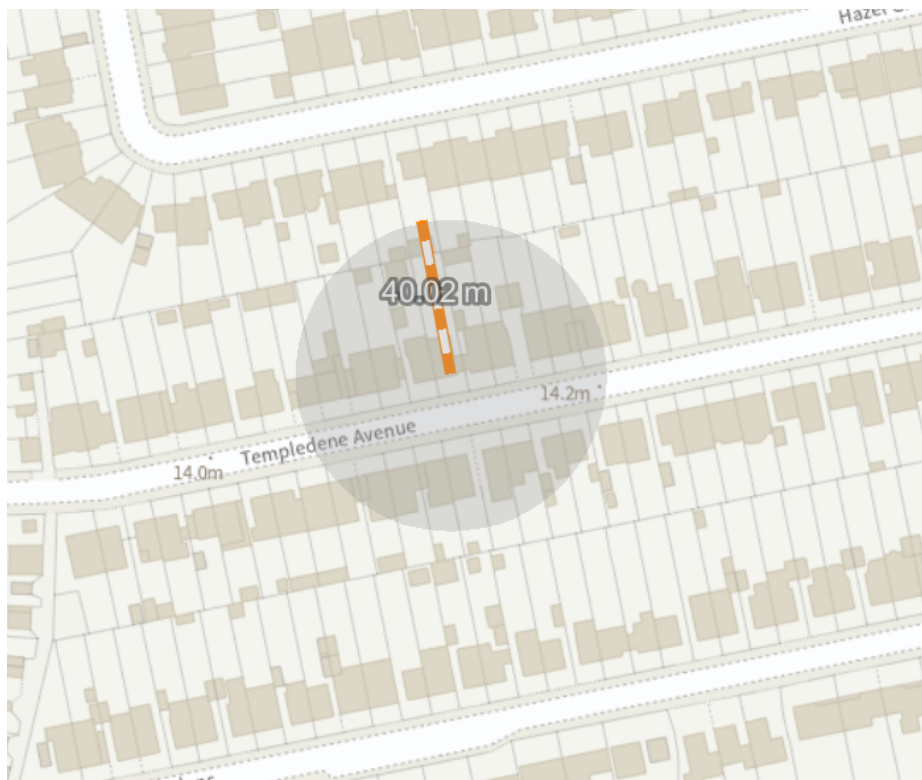
4.3.1 Progression of a proposal to Stage 2 is dependent upon the proposal satisfying the requirements of Stage 1.

4.3.2 Proposals for the development or intensification of HMOs will not be permitted if the development leads to a harmful concentration of HMOs or the development is proposed in a location where this already occurs. A harmful concentration occurs when 10% or more of all dwellings within a 40-metre radius of the application site are already in use as HMOs. This 10% threshold has been established following a review of best practice across the country and reflects approaches taken by other local planning authorities around the country.

- 4.3.3 To calculate the number of surrounding residential properties and HMOs percentage, the Council will apply a radius, with the centre of the circle positioned in the middle of the building's front façade. This fixed radius method offers a clear and consistent approach for both applicants and planning officers when determining whether an HMO over concentration exists in an area. It should be noted that if any part of a property falls within the radius, including any part of the garden, then that property is included within the calculation.
- 4.3.4 The 40-metre radius is considered indicative of an immediate local neighbourhood. This distance is manageable for assessing the impact of proposed HMO developments on the surrounding area.
- 4.3.5 Assessing HMO concentration by street was considered, but streets vary in length and the number of properties they contain, making this method inconsistent. Using a fixed radius is more suitable and consistent.
- 4.3.6 The examples below show the effect of the 40m radius on three different types of neighbourhood:
- a) Predominantly terraced housing
  - b) Predominantly semi-detached housing
  - c) Predominantly detached housing



a) Predominantly terraced housing neighbourhood



b) Predominantly semi-detached housing neighbourhood



c) Predominantly detached housing neighbourhood

## Applying the 10% Threshold

- 4.3.7 The Stage 2 assessment of the percentage concentration of HMOs surrounding the application site will be calculated through three processes:

### **Stage 2.1 – identify residential properties**

The residential properties identified are all of those which are located within the defined area of impact surrounding the application site (i.e. the 40m radius). To be clear which residential properties are identified, all sub-divided properties including flatted blocks within the same curtilage are counted as one whole property at this stage. Properties identified within Schedule 14 of the Housing Act will not be identified as residential properties, for example care homes and children's homes.

### **Stage 2.2 – Count HMOs**

Using the HMO sources listed below, the residential properties identified at stage 2.1 above will be investigated to check whether they are an existing HMO or have HMO consent.

### **Stage 2.3 – Calculate concentration**

The concentration of HMOs surrounding the application site is calculated as a percentage of the 'total estimated number of existing HMOs' against the 'total number of residential properties'. The final figure calculated is rounded up for a percentage of HMOs equal to or greater than decimal point 0.5, and rounded down when less than 0.5 (i.e. 8.5% would be rounded up to 9%, whilst 8.4% would be rounded down to 8%). Rounding is applied to ensure consistency and clarity in decision-making and to avoid marginal numerical differences resulting in inconsistent outcomes between similar proposals.

- 4.3.8 For the purposes of the Stage 1 assessment and also the calculation of the 10% threshold, HMOs can be identified from the following sources:

**SBC Planning register:**

Those dwellings with a consent or a lawful use for a HMO (either C4 or sui generis extant planning permission or lawful use).

**SBC Electoral register:**

Showing 3 or more apparently unrelated individuals, but it is recognised that this will not provide conclusive evidence that the property is a HMO. A property not registered will still be investigated under the other sources. *NB – This source is not comprehensive as it only includes occupants entitled to vote. It will therefore be only used when appropriate and has limited value.*

**SBC Council Tax records:**

This information cannot be disclosed to individual members of the public. The information will only be made public by the council in the determination of a planning application. As Council Tax may be paid by the owner of the property rather than the occupants, this may be of limited value and will be used on a case-by-case basis. *NB – This source is not comprehensive and will therefore be only used when appropriate and has limited value.*

**SBC HMO Licensing register:**

Shows HMOs licensed under the Housing Act.

- 4.3.9 The sources listed above are not a conclusive or exhaustive record of all HMOs in the relevant area. There may be existing HMOs which are occupied but unknown to the council. In particular, on 6<sup>th</sup> April 2010 the Uses Classes Order introduced a class for HMOs to reclassify C3 dwellings to either the new C3 or C4 classes. The reclassification of existing dwellings to C4 use did not require planning permission and therefore will not be registered on the council's register of planning applications. Planning permission was not required to convert from C3 to C4 under permitted development rights until the Article 4 directions came into effect (See Section 2.4 above).

- 4.3.10 If Stage 2 is satisfied, the proposal then progresses to Stage 3.

#### 4.4 **Stage 3 – Planning Standards Assessment**

4.4.1 If a proposal for a new HMO satisfies the requirements of Stages 1 and 2, it will then be assessed against planning standards and criteria. As noted earlier, if a proposal fails Stage 1 or Stage 2, the Council will still complete the Stage 3 and, where applicable, Stage 4 assessments. This ensures that all potential grounds for refusal are identified and included in the final decision notice. These include (but are not limited to):

- Internal space standards, including room size
- Outdoor amenity space provision
- Impact on the amenity of neighbouring properties
- Waste and recycling storage
- Parking provision

4.4.2 Space standards are discussed in Section 5 below, parking provision in Section 6 and waste management in Section 7.

#### 4.5 **Stage 4 – Design Assessment**

4.5.1 Stage 4 is an assessment of the proposal against planning design standards, where appropriate, including against the Council’s Design Code. This is only likely to apply to those proposals which are new-build or, in the case of the conversion of existing properties, where significant or relevant external alterations or extensions are proposed as part of the planning application.

#### 4.6 **Intensification of Existing HMOs**

4.6.1 It is important to note that the existence of Borough-wide Article 4 coverage does not remove the distinction between Class C4 (“small”) and Sui Generis (“large”) HMOs. Planning permission will still be required to increase the number of occupiers in an existing lawful HMO from 6 to 7 or more unrelated occupants.

4.6.2 The council however recognises that the intensification of persons when existing C4 (“small”) HMOs increase the number of occupants, can have a harmful impact on neighbouring occupiers.

4.6.3 A planning condition will be applied to limit the number of occupants to that which is specified in the original planning application. If an increase in this number is subsequently sought, an application to vary the condition under S73 of the Town & Country Planning Act will be required or a new planning application will be required, depending upon the description of the development.

- 4.6.4 When considering a planning application for an intensification of an existing lawful HMO (and this will increase the number of occupants), the 10% threshold limit itself will not be a material consideration, so therefore Stage 2 does not apply. This is because the HMO has already been established in the street and, therefore, has no further effect on the concentration of HMOs and balance and mix of households in the local community. In such cases, the key consideration is the intensification of use rather than the principle of HMO occupation. Therefore, Stage 1 will also not apply in these circumstances.
- 4.6.5 Where the intensification results in an increase of occupiers which results in over 6 unrelated persons or more living in the HMO, planning permission must be sought in its own right for a change of use to a large HMO (i.e. a S73 variation of condition application will not be acceptable). The sandwiching criteria and 10% threshold limit will not apply, although other impacts arising from the proposal will be assessed in accordance with Stages 3 and 4 of the methodology, including planning standards and criteria.

## **5 SPACE STANDARDS**

- 5.1 Proposals for HMOs will not be acceptable unless they comply with the adopted standards set out in the Technical Housing Standards – Nationally Described Space Standard (March 2015).  
[https://assets.publishing.service.gov.uk/media/6123c60e8fa8f53dd1f9b04d/160519\\_Nationally\\_Described\\_Space\\_Standard.pdf](https://assets.publishing.service.gov.uk/media/6123c60e8fa8f53dd1f9b04d/160519_Nationally_Described_Space_Standard.pdf)
- 5.2 The Council will also expect occupants to have access to a good standard of communal accommodation. This should include a separate kitchen and dining area sufficient to accommodate the proposed number of occupants and a separate lounge area.
- 5.3 The outside amenity space provided in relation to new HMO proposals will be expected to comply with the Council’s Design Code and associated appendices.
- 5.4 The Design Code can be found at:  
<https://www.spelthorne.gov.uk/page/1351/spelthorne-design-code>

## **6 CAR PARKING STANDARDS**

- 6.1 HMO proposals will be considered against Surrey County Council’s “*Vehicular, electric vehicle and cycle parking guidance for new developments*” or any successor standards.  
<https://www.surreycc.gov.uk/roads-and-transport/parking/strategy-and-guidance/development-parking-guidance>

## **7 WASTE MANAGEMENT**

- 7.1 HMO proposals will be considered against the Council’s current waste management guidelines for architects, planners and contractors. These were last amended in November 2021 and can be found at:  
[https://www.spelthorne.gov.uk/sites/default/files/migration/media/1385/Waste-management-guidelines-for-property-developers-architects-planners-and-contractors/pdf/Waste\\_management\\_guidelines\\_for\\_property\\_developers\\_1.7.pdf](https://www.spelthorne.gov.uk/sites/default/files/migration/media/1385/Waste-management-guidelines-for-property-developers-architects-planners-and-contractors/pdf/Waste_management_guidelines_for_property_developers_1.7.pdf)
- 7.2 These guidelines will be kept under review and may be modified and/or amended accordingly in the future.