

# HMO BULLETIN February 2019

Working for safe, well-managed housing and friendly residential communities welcoming to all  
From Cllr Tracey Hill, lead councillor for private rented housing on Brighton & Hove City Council  
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## HMO licensing update

A recent private rented sector update to the Housing and New Homes Committee included an update on HMO licensing in the city. The report includes some stats on HMO licences under the new citywide scheme which came in early last year. Since February 2018, 1,771 applications have been received under the Additional Licensing scheme (ie for smaller HMOs) of which 1,155 have been issued with draft notices following inspection. Alongside that 372 HMOs were passported over from the existing smaller scheme in the city centre. Recent government changes mean that more HMOs are included within the “national” definition of HMOs (ie larger HMOs), for example they don’t necessarily have to be over three storeys. The total number of HMOs either licensed or in the system under the national scheme is 1,264. That means that the number of identified and licensable HMOs citywide is now close to 3,000.

The report can be found here: [https://present.brighton-hove.gov.uk/Published/C00000884/M00008067/AI00071135/\\$20190108173839\\_018292\\_0063120\\_PrivateRentedSectorUpdate070119.docx.pdf](https://present.brighton-hove.gov.uk/Published/C00000884/M00008067/AI00071135/$20190108173839_018292_0063120_PrivateRentedSectorUpdate070119.docx.pdf)

## Article 4 roll-out

The Article 4 Direction which has been in place in the five Lewes Road area wards since 2013 could be rolled out citywide. This is the rule that requires planning permission to convert a home into a small HMO (up to 6 occupants). Currently, in most of the city this doesn’t need planning permission (conversion to a larger HMO does). Ensuring that planning permission is needed will mean that the council will be able to enforce the 10% threshold policy citywide, to avoid the build-up of concentrations of HMOs in particular areas. Read more here: <https://new.brighton-hove.gov.uk/news/2019/council-proposes-better-way-manage-hmos>

## “Part and Parcel”

Many residents are frustrated by developers doing loft conversions and extensions to prepare for HMO use and claiming that it’s permitted development and doesn’t need planning permission. The view of the local authority is that loft conversions and extensions should not be considered permitted development if they enable a change of use to HMO and should be evaluated as “part and parcel” of the planning application. A number of HMO applications have been turned down because the loft conversion is too bulky, for example. Developers have been challenging this with the Planning Inspectorate, and a couple of their appeals have

recently been dismissed, backing up the council’s stance that this kind of building work shouldn’t be considered permitted development. The appeals in question are on Caledonian Road (BH2018/00124) and Newick Road (BH2017/03118), and these precedents will be used to defend other such refusals at appeal.

## Large HMOs

Council officers have written over 100 letters investigating large HMOs (with 7 or more occupants) across the city which don’t have planning permission. These HMOs have been found to have HMO licences for 7 or more occupants. HMOs of this size have always needed planning permission but in many cases there’s no record of this in the last ten years (more than ten years and it’s considered established use and permission is no longer required). This is a substantial ongoing pro-active exercise which I am hoping will send the message to developers that they need to get the relevant permission to convert a home into an HMO. In some areas, a planning application will almost certainly result in a refusal because the threshold is well over 10%, and the owner will then be served a notice to cease the HMO use.

## HMO rubbish improving?

The Private Sector Housing team received fewer complaints about HMO-related rubbish and fly-tipping in 2018 than the year before. This doesn’t necessarily mean it’s less of a problem as it might just mean that people are complaining directly to the letting agent, using our university liaison people, etc. I’m interested in your views on this. In your area, do you feel that there have been fewer issues with rubbish and fly-tipping around HMOs, or about the same, or even more? How do you think people are reporting the issues? The time of year when fly-tipping is usually worst is June or July when one-year student tenancies change over, but rubbish/recycling problems could be any time of year.

## Selective licensing – short update

After initially agreeing our selective licensing scheme, the government unfortunately changed their minds when threatened by legal action by landlord group iHowz (formerly Southern Landlords Association). We’ll be considering our options at the next Housing and New Homes Committee meeting on March 13<sup>th</sup>, as we still very much believe that licensing is the way to effectively managed the private rented sector, not just HMOs but all rented homes. We want to move forward and ensure we make the best use of the work we have done so far, despite the unhelpful, and in our view unlawful, response by the government.

## Appeals and Enforcements

Enforcement notices can be issued as a result of planning refusals or directly as the result of a complaint. They can also be appealed. Details are in the enforcement register on the planning enforcement page of the council's website: <http://www.brighton-hove.gov.uk/content/planning/planning-enforcement>. **37 HMO-related enforcement notices were issued during 2018.** The council is also proactively investigating large HMOs which do not have planning permission across the city, and letters have gone out about this.

Many refusals for HMO use are appealed. If you commented on a planning application you should be notified if the decision is appealed. The documentation should be on the council's planning applications register.

Anyone can comment on an appeal on the Planning Inspectorate website. You can search here: <https://acp.planninginspectorate.gov.uk/CaseSearch.aspx>. There is a time limit for comments to be taken into account. It generally takes a few months for the Planning Inspectorate to process an appeal.

## Useful contacts for HMO tenants and neighbours:

**Main web page for HMOs, including the new map.**

**NB the map contains "historical" HMOs, so if an HMO is not yet in the new register, check the map instead.**

<http://www.brighton-hove.gov.uk/content/housing/general-housing/houses-multiple-occupation>

### University contacts:

- Brighton – Andy Keeffe [a.w.b.keeffe@brighton.ac.uk](mailto:a.w.b.keeffe@brighton.ac.uk) or Kevin Mannall [k.mannall@brighton.ac.uk](mailto:k.mannall@brighton.ac.uk) 01273 641894
- Sussex – [housing@sussex.ac.uk](mailto:housing@sussex.ac.uk) 01273 678219 and their office at 91 Lewes Road
- BIMM – Angélique Sabine [angeliquesabine@bimm.co.uk](mailto:angeliquesabine@bimm.co.uk)

**HMO licence register (to check if a property has an HMO licence, the landlord and managing agent).** There are two lists at the bottom of this page, one for smaller and one for larger HMOs. The "national" list, for larger HMOs, is comprehensive, but the smaller list is not because a new scheme has just started and many HMO licences are still being processed. Use the HMO Map if what you're looking for is not in the register. Click on "Ctrl+F" for a search box to search for a particular property: <http://www.brighton-hove.gov.uk/content/housing/general-housing/licensing-houses-multiple-occupation-hmos>

**Planning applications register (to check whether a property has applied/been granted/refused planning permission):**  
<https://planningapps.brighton-hove.gov.uk/online-applications/>

**Poor quality/badly maintained housing – interior:** Private Sector Housing 01273 293156 (Mon – Fri 9am -5pm), [psh@brighton-hove.gov.uk](mailto:psh@brighton-hove.gov.uk)

**Badly maintained exteriors, overgrown gardens:** If a licensed HMO, Private Sector Housing 01273 293156 (Mon – Fri 9am -5pm), [psh@brighton-hove.gov.uk](mailto:psh@brighton-hove.gov.uk)

**Fly-tipping, rubbish left outside a property:** If on street, CityClean contact centre 01273 292929 Mon – Fri 9am – 5pm. If within curtilage of a licensed HMO Private Sector Housing 01273 293156 (Mon – Fri 9am -5pm), [psh@brighton-hove.gov.uk](mailto:psh@brighton-hove.gov.uk). The university contacts will also follow up on refuse/recycling complaints.

**Bins, refuse/recycling collections, street cleaning:** CityClean contact centre 01273 292929 Mon – Fri 9am – 5pm

**Noise nuisance:** EHL on [ehl.environmentalprotection@brighton-hove.gov.uk](mailto:ehl.environmentalprotection@brighton-hove.gov.uk) or 01273 294266. NB noise is not considered criminal or anti-social behaviour so not in itself a police matter. The university contacts will also follow up on noise complaints.

**Anti-social behaviour:** can be reported to the Community Safety Team on 01273 292735 or [communitysafety.casework@brighton-hove.gcsx.gov.uk](mailto:communitysafety.casework@brighton-hove.gcsx.gov.uk). Mon – Fri 0900-1700. All incidents and enquiries are responded to within one working day.  
<http://www.safeinthecity.info/getting-help>

**Information and advice for people renting in the city:** Rent Smart <http://rentsmartbrightonhove.org/>

**General housing information from the council:** <http://www.brighton-hove.gov.uk/content/housing/general-housing>