



South Tyneside Council

item 5

Article 4 Direction

This document has been classified as: **Not
protectively marked**

**Andrew Inch, Senior Manager - Planning
Cabinet – 5 November 2025**

Report to the Executive (Cabinet)

Cabinet Portfolio/Lead Member: Cllr Margaret Meling, Lead Member for Economic Growth and Transport & Cllr Jane Carter, Lead Member Housing & Community Safety

Report of Stuart Wright, Director of Place Strategy

Subject: Consideration of an Article 4 Direction to remove permitted development rights for the Changes of Use of dwellings to small Houses in Multiple Occupation

Date: 5th November 2025

Wards affected: All

Council ambitions:

- Healthy and well
- Part of strong communities

Does the report and any appendices contain information which has been identified as confidential or exempt?

- No, this report does not contain information identified as confidential or exempt.

For Executive Decisions only:

Is the decision a Key Decision? Yes

Is it included in the Forward Plan? Yes

If not in the Forward Plan is the report: N/A

Relevant Scrutiny Chair: Cllr Joan Keegan, Chair of Housing & Environment
Scrutiny Committee

Is the decision eligible for call-in by Scrutiny? Yes

Purpose of Report

1. This report sets out options for Cabinet to consider making an Article 4 Direction to remove permitted development rights under planning legislation for changes of use from dwelling houses (Class C3) to small Houses in Multiple Occupation (HMOs) (Class C4) for the whole of the Borough, excluding the area around the Lawe Top in South Shields where there is an existing Article 4 Direction in place.
2. Cabinet are asked to confirm the preferred option and delegate authority to the Director of Place Strategy to implement the necessary actions to deliver that option.

Background Information

3. Whilst all development requires planning permission, some forms of development already benefit from a generic planning permission granted by central government through secondary legislation (known as permitted development). One such example is in respect of Dwelling Houses (Class C3) which can be converted to small HMOs with between three and six residents (Class C4) without the need for planning permission.
4. There has been a significant increase in the number of new small HMOs in the Borough in recent years. As these changes of use do not require planning permission, the Council is not always made aware of them by a property owner and often they are brought to the Council's attention through complaints about alleged unauthorised development being undertaken. There are cases where property owners do seek advice about whether a change of use requires planning permission. In combination, for the period of January 2024 to September 2025, there have been at least 30 cases involving proposals for change of use of a dwelling to a C4 use.
5. In addition, and through the HMO Licensing regime, there have been 22 new HMO Licenses granted since January 2023 (56 licensed HMOs in total across the Borough) and where that involved a dwelling being converted to use as HMO by at least 5 occupiers. There is the potential for the number of properties actually in a C4 use to not be fully known, where property is occupied by between 3 and 4 residents and where both planning permission and an HMO License are not required.
6. Cases involving the conversion of dwellings to small HMOs using permitted development rights have given rise to significant concerns being raised by neighbouring residents as well as Elected Members on behalf of residents and on a Borough-wide basis. The absence of planning control in these situations is a significant cause of frustration for residents both in terms of individual cases but also where a number of permitted development conversions have been carried out within the same street/area and where there are cumulative concerns about the impact of HMO uses on the character of the area and issues around mixed and balanced communities.
7. Where local authorities consider that there is a local need to control the spread of HMOs in specific areas, they can use Article 4 Directions to remove permitted

development rights. The Secretary of State must be notified and has the power to amend or remove an Article 4 Direction proposed by a local planning authority.

8. As noted above, there is an extant Article 4 Direction in place in the Lawe Top Area of South Shields which took effect in early 2015 and where that was considered necessary to address community concerns in relation to a significant concentration of HMOs in that area. Since taking effect, there has only been one application for planning permission for a small HMO that would otherwise have required planning permission and where that application was granted planning permission. Whilst recognising the different geographical extent, the numbers involved are considered low over the period and relative to the number of conversions that have taken place in a short time period in the remainder of the Borough and as noted at paragraphs 4 and 5 above. It should be noted there have been a number of applications for planning permission for HMOs in the Lawe Top area but where those cases required planning permission irrespective of the Article 4 Direction.
9. As such, the existing Article 4 Direction has been effective in managing further changes of use from dwellings to small HMOs in the Lawe Top Area, but where the conversion of properties to HMO use is now taking place beyond that specific area, across all parts of the Borough, and without the need for planning permission.

Main issues and Options to be Considered

10. In broad terms, an HMO under planning legislation is defined as a house or flat occupied by a certain number of unrelated individuals not living together as a single household, and who share basic amenities, as follows:
 - (a) use Class C4 (between three and six residents); and
 - (b) Sui Generis; i.e., not within any use class (more than six residents).
11. HMOs can provide a more affordable form of accommodation for a wide range of groups including professionals, students, and people on low incomes. They are an important part of a properly functioning housing market. However, an overconcentration of HMOs within a locality can have a negative impact on residential amenity and change the overall character of an area. This is primarily as a result of:
 - (a) noise;
 - (b) general appearance of properties;
 - (c) refuse management; and
 - (d) parking issues.
12. Other negative impacts can include a loss of family housing and impacts on community cohesion due to the presence of a more transient population.

13. In October 2010, the Government made changes to planning rules to allow dwelling houses occupied by people living together as a single household (Class C3) to change to a small HMO with between three and six residents (Class C4) without the need for a planning application. This is referred to as 'permitted development,' however, where local authorities consider that there is a local need to control the spread of HMOs in specific areas, they can use existing powers to remove this form of permitted development and, thereby, require the submission of a planning application for such a change. An Article 4 Direction is the mechanism to achieve this.
14. An Article 4 Direction is made under the Town and Country Planning (General Permitted Development) (England) Order 2015. Such a direction would have no impact upon Sui Generis HMOs because they are not covered by these permitted development rights. The position is that changes of use from C3 dwelling houses to Sui Generis HMOs require planning permission and that would continue to be the case whether or not an Article 4 direction is made.
15. An Article 4 Direction cannot apply retrospectively. It would have no effect on any existing HMOs and would not require landlords of existing HMOs to do anything, nor can it apply to any development that has been commenced at the time that a Direction comes into force.
16. If an Article 4 Direction is considered appropriate, they can be implemented as an 'immediate' Direction or a 'non-immediate' Direction. Consideration of the relevant options in this regard is set out below.

Option 1 - Do Nothing

17. As set out at Paragraph 12 above, in 2010 the Government amended the planning rules to enable C3 to C4 changes of use without the need for planning permission. The existence and ability of properties owners to exercise their permitted development rights applies nationally and where Paragraph 54 of the National Planning Policy Framework advises that:

The use of Article 4 Directions to remove national permitted development rights should:

- b) in other cases [including removal of the right to change from C3 to C4], be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)*
- c) in all cases, be based on robust evidence, and apply to the smallest geographical area possible.*

18. This report has highlighted, however, at paragraphs 4 and 5 above the extent of changes of use occurring across the Borough outwith planning control and the concerns such changes of use are giving rise to among residents and the types of impacts noted at paragraphs 11 and 12 above.

Option 2 – Immediate Article 4 Direction

19. With an immediate Direction, permitted development rights for small HMOs would immediately be withdrawn and any such proposal would be subject to planning permission. An immediate article 4 direction cannot be made unless (as set out in Schedule 3 of the General Permitted Development Order 2015) the Council consider that the development to which the direction relates 'would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area'. A direction takes effect immediately upon service and publication of the statutory notices, but it will expire after six months, unless confirmed by the Council within that period. In deciding whether to confirm, the Council must have regard to any representations received to the publicity. Further details on the publicity are set out below in the 'Financial and Resources' Section.
20. While this would be effective in both bringing about greater planning control and in a short timescale (assuming the direction is confirmed), the Council would then be liable to pay compensation for any planning applications that were refused or subject to more stringent conditions as a result of the Article 4 Direction for the first 12 months after it is served.
21. Compensation may be payable where there is a subsequent refusal of planning permission or grant subject to conditions following an immediate Article 4 Direction. Compensation can be claimed for a) abortive expenditure or b) other loss or damage directly attributable to the withdrawal of permitted development rights. This might, for example, include: the costs of dealing with any planning application / appeal; any diminution in the value of the land (as a result of the loss of the right to use it as a HMO); and, incurring of costs or loss of profits under any existing contract entered into in contemplation of the HMO use. If claims are not settled by agreement, they are ultimately determined by the Upper Tribunal. The costs of such legal proceedings are also potentially payable by the Council as part of the compensation.
22. At the time of making an immediate Direction the Council would have no information as to the number of potential HMO landowners/claimants likely to lodge planning applications within the 12-month period, or the likely scope/quantum of their claims (including under any existing contracts). Accordingly, it is very difficult to identify likely exposure to compensation. However, on a Borough-wide basis there have been approximately 30 cases involving the use of permitted development rights since January 2024. For a 12-month period that would equate to 18 cases on a pro rata basis.

Option 3 - Non-immediate

23. For non-immediate directions, the Council must publicise the direction as soon as possible. The notices of making must include a period of at least 21 days for representations to be made on the direction. They must also specify the proposed date for bringing into force of the direction, which can be up to two years subsequent. However, it is normal to delay the bringing into force of the direction for 12 months only, for reasons to do with compensation (see the following paragraphs). The direction must be confirmed by the Council before it comes into effect. In

deciding whether to confirm it, the Council must consider any representations received.

24. A non-immediate Article 4 Direction that gives 12 months' notice before it comes into effect overcomes all liability for compensation. However, taking a non-immediate approach does mean that in the period before the Direction takes effect, property owners could continue to exercise their permitted development rights to change the use of dwellings to small HMOs without the need for planning permission and where property owners may be incentivised to do so at an increased rate ahead of the Direction taking effect. If the same pro-rata number of cases was applied in this scenario, this could mean a further 18 small HMOs in the Borough in that 12 month period.
25. That is not to say that if an immediate Direction was pursued that the equivalent number would not materialise, rather, whether through grant of planning permission or by way of being allowed on appeal, it is arguable that a number of changes of use would still occur. In addition, any property owner/landlord seeking to pursue a conversion to small HMO in the 12 month period before the Direction takes effect would have to consider the timescales associated with potentially acquiring a property, refurbishing/converting it to meet the relevant legislative standards for licensing and building regulations and ensuring that the use was brought into effect. There is clearly risk associated with these timescales for any property owners/landlords considering pursuing a small HMO and where potentially it may need planning permission if it can't be brought into use in the 12 month window.
26. It should be noted that an Article 4 Direction would not apply retrospectively. Any properties already in use as a small C4 HMO at the time a direction takes effect would be lawful in planning terms and not subject to planning control.

Geographical extent of Article 4 Direction

27. In accordance with the NPPF, any Direction must be based on robust evidence and apply to the smallest geographical area possible. A Borough-wide Direction would necessitate the greatest burden of evidence. Given the geographical extent of the Borough and the geographical extent of permitted development rights being exercised it is considered that there is sufficient evidence to robustly defend pursuing an Article 4 Direction on a Borough-wide basis. If it was used on an area basis, it is likely, as the Lawe Top Article 4 Direction has shown, that property owners and developers would simply seek to exercise permitted development rights in those parts of the Borough that were excluded, potentially leading to a concentration of HMOs in those excluded areas and the Council potentially having to consider a further Article 4 Direction at that time, as opposed to dealing with the matter on a proactive basis and addressing the concerns being expressed by residents across the Borough.

Planning Policy

28. The emerging South Tyneside Local Plan is currently the subject of an Examination in Public by an independently appointed Planning Inspector. The second stage of public hearings is due to take place in late November and where Policy 16, Houses

in Multiple Occupation, is a matter that the Inspector will consider. The policy, in its current form, would only apply to those cases where planning permission is required and would not apply where permitted development rights are being exercised. The policy includes stricter criteria in relation to the existing Article 4 Direction for the Lawe Top area and where it states that planning permission will only be granted where the number of HMO dwellings does not exceed 10% of the total number of properties within 100 meters from the application site.

29. If the Council were to serve a further Article 4 Direction, the current wording in relation to concentration levels would not apply.

Summary of options

30. There are benefits and risks associated with all options however given the impacts increased numbers of HMOs may create option 1 'Do nothing' is not recommended. The implications for the remaining options 2 & 3 for 'immediate' or 'non-immediate' respectively are set out below.

Implications

Financial and Resources

31. There will be costs involved in the making of the Direction particularly in relation to the publicity procedure. Notice of an Article 4 Direction must be published in a newspaper, by site display, and individually on every owner and occupier of every part of the land within the area or site to which the Direction relates (unless it is impracticable because it is difficult to identify or locate them, or the number of owners or occupiers within the area to which the Direction relates would make individual service impracticable).
32. Given the number of properties affected, this exemption will be invoked, therefore placing greater emphasis and reliance upon site notices. The cost of the implementation of the Article 4 Direction will be met from existing budgets. The Secretary of State must be notified and has the power to amend or remove an Article 4 Direction proposed by a local planning authority. Should the Secretary of State intervene there is a risk this work would be abortive.
33. If Option 2 (*Immediate Direction*) is pursued, the Council risks having to pay small HMO applicants / developers compensation, as set out at Paras 20 and 21 above, within the first 12-month period. This may include not just cases where permission is refused, but also where permission is granted (i.e. application and appeal costs). If Option 3 (Non-immediate Direction) is pursued, compensation is not payable if 12 months prior notice of the withdrawal of permitted development rights is given.
34. The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 from 17

January 2018 allowed for the charging of fees for planning applications resulting from permitted development rights being removed through an Article 4 Direction although this may not cover all of the costs of determining, monitoring and enforcing the increased numbers of planning applications, permissions and appeals. In addition, there may be financial implications should the council refuse a planning application for an HMO and subsequently be unsuccessful at defending its decision at appeal. Where a Council is shown to have acted unreasonably it can be liable for the applicant's costs in defending the appeal in addition to its own.

35. There are resource implications in taking forward an Article 4 Direction. Administration of the scheme will require staff resources in the planning and legal teams. This will be within existing staffing levels, however, will divert resources from other areas of work. It is not known how many planning applications may be submitted and the impact on existing workloads, however, where planning permission is refused resources may also be needed to defend planning appeals.

Legal and Governance

36. For both immediate and non-immediate Article 4 Directions, the process for making and confirming the Direction is set out in Schedule 3 of the Town and County Planning (General Permitted Development) Order 2015 (as amended). Both entail statutory publicity of the Direction's making, and consideration of representations received, prior to a decision whether to confirm. The statutory process will need to be followed, whether Option 2 or 3 is followed.

Risk

37. As with any decision of a public body, there is a risk of Judicial Review challenge on normal public law grounds. A successful Judicial Review challenge would result in the quashing of the decision and a requirement for a new decision to be taken, addressing the grounds on which the initial decision had been found to be unlawful.
38. The Secretary of State has power to intervene in the making or confirmation of Article 4 Directions and could, therefore, cancel or modify any direction made. The most common form of intervention, based on experiences elsewhere, would involve the Secretary of State modifying a Borough-wide Direction to modify it down to apply to smaller areas only.
39. For Option 2 (*Immediate Direction*) the financial and reputational risks associated with having to pay compensation to HMO applicants and developers within the first 12 months where the Council is not at fault, are set out above.
40. After the initial 12 months, whether an Immediate or Non-immediate Direction is pursued, where the council refuse planning permission there may be an increase in planning appeals with associated resource implications and costs in defending these appeals. Where a council is shown to have acted unreasonably it can be liable for the applicant's costs in defending the appeal in addition to its own costs. There is a

risk of reputational damage as residents may think an Article 4 will prevent all HMOs, however, it will only remove permitted development rights. A policy basis is needed to refuse planning applications, or the Council will be subject to appeal and potential award of costs.

Equality and Diversity and Community

41. Section 149 of the Equality Act requires the council, when exercising its functions, to have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
42. Careful consideration has been given as to whether there will be any impacts arising from the proposed Article 4 Direction and an Equality Impact Assessment (EqIA) is included as Appendix 1. In summary, due to their lower cost, HMOs are more likely to be occupied by those on lower incomes. The proposal may have a potential detrimental impact in relation to the protected characteristics of age, disability, race and sex; however, the proposal may also have a positive impact on all characteristics as the Article 4 Direction would require that a change of use from a dwelling to a Class C4 HMO would require planning permission and any application would be considered under relevant planning policies. The population has a range of options for housing, including different types of accommodation and in different locations, therefore, the proposed Article 4 Direction would not result in housing needs not being met. As set out in this report the direction will be subject to consultation prior to it being confirmed. A further equality check will be undertaken prior to confirmation, having regard to any representations received.
43. In terms of Human Rights, whilst the proposed withdrawal of permitted development rights for changes of use from C3 to C4 may impact upon rights under Article 1 of the first Protocol ECHR of owners of C3 properties within the proposed direction area, it is considered that such interference would be in accordance with planning legislation and would also be proportionate.

Environmental and Sustainability

44. There are no significant environmental and sustainability implications arising from the proposed recommendations in this report.

Council Ambitions, Policies, Strategies and Plans

45. Introducing a further Article 4 Direction to increase planning control over new HMOs across the Borough is considered to align closely with the Council's Vision for South Tyneside - A place where people live healthy, happy, and fulfilled lives and is consistent with the following key corporate ambitions:

Healthy and well - Residents will enjoy good mental wellbeing and physical health throughout their lives. They will have the best start in life and be able to live and age well.

Part of strong communities - Residents will live in clean, green, and connected communities where they feel safe.

Consultation and Engagement

46. The making of an Article 4 Direction to withdraw permitted development rights for Class C3 small HMOs was referred to the Council's Housing and Environment Scrutiny Committee on 22 October 2025. Members of the Committee recognised the important role that HMOs play in a properly functioning housing market and that they do contribute to meeting a particular housing need, however, they also recognised the need for increased planning control in light of the growing number of HMOs and their increasing concentration. Members of the Committee recognised the pros and cons of both the Immediate and Non-immediate options that could be pursued in making any Direction.
47. Statutory publicity and consultation will be required on the proposed Article 4 Direction, whether Option 2 or 3 is pursued. In either case the following publicity must be undertaken:
- (a) notice being placed in local press;
 - (b) site notices;
 - (c) serving the notice on the owner and occupier of every part of the land within the area to which the Direction relates unless the number of owners or occupiers within the area to which the direction relates makes individual service impracticable; and,
 - (d) notification to be given to the Secretary of State.
48. These are the minimum legal requirements. In relation to (c) above, it is considered that in taking a Borough-wide approach, the number of properties involved is such that it is considered impracticable to serve individual notices on each owner/occupier of premises. However, the Council's Communications team would employ a range of methods to ensure the consultation is publicised more widely and throughout the Borough.

Recommendations

49. This report has considered the justification for and implications of serving an Article 4 Direction to remove permitted development rights under planning legislation for changes of use from dwelling houses (Class C3) to small HMOs (Class C4).
50. As set out in paragraph 30 Option 1 – ‘Do nothing’ is not recommended. This leaves either Option 2 to introduce an Immediate Article 4 Direction, or Option 3 to introduce a Non-Immediate Article 4 Direction. It is recommended that whichever option is chosen extends to the whole borough (excluding that part of the Lawe Top area already subject to an article 4 direction).
51. It is recommended that Cabinet consider the balance of risks detailed in the report to choose a preferred option.
52. If the Executive is of the view **Option 2** should be followed, the Executive is recommended to authorise the Director of Place Strategy to:
- a. Make an Article 4 Direction to remove permitted development rights across the Borough (excluding the Lawe Top area of South Shields) for the change of use from dwelling houses (Class C3) to small HMOs (Class C4) on an immediate basis.
 - b. Publish 21-day statutory notices of making in connection with the Direction which specify a date of coming into force immediately upon the publication and display of the notices.
 - c. Once the period for making representations referred to in b. above has expired:
 - i. If no objections to the Direction are received. To confirm the Direction within 6 months of it coming into force and undertake the required publicity in connection with its confirmation.
 - ii. If objections to the Direction are received, and the Director of Place Strategy in consultation with the Lead Member for Economic Growth and Transport considers that those objections, together with any other representations received, do not materially affect the reasons for making the Direction as set out in this report, to confirm the Direction within the 6 months and undertake the required publicity in connection with confirmation.
 - iii. If objections to the Direction are received, but the Director of Place Strategy in consultation with the Lead Member for Economic Growth and Transport considers that those objections together with any other representations, materially affect the reasons for making the Direction as set out in this report, to prepare a further report to be brought to a future meeting of Cabinet, with a recommendation whether to confirm the Direction within the six month period.
 - d. Do any other act or thing as may be reasonably required in connection with making and/or confirming the direction pursuant

to a. to c. above including submission of copies to the Secretary of State.

- e. To settle and pay all claims for compensation arising out of or in connection with the making of an immediate Direction, and to pursue all action including as necessary proceedings before the Upper Tribunal and any other court in connection with resolving such claims where disputed.

53. If the Executive is of the view **Option 3** should be followed, the Executive is recommended to authorise the Director of Place Strategy to:

- a. Make an Article 4 Direction to remove permitted development rights across the Borough (excluding the Lawe Top area of South Shields) for the change of use from dwelling houses (Class C3) to small HMOs (Class C4) on a non-immediate basis.
- b. Publish 21-day statutory notices of making in connection with the Direction which propose a date of coming into force 12 months after the date of making.
- c. Once the period for making representations referred to in b. above has expired:
 - i. If no objections to the Direction are received. To confirm the Direction and undertake the required publicity in connection with its confirmation so that the Direction comes into force on the date set out in b. above.
 - ii. If objections to the Direction are received, and the Director of Place Strategy in consultation with the Lead Member for Economic Growth and Transport considers that those objections, together with any other representations received, do not materially affect the reasons for making the Direction as set out in this report, to confirm the Direction and undertake the required publicity with confirmation so that the Direction comes into force on the date set out in b. above.
 - iii. If objections to the Direction are received but the Director of Place Strategy in consultation with the Lead Member for Economic Growth and Transport considers that those objections together with any other representations materially affect the reasons for making the Direction as set out in this report, to prepare a further report to be brought to a future meeting of Cabinet, with a recommendation whether to confirm the Direction.
- d. Do any other act or thing as may be reasonably required in connection with making and/or confirming the direction pursuant to a. to c. above including submission of copies to the Secretary of State.

Reasons for Recommendations

54. There is a need to exercise greater planning control over the number of properties using current permitted development rights for change of use from dwelling houses (Class C3) to small HMOs (Class C4).

List of Appendices

Appendix 1: Equality Impact Assessment (EqIA)

Article 4 Direction

The following is a list of the background papers (excluding exempt papers) relied upon in the preparation of the above report:

Background Paper	File Ref:	File Location
EqlA		

Equality Impact Assessment (EqIA)

All public authorities are required to, in carrying out their functions, show due regard for the need to: eliminate unlawful discrimination; advance equality of opportunity between people who shared a protected characteristic and those who don't; and foster good relations between people who share a relevant protected characteristic and those who do not (Equalities Act 2010).

Services are responsible for ensuring that EqIAs are completed to help inform decision making on all relevant Key Decisions, new or revised policies and any substantial proposed changes to services.

This process helps decision makers to assess, and evidence that they have assessed, the potential implications of a proposed policy or service change on service users with protected characteristics. It supports reflection on implications for different groups and prompts the identification of any mitigation activities that may need to be taken to minimise potential inequalities that could result from the proposal.

Directorate	Place Strategy	Service	Strategic Investment & Growth
Responsible Officer (Title)	Senior Manager-Planning	Date of Assessment	6 October 2025
Brief description of the proposed new or altered policy or service?			
The removal of national permitted development rights to convert dwellings to small Houses in Multiple occupation (HMOs). The proposal won't necessarily prevent landlords from creating further HMOs, it will just introduce an additional step that allows the Council to better manage and control community concerns around HMOs.			
Who are the main customer or employee groups affected by this new or altered policy or service?			
The introduction of an Article 4 Direction would affect a number of groups across the Borough, including property owners/landlords, potential occupiers of HMOs and residents across the Borough who may already have HMOs in close proximity of them and where the effect of the direction would be to exercise planning control for any further small HMOs with associated publicity of applications for planning permission and the opportunity for residents to engage in the planning process.			
What evidence and engagement has been considered to inform this assessment?			
Relevant evidence in terms of records held in relation to planning and HMO licensing have been considered, as well as evidence in relation to residents' complaints.			

Identification and description of impact. Please identify where there is a positive, neutral or negative impact. Then describe in more detail the nature of any identified potential disproportionate negative impact, including any potential barriers to access, existing or anticipated unequal outcomes or experiences, and effect on intra-group relations and community cohesion:		
The Nine Protected Characteristics (as identified by the Equalities Act 2010)		
Age	Neutral / No Impact	HMOs are an important source of housing for many residents, and increased control may impact the supply of further HMOs. However, the proposal may also have a positive impact as the Article 4 Direction would require that a change of use from a dwelling to a small HMO would require planning permission. Any application would be considered under relevant planning policies. The population has a range of options for housing, including different types of accommodation and in different locations, therefore the proposed Article 4 Direction would not result in housing needs not being met.
Disability	Neutral / No Impact	The potential future reduction of HMO accommodation being created as a result of the proposal might reduce specialist housing options for co-living adults with physical or mental impairments.
Sex	Negative	The potential future reduction of HMO accommodation being created as a result of the proposal might reduce options for specialist housing for women requiring respite and safety for domestic abuse.
Sexual Orientation	Neutral / No Impact	No specific impact identified
Gender Reassignment	Neutral / No Impact	No specific impact identified
Marriage or Civil Partnership (in employment only)	Neutral / No Impact	No specific impact identified
Pregnancy and Maternity	Neutral / No Impact	No specific impact identified
Race (including colour, ethnicity, nationality or national origin)	Negative	The potential future reduction of HMO accommodation being created as a result of the proposal might reduce options of relatively affordable housing for households which can disproportionately include people from

		ethnic minorities, however, in reducing the risks of unsuitable or cramped HMO accommodation, there could also be benefits both for these renters.
Religion or belief	Neutral / No Impact	No specific impact identified
Other Groups		
Care Leavers	Negative	The potential future reduction of HMO accommodation being created as a result of the proposal might reduce options of relatively affordable housing for households which can disproportionately include care leavers and their access to the affordable accommodation provided by HMOs.
Armed Forces Veterans	Negative	The potential future reduction of HMO accommodation being created as a result of the proposal might reduce options of relatively affordable housing for households which can disproportionately include Armed Forces Veterans and their access to the affordable accommodation provided by HMOs.
Those at risk of socio-economic disadvantage	Negative	HMOs can be an important source of relatively affordable housing for those on low incomes and where increased control may impact the supply of further HMOs and access to the affordable accommodation provided by HMOs.
Please indicate what actions you intend to take to mitigate negative impact, where it has been identified		
As noted above, the proposal won't necessarily prevent any and all future HMOs from occurring, rather, it will bring such uses into planning control and where the merits of each individual case will be assessed and having regard to prevailing planning policy. While this might restrict the supply of further, new HMOs that would otherwise not have required planning permission, there are a number of measures through the emerging Local Plan that seek to address the provision of affordable housing across the Borough, as well as the Housing Strategy and our approach to homelessness prevention which together seek to ensure the provision of a range of		

housing options in general, including for low income people and people with specialist needs.

The potential negative impacts identified need to be balanced against the positive impact that the proposal would have in terms of ensuing greater planning control over the spread of new HMOs and ensuring that concentrations of HMOs do not occur and where that may adversely affect the character and amenity of the area.

Are there any negative impacts that cannot reasonably be avoided? If so, on balance, please describe your rationale for why it is still appropriate to proceed with the proposal.

As set out above the proposal would potentially result in some negative impacts for certain protected characteristics in relation to the potential reduction in the supply of further, new HMOs and the provision of low cost housing options for some people. However, this must be balanced against supporting better management of the character of areas and about ensuring mixed and balanced communities, which has benefits for all residents.

How do you plan to monitor ongoing impact and the effectiveness of any identified mitigation activities?

The Council routinely monitors things like new housing rates and homelessness presentations/profiles and would be well placed to recognise if the approach did cause any problems for renters who are identified as being potentially impacted, and has a number of services in place to respond.

Responsible Officer Title & Sign-Off Date	Senior Manager- Planning	Head of Service Title & Sign-Off Date	Head of Strategic Investment & Growth	Lead Member & Sign-Off Date	Lead Member for Economic Growth and Transport
---	--------------------------	---------------------------------------	---------------------------------------	-----------------------------	---