

REPORT CONTROL SHEET

This control sheet **MUST** be completed so that Committee Services can check that you have followed the compulsory consultation procedure before the report gets on the agenda. **The boxes where relevant must be completed before the report can be accepted onto the agenda. Please do NOT complete the 'response received' box unless you have actually received a proper response from the person concerned.** The boxes for HR and Unions need only be completed for reports with staffing implications.

Meeting:	Council		
Date:	15 November		
Title of report:	Houses Of Multiple Occupation (HMO) Article 4 Direction – Report On Representations Following Notification Procedure and Request to Confirm the Article 4		
Contact:	Sally Minns/ Elizabeth Dubbeld		
Tel:	01473 432906/ 01473 432921		
Consultee	Name	Date Sent	Response Received
Councillors	EWG	12.09.23	
IBC	Development Management, Housing, Licensing		
SCC	James Cutting, Head of Planning	09.05.23	21.06.23
Chairman of Committee (not applicable for Executive Reports)			
Portfolio Holder	Cllr Carole Jones	08.08.23	15.08.23 and 12.09.23
Director for Strategy, Transformation & Change		08.08.23	
Legal Services	Clare Dawson-Dulieu	08.08.23	22.08.23
Director/Assistant Director for Service Area	James Fairclough/ Stuart McDonald	08.08.23	
Finance	Brian Burns	08.08.23	
Finance Portfolio Holder	Cllr Martin Cook	08.08.23	10.08.23
External Consultees	Secretary of State for Levelling Up, Housing,	10.05.23	The Secretary of State will only respond if changes are required to the

	and Communities (DLUHC)		made Article 4 Direction. To date there has been no response.
For reports with staffing implications			
Head of HR	N/A		
Appropriate unions	N/A		
For reports with ICT implications			
Head of ICT	N/A		
Closed Agenda? * Please ensure that public interest test is performed and exempt paragraph completed		NO	
Is this a key decision and on the List of Forthcoming Decisions?		* YES	



COMMITTEE: COUNCIL REF NO:

DATE: 15 NOVEMBER 2023

**SUBJECT: HOUSES OF MULTIPLE OCCUPATION
(HMO)ARTICLE 4 DIRECTION – REPORT ON
REPRESENTATIONS FOLLOWING NOTIFICATION
PROCEDURE AND REQUEST TO CONFIRM THE
ARTICLE 4**

PORTFOLIO HOLDER: COUNCILLOR CAROLE JONES

SENIOR OFFICER: JAMES MANN

Short description of report content and the decision requested:

The Technical Report to support an Article 4 Direction for Small HMO's was compiled between 2020 and 2022 approved by the Executive on 7 February 2023 and approved by Full Council. As a result, the Article 4 Direction was made on 09 May 2023. In accordance with Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), a notification procedure took place in order to alert residents and other interested parties within the clusters proposed to be covered by the Article 4 Direction of the Council's intention to confirm the Article 4.

This report considers the responses received during the notification period of 6 weeks between 10 May and 21 June 2023 and whether there are any amendments required to the made Small HMO Article 4 (09 May 2023) in the light of these comments.

It was officers' opinion that there is no justification arising from the notification responses received to require any amendments to the made Article 4 Direction. Executive on 3 October 23 agreed that no amendment

was required to the made Article 4 Direction for Small HMO's and agreed that the Article 4 should go to Council for its 'confirmation'. This is the final stage of the Article 4 procedure in terms of local decision-making.

Following confirmation of the Article 4, affected residents and key stakeholders will be notified of the confirmation and date of implementation (1 June 2024). (It is not a notification requiring response).

The Article 4 Direction, if confirmed, will remove existing permitted development rights for material changes of use from dwelling houses (C3 use class) to small houses of multiple occupation (HMOs, C4 use class), made under article 4(1) of the General Permitted Development Order (2015 amendments), and would affect the following wards: Alexandra; Bixley; Bridge; Castle Hill; Gainsborough; Gipping; Holywells; Priory Heath; Rushmere; St John's; St Margaret's; Westgate. In some cases, very small portions of wards are affected.

This Article 4 Direction would result in there being a requirement for applicants to make a planning application for changes of use from dwelling houses to small HMOs, in order for them to be formally assessed by the Local Planning Authority. It is a non-immediate direction, and it is therefore anticipated that the direction will come into force, subject to confirmation by the Council, on 01 June 2024.

Ward(s) affected:

*Alexandra; Bixley; Bridge; Castle Hill; Gainsborough; Gipping; Holywells; Priory Heath; Rushmere; St John's; St Margaret's; and Westgate.
(In some cases, very small portions of wards are affected)*

List of Appendices included in this report:

- a) Appendix 1 – Made Article 4 Direction for Small HMO's Notification Statement*
- b) Appendix 2 – Made Article 4 Direction Notification Statement*
- c) Appendix 3 - Ipswich Local Plan (2022) Policy DM20*
- d) Appendix 4 - HMO Technical Paper*

- e) Appendix 5 - EQIA
- f) Appendix 6 – SEA Screening Statement for the Small HMO Article 4 Direction
- g) Appendix 7 – HRA Screening Statement for the Small HMO Article 4 Direction

*This report has been prepared by Sally Minns, Tel: 01473 432906,
Email: sally.minns@ipswich.gov.uk*

This report was prepared after consultation with:

Internal consultees: Head of Planning and Development; Assistant Director – Place; Director of Operations and Place;

External consultees

SCC; Secretary of State for Levelling Up, Housing and Communities

The following policies form a context to this report:

Corporate Strategy – Proud of Ipswich: Championing our Community and Revitalising our Town

https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/ipswich_borough_council_corporate_strategy.pdf ;

National Planning Policy Framework (NPPF) (2023)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2> ;

Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

<https://www.legislation.gov.uk/ukxi/2015/596/contents/made> ;

Ipswich Local Plan (2022) – Policy DM 20

https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/core_strategy_and_policies_development_erratum_with_plans_0.pdf ;

E/22/50 Equality Impact Assessment for Ipswich Borough Council: Houses of Multiple Occupation (HMO) Article 4 Direction – Technical Report

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(papers relied on to write the report but which are not published and do not contain exempt information)

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| 1. None |
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OTHER HELPFUL PAPERS

(papers which the report author considers might be helpful – this might include published material)

- | |
|---|
| <ol style="list-style-type: none">1. PPG: When is Permission Required
https://www.gov.uk/guidance/when-is-permission-required2. E/22/50 - Houses of Multiple Occupation (HMO) Article 4 Direction- Technical Paper & Implications;3. E/18/65 – Article 4 Houses in Multiple Occupation4. C/22/18 - To Consider a Report from Councillor C Jones on the Houses of Multiple Occupation (HMO) Article 4 Direction - Technical Report and Implications.5. E/23/24 - Houses of Multiple Occupation (HMOs) Article 4 Direction - Report on Representations Following Notification Procedure and Implications |
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1. Executive Summary

- 1.1 Small Houses of Multiple Occupation (HMOs) are those HMOs of up to 6 residents. Conversion of houses to small HMOs do not normally require a planning application to be submitted to the Borough Council. Whereas Houses in Multiple Occupation which have more than 6 occupants are a Sui Generis use class and planning permission for the use is required, HMOs need to be licensed when there are 5 or more residents.
- 1.2 The making of an Article 4 Direction results in there being a requirement for landlords to make a planning application for changes of use from dwelling houses to HMOs, in order for them to be formally assessed. This would allow the planning process, which includes public engagement to enable consideration to be given to the impacts from the use of an HMO on neighbour amenity, car parking and use of services. The Article 4 Direction is needed to protect those parts of Ipswich which we be most detrimentally affected by the intrusion of unregulated HMOs – modest streets of modest homes, already densely populated, and with minimal off-street parking.
- 1.3 In addition, it is required to protect the amenities of potential residents of such HMO's and that required residential standards are in place for potential residents.
- 1.4 Following the resolution of the Council on 22 February 2023 to initiate consultation and prepare a non-immediate Article 4 Direction, the Article 4 Direction was made on 9 May 2023(see Appendix 1).
- 1.5 In accordance with the resolution of Council on 22nd February 2023, this report examines whether the representations received require any amendment to the Article 4 Direction, as required by Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. It also seeks confirmation of the Article 4 Direction. This is in accordance with the recommendations of Executive on 3 October 2023.

2. Background

National Policy

- 2.1 The 2023 The National Planning Policy Framework (NPPF) (paragraphs 53 and 54) requires the use of Article 4 Directions to be limited to situations where it is 'necessary to avoid wholly unacceptable adverse impacts' or 'to protect local amenity or the wellbeing of the area'; and should be 'based on robust evidence, and apply to the smallest geographical area possible' and should not be used unless there is 'clear justification' for doing so.

- 2.2 In addition, the National Planning Practice Guidance (PPG) further states in ‘When is permission required?’ that robust evidence is required to justify the purpose and extent of the Direction, to demonstrate that such action is needed to protect local amenity or well-being of the area. It also requires the potential harm that the Direction is intended to address to be clearly identified, and that a particularly strong justification is required if the Article 4 direction is to cover a wide area such as an entire local planning authority.
- 2.3 Councillors approved the introduction of an Article 4 Direction which would remove existing permitted development rights for material changes of use from dwelling houses to small HMO’s under the 2015 changes to the General Permitted Development Order in 2019. (19 March 2019 Executive - Ref No: E/18/65).
- 2.4 The changes to the General Permitted Development Order mean that formal planning permission is not required to convert a Use Class C3 dwelling house into a Use Class C4 small HMO (Class L in Part 3 to Schedule 2 of the 2015 General Permitted Development Order). This is what the Article 4 seeks to address.
- 2.5 The Option approved by Executive in 2019, required the preparation of a Technical Paper to support the preparation of the Article 4 Direction. A copy is attached as Appendix 4.
- 2.6 The Technical Paper aligned closely to the Government 2008 guidance on “Evidence Gathering – Housing in Multiple Occupation and possible planning responses”.¹
- 2.7 The development of the Technical Paper took place over a significant period of time. Through this piece of work, the following evidence was examined:
1. Dwelling Registered as HMO’s in 2022 including those going through the process of registration;
 2. Student only households (from Council Tax records);
 3. Enforcement cases relating to HMO’s between 2019-2022
 4. Planning applications relating to HMO’s between 2011-2022; and
 5. Shared houses by ward from the Census data
- 2.8 The Article 4 Direction was made on 9 May 2023 in accordance with the Council’s resolution of 22 February 2023 (see Appendix 1).
- 2.9 This report focusses on the notification responses that have been received and analysed following the 6-week notification procedure on the made Article 4 on Small HMO’s. All responses have been considered and where appropriate members of the team made contact on the procedure or points of clarification. Officers consider there

¹ <https://planningjungle.com/wp-content/uploads/Evidence-Gathering-Housing-in-Multiple-Occupation-and-possible-planning-responses-Final-Report-September-2008.pdf>

should be no changes made to the made Article 4 Direction in response to representations made.

2.10 These responses and officer consideration of responses made during the 6-week notification procedure are attached in the Appendix 2 – Made Article 4 Direction Notification Statement.

2.11 On 3rd October 2023 Executive resolved that:

1. That Executive agrees that, on the basis of the Notification Statement outlined in Appendix 2, the made Article 4 Direction requires no further amendment; and
2. That Executive recommends that the made Article 4 Direction in Appendix 1 is referred to Full Council to be confirmed and that this is publicised in accordance with Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 in the manner laid out in paragraph 11.4 of this report and comes into effect on 1 June 2024. (This will allow the Article 4 to become operational).

2.12 This report is designed to report back to Council on the result of that procedure and recommends that no further change to the Article 4 Direction is required as a result of the Notification Procedure. It also recommends to Council that the Article 4 Direction is confirmed. It is a 'non-immediate direction', and it is therefore anticipated that the Direction will come into force, subject to confirmation by the Council, on 01 June 2024.

3. Relevant Policies

3.1 Corporate Strategy – Proud of Ipswich: Championing our Community and Revitalising our Town – this report links to the priority of meeting the housing needs of the community.

3.2 This report also links to Planning Policy DM20 in the 2022 adopted Local Plan (see Appendix 3). This policy (which is a new Ipswich Local Plan policy, not included in earlier Local Plan iterations), sets out criteria against which planning applications for Houses of Multiple Occupation should be considered. In addition, this Policy is what will be used by Development Management in assessing future planning applications which are required as a result of the Article 4, for small HMO's, once it comes into effect on 1 June 2024.

4. Options Considered / Under Consideration

Option 1

- 4.1 Council accept the recommendation by Executive that responses made as outlined in the Notification Statement does not warrant additional change to the made Article 4 Direction as recommended by officers.
- 4.2 If Council accepts this, it means that Council can confirm the Direction. Once confirmed, the Article 4 Direction will come into force on 1 June 2024, following the notification of affected residents and interested parties of the confirmation and implementation date.
- 4.3 This is the preferred option as it would allow for the Article 4 Direction to come into force from 1 June 2024. This will give Ipswich Borough Council control over the supply of family homes through ensuring all potential HMO's are returned to requiring planning consent. This ensures assuring local people have the opportunity to share their views and residential amenities such as parking, amenity and space standards, and social infrastructure are considered in decision-making.

Option 2

- 4.4 Council can require additional amendment to the Article 4 Direction arising from the Notification responses as outlined in the Notification Statement.
- 4.5 This would mean that a further Notification Procedure on the amendments required by Councillors would have to be undertaken.
- 4.6 The impact of this would be increased costs to the Council regarding implementing an additional Notification Procedure and delays in the implementation of the Article 4 coming into force of up to 18 months. This is because a further minimum 6 weeks Notification period would have to be observed, followed by a further period of analysis of the responses and a returned report to Executive and Full Council before the made Article 4 Direction can be confirmed. It would also impact on other Planning Policy priorities.

5. Consultations

- 5.1 Subject to paragraph 2, notice of any direction made under article 4(1) of this Order must, as soon as practicable after the direction has been made, be given by the local planning authority—
 - (a) by local advertisement;
 - (b) by site display at no fewer than 2 locations within the area to which the direction relates, or, if the direction is made under article 4(1)(b), on the site of the particular development to which the direction relates, for a period of not less than 6 weeks; and
 - (c) subject to sub-paragraph (2), by serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates.

- 5.2 The Regulations allow flexibility regarding Article 4(1) (c) subject to sub-paragraph (2) (b) stating that the local planning authority need not serve notice on an owner or occupier in accordance with sub-paragraph (1) (c) service on ‘*owners and occupiers within the area to which the direction relate makes individual service impracticable*’.
- 5.3 In this case, it was estimated that there are approximately 13,716 residential addresses that would be affected by the introduction of this Article 4 Direction. Using the Census 2021 household figure for Ipswich of 59,507, this means that the Article 4 Direction would cover 23.1% of the households in the Borough. Therefore, it was concluded that serving notice on individual owners and occupiers within the made Article 4 area fell into the ‘impracticable’ definition.

Notification procedure adopted

- 5.4 Criteria were designed so that there was an equitable spread of Site Notices in places which were subject to high levels of pedestrian traffic such as outside schools, bus stops, shops and lampposts in residential streets. 358 notices were erected in the made Article 4 Direction (and some additional where on site it was considered necessary) all on Day 1 of the Notification period which was a considerable logistical exercise and involved officers from the whole of the Planning Department to achieve. It constituted the largest single site notice erection procedure ever undertaken by the Planning Department.
- 5.5 The site notices all had QR codes which would take a person directly to the dedicated Article 4 webpage and allowed individuals to respond via their phones. In addition, this was the first time a Microsoft survey was used for a consultation procedure by the Planning Department . The dedicated web page contained information including:
- a. larger scale maps of the clusters so people could more easily relate the clusters to their place of residence or work,
 - b. an on-line survey to use to respond,
 - c. locations where hard copies of the documentation were available to view, and
 - d. information on how to respond.
- 5.6 Adverts were placed in the Ipswich Star and the East Anglian Daily Times newspapers and regular social media posts (on Twitter, LinkedIn and Facebook) were made referencing the notification procedure and reminding residents when the period of notification started and was due to close.
- 5.7 A total of 16 responses were received. 5 of these responses came from the online form, all of which were from existing Ipswich residents. Two queries were received and responded to telephonically, both from Ipswich residents. Out of the 14 written responses received via email, comment form, letter, and online form, nine were from Ipswich

residents, two were from private companies, one was from a governmental organisation, one was from a community action group, and one was from an unknown source (via a privately created untraceable email address).

- 5.8 There was some confusion in some of the responses about the site notices, with assumptions made that they were referencing a new HMO in the locality of the sign (this is despite the use of pink card to separate the Notices from the standard Development Management site notices). In many cases officers followed up to explain what the process was about and in these circumstances, many supported the Article 4 when it was explained. It was difficult to use simplified language in the site notices as the process of enacting an Article 4 Direction is a purely legal exercise and the site notices needed to follow a particular template.
- 5.9 Of the comments made, there were four representations directly supporting the Article 4 Direction, four who misunderstood the procedure but will directly benefit from the Article 4 Direction because it brings smaller HMO's under planning control and they consider their residential amenities are already disadvantaged through existing HMO's in the vicinity.
- 5.10 Eight representations required answers to questions about the Article 4 Direction and once the procedure and the benefits were explained supported it. Two objections were received, one from the County Council - Health Improvement and one from a landlord who objected to additional control put on them by requiring submission of a planning application for a small HMO which would otherwise be permitted development.
- 5.11 Suffolk County Council considered that the Article 4 would disadvantage the most vulnerable and poorest residents in the Borough and inclusion of the most disadvantaged wards would be a better approach.
- 5.12 There are sound reasons why a Boroughwide approach could not be delivered as already outlined in the report to Council in February 2023 which is linked to national Government guidance and requirements on Article 4 Directions. There is not sufficient evidence to consider a wider approach.
- 5.13 Whilst it is true that Ipswich is the most relatively deprived Authority within Suffolk the suggested approach from Suffolk County Council Health Improvement is not supported by the evidence. Priory Heath , the most deprived ward in Ipswich only had 6 HMO's whereas the wards with the highest concentrations of HMO's and student houses were found to be in the following wards: : Alexandra (56); Westgate (25); Bixley (24); Bridge (22); Gipping (18) and St Margarets (13).
- 5.14 Suffolk County Council Planning or Highways, raised no issue with the made Article 4 Direction based on the Technical Paper.

5.15 The Technical Paper which guided the made Article 4 Direction can be viewed in Appendix 4 to this report.

5.16 In assessing the representations made, officers consider there should be no changes to the made Article 4 Direction.

6. Risk Management

Risk Description	Consequence of risk	Risk Controls	Probability of risk occurring taking account of controls (scale 1-6) 1 – almost impossible 6 – very high	Impact of risk, if it occurred taking account of actions (scale 1 – negligible; 4 – catastrophic)	Actions to mitigate risk
1. Without Article 4 Directions the character and special interest of residential areas could be eroded.	<p>Uncontrolled concentration of small HMO's which under permitted development rights, the planning process currently has no control over.</p> <p>Negative social and amenity impacts can occur and can be perceived to occur as a result of high concentrations of HMOs in a particular residential area.</p>	The designation of Article 4 Directions will enable the Council to better protect the special character and appearance of residential areas.	5	2	Make Article 4 Directions in parts of the town where there is evidence that increasing numbers of HMOs is causing, or will in future if unregulated cause, an imbalance in the housing mix.
2. Reduction in the availability of affordable housing.	Article 4 Directions result in a lack of HMOs as a form of affordable housing for young people, those on lower incomes and students.	Local Policy DM20 would ensure a sustainable distribution of HMOs through controlling their change of use in particular parts of the Borough. In addition it will protect the amenities of potential	2	2	Article 4 Directions will not prevent change of use but would give the Council some control over the location of new HMOs to ensure that those permitted comply with the policy and thus avoid creating proliferations

		residents in HMO's covered by the Article 4 Direction where there previously wasn't any protection.			which cause an imbalance in the mix of housing in particular locations. The Article 4 will also protect the amenities of potential residents where there previously wasn't any protection.
3. 'Call In' by the Secretary of State	Secretary of State changes the boundaries	Evidence has been gathered to justify the purpose and extent of an Article 4 Direction	3	3	Use the cluster approach recommended in the Technical Paper

7. Environment and Climate Change

- 7.1 The Council has declared a climate change emergency and has resolved to start working towards becoming carbon neutral by 2030. All Council decisions should take into account and respond to the potential impact that they will have on the climate and wider environment.
- 7.2 The Article 4 falls under Scope 3 of the 2020 – 2030 Climate Change Strategy and Action Plan as it involves indirect effects. However, the proposal has the potential to ensure better climate change mitigation measures to improve insulation to modern standards and increases the resilience and adaptation quality but is likely to have little carbon impact.
- 7.3 The EU Directive on Environmental Impact Assessment (EIA), as amended, requires that a formal assessment – including public consultation – is undertaken for specified types of projects before they can go ahead. Direct and indirect environmental impacts should be identified and quantified. Where these are negative, actions to mitigate these impacts should be identified. Examples include impacts on land, water, air, noise, odour, biodiversity, energy, procurement, use of resources, climate change, etc. Whole life costing is an appropriate tool to use in assessments.
- 7.4 The decision does not affect the Council's Climate Change Pledge, as the Article 4 Direction does not create new policy. This approach will support the implementation of an existing Local Plan Policy DM20 Houses in Multiple Occupation. The planning application process will require RAMS payment for accommodation number increases

connected with planning applications falling under the Article 4 Direction.

- 7.5 The Article 4 Direction contains guidance to assist the implementation of planning policies set out in the adopted Local Plan, which has itself been subject to a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA). Nevertheless, a Screening Report has been prepared to test whether or not the Article 4 Direction requires an SEA. The Screening Report concludes that an SEA of the Article 4 Direction is not required.
- 7.6 Confirmation of the conclusion was confirmed by Natural England, Historic England and the Environment Agency.
- 7.7 Screening was also undertaken in respect of the Habitats Directive and it was concluded that Appropriate Assessment was not required. (see Appendices 6 & 7).

8. Equalities, Diversity and Community Implications

- 8.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 8.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 8.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 8.4 The EQIA does not show any impact for protected groups. However, those who need to live in HMO's are likely to have a higher standard of accommodation and amenity as a result of planning control. For example, Local Plan policy ensures that national space standards are employed. It is also allows the impact on local residents to the proposed small HMO to be taken into account when previously it would not because normally such changes of use are permitted development. (See Appendix 5 – The Equalities Impact Assessment)

9. Crime and Disorder Impact

- 9.1 Control of small HMO's will allow tighter regulation of standards of living for potential residents for vulnerable groups by virtue of requiring planning assessment for smaller HMOs that may otherwise not be assessed and providing oversight that would otherwise be absent. This will also give comfort to surrounding residents in the locality that the Local Authority is aware of and has regulated this HMO provision.

10. Financial Considerations

- 10.1 Any new planning applications arising from the Article 4 Direction when it comes into action on 1 June 2024, will attract a planning fee by the applicants as outlined in the GDO for all Article 4 Directions. This means that the implementation of the Article 4 Direction will not have a negative impact on Development Management resources. In addition, it might attract more pre-application discussions which are invoiced for and may reduce residential amenity complaints which impact on staff costs in relation to enforcement and environmental health functions.
- 10.2 Many small HMO's covered by the Article 4 are likely to be subject to RAMS payment which is controlled through separate legislation to planning. The [Suffolk Coast Recreation Disturbance Avoidance and Mitigation Strategy \(RAMS\)](#) is a partnership between East Suffolk Council, Ipswich Borough Council and Babergh and Mid Suffolk District Councils. Its aim is to reduce the impact of increased levels of recreational use on Habitat Sites (also often called European Sites), due to new residential development in the Suffolk Coast area, and to provide a simple, coordinated way for developers to deliver mitigation for their developments.

11. Legal Considerations

- 11.1 The process for making and cancelling Article 4 directions is set out within Paragraph 1 of Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This requires local authorities to publicise the proposed direction via the following means:
- Local advertisements of the direction;
 - Display of a minimum of two notices in different locations for a minimum period of six weeks;
 - Notifying owners and occupiers within the affected area (these regulations can be relaxed where this would be impractical, for example across a very large area such as the entire town)
 - Sending the above documentation to the Secretary of State for review.
- 11.2 The legislation provides for the option of either an immediate or non-immediate Article 4 Direction. For non-immediate Directions, there is the requirement that they do not come in to force until a period of 12 months has passed. Immediate Article 4 Directions take effect immediately; however landowners and developers have the right under the legislation

to make compensation claims for abortive expenditure or losses and damages directly related to the withdrawal of permitted development rights. The non-immediate route does not contain such compensation provisions, as developers/owners of new small HMOs have time to become aware of the removal of these planning permitted development rights before commencing the conversion of such properties.

- 11.3 The date that the Article 4 Direction must be confirmed within two years following the date on which the representation period began and the Article 4 Direction does not come into force unless confirmed by the local planning authority (Paragraph 1(7)). Any representations received during notification period will need to be considered by the local planning authority in determining whether to confirm a direction (Paragraph 1(9)). Material changes to the direction resulting from notification consultation would require re-consultation. The Direction cannot be confirmed until at least 28 days have passed from the last date the notice was served or published, or such longer period specified by the Secretary of State (Paragraph 1(10)).
- 11.4 Once the Article 4 direction has been confirmed, in accordance with Paragraph 1(11) and (12), the local planning authority must as soon as practicable:
- a) Give notice of the confirmation, and date the Article 4 direction comes into force to affected owners and occupiers in the same way as required for the notification of the making of the direction; and
 - b) Send a copy of the Article 4 direction to the Secretary of State.

12. Performance Monitoring

- 12.1 Impact will be monitored through the Authority Monitoring Report which is a statutory requirement to complete annually. The planning applications covered by this Article 4 will have their own code in the Enterprise system, allowing an annual report for number of apps received and outcomes (approved/refused/withdrawn).
- 12.2 The adopted Article 4 areas will also be plotted on the GIS system when enacted on 1 June 2024.

13. Conclusions

- 13.1 The analysis of the representations made do not justify any amendment to the made Article 4 Direction. The Secretary of State has not sent a response calling in the made Article 4 Direction for amendment.
- 13.2 On the basis of mapping, there are clearly identifiable cluster areas – see the made Article 4 Direction outlined in Appendix 1. The boundary of these areas has carefully considered natural boundaries such as industrial/business areas, and parkland and allow for some additional

adjoining roads to be included. The Secretary of State expects boundaries to relate closely to the evidence.

- 13.3 Part of the strategic approach is to provide a proportionate approach where there is already a proliferation whilst recognising that houses in Multiple Occupation (HMOs) are needed to provide an affordable form of housing, particularly for young people, those on lower incomes and students and form a valuable addition to the housing market.

14. Recommendations

- 14.1 Council agrees that on the basis of the Notification Statement outlined in Appendix 2, that the made Article 4 Direction requires no further amendment.**

Reason: Representations have been duly considered in accordance with Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and it is concluded that there is no justification for changing the made Article 4 Direction and therefore having a further Notification period. This recommendation will allow the Article 4 Direction to be enacted on 01 June 2024.

- 14.2 Council confirms the made Article 4 Direction in Appendix 1 and that this is publicised in accordance with Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 in the manner laid out in paragraph 11.4 of this report and is enacted on 1 June 2024.**

Reason: This is to bring the Article 4 Direction into force in accordance with the legislation for a 'non-immediate' Article 4 Direction procedure, to remove normal permitted development rights for the change of use from a dwellinghouse (C3) to a house in multiple occupation (C4).