



## Mayor and Cabinet

**Report title: Confirmation of a non-immediate Article 4 Direction for the remainder of the borough withdrawing permitted development rights for the change of use from dwellinghouse (Use Class C3) to Small HMO (Use Class C4).**

**Date:** 10 May 2023

**Key decision:** Yes

**Class:** Part 1

**Ward(s) affected:** All wards apart from Bellingham, Downham and Grove Park

**Contributors:** Head of Strategic Planning

### Outline and recommendations

The purpose of this report is to inform Mayor and Cabinet about the outcome of the representation period on the making of a non-immediate Article 4 Direction to withdraw permitted development rights for the change of use from C3 dwelling houses to class C4 Houses in Multiple Occupation (HMO's) for the remainder of the borough.

This report fulfils stage 4 in the process of implementing a non-immediate Article 4 Direction and seeks approval for the Director of Law to confirm the direction.

If authorised for confirmation, the Article 4 Direction will take effect on 19th January 2024 which is 12 months after notice of the direction was published.

It is recommended that Mayor and Cabinet:

- Considers the responses to the consultation set out in Section 5.
- Authorise the Director of Law and Corporate Governance to confirm the non-immediate Article 4 Direction, which removes permitted development rights from C3 Dwelling Houses to C4 Houses in Multiple Occupation (HMO) for the remainder of the borough.
- Authorise the Director of Planning to carry out the statutory notification of the decision to confirm the Article 4 direction
- Note the legal and financial implications set out in Section 6 and 7.

## Timeline of engagement and decision-making

17 December 2018	Housing Select Committee expressed strong support for a Small HMO Article 4 Direction for Lewisham's southern wards of Bellingham, Downham, Whitefoot and Grove Park.
16 January 2019	Making of a non-immediate Small HMO Article 4 Direction for Lewisham's southern wards of Bellingham, Downham, Whitfoot and Grove Park (previous ward boundaries) was presented to and approved by Mayor and Cabinet, with such direction to come into force 12 months after notice of the direction is published.
18 September 2019	Following consultation, Mayor and Cabinet approved the confirmation of a non-immediate Small HMO Article 4 Direction for Lewisham's southern wards of Bellingham Downham, Whitefoot and Grove Park, with such direction to come into force on 7 March 2020.
21 October 2021	The MP for Lewisham East hosted a public meeting to discuss the impact of HMOs in Catford South ward; around 150 residents attended. The panel consisted of the Director for Housing, the Director for Planning, the Licensing and Enforcement Manger and the Cabinet Member for Housing and Planning.
6 June 2022	Housing Select Committee noted that the committee receives further information, at a date to be agreed, on the extent of 'exempt accommodation' in the borough.
6 July 2022	Making of a non-immediate Small HMO Article 4 Direction for the remainder of the borough approved by Mayor and Cabinet.
30 September to 5 December 2022	Representation period for initial Article 4 Direction. This was determined to be of no effect after a technical error was identified in the making of the Article 4.
11 <sup>th</sup> January 2023	Article 4 direction remade
18 <sup>th</sup> January to 1 <sup>st</sup> March 2023	Representation period for remade Article 4 Direction.

## 1. Summary

1.1. At its meeting of 6 July 2022, Mayor and Cabinet agreed the following recommendations to:

- Note the contents of the 2022 HMO Review and Evidence Paper.
- Approve the making of a non-immediate Article 4 Direction for the remainder of the borough to withdraw permitted development rights for the change of use from

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- Dwellinghouse (Use Class C3) to Small HMO (Use Class C4).
  - Authorise officers to carry out a consultation in accordance with Section 5 of the M&C report.
  - Note the financial and legal implications of making the Article 4 Direction set out in the M&C report.
- 1.2. The procedure for making the Article 4 Direction is set out in the Mayor & Cabinet report of 6<sup>th</sup> July 2022. Statutory consultation has occurred and the Council is required to consider any representations received prior to making a decision on whether to confirm the Article 4 Direction
  - 1.3. The recommendation was based on the 2022 HMO review which found a high and increasing demand for HMOs in Lewisham that has led to a significant increase in HMOs, with over concentrations likely to be occurring within most wards and that the evidence suggests a link between HMOs and anti-social behaviour, including rubbish and fly-tipping, worsening the street quality.
  - 1.4. Based on the strength of this data within the 2022 Review concludes that there was robust evidence to justify an Article 4 Direction for the remainder of the borough to better manage the impact of small HMOs and appropriately manage the supply of family housing (3 or more bedrooms).
  - 1.5. Following the recommendations authorised by Mayor and Cabinet on the 6 July 2022 the council carried out a representation period from 30<sup>th</sup> September to the 5<sup>th</sup> December 2022 on the Article 4 Direction
  - 1.6. The Council received 58 representations in total:
    - 5 written representations; and
    - 53 representations through Citizen Space
  - 1.7. 81% of respondents (47 in total) who made a representation felt positively regarding the Article 4 Direction within this representation period.
  - 1.8. At the beginning of the representation period, a version of the Article 4 Direction for adoption is published, which is a formal legal document. Having notified the Secretary of State of the Article 4 Direction and the start of the representation period it was brought to the attention of officers by the Department of Levelling Up, Communities and Housing (DLUCH) that the signed version of the Article 4 Direction published was not dated. This was an omission. The legislation requires that a valid direction must be dated.
  - 1.9. In order to rectify this the council remade the Article 4 Direction and recommenced consultation.
  - 1.10. This representation period was carried out in accordance with the requirements of the General Permitted Development Order 2015 (GPDO) and ran from 18<sup>th</sup> January to 1<sup>st</sup> March 2023.
  - 1.11. The Council received 31 representations in total through the Citizen Space consultation portal.
  - 1.12. 84% of respondents (26 in total) who made a representation felt positively regarding the Article 4 Direction within this representation period.

## 2. Recommendations

- 2.1. It is recommended that Mayor and Cabinet:
  - Note the responses to the consultation set out in Section 5.
  - Authorise the Director of Law and Corporate Governance to confirm the non-

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immediate Article 4 Direction, which removes permitted development rights from C3 Dwelling Houses to C4 Houses in Multiple Occupation (HMO) for the remainder of the borough.

- Authorise the Director of Planning to carry out the statutory notification of the decision to confirm the Article 4 direction
- Note the legal and financial implications set out in Section 7 and 8.

### 3. Policy Context

#### Article 4 Directions

##### National Planning Policy Framework (NPPF)

3.1. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF advises that Article 4 Directions should be applied in a measured and targeted way.

3.2. Paragraph 53 of the 2018 NPPF states:

*The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area.*

3.3. In July 2021, the Government revised the NPPF to make it more difficult for Councils to enact Article 4 Directions by adding that they should apply to the smallest geographical area possible. Paragraph 53 of the current 2021 NPPF states:

*the use of Article 4 directions to remove national permitted development rights should be... limited to situations where this is necessary to protect local amenity or the well-being of the area [and]...be based on robust evidence, and apply to the smallest geographical area possible*

##### Planning Practice Guidance (PPG)

3.4. The government's online planning practice guidance (PPG entitled "When is permission required?") gives further detail on the use of Article 4 Directions.

3.5. An Article 4 Direction can be used to remove specific permitted development rights in all or parts of the local authority's area. It does not restrict development altogether but instead ensures that development requires planning permission. A planning application for the proposal would need to be submitted that would then be determined in accordance with the development plan unless material considerations indicate otherwise.

3.6. An Article 4 Direction cannot be used to restrict changes between uses in the same use class of the Use Classes Order. (PPG paragraph 030 revised 2020).

3.7. The PPG states that an Article 4 Direction to remove national permitted development rights should be limited to situations where it is necessary to protect the local amenity or the well-being of an area. It also states that in deciding whether an Article 4 Direction would be appropriate, local planning authorities should identify clearly the potential harm that the Direction is intended to address. Where the withdrawal of permitted development rights relates to a wide area (e.g. covering a large proportion of or the entire area of a local planning authority), the PPG states particularly strong justification is needed (PPG paragraph 038 revised 2021).

3.8. A non-immediate Article 4 Direction can come into force at least 28 days but no longer than two years after the first date for making representations to the direction. In this case a 12 month period after notice of the direction is published has been given before the Direction comes into force. A non-immediate Article 4 Direction is made with a

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longer period before it comes into effect to prevent compensation claims against the Council.

- 3.9. At this stage the Council considers any representations received after a period of at least 28 days from publication/service of the Notice and decides whether to confirm the Direction. Once a Direction has been confirmed, the council must give notice of the confirmation in the same way as it gave notice of the initial direction and must specify the date that the direction comes into force. A copy of the direction as confirmed must also be sent to the Secretary of State.

#### ***Lewisham's Housing Strategy (2020-2026)***

- 3.10. The proposed Article 4 Direction will play a role in the implementation of Lewisham's Housing Strategy (2020-2026) vision, strategic direction and a number of the five key priorities, which are:

- *delivering the homes that Lewisham needs*
- *preventing homelessness and meeting housing need*
- *improving the quality, standard and safety of housing*
- *supporting our residents to live safe, independent and active lives*
- *strengthening communities and embracing diversity*

#### ***Corporate Strategy (2022-2026)***

- 3.11. The proposed Article 4 Direction will help the Council to better manage the impact of small HMOs within the borough and balance their demand with the need for family housing. This, in turn, will help to deliver on the following corporate priorities:

- **Quality Housing** – *To provide as many people as possible with safe, comfortable accommodation that they can be proud of and happy living in.*
- **Safer communities** – *To ensure every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.*

## **4. Background**

### ***Evidence Base***

- 4.1. In establishing an evidence base for the 2016, 2018 and 2022 HMO Review, the accurate identification of the quantity and spatial distribution of HMOs in the borough is problematic due to several factors. These include:

- *The expansion of permitted development rights to allow conversion of a C3 dwelling house to Class C4*
- *Unauthorised development*
- *Underreporting of conversion*
- *The different definitions of HMOs used by different Council/government departments*

### **2018 HMO Review and Evidence Paper**

- 4.2. However, for the 2018 Review an indicative picture of the range of HMOs was built up by assessing data from the following sources:

- *Planning Records*
- *Planning Enforcement Records*
- *2001 and 2011 census (Office for National Statistics)*
- *Council Tax records*
- *Benefits Data (Shared Accommodation Rate Claims)*

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- *Street Surveys for Bellingham Downham and Whitefoot wards once the initial assessment had been undertaken. This was carried out to strengthen the evidence, as whilst the initial assessment demonstrated a change in HMOs' location, it did not clearly indicate a significant rise.*
- 4.3. The review found that whilst the data available did not suggest a significant increase of HMOs within the borough, it did demonstrate a change in their spatial distribution with a significant increase and clustering within the borough's southern wards. It was deemed that these wards, which traditionally had the lowest proportion of HMOs in the borough, are unsuitable locations for high HMO concentrations due to their:
- *high levels of deprivation;*
  - *poor public transport accessibility; and*
  - *suburban character with a high concentration of family homes.*

#### 2022 HMO Review and Evidence Paper

- 4.4. For 2022 Review, the same data sources were reviewed again apart from Census Data, Benefits Data and Street Surveys due to their unavailability. However, additional data sets were also reviewed. This includes predictive modelling undertaken by the Council's Housing data scientist, which uses a range of indicators to estimate the borough's total number of HMOs. And research previously undertaken by the Council into the private rental sector and HMOs to inform the Council's additional licensing scheme and the application for selective licensing.
- 4.5. The evidence has demonstrated a high and increasing demand for HMOs in the borough due to several factors, including:
- *a large and growing private rented sector;*
  - *the housing affordability challenge across London and within Lewisham;*
  - *a large and growing student population;*
  - *welfare reforms adding to the proportion of residents who can only afford a room in a shared house;*
  - *borough-wide Article 4 Directions in neighbouring local authorities; and*
  - *higher rental yields for HMOs than that of a single family dwelling.*
- 4.6. The data sets - council tax records and licensing records - show this has resulted in a significant increase of HMOs since 2018 in many wards with either a low, medium or high presence of HMOs traditionally. As a result, the spatial distribution of HMOs between wards has changed significantly in that there are now more wards with a high presence of HMOs compared to historically. The spatial distribution of HMOs has also changed at a street level with a greater degree of clustering. These changes have been corroborated by predictive modelling, which estimates there are currently 7,100 HMOs in the borough, representing a 274% increase since the 2017/18 estimate.
- 4.7. The evidence has shown that harm is arising from increased concentrations of HMOs:
- Predictive modelling indicates that over concentrations of HMOs (where at least 10% of properties in a neighbourhood are an HMO) are likely to exist throughout the borough, which is harmful in itself by creating unbalanced communities and reducing the supply of housing available for families.
  - Extensive research which supported the Council's new additional licencing scheme found that the proportion of anti-social behaviour incidents recorded close by to an HMO is higher than the private rented sector overall.
  - Concerns of the community through the submission of petitions and complaints to the Council's HMO inbox provided evidence that poorly managed and increased concentrations of HMOs can cause issues in terms of street quality, waste and management problems.

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- 4.8. However, it is important to emphasize that anti-social behaviour should not be attributed to all HMOs; many occupants of HMOs form part of and make a valuable contribution to the communities of Lewisham. Nonetheless, this does not take away from the need to better manage the cumulative impact of an increasing number of HMOs.
- 4.9. Based on the evidence, it is considered that an Article 4 Direction covering the remainder of the borough is the smallest geographical area possible to help ensure that the local amenity and well-being of areas are protected and the supply of family housing is appropriately managed.
- 4.10. A research briefing to the House of Commons in 2022 titled ‘Supported exempt accommodation (England)’ highlighted a rise in recent years nationally in non-commissioned providers utilising the exempt provisions of housing benefits to provide accommodation for vulnerable groups within HMOs. This also creates increased demand for HMOs within the borough, with local communities highlighting that HMO developers are targeting exempt accommodation in Catford, Lewisham and their surrounding areas. Research by Crisis explains that several factors have driven growth in poor quality non-commissioned exempt accommodation nationally, including:
- *reductions in spending on housing-related support;*
  - *reduced availability of social and private rented housing for single homeless adults; and*
  - *weak sector regulation and oversight.*
- 4.11. However, it is important to acknowledge the planning system has limited tools to ensure HMO exempt accommodation occupied by less than seven people is of high quality and not over-concentrated in an area, which is recognised nationally as an issue with legislation. This is because these types of HMOs are unaffected by Article 4 Directions as they would fall under use class C3(b) - not more than six residents living together as a single household where care is provided for residents - and single households are not defined in legislation for C3(b). Article 4 Direction cannot be used to restrict changes between uses in the same use class.
- 4.12. Exempt accommodation is also exempt from HMO licensing schemes as buildings controlled and managed by non-profit registered providers of social housing are not legally defined as HMOs in Schedule 14 of the Housing Act 2004. This is also recognised nationally as an issue with legislation.

## Planning Applications

- 4.13. The effect of the withdrawal of permitted development rights is that planning permission will be required, the council would be obliged to determine any proposal in accordance with the development plan unless material considerations indicate otherwise. In Lewisham’s case, the development plan includes the London Plan, the Core Strategy, the Development Management Plan, the Site Allocations Plan and the Lewisham town centre Local Plan.
- 4.14. The relevant policy relating to Homes in Multiple Occupation (HMOs) in the Lewisham Development Management Plan is **DM Policy 6 Houses in multiple occupation (HMO)**:
1. *The Council will only consider the provision of new Houses in Multiple Occupation where they:*
    - a. *are located in an area with a public transport accessibility level (PTAL) of 3 or higher*
    - b. *do not give rise to any significant amenity impact(s) on the surrounding neighbourhood*

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c. do not result in the loss of existing larger housing suitable for family occupation, and

d. satisfy the housing space standards outlined in DM Policy 32.

2. The Council will resist the loss of good quality Houses in Multiple Occupation.

3. The self containment of Houses in Multiple Occupation, considered to provide a satisfactory standard of accommodation for those who need shorter term relatively low cost accommodation will not be permitted, unless the existing floorspace is satisfactorily re-provided to an equivalent or better standard.

- 4.15. The draft new Lewisham Local Plan (Regulation 18 stage “main issues and preferred approaches” document) proposes a more thorough and stringent policy in regard to HMOs, which factors in their overconcentration. This is set out in policy **HO 9 Housing with shared facilities (Houses in Multiple Occupation)**, which will take effect once the new Local Plan is adopted. The draft policy may be subject to revisions following consultation feedback, and that any amendments would be set out in the Regulation 19 Lewisham Local Plan: Proposed Submission Version.

## 5. Representation Period

- 5.1. The representation period on the making the Article 4 Direction complied with the provisions set out in the General Permitted Development Order. Notice of the Direction was made by:
- Local advertisement in the press.
  - Site notices placed in visible locations for a period of at least 6 weeks.
  - The document will be made available on the Council’s website as well as in a number of convenient locations including Planning reception and local libraries
- 5.2. The requirement for written notification of individual owners and occupiers was not carried out ( as permitted under the GPDO) as the number of owners and occupiers within the are affected by the Article 4 direction would make service of notice of it impracticable
- 5.3. Key organisations such as the Metropolitan Police, London Fire Brigade, South Lewisham Group Practice, Historic England, Environment Agency, Hexagon Housing, London and Quadrant, South Lewisham Group Practice, Phoenix Community Housing, Hexagon Housing Association, London and Quadrant, Age UK, Greater London Authority and neighbouring Councils.

### Responses to representation period 18<sup>th</sup> January to 1<sup>st</sup> March 2023.

- 5.4. The Council received 31 representations in total through Citizen Space.
- 5.5. 84% of respondents (26 in total) who made a representation felt positively regarding the Article 4 Direction. Their reasons for support can be summarised as:
- Currently too many HMOs throughout the Borough
  - HMOs lead to an increase of anti-social behaviour
  - Too many HMOs are of poor quality and poorly managed
  - Loss of family housing
- 5.6. 16% of respondents (5 in total) who made a representation felt negatively regarding the Article 4 Direction. These can be summarised as:
- The Article 4 Direction could negatively impact the number of affordable rental properties in the Borough for single and young people or families on low incomes;

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5.7. Appendix 4 details a full schedule of representations made and responses.

## **6. Financial implications**

6.1. The cost of making the Article 4 Direction did not exceed the £1,000 allocated within the existing budget.

6.2. There may be financial implications arising from the need to deal with future planning applications for change of use from C3-C4 which would have otherwise be allowed as permitted development. This will be managed within the existing planning budget. As of 17th January 2018 Lewisham now charges fees for applications covered by Article 4 Directions

6.3. An immediate article 4 was considered and discounted due to the financial risk attached to it, and that this approach was endorsed by scrutiny.

## **7. Legal implications**

7.1. Article 4 Directions are made under the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GDPO”) and have the effect of removing the right to carry out the specified development without the need for planning permission. In this case the direction will remove permitted development rights for the change of use from dwelling houses (class C3) to small houses in multiple occupation (class C4) (HMOs), in the further areas covered by the order.

7.2. Section 107 as applied by Section 108 of the Town and Country Planning Act 1990 provides for property owners to claim compensation where permitted development rights have been withdrawn and planning permission for the development formerly permitted by those rights is refused or is granted subject to conditions other than those that would have applied to that PD right. The compensation payable comes within two heads, abortive expenditure and any other loss or damage directly attributable to the loss of PD rights, which can include any depreciation in the value of the land.

7.3. A person who makes a planning application for a development which would have been permitted development in the absence of the Article 4 direction has a right to claim compensation if that planning permission is refused. However, compensation can only be claimed if the planning application is made within a period of 12 months following the initial notification of an intention to adopt an Article 4 direction.

7.4. Therefore – as the local planning authority has given 12 months’ notice before the Article 4 Direction comes into force, no compensation is payable.

7.5. Pursuant to section 9D of the Local Government Act 2000 all functions of an authority are executive functions unless they are specified as not in either the 2000 Act or the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). Whilst some planning functions cannot be the responsibility of the Executive, the making of an Article 4 direction is not a specified function and it is therefore an Executive decision.

7.6. If an Article 4 direction is confirmed notification of this is required under Schedule 3 of the Town & Country (General Permitted Development) (England) Order 2015. The notice must include the description of the development and area affected, a statement of the effect of the direction, the date it will come into force and give details where the direction and map can be viewed. Notice is given by local advertisement, by site notice and if practicable by service on individual owners and occupiers of the properties subject to the Article 4 direction. The Secretary of State is also required to be notified of confirmation of the direction.

7.7. When considering the recommendations in this report, regard must be given to the public sector equalities duty to eliminate unlawful conduct under the Equality Act 2010.

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The duty is set out at Section 149 of the 2010 Act. It requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination (both direct and indirect discrimination), harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.

- 7.8. Implications in relation to the Human Rights Act 1998 Schedule 1, Part I – The Convention have been identified .If the Direction is confirmed this will affect the owners and occupiers' Article 1 property rights and their Article 8 rights to respect for Private & Family and Home rights
- 7.9. Under Article 1 Protection of Property every natural or legal person is entitled to the peaceful enjoyment of his possessions Under Article 8 Right to Respect for Private and Family Life Everyone has the right to respect for his private and family life, his home and his correspondence.. Interference in these rights by a public authority is only justified if it is in the public interest and subject to the conditions provided for by law.
- 7.10. The Council cannot act in a way which is incompatible with these rights. However these are qualified rights and therefore can be interfered with if it is in the public interest and proportionate to do so.

## 8. Equalities implications

- 8.1. The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a public sector equality duty which covers the following nine protected characteristics: age; disability; gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.2. The Council must in the exercise of its functions, ***have regard to*** the need to:
  - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
- 8.3. The Council's Single Equality Framework 2020-2024 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.
- 8.4. HMOs are frequently occupied by low income, vulnerable, transient people. A refusal for a change of use from a dwelling house (Use Class C3) to a small HMO (Use Class C4) would not necessarily have a negative effect on these groups. Rather the Article 4 Direction would mean that the quality and location of HMOs could be managed through the planning system. If confirmed, it will assist in delivering better quality housing and regulate their concentration, improving the living conditions for occupants and those nearby.
- 8.5. The Public Sector Equality Duty is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors. The council also took into account other relevant factors in respect of the decision, including financial resources and policy considerations. In appropriate cases, such countervailing factors may justify decisions which have an adverse impact on protected groups.

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## 9. Climate change and environmental implications

- 9.1. A Strategic Environmental Assessment (SEA) Screening Assessment was carried out and concluded that the use of the Article 4 Direction is unlikely to have any significant effects. This assessment formed part of the representation period and statutory consultees were given the opportunity to comment. No statutory consultee disagreed with the Screening Assessment. (see Appendix 3)

## 10. Crime and disorder implications

- 10.1. There are no direct implications relating to crime and disorder issues.
- 10.2. Although it is worth noting that the then Department for Communities and Local Government (DCLG), previous street surveys carried out by the Council and responses to the previous consultation on the small HMO Article 4 Direction for Lewisham's southern wards have all highlighted areas which have experienced an increased clustering of HMOs have also experienced a rise in anti-social behaviour.

## 11. Health and wellbeing implications

- 11.1. Housing has a huge influence on our mental health and wellbeing; poor housing conditions can have a long-term impact on health. The evidence suggests that the PRS, of which HMOs make a significant proportion, often provide a poor standard of living accommodations.
- 11.2. Combined with the new additional licensing scheme covering most HMOs, the confirmation of the Article 4 Direction would allow the Council to ensure that HMOs are of high quality and safe, providing appropriate internal and external spaces.

## 12. Background papers

- 12.1. Lewisham HMO Review and Evidence Paper Update November 2018.  
<https://lewisham.gov.uk/myserVICES/planning/policy/adopted-local-plan/evidence-base/ldf-evidence-base--housing>
- 12.2. Report to Housing Select Committee 18 December 2018.  
[https://councilmeetings.lewisham.gov.uk/documents/s61360/04%20HMO\\_HousingComReport%20-%20171218.pdf](https://councilmeetings.lewisham.gov.uk/documents/s61360/04%20HMO_HousingComReport%20-%20171218.pdf)
- 12.3. Report to Mayor and Cabinet 16 January 2019.  
<https://councilmeetings.lewisham.gov.uk/documents/s61884/Article%204%20Direction%20to%20withdraw%20permitted%20development%20rights%20for%20the%20change%20of%20use%20from%20dwelling%20hou.pdf>
- 12.4. Report to Mayor and Cabinet 16 January 2019.  
<https://councilmeetings.lewisham.gov.uk/documents/s67509/Article%204%20Direction%20for%20Lewishams%20southern%20wards%20of%20Bellingham%20Downham%20Whitefoot%20and%20Grove%20Park%20t.pdf>
- 12.5. Lewisham's existing adopted Local Development Framework.  
<https://lewisham.gov.uk/myserVICES/planning/policy/adopted-local-plan> Which includes:
- Core Strategy 2011
  - Development Management Local Plan 2014
  - Site Allocations Local Plan 2013
  - Lewisham Town Centre Local Plan 2014
- 12.6. National Planning Policy Framework (NPPF) 2021.  
<https://www.gov.uk/government/publications/national-planning-policy-framework—2>

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- 12.7. National Planning Policy Framework (NPPF) 2018  
<https://webarchive.nationalarchives.gov.uk/ukgwa/20210708211349/https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- 12.8. Lewisham Local Plan Regulation 18 Stage “main issues and preferred approaches” document.  
<https://lewisham.gov.uk/myservices/planning/policy/planning/about-the-lewisham-local-plan>
- 12.9. Department for Communities and Local Government, Evidence Gathering – Housing in Multiple Occupation and possible planning responses 2008.  
<https://planningjungle.com/wp-content/uploads/Evidence-Gathering-Housing-in-Multiple-Occupation-and-possible-planning-responses-Final-Report-September-2008.pdf>
- 12.10. Article outlining research by Octane Capital, May 2022  
<https://www.landlordzone.co.uk/news/shock-drop-in-number-of-hmos-blamed-on-growth-of-council-licensing-schemes/>
- 12.11. Research Briefing, Supported exempt accommodation (England) 2022, Houses of Commons Library.  
<https://commonslibrary.parliament.uk/research-briefings/cbp-9362/>
- 12.12. Crisis Policy Briefing Supported exempt accommodation 2021  
<https://www.crisis.org.uk/ending-homelessness/latest-briefings-and-responses/crisis-policy-briefing-exempt-accommodation/>
- 12.13. Report to Mayor and Cabinet 6 July 2022.  
<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=7728>

### 13. Glossary

Term	Definition
Article 4 Direction	Article 4 direction is a direction under article 4 of the General Permitted Development Order which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area.
Development plan	The London Plan, Local Plans, other Development Plan Documents and Neighbourhood Plans.
Family housing	A residential unit with three or more bedrooms.
Exempt accommodation	Exempt accommodation is supported housing which is exempt from Housing Benefit regulations that limit rents to defined local levels. Exempt accommodation is defined as a resettlement place or accommodation provided by a county council, housing association, registered charity or voluntary organisation where that body or person acting on their behalf provides the claimant with care, support or supervision.
Large HMO	In planning terms it is property occupied by more than 6 unrelated individuals that share basic amenities such as a kitchen or bathroom.

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<b>Term</b>	<b>Definition</b>
National Planning Policy Framework	National Planning Policy Framework - Prepared by the Government to explain statutory provisions and provide guidance to local authorities and others on planning policy and the operation of the planning system.
Permitted development rights	Permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application
Regulation 18	Local Plans must be prepared in stages set out in law. Regulation 18 is a public consultation at an early stage in preparing the Plan. The Regulation 18 consultation document and the responses received will help us to prepare a final draft of Lewisham's new local plan.
Regulation 19	Local Plans must be prepared in stages set out in law. Regulation 19 the second stage of the consultation process providing local communities, businesses and other interested stakeholders with the opportunity to comment on the policy content of a draft Local Plan, within a specific remit. The remit for public consultation relates to the 'Tests of Soundness' and includes legal compliance, as set out in National Planning Policy Framework.
Small HMO	In planning terms it is where dwelling that is occupied by between 3 and 6 unrelated individuals who share basic amenities such as a kitchen or bathroom.

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## 15. Appendices

- Appendix 1: HMO Review and Evidence Paper May 2022
- Appendix 2: Plan indicating extent of Article 4 Direction
- Appendix 3: Strategic Environmental Assessment (SEA) Scoping Assessment
- Appendix 4: Schedule of representations and responses
- Appendix 5: Article 4 Direction

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