



## **Dwelling Houses to Small HMO's Article 4 Direction: FAQ's**

### **1. What is happening?**

The Council is introducing an Article 4 Direction which is coming into force from 29 August 2025, affecting small Homes in Multiple Occupation (HMO's). HMOs are defined as a dwelling in which three or more unrelated persons share an amenity such as a bathroom, toilet or cooking facilities. Small HMOs are properties which are occupied by between 3 and 6 people in separate households, and fall within the C4 use class. If an HMO is occupied by more than 6 people, it is classed as a large HMO, which falls within the Sui Generis use class. Planning permission is currently required for a large HMO that is occupied by more than 6 people.

### **2. What does this mean?**

Currently, family sized houses (C3 Use) can be converted into small HMOs (C4 Use) without planning permission if they are intended to be for between 3 and 6 people in separate households, subject to a property retaining the relevant permitted development rights. This Article 4 Direction will remove this right across the Stanwell North, Ashford North and Stanwell South and Staines Wards.

### **3. What about conversions for more than 6 separate households?**

Conversion of dwellings into HMO's for more than 6 people already require planning permission and that situation will remain unchanged.

### **4. When is this happening?**

The Article 4 Direction was made by the Council on 21 August 2024 and will come into force on 29 August 2025.

### **5. Where will this apply?**

The Article 4 Direction will cover the Stanwell North, Ashford North and Stanwell South, and Staines Wards.

### **6. Why have the Council decided to do this?**

The Council's Corporate Policy and Resources Committee in a meeting on 15 April 2024, resolved to introduce an Article 4 Direction across the Ashford north and Stanwell South, Staines and Stanwell North Wards (the wards with the highest number of complaints and applications) withdrawing the permitted

development right to convert a dwelling house (C3) into a Small House of Multiple Occupation (C4).

**7. Does this mean that I will not be able to carry out the conversion of a dwelling into a small HMO?**

Not necessarily. The introduction of the Article 4 direction simply means that planning permission is required to convert a dwelling into a Small HMO across the Ashford North and Stanwell South, Stanwell North and Staines Wards. A planning application will not necessarily be refused, rather it would be assessed against the relevant planning criteria.

**8. I am in the process of having a property converted to a small HMO with the Ashford North and Stanwell South, Staines or Stanwell North Wards, what will trigger a planning application being required on the implementation date?**

If your property is newly occupied as a Small HMO, where between three and six people in separate households occupy the property, if the conversion takes place on or after the implementation date then planning permission will be required.

If construction work has started before the implementation date, this does not mean that you will not require planning permission. It is only if the property is occupied by between three and six people in separate households before the implementation date that you will not require planning permission, subject to the property retaining that permitted development right. If occupation of the property as a small HMO is taking place after the implementation date, then planning permission would be required.

**9. My property is an existing small HMO that hasn't received planning permission. Will I need to obtain permission or a Certificate of Lawfulness for that use now?**

It is an option to obtain a Certificate of Lawfulness but there is no requirement to. Up to the implementation date, conversions of dwellings (C3) to small HMOs (C4) occupied by between three and six people in separate households, do not require planning permission, subject to that property retaining the relevant permitted development rights.

However, if occupation by between three and six people in separate households, is not undertaken until after the implementation date, planning permission will be required irrespective of the Certificate of Lawfulness decision.

**10. What information should be provided as part of a planning application? How much will it cost, and how long will it take to make a decision on the application?**

There are a range of plans and documents that are required for the validation of a planning application. These are detailed in the Spelthorne List of Local Information Requirements which can be found using the link below:

[Local List of Information Requirements - Spelthorne Borough Council](#)

At the time of writing, the cost of submitting a planning application is £578. The Council aims to make a decision on such planning applications within 8 weeks.

#### **11. Should I get pre-application advice from the Council?**

The Council offers a pre-application advice service, which will give site specific advice about the proposal and the likelihood it will be successful. A link to the Council's pre-application advice service, which amongst other things details the relevant fees, is provided below:

<https://www.spelthorne.gov.uk/article/17686/Pre-application-advice>

#### **12. If the Council refuses the application, what can I do?**

As with any other application, the applicant would have the right to appeal to the Planning Inspectorate within the relevant time periods.

#### **13. What happens if on the date of implementation of the Article 4 Direction, the conversion works have already started to my property, but there haven't been any occupiers yet?**

You will need to apply for planning permission for between 3 and 6 people in separate households to occupying the property. If there are between 3 and 6 people in separate households occupying the property before the implementation date, planning permission is not required, subject to the property retaining the relevant permitted development rights.

#### **14. Will I still have to apply for an HMO Licence as well as applying for planning permission?**

The licensing of an HMO falls outside of the planning regime. Applicants should contact the Council's Environmental Health Department for more information. Please also see the following link:

[Houses in multiple occupation - HMO - Spelthorne Borough Council](#)