



**HOUSES IN MULTIPLE OCCUPATION ARTICLE 4 DIRECTION AND  
SUPPLEMENTARY PLANNING DOCUMENT**

**FREQUENTLY ASKED QUESTIONS**

**UPDATED MAY 2022**

**Houses in Multiple Occupation**

1 What is a House in Multiple Occupation (HMO)?

An HMO is a property rented out by at least 3 people who are not from 1 'household' (e.g. a family) but share facilities like the bathroom and kitchen. It's sometimes called a 'house share'.

2 Do all HMOs require an HMO licence?

An HMO licence will be required if all of the following apply:

- it's rented to five or more people who form more than one household
- tenants share toilet, bathroom or kitchen facilities
- it is not a purpose built flat in a block of three or more such flats

<https://www.legislation.gov.uk/ukxi/2018/221/memorandum/contents>

Landlords of HMOs falling within the prescribed description who fail to apply for licences commit a criminal offence.

HMO licences are issued by the council's Private Housing Team, you can apply at <https://housinglicensing.lincoln.gov.uk/> or contact the team at [hmolicensing@lincoln.gov.uk](mailto:hmolicensing@lincoln.gov.uk).

A licensed HMO may also require planning permission.

3 What is a Use Class C4 HMO?

A Use Class C4 HMO is identified within the Town and County Planning (Uses Classes) Order 1987, as amended, as *use of a dwelling house by 3-6 residents as a "house in multiple occupation"*.

4 What is a Sui Generis HMO?

All HMOs which include *more than 6 people sharing* do not fall within any specified use class and are considered Sui Generis. This means they are in a class of their own, and always require planning permission.

5 Do all HMOs require planning permission?

Planning permission is required for HMO developments comprising the following:

- New build Class C4 or Sui Generis HMOs
- Changes of use to Sui Generis HMOs
- Proposals to intensify or enlarge existing HMOs (where planning permission is required)
- Changes of use to Class C4 HMOs (from 1<sup>st</sup> March 2016)
- Proposals for flexible C3/C4 uses (from 1<sup>st</sup> March 2016)

## **Houses in Multiple Occupation Article 4 direction**

6 What is an Article 4 direction?

An Article 4 direction is a planning tool which the local planning authority can use to withdraw permitted development rights for a particular type of development. A legal process has to be followed in order to introduce an Article 4 direction.

Details of all Article 4 directions that apply within the city are available on the council's website at:

<https://www.lincoln.gov.uk/business-licensing/article-4-directions/1>

7 What does the Article 4 direction relating to HMOs cover?

The Article 4 direction relating to HMOs relates to development comprising the change of use from a use falling within Class C3 (dwelling houses) of the Town and County Planning (Use Classes) Order 1987, as amended; to a use falling within Class C4 (houses in multiple occupation) of that Order; and removes permitted development rights for this type of development. Planning permission will, therefore, be required for any changes of use from Class C3 to C4 from 1<sup>st</sup> March 2016.

8 Why has the Article 4 direction relating to HMOs appeared on the Land Charges Search for my property?

The Article 4 direction relating to HMOs is registered as a planning charge to make property purchasers aware of the potential for planning permission to be required.

9 When did the council make the Article 4 direction relating to HMOs?

The Article 4 direction relating to HMOs was made on 15<sup>th</sup> December 2014, following a city-wide consultation exercise to seek the views of residents, elected members and interested parties on the issues raised by the growth of HMOs in the city.

10 When did the Article 4 direction relating to HMOs come into effect?

The Article 4 direction relating to HMOs came into effect on 1<sup>st</sup> March 2016.

11 When was the Article 4 direction relating to HMOs confirmed?

The council's Executive confirmed the Article 4 direction relating to HMOs at their meeting on 25<sup>th</sup> January 2016.

12 I own or operate one or more HMOs within the city, how am I affected?

The Article 4 direction relating to HMOs cannot be applied retrospectively, so if you currently own or operate HMOs it may be beneficial for you to declare them to the council.

- 13 How do I declare my property as an HMO?  
You can declare a property as an HMO by completing the online declaration form at <https://www.lincoln.gov.uk/h/tell-us-hmo/1>

Alternatively, you can request a copy from the Development Team 01522 873474 / [developmentteam@lincoln.gov.uk](mailto:developmentteam@lincoln.gov.uk).

You may also require a HMO licence from the Private Housing Team. This needs to be applied for separately – please see <https://www.lincoln.gov.uk/housing/landlords/houses-in-multiple-occupation-hmos/> for more information.

- 14 I have a House in Multiple Occupation that has been in operation since before the Article 4 direction was introduced, however it was not declared. What do I need to do?

If a property was in operation as a C4 HMO prior to the introduction of the Article 4 direction on 1<sup>st</sup> March 2016, this can be declared to us online at <https://www.lincoln.gov.uk/h/tell-us-hmo/1>.

You will need to submit evidence to support this declaration, such as tenancy agreements showing continuous use as a C4 HMO to support the declaration. If this evidence is satisfactorily provided, we will update our HMO database accordingly and if we then have a query in the future about the property, we can advise that our records suggest the property was operating as a C4 HMO prior to the Article 4 direction.

This confirmation however is not the same as obtaining a certificate of lawfulness and, whilst there is no formal requirement from the Local Planning Authority to obtain such a certificate, solicitors as part of conveyancing processes may request one is obtained.

- 15 I have declared a property as an HMO, how do I obtain formal confirmation?  
If a property was declared as an HMO at the time of the introduction of the Article 4 Direction we will have records of your property being used as an HMO. However, this HMO declaration process does not constitute formal planning permission and does not confirm the lawful use of the property.

For formal confirmation of the lawful planning use you will need to complete a certificate of lawfulness (existing) application online at [www.planningportal.co.uk](http://www.planningportal.co.uk) (also known as lawful development certificate). There is a fee of £462.00 for this type of application. You will need to provide the following information to support your application:

- Site location plan (scale 1:1250, application site outlined in red, showing at least 2 street names)
- Evidence to support the continuous C4 HMO use of the property since the introduction of the Article 4 direction up until the day of submission of the CLE application (in the form of signed and dated tenancy agreements)

- 16 I do not have evidence to show that my property was used as an HMO before the Article 4 direction was introduced, what can I do?  
If evidence cannot be provided to confirm that the HMO was in operation prior to the Article 4 direction you will be required to apply for full planning permission to formally change the use of the property to a C4 HMO. This planning application would be assessed against the criteria outlined in the Houses in Multiple Occupation Supplementary Planning Document (HMOSPD).
- You will need to complete a full planning application online at [www.planningportal.co.uk](http://www.planningportal.co.uk), there is a fee of £462.00 for this type of application. You will need to provide the following information to support your application:
- Site location plan (scale 1:1250, application site outlined in red, showing at least 2 street names)
  - Existing and proposed floor plans (including details of internal and external communal areas, parking provision, cycle storage, waste and recycling storage)
  - Existing and proposed elevations (only in cases where external elevations are proposed)
  - Supporting statement (including verified evidence of the application property being openly marketed at a reasonable purchase or rental price for a period of at least 6 months and/or evidence of the application property being previously used as a HMO e.g. HMO declaration, tenancy agreements, billing information, photographs, floor plans etc.)
- 17 I own or intend to purchase a Use Class C3 property that I am intending to use as a Use Class C4 HMO. Do I need to apply for planning permission to change the use?  
Yes. In order for a property to be classed as a C4 HMO before 1<sup>st</sup> March 2016, it must have already been in occupation as an HMO before this date. Just having completed any conversion works, or registering the property for its intended use, is not sufficient to state that a change of use has occurred. The use class of the property will only change from Class C3 to Class C4 upon occupation when the use is implemented.
- 18 If my property has been let as an HMO in the past, but is now being let to a family or less than 3 unrelated people, do I need to apply for planning permission to let it as an HMO again?  
Yes, if a material change of use has occurred. The use class of the property will change from Class C4 to Class C3 upon occupation of the property by a family. Planning permission will, therefore, be required to change the use from a C3 dwelling house to C4 HMO.
- 19 If an HMO is empty for a period of time between lettings, will it lose its Use Class C4 HMO status?  
No. If a property was used as a C4 HMO prior to it being empty it will not lose its C4 HMO status, provided no other use has taken place between lettings. If the property was used as a C4 HMO before 1<sup>st</sup> March 2016, or if it was granted planning permission for C4 use after this date, the use will remain as a C4 HMO.

20 Do I need to apply for planning permission to change the use of my property from a Use Class C4 HMO to a Use Class C3 dwelling house?  
No. Change of use from a Class C4 to Class C3 is permitted development. There is no intention to withdraw permitted development rights for this type of development.

21 Can I apply for planning permission to allow the lawful use of my property to change between Use Class C3 and Use Class C4 to respond to changes in the local housing market?

Yes. You can complete an application for planning permission to change the use of a property to a flexible use between a C4 HMO and a C3 dwelling house. This will be conditioned for a specified period of time, if approved. This gives landlords and property owners the ability to respond to changing local housing market circumstances by letter their properties as either single family dwelling houses or HMOs, without the need to apply for planning permission each time the occupation changes. The council has set the maximum period for this flexible planning use at 10 years, after which the occupied use would become the lawful use, unless the applicant was to apply for a new planning permission to continue the flexible use.

This flexible planning condition would only apply to proposals for C4 HMOs, and not Sui Generis HMOs. In cases where a property is already occupied as a C4 HMO, it will be possible to obtain planning permission for this flexible planning use, if it can be demonstrated that the property was established as a HMO before 1<sup>st</sup> March 2016.

### **Planning Applications for Houses in Multiple Occupation**

22 How do I apply for planning permission for an HMO?  
Guidance on how to apply for planning permission is available on the council's website at: [www.lincoln.gov.uk/planning](http://www.lincoln.gov.uk/planning).

23 Can I get any advice before applying for planning permission?  
The council offers a pre-application service which gives you an opportunity to discuss your proposal with a planning officer and find out what information you need to support your planning application.

Further details are available on the council's website at:  
<https://www.lincoln.gov.uk/planning/planning-applications/2>

Free general planning advice can also be obtained from the [Planning Portal](#), an online Government initiative that offers a wide range of services and information on the planning system.

24 How much does a planning application cost?  
The fee for change of use planning applications and certificate of lawfulness applications is £462.00 per application.

For further advice on planning fees please contact the Development Team on 01522 873474 / [developmentteam@lincoln.gov.uk](mailto:developmentteam@lincoln.gov.uk).

25 What information do I need to support my planning application?  
Section 6.3 of the 'Houses in Multiple Occupation Supplementary Planning Document' (HMO SPD) outlines the planning application requirements for HMO developments.

The HMO SPD is available on the council's website at: [www.lincoln.gov.uk/hmo](http://www.lincoln.gov.uk/hmo).

26 What information do I need to submit to prove there is an established lack of demand for the single family use of the property concerned?  
Planning applications for HMO developments will be required to include evidence that the property has been openly marketed at a reasonable purchase or rental price for a period of at least six months e.g. sale or rental particulars, details of advertising undertaken including dates. The evidence provided must be verified by a suitable person in a relevant profession, such as an estate agent.

27 Who will comment on my planning application?  
Any individual, business, organisation or group is able to make comments on any planning application. Guidance on commenting on planning applications is available on the council's website at: [www.lincoln.gov.uk/planning](http://www.lincoln.gov.uk/planning).

Section 6.4 of the 'Houses in Multiple Occupation Supplementary Planning Document' (HMO SPD) outlines who will be invited to comment on planning applications for HMO developments, and the issues they will be asked to consider.

The HMO SPD is available on the council's website at: [www.lincoln.gov.uk/hmo](http://www.lincoln.gov.uk/hmo).

28 How will my planning application be determined?  
Your application will be assessed by a planning officer, using the criteria outlined in Section 5 of the 'Houses in Multiple Occupation Supplementary Planning Document' (HMO SPD), and a recommendation will be made on whether planning permission should be granted or refused.

The HMO SPD is available on the council's website at: [www.lincoln.gov.uk/hmo](http://www.lincoln.gov.uk/hmo).

29 Who will determine my planning application?  
Most planning applications are determined under delegated powers by the Planning Manager. Where it is deemed necessary, proposals will be considered by members of the Planning Committee. Details of the council's Planning Committee procedures are available on the council's website at: [www.lincoln.gov.uk/planning](http://www.lincoln.gov.uk/planning).

30 How long will it take for my planning application to be determined?  
Most planning applications, including those for changes of use, are determined within 8 weeks of being registered.