



Consultation Report:

Article 4 Direction for the removal of permitted development rights for the change of use from Use Class C3 (dwellinghouses) to C4 Houses in Multiple Occupation (HMOs)

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Contact:

Policy & Environment
Development and Growth
Town Hall
Burnley
BB11 9SA

E-mail: localplan@burnley.go.uk

1 Consultation and Publicity

1.1 The Council are proposing to introduce a new non-immediate Article 4 Direction to remove permitted development rights relating to the change of use from a dwellinghouse (Use Class C3) to a House of Multiple Occupation (HMO) (Use Class C4).

1.2 Introducing a non-immediate Article 4 Direction is a two-stage process, first to 'make' and then 'confirm' the direction. The first stage of 'making' the Direction involves the Council carrying out local consultation within the areas where the proposed Direction will take effect. This provides the opportunity for stakeholder groups, local residents, property owners and property agents to make comments on the proposed Direction. In addition to this local consultation the Council is also required to notify the Secretary of State of the proposal.

1.3 The Council's Executive confirmed their approval for the 'making' of the Direction, and the subsequent consultation period, at its meeting on 20 September 2023.

1.4 The Article 4 Direction was 'made' on the 13 October 2023. In accordance with legislative requirements, the Secretary of State was notified of the Direction on the same day (via email notification). The following publicity and consultation then followed:

- Press notice – published in the 'Burnley Express' on 13 October 2023;
- Site notices – over 20 site notices were displayed across the Borough (typically 2-3 notices in each ward within the Article 4 Boundary). They were posted 13-16 October 2023, and then, in accordance with requirements, re-checked during the consultation period to ensure the notices had not been taken down or de-faced. Details of the Site Notice locations is included in Appendix A;
- On deposit – All materials, including the Direction and accompanying maps of the proposed Direction area, the Notice of Direction and the Background Report were placed 'on-deposit' at the Council's Contact Burnley Offices and Burnley and Padiham Libraries;
- Council Website – All materials, including the Direction and accompanying maps of the proposed Direction area, the Notice of Direction and the Background Report were available on the Council website at: <https://burnley.gov.uk/planning/planning-permission/do-i-need-planning-permission/article4/article-4-direction-houses-in-multiple-occupation/>;
- Email and Letter Notifications - were sent to: the Crown and Statutory Undertakers, statutory consultees, general and public consultees (selected from the Local Plan database); and
- Press release – released to local media. Included by the Burnley Express on 13 October 2023 (<https://www.burnleyexpress.net/news/people/consultation-on-proposals-to-tighten-hmo-rules-gets-underway-in-burnley-4370945>).

1.5 Consultation was open for a 6-week period from Friday 13 October 2022 to Friday 24 November 2023. Views were invited by post or email.

2 Consideration of all comments received through the consultation

2.1 The Council must consider all comments received during the consultation. A total of 21 comments were received through the consultation – 18 either raised no comment or gave support for the introduction of the direction, 1 supported the direction and considered that the area covered by the direction should be enlarged and 2 comments objected to the introduction of the direction.

2.2 To demonstrate how the Council has considered each representation, this section details a summary of each of the comments received during the consultation period, and then provides the recommendations in response.

2.3 There were no comments received that would require a material change to the proposed Direction. Therefore, there is no reason why the Council cannot proceed to confirm the Direction and the date on which it will become effective.

Table 1: Consideration of Comments Received

Organisation or Consultee	Comment	Recommended Response
2Let Burnley	Agree to stop future developments as it can lead to anti social behaviour along with parking issues in built up areas.	<p>Comment and support noted.</p> <p>It is important to note however, that the Article 4 Direction is not intended to prevent all future small HMOs, but rather, by requiring a planning application, it will allow the Council to consider whether the specific proposal is acceptable or not.</p>
Resident AG	<p>I am a resident in Gannow area, on my street alone there are at least 4 current HMO's. Not all full, thankfully, if they were and you expect each resident to have a vehicle, the amount of traffic and need for parking is beyond the capacity of the street or those nearby. Then we have to consider the noise pollution, the current HMO's often have parties, going into the early nights. Every time another house becomes empty or goes up for sale the residents in the houses that use them as houses dread the thought of yet another HMO. On the nearby streets, including Woodbine Road, Windsor St, Oak St, ivory Street and Lionel Street all have at least 3 HMO's on those streets, this is over crowding. I support the ruling of HMO's to seek permission to have rooms of 3 or more, as the current model is based on residential homes in London, it is not fit for purpose in towns like Burnley</p>	<p>Comment and support noted</p>
Resident AM	<p>I would like to vote in agreement of the removal of the "permitted development rights". Far too many houses are being used for HMO purposes! I rent my property and I recently had to move, trying to find a property to rent that was still used as an original single dwelling was a very frustrating time. Also the rent that is being asked by landlords</p>	<p>Comment and support noted</p>

	for the properties that have been left as non HMO, have massively increased due to supply and demand.	
Individual AW	No to HMO's	<p>Comment and support noted .</p> <p>It is important to note however, that the Article 4 Direction is not intended to prevent all future small HMOs, but rather, by requiring a planning application, it will allow the Council to consider whether the specific proposal is acceptable or not.</p>
Resident CR	I've just been reading your proposals in the Burnley Express regarding new planning permission on HMO's. Does this include Coal Clough with Deerplay Ward as this ward is not mentioned. If it doesn't that is ridiculous as plenty are being created on Coal Clough Lane itself. It's bringing house prices down and scaring families from moving into the area.	<p>Coal Clough with Deerplay Ward is not included. The Council is content that the boundary chosen for the article 4 is the most appropriate based on the evidence collated and the fact that the National Planning Policy Framework (NPPF) states that, in all cases, Article 4 Directions must “be based on robust evidence and apply to the smallest geographical area possible”. If confirmed, and when the article 4 is in force, the Council is committed to monitoring the effectiveness of the article 4 particularly with regard to the displacement of HMOs to other parts of the Borough.</p> <p>No change proposed.</p>
Fr. Frost St Matthews Church	In response to your review of HMO I would like to stop them being implemented in our town and particularly in my Parish. This area is surrounded by complex issues and the HMO's can open place vulnerable people and families in even worse situations. You will know our parish is blighted with issues such as child poverty, crime, domestic violence	<p>Comment and support noted.</p> <p>It is important to note however, that the Article 4 Direction is not intended to prevent all future small HMOs, but rather, by requiring a planning</p>

	<p>and addiction and I am clear in my mind the removal of all HMO's would only be a positive move to ease some of these issues.</p>	<p>application, it will allow the Council to consider whether the specific proposal is acceptable or not.</p>
<p>Resident HC</p>	<p>The house next door to me has just been turned into an H.M.O, supposedly for 4 people. This was done with no consultation to the residents surrounding the house at all. How the destruction of a much-needed family home has been allowed is beyond comprehension.</p> <p>The surrounding houses and flats contain many elderly, ill, vulnerable, and special needs residents. Both the Borough Council and Calico Know this.</p> <p>The terrible weeks/months of the conversion have been indescribable, the noise is sometimes 100 Decibels inside my house. [Personal and family health issues described] I had to constantly go round there to complain as these houses are prefabs and can hear any undue noise, so it's been horrific. The owner has not installed sound proofing between that house and mine.</p> <p>I've researched the effects of these H.M.Os in other towns i.e.,</p> <ol style="list-style-type: none"> 1. Sharp rise in crime/ robberies/ violence 2. Filth and rubbish all over. 3. Alarming aggression. 4. Filthy language 5. Drug use. 6. Drug dealing including targeting vulnerable people. 7. Human excrement in yards and gardens. 8. Inappropriate approaching of schoolgirls. 9. Sharp rise in noise and disturbing the peace. <p>The people who live around here, live in peace and quiet as they're entitled to. There are no police on the estate in the night or day to keep us safe. People are very frightened in the bungalows for the elderly/ sick/ vulnerable. [Family health issues mentioned]. I'm also very frightened.</p>	<p>Comments and support noted.</p> <p>It is important to note however, that the Article 4 Direction is not intended to prevent all future small HMOs, but rather, by requiring a planning application, it will allow the Council to consider whether the specific proposal is acceptable or not. The lack of consultation referred to was due to the national permitted development right rather than the "Council's rules". Removal of the PD right will allow the Council to consult neighbours when a small HMO is proposed.</p>

	<p>We have a quiet relatively safe area here at [redacted]. We are totally defenceless against the trouble to come.</p> <p>Burnley already has enormous social problems. The Councils' rules ensured none of us were consulted and seems the council don't even care. Would you like your area to be turned into a dangerous slum. Or perhaps your elderly parents' areas? Some resident didn't even know what was happening.</p> <p>The rules need to be changed very quickly, not in a years' time. I also wish to know how you will be policing this area as well as the so called Police force.</p>	
Historic England	Thank you for consulting Historic England on the above article 4. At this stage we have no comments to make.	Noted
Resident JB	I am writing to SUPPORT the removal of permitted development rights for change of use C3 Dwellinghouses to C4 HMO. I don't believe in taking family homes and returning them to a Victorian era of living standards. These HMO developments cause nothing but trouble for local residents.	<p>Comment and support noted.</p> <p>It is important to note however, that the Article 4 Direction is not intended to prevent all future small HMOs, but rather, by requiring a planning application, it will allow the Council to consider whether the specific proposal is acceptable or not.</p>
Individual JH	There's too many houses turning into HMOs. People can't buy or rent house's in their area, as soon as a house's come up for sale its snapped up by developer's. They're not interested in the community, just making four or five times the money if the rented them to families! They'll be bring the area down like they did when they just started renting out to anyone and spoiling the areas.	Comment and support noted
Individual JW	I wish to support councillor John Harbour in proposals to limit multiple occupants in one residence. I feel that the requirement for planning will allow the council to monitor number and ensure the town doesn't become a bedsit town. This issue could lead to wider issues re management of housing, maintenance and general development. The	<p>Comment and support noted.</p> <p>It is important to note however, that the Article 4 Direction is not intended to prevent all future small HMOs, but rather, by requiring a planning</p>

	council could be then vigilant to poor landlords etc. Please don't allow freedom in this area or the town could decline and the level of anti social behaviour could escalate.	application, it will allow the Council to consider whether the specific proposal is acceptable or not.
Lancashire County Council (Highways)	The Local Highway Authority have no objection and welcome the opportunity to comment on these types of applications.	Noted
Lancashire County Council (LLFA)	Thank you for consulting the Lead Local Flood Authority on the above consultation. Please accept this email as confirmation that we have no comments to make regarding the article 4 direction	Noted
Lancashire County Council (School Planning)	<p>LCC's School Provision and Sufficiency Team welcomes the above which would enable better management of the educational impact on Burnley Borough Council's future planning applications. From the Article 4 Consultation document we note:</p> <p>"A1.20 To be an HMO the accommodation has to be used by persons as their only or main residence. It is usually apparent if this is the case, but secondary legislation specifies certain situations where the nature of occupation is less clear cut. These include:</p> <ul style="list-style-type: none"> • a refuge, that is a building or part of a building used by a voluntary organisation for temporary accommodation for people who have left their home as the result of domestic violence • occupation by asylum seekers and their dependents, where the accommodation has been provided under section 95 of the Immigration and Asylum Act 1999 and the accommodation is provided by a private landlord under contract to or on behalf of UKVI <p>A1.21 A hostel or night shelter providing accommodation to homeless people may be an HMO because, even if the accommodation is overnight, it is the occupants' only residence. Rent (or consideration) must be paid for the HMO definition to apply."</p>	Comment and support noted.

	In order for LCC and The School Provision & Sufficiency Team to mitigate its statutory obligation to ensure that every child living in Lancashire is able to access a mainstream school place in Lancashire if they want one as stipulated in Section 14 of the Education Act 1996, we would request that Burnley Borough Council acknowledge that school aged children may be included in the above criteria. Although contributions are not sought in respect of planning applications for Student accommodation, contributions are sought in respect of affordable housing and 1 bedroom accommodation.	
Network Rail	Network Rail has no comments.	Noted
Resident PB	<p>With regards to Trinity ward. There are daily issues with ASB and minor crime committed by younger persons and public order by adults. This can often be heard constantly for 1 to 3 hours at a time. More so during dry weather. Most neighbours do not report these matters as they believe little or nothing can or will be done which does not make it worth the risk of repercussions</p> <p>A few properties with a large number of occupants attract large numbers of visitors who stand in the street getting intoxicated on drugs or alcohol becoming increasingly disorderly especially during good weather. This appears to be due to the large number of low value rental properties in the vicinity. Which attracts persons with alcohol and or drug addictions.</p> <p>A lot of the rental properties are neglected on the outside. Due to the design of Victorian houses combined with modern insulation, heating methods, mortar and plaster combined and cavities filled with soot, mortar and building rubble most properties suffer damp issues. Most of the back alleys are used for dumping and council trucks load up every week with it. There have been regular problems with rat infestations in the past. The roads with larger garden fronted terraces which have HMOs on them have insufficient parking. Cars especially taxis and delivery vehicles often block these roads as there is nowhere to pull up. There are regular road rage incidents where vehicles unable to pass meet head-to-head.</p>	Comments and support noted

	<p>[Comment about new residents coming to the borough]. Whilst this has been good for the town centre and helped solve empty property issues there has been no noticeable increase in local amenities. I suspect during this time been a sharp population increase with the curve having been steeper since the census.</p> <p>For the above reasons I believe it is essential that the council has control over small HMO'S in this area.</p>	
Padiham Town Council	Padiham Town Council wishes to express its support for the proposed changes to the rules around Houses in Multiple Occupation and that these will need planning approval in future	Support noted.
Resident RC	<p>I have recently moved to Burnley and live in Trinity Ward. I have a professional background in social housing management, having obtained the professional qualification of the Chartered Institute of Housing. I welcome and support the proposals to make an Article 4 declaration to ensure that small HMOs will now be subject to planning approvals. I would also hope that other actions might follow to help create sustainable and balanced communities. Trinity Ward clearly experiences high levels of environmental degradation and other indicators point to deprivation and inequality. Whilst these issues are broader than simply enhancing HMO regulation this proposal gives an additional tool to develop an effective ward strategy.</p>	Comment and support noted
Individual SA	<p>There are pros and cons in this debate as with all cases.</p> <p>I strongly oppose the council plan to remove permitted development rights for the change of use from Use Class C3 (dwelling-houses) to C4 (HMOs).</p> <p>The change of use will deal with the housing shortage and bring down rental prices for those struggling without council interference.</p>	<p>It is recognised that HMOs provide a form of low-cost housing, particularly for younger people and people on low incomes. They also provide flexible accommodation for people with short-term housing requirements. The Council is not aware of a shortage of HMOs. The Article 4 Direction is not intended to prevent all future small HMOs, but rather, by requiring a planning application, it will allow the</p>

		<p>Council to consider whether the specific proposal is acceptable or not.</p> <p>No change proposed.</p>
The Coal Authority	<p>Our records indicate that within the Burnley area there are recorded coal mining features present at surface and shallow depth including; mine entries, coal workings and reported surface hazards. These features may pose a potential risk to surface stability and public safety.</p> <p>It is noted however that this current consultation relates to an Article 4 Direction and I can confirm that the Planning team at the Coal Authority have no specific comments to make on this proposed removal of PD rights.</p>	Noted
Woodberry Management	<p>I do not deal with any HMO's however I do have regular residential tenants on streets that do have HMO's.</p> <p>Notwithstanding various issues this causes, as you are well aware, overall they feel that the alternative is much much worse! They are currently very concerned about the rising demand and many associated costs for landlords that inevitable causes their rents to be increased.</p> <p>This is especially true once they move to other houses in this the Salford area. As you are aware the rents have dramatically increased over the past year. I worry that this measure would have a double negative impact further exacerbating an already serious shortage of suitable residential accommodation at affordable costs.</p> <p>This would be firstly as the new HMO landlord would have increase costs obtaining reports, time spent working on this and longer vacancy period whilst sorting. These costs would inevitably have to be passed onto tenants as the landlords are already working on extremely tight margins.</p> <p>Furthermore, some properties would no longer be suitable for HMO's and some landlords may decide it is not worth the bother. Instead of helping the current serious</p>	<p>The need for planning applications for HMOs within the article 4 boundary is necessary to better manage the number of HMOs in these areas and mitigate some of the issues attributed to their concentration.</p> <p>It is important to remember that when in force the article 4 will not rule out all new HMOs; any refusal of planning permission would need to be justified.</p> <p>The cost of a change of use application is not considered to be prohibitive to the likelihood of HMOs coming forward.</p> <p>It is recognised that HMOs provide a form of low-cost housing, particularly for younger people and people on low incomes. They also provide flexible accommodation for people with short-term housing requirements. The Council is not aware of a shortage of HMOs.</p>

	<p>shortage of suitable residential accommodation available – this would act in the opposite manner creating a greater shortage that automatically by default also causes rents to increase!!</p> <p>For the above reasons I feel that for the sake of the residents of Burnley this is not a good idea overall</p>	<p>The identification of properties unsuitable for a change of use to a HMO is judged to be a positive outcome of the proposed article 4.</p> <p>No change proposed.</p>
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Appendix A – Site Notice Locations

Gawthorpe	Padiham Town Hall	Outside Best One Shop (Hapton Street)
1 st Site Visit	Site Visit Conducted 2/11/23 Notice Had Been Removed Notice Replaced	Site Visit Conducted 2/11/23 Notice still in place
2 nd Site Visit	Site Visit Conducted 16/11/23 Notice still in place	Site Visit Conducted 16/11/23 Notice Had Been Removed Notice Replaced.
Gannow	Outside Tim Bobbin	Kiddrow Lane (opposite Health Centre and Pharmacy)
1 st Site Visit	Site Visit Conducted 2/11/23 Notice still in place	Site Visit Conducted 2/11/23 Notice still in place
2 nd Site Visit	Site Visit Conducted 16/11/23 Notice still in place	Site Visit Conducted 16/11/23 Notice still in place
Rose Grove	Rosegrove Lane (outside Gillys Barbers at No 29)	Accrington Road outside Farmfoods
1 st Site Visit	Site Visit Conducted 2/11/23 Notice Had Been Removed Notice Replaced	Site Visit Conducted 2/11/23 Notice Had Been Removed Notice Replaced
2 nd Site Visit	Site Visit Conducted 16/11/23 Notice still in place	Site Visit Conducted 16/11/23 Notice Storm Damaged Notice Replaced
Trinity	Accrington Road (outside Cohens Chemist No 155)	Coal Clough Lane Block with Oddies on
1 st Site Visit	Site Visit Conducted 2/11/23 Notice still in place	Site Visit Conducted 2/11/23 Notice Had Been Removed Notice Replaced
2 nd Site Visit	Site Visit Conducted 16/11/23 Notice Storm Damaged Notice Replaced	Site Visit Conducted 16/11/23 Had Been Removed Notice Replaced
Rosehill with Burnley Wood	Outside Rose and Crown PH Manchester Road	Parliament Street (outside Parliament News)
1 st Site Visit	Site Visit Conducted 2/11/23 Notice Had Been Removed Notice Replaced	Site Visit Conducted 2/11/23 Notice still in place
2 nd Site Visit	Site Visit Conducted 16/11/23 Notice Storm Damaged Notice Replaced	Site Visit Conducted 16/11/23 Notice still in place
Daneshouse with Stoneyholme	Colne Road Opposite Duke of York	Outside Old Red Lion PH (Town Centre)
1 st Site Visit	Site Visit Conducted 2/11/23 Notice still in place	Site Visit Conducted 2/11/23 Notice still in place
		Site Visit Conducted 09/11/23 Notice had been Removed Notice Replaced
2 nd Site Visit	Site Visit Conducted 16/11/23 Notice still in place	Site Visit Conducted 16/11/23 Notice still in place
Bank Hall	Briercliffe Road Outside Link Bridge Centre	Lyndhurst Rd Outside Belly Busters (No 68)
1 st Site Visit	Site Visit Conducted 2/11/23 Notice still in place	Site Visit Conducted 2/11/23 Notice Had Been Removed Notice Replaced

2 nd Site Visit	Site Visit Conducted 16/11/23 Notice still in place	Site Visit Conducted 16/11/23 Had Been Removed Notice Replaced
Queensgate	Briercliffe Shopping Centre	Colne Rd Outside KFC
1 st Site Visit	Site Visit Conducted 2/11/23 Notice Had Been Removed Notice Replaced	Site Visit Conducted 2/11/23 Notice still in place
2 nd Site Visit	Site Visit Conducted 16/11/23 Notice Storm Damaged Notice Replaced	Site Visit Conducted 16/11/23 Notice still in place
Brunshaw	Brunshaw Rd outside Tesco Express	Brunshaw Road at the junction with Mizpah Street
1 st Site Visit	Site Visit Conducted 2/11/23 Notice Had Been Removed Notice Replaced	Site Visit Conducted 2/11/23 Notice still in place
2 nd Site Visit	Site Visit Conducted 16/11/23 Notice still in place	Site Visit Conducted 16/11/23 Notice Storm Damaged Notice Replaced

