Broxtowe Borough COUNCIL

Houses in Multiple Occupation (HMO)

Supplementary Planning Document (SPD)

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March 2026

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1. Introduction and Scope

1.1 This Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) sets out the Council's expectations for new HMO-related development across the Borough. It provides supplementary planning guidance for those seeking to create new HMOs or extend existing ones. It will assist applicants, including landowners and developers, in designing their proposals and preparing planning applications and supporting information. It seeks to promote 'best practice' by consolidating guidance for HMO development and will aid the Council in making consistent and transparent decisions when determining planning applications.

1.2 This SPD is a 'material consideration' in the determination of relevant planning applications.

1.3 This planning guidance applies in cases of both the development of new HMOs and the extension of existing ones. This could include the creation of HMOs by converting existing buildings, currently within other uses. The guidance within this document should assist landlords and developers in designing high-quality schemes, whether these schemes require planning permission or not.

1.1 What is an HMO?

1.1.1 A property is an HMO if

- at least 3 tenants live there, forming more than 1 household, **and,**
- They share toilet, bathroom or kitchen facilities with other tenants

[https://www.gov.uk/private-renting/houses-in-multiple-occupation]

Types of HMO and their Use Classes

1.1.2 Some HMOs require planning permission. Most residential properties in the Borough are dwellinghouses (which fall within Class C3 of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (as amended)).

1.1.3 Schedule 1 of the 1987 Act defines 'Class C4' as the 'use of a dwellinghouse by not more than six residents as a "house in multiple occupation". This is often referred to as a 'Small HMO). Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits a change of use from Class C3 to Class C4, in certain conditions, without planning permission.

1.1.4 Article 4 Directions can in effect withdraw these 'Permitted Development Rights', meaning that planning permission to change from a Class C3 dwellinghouse to a Class C4 Small HMO would be required within the areas which they apply to. These Directions are explained further within this SPD.

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1.1.5 Large HMOs (consisting of seven or more tenants) fall within a 'Sui Generis' use (Latin for "of its own kind") and these **always** require planning permission.

1.1.6 It is important to note that Use Classes C3 and C4 set out the number of 'tenants' occupying the property, and not the number of bedrooms.

1.1.7 HMOs are a significant part of the housing mix within Broxtowe Borough. The Council recognises their important role for providing accommodation to a range of individuals, including students and young professionals, particularly those who would struggle to afford to buy or rent a house early in their career.

1.1.8 However, as with other types of development, an over concentration of a single type of dwelling may cause harm to an area and can make it difficult to create a sense of community cohesion, and as stated within the 'justification' text of Policy 8 of the Aligned Core Strategy, the increased numbers of student households and Houses in Multiple Occupation (HMOs) has altered the residential profile of some neighbourhoods dramatically, and has led to unsustainable communities and associated amenity issues.

1.1.9 The sections within this SPD therefore seek to provide guidance to manage the development of HMOs and their impact on character and appearance in addition to ensuring that they provide a high standard of living for existing and prospective residents and be in accordance with paragraph 3.8.8 of Policy 8's emphasis of 'creating and maintaining sustainable, inclusive and mixed communities'.

1.1.10 Property owners who wish to use their premises for HMO purposes under Permitted Development Rights (where no planning permission is required) are also strongly encouraged to consider these principles so as to ensure a healthy living environment.

1.2 Article 4 Direction

1.2.1 The Council has introduced Article 4 areas removing the permitted development right that allows a change of use from a dwellinghouse to what is sometimes called a 'small HMO' for use by up to six persons. The use of an Article 4 direction does not mean development would not be allowed, it instead removes certain Permitted Development Rights, meaning that a planning application would be required, so that proposals can be assessed by the Council to ensure that they comply with national and local planning policies and other material considerations, such as this SPD. It should be noted that HMOs for the use of more than six persons is a Sui Generis Use and planning permission for such use is always required across the whole of the Borough.

1.2.2 Maps showing the areas covered by Article 4 Directions can be found on the Council's website at the following link: https://www.broxtowe.gov.uk/for-you/planning/planning-policy/article-4-directions/

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1.3 Making a Planning Application

1.3.1 All planning applications relating to HMOs, either through new buildings, extensions or changes of use will need to have regard to national planning policy, the policies of the Local Plan (including the Part 1 Local Plan Aligned Core Strategy, Part 2 Local Plan and any future revisions to these Plans) and any applicable Neighbourhood Plans. They should also have regard to other material considerations, including the guidance and principles set out within this SPD.

1.3.2 Prior to proceeding with a project or submitting a planning application it is recommended that applicants seek Pre-Application Advice from the Council. Whilst there is a charge for this service, this can help to reduce the risk of costs or delays at a later stage and help to ensure a good standard of development is achieved for the benefit of both existing and prospective residents. This will enable an officer to provide a site-specific written guidance regarding the likelihood of a proposal for an HMO being acceptable . Further information is available on the Council's website at the following link: https://www.broxtowe.gov.uk/for-you/planning/planning-applications-advice/.

1.3.3 It is also good practice to discuss any proposals with the owners and occupiers of neighbouring properties as this can help to reduce delays at a later stage and is helpful in maintaining good relations. Owners and occupiers should consider how their proposals might impact existing residents.

1.3.4 Before submitting an application, applicants are strongly encouraged to consider the proximity of existing HMOs to the application site and how any adverse impacts may be addressed and mitigated.

1.3.5 Planning applications will need to be accompanied by the relevant supporting plans and other supporting documents. Details of these requirements are set out within the listed within the Council's Validation List, which can be viewed on the Council's website at the following link https://www.broxtowe.gov.uk/for-you/planning/submit-a-planning-application/validation-requirements/ ..

1.4 HMO Licensing

1.4.1 The Housing Act 2004 introduced the requirement for certain HMO properties to be licensed. This is a separate procedure from applying for planning permission. However, securing a licence does not necessarily mean that planning permission will be granted, and gaining planning permission does not necessarily mean that a licence will be granted.

1.4.2 It is the responsibility of landlords to ensure that their property is operating with the correct licence and failure to do so is a criminal offence.

1.4.3 Further information on licensing and Broxtowe Borough Council's HMO Property Standards can be obtained the Council's Private Sector Housing Team. Information can also be found on the Council's website at the following link:

https://www.broxtowe.gov.uk/for-you/housing/private-sector-housing/houses-in-multiple-occupation-hmos/

1.5 Planning Policy Context

1.5.1 This SPD has been informed by national and local policies.

1.5.2 The National Planning Policy Framework (NPPF) sets out that achieving sustainable development means that the planning system has three overarching objectives: Social, Environmental and Economic. This SPD helps to ensure that within Broxtowe Borough, these roles can be balanced to create and support strong, vibrant and healthy communities.

1.5.3 This SPD expands on and provides guidance on the application of the following policies contained within the adopted Aligned Core Strategy (2014), and replacement policies within subsequent Plans, and Broxtowe Borough Council's Part 2 Local Plan (2019), as applicable to HMOs:

- Aligned Core Strategy Policy 8: Housing Size, Mix and Choice
- Aligned Core Strategy Policy 10: Design and Enhancing Local Identity
- Part 2 Local Plan Policy 17: Place-making, Design and Amenity

1.5.4 Policy 8 of the Aligned Core Strategy references the importance of residential properties maintaining, providing and contributing to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. It further notes that this will be partly informed by redressing the housing mix within areas of concentration of student households and Houses in Multiple Occupation (4e). This is supported by Policy 10 of the Aligned Core Strategy which states that all development should make a positive contribution to the public realm and sense of place as well as create an attractive, safe, inclusive and healthy environment – which in turn is strengthened by Policy 12 which seeks to support Healthy Lifestyles.

1.5.5 Broxtowe Borough Council's Part 2 Local Plan expands upon the policies within the Aligned Core Strategy at a more localised level. Policy 17 includes that development will be granted permission which integrates into its surroundings; and provides sufficient, well-integrated, parking and safe and convenient access; and provides adequate external storage and amenity space; as well as ensures a satisfactory degree of amenity for occupiers of the development and neighbouring properties. This will therefore be an important consideration when assessing any application received relating to an HMO.

1.5.6 The Greater Nottingham Strategic Plan (GNSP) is currently being prepared. Policy 8.6 refers to the importance of maintaining balanced, inclusive and mixed communities. Policy 8.7 states that within Broxtowe attention will be given to the concentration of HMOs and to 'clustering' and 'sandwiching', as set out in sections 2.1-2.3 of this SPD. Subject to a proposed Main Modification being agreed, policy 8.1 will also specify that the Nationally Described Space Standards will apply to HMOs.

2. Maintaining Balanced, Inclusive and Mixed Communities

2.1 The SPD aims to ensure that the demand for HMO accommodation can be met in a way that does not lead to adverse impacts on the character of the area through a saturation of a single type of home. Achieving an appropriate housing mix to meet Broxtowe Borough's needs is vital to create the sustainable, inclusive and mixed communities envisaged within the Local Plan.

2.2 The strong influence of nearby higher education facilities, including the University of Nottingham, Nottingham Trent University and other colleges and schools has resulted in a relatively large student population within Broxtowe Borough. However, an over-concentration of HMO accommodation can lead to identifiable impacts on amenity including: increases in waste management associated issues; the potential for noise complaints and anti-social behaviour; visual impacts such as increased 'clutter' within garden areas; unsympathetic security measures; and parking issues, resulting in cumulative impacts on residential amenity. This SPD will therefore seek to address, prevent and mitigate the impact of these issues.

2.3 This SPD is intended to support the creation of sustainable, inclusive and mixed communities and minimise cumulative impacts on amenity by avoiding an over-concentration of HMOs in any single area. The following will be considered as indicators of over-concentration. Officers will also assess character and impact based on a site visit, representations and any other material considerations. When considering character and impact, the presence of any Purpose-Built Student Accommodation (PBSA) will be taken into account.

2.4 The following principles will be applied in determining planning applications for or in respect of HMOs:

2.1 Preventing 'Clustering'

2.1.1 Concentration of HMOs is commonly expressed as a percentage figure of the dwelling stock of a particular area, or street within that area.

PRINCIPLE 1

Assessments of proposals for the development of houses in multiple occupation, will give consideration to the impact of the following:

- **more than 3 known consecutive and/ or adjacent HMOs on the same street or adjoining street (in the event of an application property being situated on a corner plot); or**

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Figure 1

- **more than 2 known consecutive HMOs positioned opposite to 2 or more known consecutive HMO properties.**

Figure 2

2.2 Concentration: The Radius Approach

2.2.1 The radius will be measured in a straight-line distance from the centre point of the front of the building. If any part of a property boundary falls within the radius, that property will be included in the calculations.

PRINCIPLE 2

Assessments of proposals for the development of houses in multiple occupation, will give consideration to the impact of the following:

- **The total number of known HMO properties exceeding 20% relative to the total number of properties within a 100m radius of the application property.**

Figure 3

2.3 Preventing 'Sandwiching'

2.3.1 A harmful concentration can arise at a localised level when an existing dwelling is sandwiched between two HMOs. This can intensify impacts on individual households even if few HMOs exist locally and can create an imbalance between HMOs and other housing at a street level.

PRINCIPLE 3

Assessments of proposals for the development of houses in multiple occupation, will give consideration to the impact of the following:

- **A standard dwelling being positioned in-between two known houses in multiple occupancy either adjacently or to the front and rear.**

Figure 4

Figure 5

3. Creating a Safe and Healthy Living Environment

3.1 The majority of HMOs within the Borough of Broxtowe are formed through the conversion of existing residential properties. It is important that conversions result in a high-quality living environment for residents, taking into consideration space and facilities including room sizes, natural light and ventilation, internal layouts and access to open space. This will ensure that HMOs will contribute towards achieving relevant Local Plan Policies.

3.2 Any HMO Development must also be compliant with Building Regulations. It is very strongly recommended that applicants contact the Borough Council's Building Control Department for advice at early stage in preparing any proposals.

3.1 Living Space and Layout

3.1.1 Not every property will be suitable for conversion or extension. When considering if a property may be suitable for use as an HMO, the quality of the overall living space will be a key consideration. In general, properties will need to provide tenants with privacy, natural light and ventilation, appropriate facilities and suitable communal spaces commensurate with the size of the HMO and proposed number of occupants.

PRINCIPLE 4

Where properties are undergoing significant change, careful consideration should be given to the configuration of spaces to provide a high-quality living environment, including accommodation that may be suited to prospective tenants with physical disabilities. In general, this will include:

- **Opportunities to maximise natural light and ventilation;**
- **The avoidance of narrow corridors or configurations that lead to unsafe layouts;**
- **Ensuring that bedrooms are located away from kitchens and communal spaces, where possible.**

3.1.2 Where possible, external alterations such as the addition or removal of windows should be avoided to minimise harm to the character of the street. However, modest alterations and the addition or relocation of window and door openings may be appropriate in some cases, for example, where they would improve privacy for local residents or future tenants or to ensure safety. Desirably, these would be discussed as part of the pre-application process and would be considered having regard to relevant policies of the Local Plan and other design guidance.

3.1.3 Further useful information on this can be found in Broxtowe Borough Council's HMO Property Standards: https://www.broxtowe.gov.uk/media/5884/broxtowe-hmo-property-standards.pdf

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3.2 Ensuring Safe Access and Adequate Parking

PRINCIPLE 5

Proposals for new HMOs should ensure that they can be safely accessed. New HMOs (and the addition of new HMO bed spaces in existing HMOs) should make provision for adequate car parking.

3.2.1 This should be provided off-street within the curtilage of the property and with due regard to any impact on the street scene and character of the area, for example, the excessive 'concreting over' of gardens would be discouraged. It would also be favourable for on-site parking to be independently accessible from the application property. Spaces which are directly accessed from the highway must have an appropriate dropped kerb crossover.

3.2.2 If car-parking spaces cannot be provided off-street, the applicant should submit a parking survey with the planning application setting out availability of parking provision on neighbouring streets (covering a range of times over evenings and weekends). This should also include details of access to public transport and any opportunities to promote active travel such as cycling. Discussions between the landlord and tenants regarding car usage and parking expectations should also be encouraged.

3.3 Cycle Storage

PRINCIPLE 6

To help encourage and support residents to make sustainable choices, and to reduce additional motor vehicles occupying the street (with their likely impact upon neighbour amenity) proposals for the development of houses in multiple occupation should provide safe access and secure storage for bicycles at a rate of 1 space per bedroom.

3.3.1 If it is not possible or appropriate to provide cycle storage internally, external storage in a secure locker or shed (located to the rear of the property) may be acceptable, having regard to access, space and the visual amenity and character of the area.

3.4 Bin Storage and Waste

PRINCIPLE 7

HMO proposals, in line with the National Planning Policy for Waste (NPPW), should make sufficient provision for waste management and this should:

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- **Promote good design to secure the integration of waste management facilities through providing sufficient, discreet and unobtrusive bin storage to facilitate a frequent household collection service. These should still be readily available to residents and collectors and should also be readily accessible whilst all parking spaces are occupied.**

3.4.1 It should be noted that disposal of waste is a mandatory condition of HMO licensing and so applicants are advised to seek further advice from Environmental Health in relation to household waste.

3.5 Sound Reduction Measures

3.5.1 Proposals for the development of HMOs may be subject to building regulations requirements relating to sound reduction. In some circumstances a condition seeking sound reduction may be attached to a planning permission for new HMO development in addition to building regulations requirements.

3.5.2 Prior to submitting an application, the Council would advise all applicants to consider the provision of a range of easy to install sound reduction measures where appropriate. Measures could include:

- Use of soft-closers on both internal and external doors;
- Sound-deadening material on stair treads;
- Sound insulation in partitions, floors and party walls;
- Location/design of bathroom sanitary ware to avoid noise transmission through party walls;
- Plan layouts that avoid positioning of communal rooms opposite bedrooms in adjoining properties.

3.5.3 Any measures proposed must also conform with all other relevant Building Regulations, such as, but not limited to, in relation to fire prevention and suppression. Applicants are strongly recommended to contact the Council's Building Control Team to discuss these issues.

3.6 Purpose Built Student Accommodation (PBSA)

3.6.1 In areas of Beeston and Beeston Rylands, where both Houses in Multiple Occupation (HMOs) and Purpose-Built Student Accommodation (PBSA) are present or proposed, careful consideration must be given to the cumulative impact of these forms of accommodation on residential amenity and the wider community. PBSA can help to reduce pressure on the existing housing stock and limit the conversion of family homes into HMOs. However, where HMOs and PBSA are located in close proximity, there is potential for intensified activity, increased transient populations, and associated amenity concerns. These may include elevated noise levels, increased pressure on local facilities, and changes to neighbourhood character.

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PRINCIPLE 8

Applicants should demonstrate that any new HMO in close proximity to PBSA will not contribute to harmful concentrations of similar accommodation or undermine housing mix.

Applicants should also address how management arrangements, design, and site layout will mitigate potential amenity impacts where HMOs are located adjacent to, or in the immediate vicinity of, PBSA.

4. Monitoring and Review

4.1 The implementation of guidance within this document and the impact of the Article 4 directions relating to HMOs will be monitored and reported on an annual basis as part of the Authority's Monitoring Report (AMR).

5. Further Information

Telephone: 0115 917 7777

Planning Duty Planner Service: pabc@broxtowe.gov.ukv

Private Sector Housing: psh@broxtowe.gov.uk

Environmental Health: health@broxtowe.gov.uk

Erewash Borough Council Building Control: buildingcontrol@erewash.gov.uk

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Broxtowe Borough Council
Planning and Economic Development,
Foster Avenue, Beeston
Nottingham NG9 1AB
Tel: 0115 917 7777

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