



**HOUSES IN MULTIPLE OCCUPATION
ARTICLE 4 DIRECTION
CONSULTATION STATEMENT**

N.B. References in this document to evidence being gathered are based upon the situation on 15 June 2015. Any required evidence has now been gathered and is reflected where necessary in later reports.

15th June 2015

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1. Background

- 1.1 Further to the Executive decision to pursue the consideration of an Article 4 direction relating to houses in multiple occupation for the council's administrative area, an Article 4 direction was made on 15th December 2014.
- 1.2 The direction relates to development comprising the change of use from a use falling within Class C3 (dwellinghouses) of the Town and Country 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.
- 1.3 In accordance with the relevant legislation, the city council allowed a period of time for representations concerning the direction to be made by any individuals, groups or organisations with an interest. Representations and comments were, therefore, invited between 27th February and 20th March 2015.

2. Key milestones

- 2.1 The following tables outline the indicative timescales for the Article 4 direction and associated Supplementary Planning Document relating to houses in multiple occupation

Article 4 direction	
Key Milestone	Date
Decision from Executive /Article 4 direction made	15 th December 2014
Serve notice locally and notify the Secretary of State	27 th February to 20 th March 2015
Evidence gathering	Ongoing
Preparation of Supplementary Planning Document (see key milestones below)	to December 2015
Decision whether to confirm the direction	December 2015
Direction would come into force subject to decision	1 st March 2016
Serve notice locally and notify the Secretary of State	February to March 2016
Annual monitoring and review	From 31 st March 2016

Table 1 Article 4 direction key milestones

Supplementary Planning Document	
Key Milestone	Date
Decision from Executive	15 th December 2014
Evidence gathering	Ongoing
Consideration of evidence and preparation of draft SPD	May to August 2015
Consultation on draft SPD	September to October 2015
Consideration of representations and preparation of the final draft SPD	October to December 2015
Adoption subject to decision*	Draft 1 st March 2016
*SPD remains 'Draft' until Central Lincolnshire Local Plan adopted (earliest November 2016)	Final November 2016 (subject to change)
Annual monitoring and review	From 31 st March 2016

Table 2 Supplementary planning document key milestones

3. Consultation summary

- 3.1 The methods used to engage individuals and organisations in the consultation regarding the Article 4 direction relating to houses in multiple occupation are outlined below.

Article 4 direction

- 3.2 A copy of the direction, including a map defining the area covered by the direction, was made available to view at City Hall, and download from the Council's website, during the consultation period.

Notices

- 3.3 To inform the wider public, approximately 60 site notices were displayed across the city from 11th February to 20th March 2015 (a copy of the site notice can be viewed at Appendix 1).
- 3.4 A public notice was also included in the Lincolnshire Echo on 26th February 2015 (a copy of the notice can be viewed at Appendix 2).

Community and stakeholder consultation

- 3.5 The city council issued consultation letters/emails to those who took part in the previous consultation exercise in respect of the options available to the city council for the future management and control of houses in multiple

occupation, which took place between 26th September and 24th October 2014, to bring the consultation to their attention and inform them of how and when they could make representations/comments (a copy of the consultation letter can be viewed at Appendix 3).

- 3.6 The Secretary of State and Lincolnshire County Council were also notified, in accordance with the relevant legislation.
- 3.7 The city council issued a press release to bring the consultation to the attention of the wider public and inform them of how and when they could make comments. A post-consultation article also featured in the Your Lincoln publication, which is delivered to all residential and business addresses in Lincoln.
- 3.8 During the consultation period, a small number of press articles featured in the local media (copies of the articles can be viewed at Appendix 4). One of these was directly in response to an anonymous leaflet delivered to properties in the West End (a copy of the leaflet can be viewed at Appendix 5).
- 3.9 On 18th March 2015, a reminder was sent to individuals and organisations to inform them of how and when they could make comments (Appendix 6).
- 3.10 Individuals, groups and organisations were invited to submit comments in writing via post or email. Bespoke addresses were set up to receive responses, including the email address Article4@lincoln.gov.uk.
- 3.11 Email representations received an automated acknowledgement from the Article4 email address. Representations which included full postal or email addresses were sent formal acknowledgements after the consultation period ended (a copy of the acknowledgement letter can be viewed at Appendix 7).

4. Consultation results

- 4.1 During the consultation period, the city council received a total of **268 representations** from approximately 206 addresses (not all representations included address details).
- 4.2 Of the 268 representations received, **133 were in favour of the Article 4 direction** while **130 were against the Article 4 direction** (some representations were observations, and representations from the same person but submitted in different formats were counted as one).
- 4.3 Of the 133 representations in favour of the Article 4 direction, 106 were submitted via a standard form.
- 4.4 Of the 130 representations against the Article 4 direction, 88 were submitted via a standard form.
- 4.5 The remaining 74 representations, both in favour of and against the Article 4 direction, were submitted in writing via post or email.

Summary of main issues raised

4.6 Support

The standardised responses supporting the Article 4 direction cited the following issues:

- The over saturation of Houses in Multiple Occupation within the areas of the city, particularly the Carholme Ward have led to the deterioration of the community and left unchallenged will be irreversible.
- The reasons given by the City council executive for the pursuance of an Article 4 direction at its meeting on the 16th December [sic] have not changed and in fact have become more serious.
- The current controls within planning legislation are ineffective and do not allow the council to control the spread and concentration of HMOs in the Carholme Ward and in the city.
- The over-concentration of HMOs in the Carholme Ward and other wards within the city have led to a serious deterioration in the quality of the life of the permanent residents of those wards.
- The continued conversion of family homes paying council tax to HMOs with student exemptions is having a serious problem for the funding of the city council and the burden of this will fall on the permanent residents.

Issue	Officer response
Adverse impact on character and appearance of area/conservation area	Evidence is being gathered in relation to the issues raised, and sample street surveys will be undertaken to assess the current impact of houses in multiple occupation on the character and appearance of areas in the city.
Anti-social behaviour	Anti-social behaviour officers will provide information to inform the city council's consideration of the issues raised in deciding whether to confirm the Article 4 direction.
Article 4 directions have worked elsewhere	Officers and members will continue to engage with other local planning authorities who have implemented Article 4 directions for the purposes of houses in multiple occupation, to gather information on best practice.

Issue	Officer response
Balanced community needs to be preserved	The city council promotes community cohesion through a range of initiatives and campaigns including Neighbourhood working, Meet the Street, SHUSH, Good Neighbour and Community Organising. However, further work is underway to understand whether community cohesion or community balance concerns are related to houses in multiple occupation.
Inadequate/out-of-date infrastructure	The highest concentrations of houses in multiple occupation are likely to be in older parts of the city, where houses are larger and, therefore, more capable of accommodating higher numbers of people. Sample street surveys will be undertaken to assess current infrastructure provision, and relevant infrastructure providers will be asked to comment on the issues raised.
Increase of empty properties between lets	Evidence is being gathered in relation to the issues raised, and empty homes data will be reviewed as part of this process.
Lack of housing for potential owner/occupiers	Evidence is being gathered in relation to the issues raised, and housing market research will be carried out to understand the current impact of houses in multiple occupation on the local housing market.
Lack of housing for young people/families	Evidence is being gathered in relation to the issues raised, and housing market research will be carried out to understand the current impact of houses in multiple occupation on the local housing market.
Loss of services/facilities	Evidence is being gathered in relation to the issues raised, and any changes in the provision of services and facilities within areas with higher concentrations of houses in multiple occupation will be recorded.

Issue	Officer response
Loss of community/unbalanced community	The city council promotes community cohesion through a range of initiatives and campaigns including Neighbourhood working, Meet the Street, SHUSH, Good Neighbour and Community Organising. However, further work is underway to understand whether community cohesion or community balance concerns are related to houses in multiple occupation.
Loss of traditional family housing	The highest concentrations of houses in multiple occupation are likely to be in older parts of the city, where houses are larger and, therefore, more capable of accommodating higher numbers of people. Housing market research will be carried out to understand the current impact of houses in multiple occupation on the local housing market.
Need for more purpose built accommodation	Purpose built accommodation is being delivered on or near the university campuses within the city. Housing market research will be carried out to understand the likely future demand for this type of accommodation, and the options for delivery.
Over concentration of HMOs and students	Current evidence suggests higher concentrations of houses in multiple occupation in certain parts of the city has led to higher concentrations of certain population groups. However, further evidence is being gathered to inform the city council's consideration of the issues raised in deciding whether to confirm the Article 4 direction.
Parking issues	Evidence is being gathered in relation to the issues raised, and sample street surveys will be undertaken to assess whether there are parking issues within areas of the city. In addition, Parking Services will provide information to inform the city council's consideration of the issues raised in deciding whether to confirm the Article 4 direction.

Issue	Officer response
Poorly managed/maintained properties	In addition to pursuing an Article 4 direction in relation to houses in multiple occupation, the city council is looking at developing an Accreditation Scheme to assist in the management of the private rented sector and houses in multiple occupation in the city. Sample street surveys will be undertaken to assess the state of properties, including traditional family houses and houses in multiple occupation.
Proper planning / management of growth of HMOs needed	Houses in multiple occupation make an important contribution to the private rented sector by catering for the housing needs of specific groups/households and by making a contribution to the overall provision of affordable or private rented accommodation. The emerging Local Plan will include policies and site allocations to ensure both market and affordable housing needs are met. However, the timescales for preparing, adopting and implementing a Local Plan mean the city council may need to consider alternatives for managing the supply of housing, including houses in multiple occupation.
Refuse issues	Evidence is being gathered in relation to the issues raised, and sample street surveys will be undertaken to assess whether houses in multiple occupation currently have a negative impact in relation to areas of the city.
Strong community feel	The city council promotes community cohesion through a range of initiatives and campaigns including Neighbourhood working, Meet the Street, SHUSH, Good Neighbour and Community Organising. However, further work is underway to understand whether community cohesion or community balance concerns are related to houses in multiple occupation.

Issue	Officer response
Student properties exempt from council tax	Student properties are exempt from paying council tax, but this is not a material planning consideration and, therefore, cannot be taken into account when deciding whether to confirm the Article 4 direction.
Transient population	Evidence is being gathered in relation to the issues raised, and the impacts associated with a transient population, both positive and negative, will be investigated as part of this process.

Table 3 Summary of main issues raised in support of the Article 4 direction and officer responses

4.7 Object

The standardised responses objecting to the Article 4 direction cited the following issues:

- Article 4 will cause the value of my property to decrease significantly
- Article 4 will cause rents to rise for all people living in student houses or HMOs
- I do not want article 4 direction in Lincoln!!

Issue	Officer response
Adverse impact on growth of universities	The universities' plans for growth/expansion will inform the city council's consideration of the issues raised in deciding whether to confirm the Article 4 direction.
Adverse impact on local economy due to decrease in student population	Evidence is being gathered in relation to the issues raised, and any changes in the provision of services and facilities within areas of the city will be recorded.
Article 4 direction won't address the issues residents are concerned about	Evidence is being gathered in relation to the issues raised, and officers and members will continue to engage with other local planning authorities who have implemented Article 4 directions for the purposes of houses in multiple occupation, to gather information on best practice and potential challenges.

Issue	Officer response
Article 4 directions haven't worked elsewhere	Officers and members will continue to engage with other local planning authorities who have implemented Article 4 directions for the purposes of houses in multiple occupation, to gather information on best practice and potential challenges.
Cost and resource implications	Estimated costs and resources were outlined as part of the city council's consideration of the options available to the city council for the future management and control of houses in multiple occupation. The Executive decision to pursue the consideration of an Article 4 direction was, therefore, made on the basis costs would be covered, and resources would be made available.
Decreased house prices	Evidence is being gathered in relation to the issues raised, and housing market research will be carried out to understand the potential impact of an Article 4 direction relating to houses in multiple occupation on the local housing market.
Flexible C3/C4 permissions should be considered	Other local planning authorities who have implemented Article 4 directions for the purposes of houses in multiple occupation have imposed planning conditions on approved applications for changes of use from Use Class C3 to Use Class C4 to allow properties to change between the uses as permitted development (without the need for planning permission), for a maximum of 10 years from the date of planning approval.
HMOs important source of accommodation	Evidence is being gathered in relation to the issues raised, and housing market research will be carried out to understand the current impact of houses in multiple occupation on the local housing market.

Issue	Officer response
Inadequate evidence, based on perceived issues	Evidence is being gathered in relation to the issues raised, to ensure the decision whether to confirm the Article 4 direction relating to houses in multiple occupation is based on adequate, up-to-date and robust evidence.
Increase in empty properties due to lack of demand	Evidence is being gathered in relation to the issues raised, and empty homes data will be reviewed as part of this process.
Increase in HMOs/Studentification has improved quality of rental accommodation, street scene and services and facilities	Evidence is being gathered in relation to the issues raised, and sample street surveys will be undertaken to assess the current impact of houses in multiple occupation on the character and appearance of areas in the city.
Increase rents	Evidence is being gathered in relation to the issues raised, and housing market research will be carried out to understand the potential impact of an Article 4 direction relating to houses in multiple occupation on the local housing market.
Lack of affordable housing for those in need	Evidence is being gathered in relation to the issues raised, and housing market research will be carried out to understand the potential impact of an Article 4 direction relating to houses in multiple occupation on the local housing market.
Lack of housing for young people/families	Evidence is being gathered in relation to the issues raised, and housing market research will be carried out to understand the potential impact of an Article 4 direction relating to houses in multiple occupation on the local housing market.

Issue	Officer response
Council should plan to meet all housing needs	Houses in multiple occupation make an important contribution to the private rented sector by catering for the housing needs of specific groups/households and by making a contribution to the overall provision of affordable or private rented accommodation. The emerging Local Plan will include policies and site allocations to ensure both market and affordable housing needs are met.
No impact on standard or management of HMOs	In addition to pursuing an Article 4 direction in relation to houses in multiple occupation, the city council is looking at developing an Accreditation Scheme to assist in the management of the private rented sector and houses in multiple occupation in the city.
Opportunity to appeal planning decisions	Other local planning authorities who have implemented Article 4 directions for the purposes of houses in multiple occupation have had planning appeals allowed and dismissed. The outcomes of planning appeals for this type of development will inform the city council's consideration of the issues raised in deciding whether to confirm the Article 4 direction.
Poorly managed/maintained rental properties	In addition to pursuing an Article 4 direction in relation to houses in multiple occupation, the city council is looking at developing an Accreditation Scheme to assist in the management of the private rented sector and houses in multiple occupation in the city. Sample street surveys will be undertaken to assess the state of properties, including traditional family houses and houses in multiple occupation.

Issue	Officer response
Strong community feel	The city council promotes community cohesion through a range of initiatives and campaigns including Neighbourhood working, Meet the Street, SHUSH, Good Neighbour and Community Organising. In addition, residents associations across the city provide opportunities for individuals to meet and interact.
Students also affected by anti-social behaviour	Anti-social behaviour officers will provide information to inform the city council's consideration of the issues raised in deciding whether to confirm the Article 4 direction.
Students make a positive contribution to the community	The city council promotes community cohesion through a range of initiatives and campaigns including Neighbourhood working, Meet the Street, SHUSH, Good Neighbour and Community Organising. In addition, residents associations across the city provide opportunities for individuals, including students, to meet and interact.
Twelve month notice period will increase HMOs	The city council has launched an HMO Declaration process to assist with identifying the number and type of houses in multiple occupation in the city. This will help identify houses in multiple occupation formed during the twelve month notice period.

Table 4 Summary of main issues raised against the Article 4 direction and officer responses

5. Next steps

- 5.1 The matters raised during the consultation will be taken into account when a decision is made regarding confirmation of the Article 4 direction. This decision will also be informed by evidence which is being gathered as part of a wider project relating to houses in multiple occupation.
- 5.2 The key milestones for the Article 4 direction and the associated Supplementary Planning Document, which would provide the criteria for assessing planning applications for this type of development, are set out in earlier sections of this report.

6. Consultation feedback

6.1 In addition to representations and comments relating to the Article 4 direction, the following feedback regarding the consultation process was also received.

Issue	Officer response
Engaging public health due to changes in supported housing	Officers will arrange to meet with public health representatives to discuss the purpose of the Article 4 direction, and any potential impacts it may have.
Engaging conveyancing solicitors to ensure property purchasers are made aware of the Article 4 direction	Officers will write to conveyancing solicitors to bring the Article 4 direction to their attention and inform them of how and when they could make representations/comments.
Not enough notices	Relevant legislation requires the city council to give notice of an Article 4 direction by site display at no fewer than two locations within the area to which the direction relates, for a period of not less than six weeks. Approximately 60 sites notices were displayed across the city for a period of 6 weeks as part of this consultation.
Anonymous leaflets posted to addresses in the West End expressing views against the Article 4 direction	These leaflets prompted representations and comments both for and against the Article 4 direction to be made.
Lack of information	Further information, including key milestones for the Article 4 direction and associated Supplementary Planning Document, has been published on the city council's website at: www.lincoln.gov.uk/hmo and www.lincoln.gov.uk/article4 .
Purpose of consultation unclear	Communications officers will continue to be involved in the Article 4 direction process, to assist with communicating key messages to communities and stakeholders.

Table 5 Summary of consultation feedback and officer responses

7. Who was consulted

7.1 The following individuals, groups and organisations were invited to make comments on the Article 4 direction relating to houses in multiple occupation.

- Accreditation providers
- Business groups
- Elected members
- Estate agents
- Landlords
- Landlords associations
- Letting agents
- Lincolnshire County Council
- Neighbourhood groups and residents associations
- Neighbourhood managers
- Residents
- Secretary of State
- Student unions
- Universities

8. Representations and comments received

Full representations and comments can be viewed at Appendix 7.

Appendix 1 – Site notice



Town and Country Planning (General Permitted Development) Order 1995 as amended

Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010

Notice pursuant to Article 5(1) of the making of an Article 4 direction in relation to houses in multiple occupation

The City of Lincoln Council made an Article 4(1) direction on 15th December 2014 under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995, as amended. The Direction relates to development comprising the change of use from a use falling within Class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1997, 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 from the date when the Direction comes into force.

Planning permission will therefore be required for change of use from Class C3 to C4 once the Article 4 direction is in force.

The Article 4 direction applies to the whole of the administrative area of the City of Lincoln. A copy of the Direction, including a map defining the area covered, can be viewed at the City of Lincoln Council, City Hall, Beaumont Fee, Lincoln, LN1 1DD, Monday to Friday 9am – 4.30pm; or on the Council's website at www.lincoln.gov.uk/Article4.

Representations may be made concerning the Article 4 direction between 27th February and 20th March 2015. If you wish to make representations you may do so by email to Article4@lincoln.gov.uk or by post to Article 4 direction, City Hall, Beaumont Fee, Lincoln, LN1 1DD. Any representations must be made by 5pm on Friday 20th March 2015.

The Article 4 direction will come into force, subject to confirmation by the City Council, on 1st March 2016.

Date of publication: 10th February 2015


Angeb Adams
Acting Chief Executive

Appendix 2 – Public notice



CITY OF
Lincoln
COUNCIL

Town and Country Planning (General Permitted Development) Order 1995 as amended

Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010

Notice pursuant to Article 5(1) of the making of an Article 4 direction in relation to houses in multiple occupation

The City of Lincoln Council made an Article 4(1) direction on 15th December 2014 under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995, as amended. The Direction relates to development comprising the change of use from a use falling within Class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1997, 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 from the date when the Direction comes into force.

Planning permission will therefore be required for change of use from Class C3 to C4 once the Article 4 direction is in force.

The Article 4 direction applies to the whole of the administrative area of the City of Lincoln. A copy of the Direction, including a map defining the area covered, can be viewed at the City of Lincoln Council, City Hall, Beaumont Fee, Lincoln, LN1 1DD, Monday to Friday 9am - 4.30pm; or on the Council's website at www.lincoln.gov.uk/Article4.

Representations may be made concerning the Article 4 direction between 27th February and 20th March 2015. If you wish to make representations you may do so by email to Article4@lincoln.gov.uk or by post to Article 4 direction, City Hall, Beaumont Fee, Lincoln, LN1 1DD. Any representations must be made by 5pm on Friday 20th March 2015.

The Article 4 direction will come into force, subject to confirmation by the City Council, on 1st March 2016.

Date of publication: 26th February 2015

Angela Andrews
Acting Chief Executive

Appendix 3 – Consultation letter



Director of Development & Environmental Services

John Latham BA (Hons)
City Hall, Beaumont Fee
Lincoln, LN1 1DF
Telephone: (01522) 881188
Facsimile: (01522) 567934
E-mail: Article4@lincoln.gov.uk
Minicom: 01522 873693
www.lincoln.gov.uk

Development Team is dealing with this matter

Direct Dial **01522 873474**

Date: 5th March 2015

Dear Sir/Madam

Article 4 direction – Houses in Multiple Occupation

Further to the Executive decision to pursue the consideration of an Article 4 direction relating to houses in multiple occupation for the council's administrative area on 15th December 2014, an Article 4 direction has been made.

The direction relates to development comprising the change of use from a use falling within Class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1997, 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.

In accordance with the relevant legislation, the city council is required to allow a period of time for representations concerning the direction to be made by any persons, businesses, organisations and companies. Representations and comments should be received **no later than 5pm on Friday 20th March 2015** in order to be taken into account when the city council considers whether to confirm the direction.

If you would like the city council to take into account any comments you have previously submitted in writing as part of an earlier stage of this process, please ensure these are re-submitted to the city council by 20th March 2015. It may be your view that your earlier written comments are sufficient to be considered on their own or, alternatively, you may wish to make additional comments as part of this subsequent stage.

If the direction is confirmed, it will mean that planning permission will be required for a change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4) from 1st March 2016.

A copy of the direction, including a map defining the area covered by the direction, can be viewed at the City of Lincoln Council, City Hall, Beaumont Fee, Lincoln, LN1 1DD, from Monday to Friday 9am to 4.30pm; or on the council's website at www.lincoln.gov.uk/Article4.

If you have any representations or comments to make concerning the direction please submit them in writing, and address them to Article 4 direction, City Hall, Beaumont Fee, Lincoln, LN1 1DD or alternatively you may email Article4@lincoln.gov.uk. Please include your contact details with your submission and note that your representations will be of public record.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Manning', written in a cursive style.

**MR K MANNING
PLANNING MANAGER**

Appendix 4 – Press articles

1. Furious city councillor hits out at anonymous 'Article 4' leaflet

Lincolnshire Echo

Published March 17, 2015

FURIOUS: Cllr Neil Murray has had an anonymous Article 4 Directive letter through his letterbox.

The councillor who proposed the City of Lincoln Council's scheme to consider limiting the number of houses of multiple occupancy (HMOs) following a campaign in the West End has hit out at anonymous letters being dropped through doors.

Carholme ward representative Neil Murray is scathing after receiving a copy of the letter opposing the authority's plans for an Article Four Directive covering the entire city.

Currently out to consultation which ends this Friday, March 20, the planning legislation proposes restrictions imposed on converting properties to shared housing.

In the anonymous letter, it claims that house prices in the West End would drop -and makes comparisons with other cities where Article 4 is already in action.

"It bothers me that it's anonymous and all the claims in it are completely unsubstantiated, which is not the democratic way to go about it," said Cllr Murray.

"This letter makes outrageous claims and, when I got one through my door, I challenged the man who delivered it.

"He said he had been approached in the High Street and offered money to deliver hundreds in the West End.

"But he said he had no idea who the person was who had paid him."

Cllr Murray was also angry that the letters were accompanied by envelopes addressed to City of Lincoln Council.

A spokesman for the council said it had been made aware of the letters and was looking into the situation.

2. Should Lincoln open or shut the door to Article 4?

The Lincolnite

Published March 17, 2015

This week's column is by special request; I was asked to write some thoughts this week on Article 4. It is especially timely as by 5pm on Friday, March 20, 2015, all representations must be made, so for what it's worth – here are mine and some other experts thoughts!

Firstly, it's important to understand what Article 4 actually means and the impact it's had on other cities who have introduced it.

Essentially, Article 4 gives additional powers to the City of Lincoln Council to manage and control the number of houses in multiple occupation, which is where people who are unrelated rent a room in a shared house.

What this will actually mean is that for any shared, rented properties, full planning permission will be required for a 'change of use' from a Class C3 to a Class C4 from March 1, 2016.

For those in favour

If you live in a nice quiet street which is full of other people who live and work there, and then investors come in and turn most of the road into shared housing, there is a perceived view this causes problems in the neighbourhood.

There are fears of the rubbish piling up and a transient population which isn't 'tied into' the local area, and as such the community feel that once existed can disappear quite quickly.

Having Article 4 powers means they can decide how many and which properties can be rented on a shared basis.

For those against

Shared homes are a great way for students to afford to go to universities and afford the fees. They are also a great way for local skilled workers and professional people to share homes together to help save for a deposit for their first home rather than having to move back with mum and dad.

What those who need shared ownership are frightened of is this will restrict their ability to put a roof over their heads at an affordable cost. For students or young professionals the idea that they just live in 'squalor' and don't form part of their local community is tarnishing them all with the brush of a few.

Who are the real winners and losers?

Although no one has carried out any robust studies I am aware of, there is evidence of the pros and cons from other areas which have had Article 4 for a few years.

For areas which are already quite well known as student spots, what we have seen is people's homes now struggle to sell. The investors don't want them and families don't want to live there, particularly if they are on busy main roads.

Secondly we've seen in areas where there is a real housing shortage, people now can't find enough rooms to rent, so are having to continue to live with mum or dad or move away, limiting the potential labour market.

In areas which are still predominantly homes for families and professionals as opposed to rented, then it may help maintain the current status quo for a while. However, our population is changing and certainly in the East Midlands, there is a move away from owning large homes.

With or without Article 4, it's likely the community will still see a changing dynamic, perhaps with the larger homes being made into smaller flats or houses where possible.

Talking to Paul Collins from Belvoir Lincoln, who is one of the most experienced lettings experts in the area, his fear is that the reason they are being introduced is to try and help solve a problem of antisocial behaviour, and the two are not necessarily linked, so it may make little difference.

He also worries the area chosen is so large it could restrict the growth of multilets in parts of Lincoln where they are most needed, just at a time when tenants are desperate for homes to rent or rooms to share.

From Paul's perspective though there is still a strong business and housing case for landlords to continue to create more shared homes in the future, with or without planning permission. For Paul "the tenant demand is strong and the income returns are much higher than standard lets, so I expect they will still be a growing number in Lincoln."

For those interested in finding out more, the Residents Landlord Association suggests twenty questions all councils should ask themselves before they introduce the new rules, which could help some but adversely affect others.

Finally, do have your say; do email to article4@lincoln.gov.uk or by post to Article 4 direction, City Hall, Beaumont Fee, Lincoln, LN1 1DD.

And remember, any representations must be made by 5pm on Friday, March 20, 2015.

Appendix 5 – Anonymous flyer

URGENT

ACT NOW TO PROTECT THE VALUE OF YOUR HOME

Dear Fellow Resident

Did you know our local council is about to **ENFORCE** a new rule for the whole city called The Article 4 Direction?

Do you know what this will mean if you are a Homeowner?

The Article 4 Direction could limit the value and future saleability of **OUR** homes as already proven in other towns and cities in this country

The council intends to stop **OUR FREEDOM OF CHOICE** and prevent us from selling **OUR** homes to investors who are often willing and able to pay the full asking price for properties in Lincoln

Article 4 will not affect or change the existing houses of multi occupancy very popular with students, the University is here to stay as are the students

The introduction of an Article 4 Direction has been found to have a very negative impact on house sales

- **Massive devaluation of homes in areas populated with students**
 - **Homes more difficult to sell as investors have no incentive to buy and families trapped and unable to move on**
-

Please take a few minutes to read the following comments received in a recent survey of countrywide estate agents where Article 4 has already been

ENFORCED

THINK of the impact this could have on **OUR HOMES**

Manchester : Houses are taking much longer to sell and for a lesser price than student/HMO house. Student houses have actually increased in price.

Nottingham : Houses are selling for between 10-15% less than a similar house occupied by students next door.

Exeter : Article 4 has created a shortage of student and shared professional houses enabling landlords to charge much higher rent. Houses much harder to sell in student areas.

Leicester : Houses selling much slower in student areas and for less money.

Plymouth : Very difficult to sell properties not already converted. Typically a large Victorian Property sells for £70,000 less than a student house on the same street.

Loughborough : Identical houses side by side, one occupied by students and one with non students will sell for about £40,000 difference. (£135,000 students, £95,000-£100,000 non students).

Leeds : Non student properties are very hard to sell in student areas and usually sell for £20k-£30k less money.

Worcester : House prices achieve less than when previously bought by landlords. People put off from buying properties as family homes. Houses already converted sell very well

Oxford : HMO gone up in value
Existing family homes take longer and more difficult to sell in student areas.

Bath : Distorted houses values on roads mixed with student houses. Properties more difficult to sell buyers reluctant to pay normal values to live on roads outnumbered by students (£20k below market value.)

Chelmsford : Noticeable difference in property sales in restricted areas. Houses take longer to sell and offers made below market value. Landlords/Investors prior to restrictions willing to pay higher premium for properties to convert into student lets.

Portsmouth : Article 4 was imposed November 2011.
Properties for sale before the restriction was imposed were bought within hours by landlords, sales are now taking much longer and people are put off living on street dominated by students
Article 4 considered of no benefit to the area as a whole.

Preston : Article 4 Imposed 28th January 2015.
Too early to tell on values but sales are notably slower.

Chester : Sales slower and properties harder to sell

WHY should we as home owners lose THOUSANDS OF POUNDS from the value of OUR properties by being FORCED to accept this local council ruling shown as being of no benefit to anyone

CAN YOU AFFORD TO DO NOTHING? *** PLEASE ACT NOW**

Sign the enclosed letter of objection and return it to Lincoln City Council in the stamped addressed envelope I have provided

THE COUNCIL MUST RECEIVE THIS BEFORE

FRIDAY MARCH 20TH

DON'T LET THE LOCAL COUNCIL JEOPARDISE THE FUTURE VALUE AND SALES OF OUR HOMES

John Latham
Director of Environment and Planning
Lincoln City Council
City Hall
Beaumont Fee
Lincoln
LN1 1DD

I object to Lincoln City Council imposing the Article 4 Direction which will have little or no beneficial effect for the residents of this city

Article 4 will cause the value of my property to decrease significantly.

Article 4 will cause rents to rise for all people living in student houses or HMO's

I do not want article 4 direction in Lincoln!!

I would prefer to see a common sense approach and the introduction of compulsory licensing for all HMO's to ensure the proper management of properties and tenants.

Signed

Name

Address

Appendix 6 – Reminder letter



Director of Development & Environmental Services

John Latham BA (Hons)
City Hall, Beaumont Fee
Lincoln, LN1 1DF
Telephone: (01522) 881188
Facsimile: (01522) 567934
E-mail: Article4@lincoln.gov.uk
Minicom: 01522 873693
www.lincoln.gov.uk

Development Team is dealing with this matter

Direct Dial **01522 873474**

Date: 17th March 2015

Dear Sir/Madam

Reminder – Article 4 direction – Houses in Multiple Occupation

Representations and comments should be received **no later than 5pm on Friday 20th March 2015** in order to be taken into account when the city council considers whether to confirm the Article 4 direction relating to houses in multiple occupation for the council's administrative area.

The direction relates to development comprising the change of use from a use falling within Class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1997, 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, for the council's administrative area.

If you would like the city council to take into account any comments you have previously submitted in writing as part of an earlier stage of this process, please ensure these are re-submitted to the city council by 20th March 2015. It may be your view that your earlier written comments are sufficient to be considered on their own or, alternatively, you may wish to make additional comments as part of this subsequent stage.

If the direction is confirmed, it will mean that planning permission will be required for a change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4) from 1st March 2016.

A copy of the direction, including a map defining the area covered by the direction, can be viewed at the City of Lincoln Council, City Hall, Beaumont Fee, Lincoln, LN1 1DD, from Monday to Friday 9am to 4.30pm; or on the council's website at www.lincoln.gov.uk/Article4.

If you have any representations or comments to make concerning the direction please submit them in writing, and address them to Article 4 direction, City Hall, Beaumont Fee, Lincoln, LN1 1DD or alternatively you may email Article4@lincoln.gov.uk. Please include

your contact details with your submission and note that your representations will be of public record.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Manning', written in a cursive style.

**MR K MANNING
PLANNING MANAGER**

Appendix 6 – Acknowledgement letter



Director of Development & Environmental Services

John Latham BA (Hons)
City Hall, Beaumont Fee
Lincoln, LN1 1DF
Telephone: (01522) 881188
Facsimile: (01522) 567934
E-mail: Article4@lincoln.gov.uk
Minicom: 01522 873693
www.lincoln.gov.uk

Development Team is dealing with this matter

Direct Dial **01522 873474**

Date: 28th April 2015

Dear Sir/Madam

Article 4 direction – Houses in Multiple Occupation – Consultation

Thank you for your representations and comments regarding the Article 4 direction relating to houses in multiple occupation for the council's administrative area.

Representations and comments received between 27th February and 20th March 2015 are being processed, and the results scheduled to be reported to the city council's Executive on 15th June 2015.

Any matters raised in your submission will be taken into account when a decision is made regarding confirmation of the Article 4 direction. This decision will also be informed by evidence which is being gathered as part of a wider project relating to houses in multiple occupation.

For more information on the Article 4 direction and associated Supplementary Planning Document, including key milestones for their preparation and implementation, please visit www.lincoln.gov.uk/Article4.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Manning'.

**MR K MANNING
PLANNING MANAGER**

Appendix 7 – Representations and comments

7a. Lincoln Student's Union

University of Lincoln Students' Union Submission to City of Lincoln Council's
Consultation on the Implementation of Article 4 Directive



In December 2013, the City of Lincoln Council's Executive Committee took the decision to pursue an Article 4 Directive (A4D); this in spite of a 1626 strong petition (more than those in favour of A4D), signed by a broad section of the community, and – I must stress – not simply by students. As a Students' Union, we can only represent and advocate on behalf of students; however, the repercussions of an A4D will affect a much larger range of constituents in our community. There are many non-students who will suffer the negative effects of an A4D, who don't have the representation to explain to them what is being proposed and to speak on their behalf: young professionals, migrant workers and skilled workers, the homeless, those on the waiting list for Council Housing – many of those in these categories are the least prosperous in our society, and our Council is taking action which will make life all the more difficult, and in many cases compel them to leave the city.

Students, being the focal point for us as a Students' Union, are **already paying over 27% more** for their rented accommodation than their non-student counterparts renting similar accommodation¹. In fact, Lincoln students are paying the **third highest housing premiums in the UK**. Adopting an A4D will only fail to address the imbalance of the community (the community is only imbalanced so long as residents don't have mutual respect, or ASB issues continue – if everyone gets on well, then surely the community is happy and balanced). This is a case of people before profit. Adopting A4D will only secure profits for unscrupulous landlords, as it is removing any competitors, and failing to produce a **mandatory** licensing scheme is a huge oversight of this Council. Those unscrupulous landlords can continue to take advantage of their tenants, continue to disregard the community their property is in, and continue to milk a profit from the tenants by raising the rent as demand undoubtedly rises, all with no recourse of action. If A4D has been demonstrated to not address the serious issues across the city, and voluntary scheme will only be adopted by the good landlords, then what problems are we solving by pursuing A4D? It is simply an unwarranted expense that will not achieve what (rightfully) disgruntled residents hope it will.

It is our members' belief that the Council would be far more prudent by scrapping their pursuance of A4D, but instead enact a **mandatory city-wide licensing scheme**. This would ensure the quality of properties is maintained, that the landlords fulfil all of their responsibilities, and that tenants will be required to be respectful of their community, all whilst ensuring the least in our city aren't disadvantaged further through blunt force legislation.

Below is the submission the University of Lincoln Students' Union submitted back in October. We, and our members, were incredibly disappointed that the Council took the poor decision to pursue an A4D, despite compelling evidence and testimony from a broad range of stakeholders from across the city. It should be noted with care that those speaking in favour of A4D at the Executive Committee meeting were largely West End residents who claim to have the worst experience of HMO's, yet **police and council (ASB) statistics say otherwise**. We are very concerned that a decision which will **affect the entire city** is being made on account of a vocal minority in one small part of the city. This, in our members' view, is not showing due diligence and on behalf of our 13,267 members I call upon the Council to reconsider their poor decision, reconsider how they are spending their reduced budget, and reconsider the long-term impact an A4D will have on the city, not just economically, but with regards to those in our society, not only students who live on who are in the **greatest need**. Students are expected to spend on average £9,250 per year, and yet the maximum annual maintenance loan is £5,500². **How many home-owners in the city can live off of £5,500 per year?** Additionally our students have identified their average rent in Lincoln is £401 per month (ULSU Student Spending Survey, 2014)

Is the Council going to align itself to the middle-class homeowners of the West End, or is it going to give **equal regard** to the zero-hour contracted workers, the dysfunctional families who struggle to feed and clothe their children, the homeless, and those out of work reliant on foodbanks, and the students from all across the city who are all desperate for affordable, well-located housing? The Council's coffers is not a bottomless pit as we all know, and I'm sure you can agree the **huge resource required** to prioritise A4D could be much better spent elsewhere.

University of Lincoln Students' Union Submission to City of Lincoln Council's Consultation on the Implementation of Article 4 Directive – 24th October 2014

First, I wish to highlight the City of Lincoln Council's own briefing note, published on 23rd December 2013 by John Latham, DDES entitled "Managing Student Accommodation in Residential Areas". This was distributed at a meeting of Carholme Community Forum. In this, the summary & conclusion was that Article 4 Directive (A4D) was "not worth pursuing". The reasons given include the below:

- "It does nothing to address the quality of development of management of rented properties
- It carries significant costs to the authority but brings no resources to fund the enforcement
- It is not retrospective, HMO conversions in situ would be unaffected and during the consultation period further developments could take place"

Licensing Property is a better way of raising the quality of accommodation and creating a balanced community

A city-wide Landlord Licensing scheme is the only option (out of 5) which the Council has proposed in its "Your views on houses in multiple occupation" survey which will not only have long-term benefit, but immediate effects will be apparent. Licensing will set standards of quality, is self-financing, can be applied retrospectively and will put more responsibility onto landlords and letting agents to take better care of their properties and their tenants.

A4D is specific planning legislation relating to conservation of land. It is not retrospective, and will put a huge burden onto the already cash-strapped Council.

A4D is not about maintaining a "balanced" community. This is generic and arbitrary terminology used by anti-HMO lobbyists – usually homeowners and/or retired residents. What does a "balanced" actually community mean, what does it look like? Students & those in HMOs haven't been consulted on this. Plucking an arbitrary figure from the sky to use as a % threshold is ludicrous. How do you measure what a balanced community is? Does a 15% figure apply to all wards? Do other wards need to be more balanced by imposing migrant workers and students onto these areas?

The challenge of Licensing is that it requires the approval of the Secretary of State who needs convincing of the extent of the problem and that the scheme would be supported. This consultation, I'm sure, would provide the necessary persuasion.

Concern of the Implementation of an Article 4 Directive to City of Lincoln Council Budget

The question which nobody appears to be asking is "How much will A4D actually cost?" The implementation of A4D is no small matter. It will

¹<http://www.telegraph.co.uk/finance/property/renting/11404900/Welcome-to-the-UKs-most-expensive-city-for-students.html> and

<http://thelocalite.co.uk/2015/02/lincoln-students-paying-third-highest-housing-premiums-country/>

²<http://www.moneysavingexpert.com/news/protect/2012/08/students-living-costs-9250-a-year>

require robust enforcement by highly-skilled, highly paid professionals. Does the Council, in the face of further cuts and increasing demands, have the resource to fund A4D? What about Planning Officers? Already it is reported that domestic planning applications run behind schedule – how many more applications will flood the office if A4D is implemented? How many more staff will the council have to employ to process these when there's already a backlog? Residents across the city are calling for more resource to tackle anti-social behaviour, noise, littering & fly-tipping, street drinking, overcrowding of houses, refuse collection, urban rangers, etc. If the Council's struggling to finance addressing these issues, and A4D will do nothing to impact on existing issues, how will they fund A4D **and** these social/environmental issues?

Article 4 will not help address Anti-Social Behaviour issues and will negatively impact on community cohesion

These social & environmental issues such as noise, ASB, letting agent signs being left up and bins being put out/taken in at the right times have all dominated the Carholme Community Forum's agenda over the past two years when ULSU has been consistently represented at them. A4D, as already mentioned, will not address any existing issues.

What will be more effective in tackling these issues is the work that has begun in the past twelve months between the Council, universities, Students' Unions (SU's) and residents, such as the Shush Campaign. This campaign involving local partners launched this August with the objective to reduce noise complaints. This initiative, with the pilot out-of-hours service, resulted in a drop in the number of complaints. Chief Inspector Stuart Brinn said at a recent Community Cohesion Steering Group that from an ASB point of view there were no reports this Fresher's Week. This was a great result as the UoL and ULSU were both expecting an increase due a new reporting mechanism for ASB or noise complaints that involve students. This mechanism brings together the University, Police, SU, and Council services to share information on complaints to any of the agencies that involve students. This has resulted in the SU and Police tackling persistent students through meetings and visiting properties. Before January agencies may receive complaints that weren't counted on official statistics; under this new system it would be recorded.

Outside of the peak time of year there is a variety of activity which has been launched in the past twelve months to tackle the causes or effects of ASB. These initiatives include; Carholme Gala, Shush, Meet the Street, Community Litter Picks, Brayford Pool Clear up. Students also invest in their communities in other significant ways such as community volunteering. **Last year nearly 600 students volunteered the equivalent hours of £220k paid work** (based on £5.03/hr). Not all students record their hours with us and one student, Alice Carter, received an Award from David Cameron for her contribution². We are looking to expand our provision of community volunteering over the coming years to help meet demand as government cuts continue to see service provision reduced. We are also continually reviewing best practice and hope to launch further partnership initiatives to further tackle ASB concerns for all residents.

Meet the Street, where the Students' Union with help from the City Council bring together non-students and students in an informal atmosphere over four evenings in the Carholme Ward to discuss issues over tea and cake. In 2013 over 200 residents attended and in 2014 over 1000 households were invited with 109 residents attending.

Our annual Brayford Pool Clear Out and our community Litter Picks, in the West End, Park and Abbey wards tackle litter and environmental issues caused by all residents and we regularly team up with other organisations to deliver these. So far this month we have ran two litter picks and plan to do three more in November.

We believe it is important to emphasise that students are affected by anti-social behavioural issues as much as any other residents. We know that noise is the fourth highest issue encountered in housing with 35.9% of respondents to our Accommodation Survey (April 2014) saying it was an issue they had encountered that year. However we believe it is important to point out an Article 4 Directive will not help reduce the causes or effects of these issues on residents.

We would also like to take this opportunity to state our concerns that the implementation of this directive will be seen as a negative step by many stakeholders in the community which includes students. Students want to feel part of their shared communities which is why it is a strategic aim of our charity. It is clear they feel strongly against the directives implementation and feel alienated & victimised when neighbours blame them collectively for social issues for the actions of a minority of students, or the actions of non-students.

Students are the biggest ambassadors for the city; whether projects such as those noted here have directly affected them or they have simply found a home in the city, it is the young people who join us or graduate from the universities each year who will fly the flag for Lincoln. Our students sing the praises of the city when they return home for holidays or after graduating; their friends and family, it seems, are impressed by the city upon every visit. Students are big sellers of the city on a global scale; we have the opportunity, of course, not only to form ambassadors as they study but to retain those ambassadors after graduation as future nurses, teachers, engineers, and in other skilled jobs which will benefit Lincoln and its economy.

There is also a wider point to be made on community cohesion: various people live in HMOs – not just students. However these groups tend not to have good local representation, e.g. economic migrants from Europe, the homeless, even young professionals. Organisations which work with these, and landlords' associations, are concerned about the negative social impact of this directive as well as the economic impact of raised rents.

Article 4 Directives negative impact on Lincoln's economy

Lincoln is fast becoming a competitive economy and is starting to be noticed nationally and internationally. In recent years there has been large redevelopment of areas of the city centre, investment from Siemens, Lincolnshire Co-Operative, Lindum, and other companies. However we have grave concerns that this future competitiveness will be harmed by an A4D being implemented in the city. Young professionals and skilled workers will be repelled; the average salary for Lincoln is £19433 and average room rent is £335 per month. In neighbouring Hull, the average salary is much higher at £2227.3 and average rent much lower at £307 per month. (Average salary based on 1-4 years' experience: www.payscale.com; average room rent: www.home.co.uk).

Impact on the Competitiveness of Lincoln's Universities

In order for the two Universities in Lincoln to remain competitive, they have to be able to welcome and facilitate new students and the innovations they bring, the influence of which stretches beyond the institutions, into the city at large.

² <http://www.lincoln.ac.uk/news/2014/06/1903.asp>

University of Lincoln Students' Union Submission to City of Lincoln Council's
Consultation on the Implementation of Article 4 Directive



As the University of Lincoln and Bishop Grosseteste have grown in recent years, so too have services and opportunities across Lincoln. The Lincoln Science and Innovation Park (LSIP), which welcomed its first students to the University in September this year including those in the brand new School of Chemistry, represents a partnership between the University of Lincoln and Lincolnshire Co-op which Ursula Lidbetter, Chief Executive of the latter called 'an investment in our region's future'. Such partnerships encourage further growth as partners learn from each other and create job opportunities which, in many cases, lead to retention of our graduates as ambassadors for Lincoln.

If the number or quality of HMOs cannot meet demand then this will make Lincoln less desirable for graduates to stay and make it less desirable for organisations to enter the Lincoln economy.

Impact on the Rented Property Market in Lincoln

A4D will reduce the supply of rented accommodation in the city at a time when demand is increasing. This will only increase the cost of renting in the city for all those who use the rented sector; students, professionals, families that cannot afford a mortgage.

This is from RLA (Residential Landlords Association)'s document which was shared with us recently:

Rent increases

"As already pointed out, A4Ds will reduce the supply of small HMOs in areas where there is a demand and a need for them. As always with the law of supply and demand this will lead to increases in rents in those areas, particularly if they are close to places of work such as hospitals. The RLA is therefore calling for local planning authorities to carefully consider what the resulting impact will be, mindful particularly that this kind of accommodation provides cheaper affordable accommodation. Pushing up rental levels is will not help those who want this kind of accommodation.

Perhaps those residents in areas who are calling for restrictions and who are parents should pause for thought. One day they may find that their children will need to live in this kind of accommodation. They will discover that either they have to help their children out financially at worst or at best listen to complaints of prohibitive rents."

In February this year it was reported that home ownership had fallen to its lowest levels in twenty five years with "The overall number of homes lived in by owner-occupiers has fallen from 71 per cent in 2003 to 65.2 per cent last year, the lowest level since 1987."³

The report went onto further explaining that this had impacted young adults in particular who are now widely described as generation rent.

"1.4million homeowners are aged between 25 and 34, the age group most likely to be raising families, while 96,000 are aged between 16 and 24. More than a third of England's 14.3million homeowners are now aged 65 and over as young people have been frozen off the property ladder."³

This only highlights that tenants of HMOs are not just students; Graduates, young professionals, skilled and migrant workers all affected too. Skilled workers who rent are highly mobile and could choose other cities for work. We see this as one of the biggest negative impacts of the proposed implementation as it will create a severe obstacle to future growth for the city.

Impact on House Prices in Lincoln

There are veritable economic positives to be seen here, more significant than outcomes of introducing an Article 4 Direction, which could stagnate or devalue properties across the city. This is supported by RLA (Residential Landlords Association)'s document.

"Reductions in value – IMPORTANT because of local residents interests

In the short period from when the original regulations came into force on the 6th April 2010 and the changes made from the 1st October 2010 it quickly became obvious that an Article 4 Direction will mean that two properties side by side could have significantly different values. A property which could only be used as a single dwelling because of planning restrictions would be worth UP TO ; LESS than a similar adjoining property which can be used as a single HMO. At least 15% to 20% would be shaved off the value of properties which could not legally be occupied as a small HMO because of planning rules. We have to emphasize that this is not scaremongering. The situation in Nottingham, for example, became so bad that some Estate Agents were refusing to sell single dwellings as the April 2010 changes meant that planning permission could not be obtained for Class C4 use."

³<http://www.telegraph.co.uk/finance/personalfinance/houseprices/10663923/Rise-of-Generation-Rent-as-home-ownership-hits-25-year-low.html>

7b. Residential Landlords Association

Dated: 20th March 2015

City of Lincoln Council

By email to: article4@lincoln.gov.uk



RESIDENTIAL LANDLORDS
ASSOCIATION

1 Roebuck Lane,
Sale, Manchester M33 7
Tel: 0845 666 500
Fax: 0845 665 184
Email: info@rla.org.uk
Website: www.rla.org

To whom it may concern,

Re: Proposals for managing the growth of Houses in Multiple Occupation (HMOs) in Lincoln through the implementation of Citywide Licensing

I am writing again on behalf of the Residential Landlords Association to make representations in response to the Council's proposal to implement an Article 4 Direction across the City of Lincoln. We do not feel that you have undertaken a fair consultation process with no detailed proposal or consultation document provided. We also believe that the whole process of how it has gone from an Article 4 direction for the West End of Lincoln to the whole of the City has been very poorly communicated, we therefore we object to the proposed designation as we did the first time around.

Our general concerns are as follows:-

As we stated in our previous response, the RLA is aware that in certain areas there has been concern as a result of the presence of small HMO accommodation. However, the RLA believes that calling for the adoption of planning laws to deal with any problems is not the right approach.

It remains the case that problems are caused not by the material existence of HMOs but by the *behaviour* of tenants inside, and planning laws will not be able to reverse changes in areas. Rather, if there are problems then these should be dealt with by intensive area management and the better enforcement of existing legislation to combat anti-social behaviour and environmental concerns. This has been tried successfully and, importantly, it provides an immediate solution to local problems, where they exist.

Before a local planning authority considers adopting an Article 4 direction, particularly one that is *Citywide* we would urge that elected members and officers consider the implications very carefully.

The uncertainty surrounding this Consultation process

We have found this whole consultation process since the original consultation for the West End part of Lincoln in October 2014, to be misleading and unclear from the offset. Originally the RLA responded to the Article 4 consultation for what we believed to just be a designation just for the West End part of Lincoln. A member then called and informed us that the consultation was actually for the whole City. It had

apparently been decided that the Council would consider other measures for the City such as accreditation and Selective Licensing – this is not what we had opportunity to respond to – otherwise our response would have looked quite different. After being told that the next step was a yearlong consultation process for the Citywide Article 4 direction - we are now, less than two months later responding to the consultation with a timeframe of just three weeks. Although you have put a timeline up on the website of this consultation process, we feel that the intention of this consultation has been very poorly communicated throughout this whole process. There doesn't even seem to be a revised consultation proposal document on your website for the whole of the City. This makes it very difficult to respond fully this time around and we can therefore only reiterate points made in our previous response. This brings the whole consultation process into disrepute in our opinion.

Maintaining 'sustainable neighbourhoods'

In your original consultation proposal document, your key argument for restricting the number of HMOs in the chosen ward of the West End was the very general argument assumption that HMOs cause a *'loss of community due to the transient nature of some residents'*, which is a dated and inaccurate opinion. We fail to see how this could apply throughout the whole of the City. The fact is that populations have shifted and demographics have changed - a fact poorly reflected by the current Use Classes. In many areas where there is a concentration of HMOs, landlords are making intensive use of the existing stock in places where it might be otherwise underutilised and poorly maintained. This has contributed to positive regeneration of many inner city areas, for example in Leeds, Nottingham and Manchester.

HMOs also provide a vital service to the economies of many of our towns and cities. This kind of accommodation is key to the mobility of the workforce, especially young workers and young professionals that Lincoln is looking to attract and retain from the University. Areas with concentrations of HMOs are renowned for their vibrant nature with local, independent retailers and a café culture, which help promote a diverse and strong local economy. HMOs are not just occupied by students, but with rising rents and difficulties with getting a mortgage, are increasingly required by working people. We are surprised that City like Lincoln that attracts younger people and students, who may choose to stay in Lincoln and contribute economically to the area, are marginalising younger people who may not want to live in a 'family' home.

The impact on the Under 35s access to shared housing

As we advised you in our previous submission, Local authorities are under a duty to meet demand for housing. One key issue we feel is being ignored by City of Lincoln Council is the increase in demand from the Under 35 age group who need access to shared housing because: they choose to; of the benefit cap and extension of the Shared Accommodation Rate from 25 – 35; they are priced out of buying a home; or, they are still on a social housing waiting list.

Because of these factors The All Party Parliamentary Group (APPG) on the Private Rented Sector (PRS), chaired by Oliver Colville MP, launched an inquiry into access to the PRS for the under 35 age group. What became clear throughout the course of the inquiry is the strength of feeling the issue of Article 4 Directions raises, with growing evidence raising questions about whether they are necessarily the right tool for the problem they are designed to solve.

The report recommended that Local Authorities should be allowed to use "flipping". At present, where a property is allowed to be an HMO under an Article 4 Direction, if a landlord then decides later to let it to a family (which they are able to do without planning permission) but after that wanted to revert to it being a HMO, they would need to reapply for planning permission. Flipping would mean once a landlord had received permission for a building to be used as a HMO it would be in force indefinitely enabling them to flip the use of the property from HMO to family use and back to HMO again, if they so wish. This would avoid the situation faced in some areas whereby HMOs remain empty because landlords do not want to have to go through the planning application process if they decide to let the property to a family.

It also suggested that legislation designed to tackle anti-social behaviour is properly enforced, rather than simply reaching for planning powers to start with. We feel that where occupants of shared housing cause repeated trouble and fail to respond to warnings about their behaviour, Universities, students unions, landlords and the local police should ensure that robust action is taken against such tenants, with a much swifter process to evict them where need be.

(See appendix 1 for the full report)

Reductions in value

In the short period from when the original regulations came into force, under the General Development Order (GDO) it quickly became obvious that an Article 4 Direction will mean that two properties side by side could have significantly different values. A property which could only be used as a single dwelling because of planning restrictions would be worth UP TO 1/3 LESS than a similar adjoining property which could be used as a single HMO. At least 15% to 20% or as much as 1/3 would be shaved off the value of properties which could not legally be occupied as a small HMO because of planning rules.

We have to emphasize that this is not scaremongering. The situation in Nottingham, for example, became so bad that some Estate Agents were refusing to sell single dwellings as the April 2010 changes meant that planning permission could not be obtained for Class C4 use. Agents in the area concerned were down valuing properties by 1/3.

Likewise, in Leeds properties were being significantly down valued by local agents around 15%/20%. This situation will return in any area where an Article 4 direction is made. It is imperative that local owner/occupiers are warned of this by those who are proposing Article 4 directions and we would urge City of Lincoln Council to consider longer term implications such as these before using planning restrictions on HMOs in the West End part of the City.

The evidence

1. We have some concerns about the consultation procedure adopted by the Council. These are as follows:-

(1) There is no formal proposal document, therefore there is no detail and you fail to cover important issues e.g. any statistics to back up your claims that

communities are disintegrating as a result of HMOs. You only make poor generalisations with no statistics or evidence to back up the claims. This is very poor practice in our opinion.

The cost

Already in some councils finance chiefs are sounding warning bells. Hull City Council is an example of this. With the current cutbacks facing local authorities is this something which a local planning authority should be embarking on at all? You make no mention of cost at all as you do not have an adequate proposal document, which leaves many questions such as will City of Lincoln Council have the resources to implement an Article 4 direction and deal with the consequent planning applications free of charge?

Will it have the resources to investigate possible breaches and enforce the new legislation if an Article 4 direction is made? We believe not. It is particularly alarming that some local planning authorities are even proposing Article 4 directions across the whole of their cities and towns with the consequent costs which will be entailed in such a move. Shouldn't local resources be better utilised, for example to actually deal with problems as they arise with better tenant education on refuse collection and more effective enforcement, for example ?

Monitoring

There is no suggestion of any kind of effective monitoring for the success or otherwise of the proposed scheme. Should City of Lincoln Council proceed with these new planning restrictions there needs to be put in place monitoring; agreeing with stakeholders the various measures which will indicate whether or not the desired outcome in communities is achieved.

Outcomes

You do not specify with any detail what the desired outcomes of the proposed planning restrictions in the City, there is nothing to base our response on adequately. No targets or objectives are set other than vague references to how a less concentrated area of HMOs with result in more stable communities. If anything, a proposal of this kind stigmatises the area concerned. There is no suggestion that there are any particular problems of overcrowding so how can one see any result from this? As to requiring the upgrading of properties, this can be dealt with by a programme of inspections and the use of HHSRS powers.

Local plans

If an Article 4 Direction is made local plans will have to say where smaller HMOs are encouraged, if they are to be banned or restricted in certain areas. To meet need, other areas will have to be designated to encourage small HMOs instead. Local Authorities cannot duck this obligation to say where else in their areas the need for shared accommodation is to be met. There is no reference to any alternative sites for HMOs in Lincoln at all.

Article 4 directions are all about small HMOs and not students and other groups that seek shared housing.

Contrary to popular perception, the changes to the use classes order are meant to be about supposed problems from concentrations of small HMOs; not about restricting students or migrant workers.

Popular demand from residents, however, is to ban students or, in some cases, migrant workers. It is very important that local planning authorities appreciate the difference between the number of small HMOs on the one hand and trying to impose restrictions on students/migrants workers on the other. Nottingham City Council, for example, have recognised this and it is important that other local planning authorities understand it as well.

To justify an Article 4 direction, which must be brought in for the proper planning of an area, local planning authorities must look at the impact caused by all kinds of small HMOs and not restricted to those occupied by such as student or migrant workers. Famously, one local planning authority thought that young professionals were a good thing but other HMO occupants were not! This is not what the new rules are about. All types of HMOs occupied by all kinds of residents must be looked at by the local planning authority.

Proposed alternative

We strongly believe that in the first instance, before even contemplating changing planning rules, the Council should look for a more imaginative solution, particularly when considering a designation that will affect the whole city. What is really needed as mentioned previously is some improved area management. You already know where the HMOs are located. Street by street property inspections could be carried out. HHSRS powers can be used to effect improvements, if voluntary co-operation will not work. Rather than implementing Article 4 direction, time would be far better spent "out on the street" looking at properties and making sure that any that are needed are brought up to standard.

Landlord accreditation can also be used to ensure that HMO management is of a high standard. These and other measures have an immediate impact and address the current position whereas the Article 4 direction may only prevent new HMOs (and even this is questionable).

Again, if these planning restrictions are to go ahead we would recommend that Local Authorities like City of Lincoln Council should be allowed to use "flipping", if demand changed in the three designated wards and more HMO accommodation is needed. As we explain earlier in this document this would avoid the situation faced in some areas whereby HMOs remain empty because landlords do not want to have to go through the planning application process again if they decide to let the property to a family.

Conclusion

The RLA reiterates its objection to the proposed scheme, as previously stated in the original consultation for the West End.

We would strongly suggest that the Council looks at the alternatives outlined to tackle the *actual* reasons for the 'break down of communities', i.e. a voluntary approach working with all stakeholders, including local residents. The level of problems referred to do not in any way, in our view, justify the imposition of planning laws such as Policy HMO1 in these three communities. The resulting lack of supply of shared housing in these areas and the problems that this would cause, including an increase in risking homelessness, would be totally dis-proportionate to the kind of issues referred to in the Consultation. We, therefore, ask the Council to reconsider its proposal.

Yours faithfully,

Natalie Williamson

Senior Policy Officer
Residential Landlords Association
Email – natalie.williamson@rla.org.uk
Tel: 0161 905 0884

Appendix 1

In October 2014, the APPG on the PRS chaired by the RLA and Oliver Colville MP, published its report 'Access to private rented housing for the under 35s' which looks at implications of Article 4 directions on the supply of private rented shared housing for this age group.

You can read the full report here -

http://rla.org.uk/policyhub/wp-content/uploads/2014/10/PRS-access-for-U35s_Full-Written-Evidence_Oct.14.pdf

7c. Other detailed representations and comments

Provided separately.