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City of Wolverhampton Council

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To whom it may concern,

**Re: Proposals for managing the growth of Houses in Multiple Occupation (HMOs) in Wolverhampton through the implementation of a Borough wide Article 4 direction**

I am writing on behalf of the Residential Landlords Association to make representations in response to the Council's proposal to implement a Borough wide Article 4 direction in Wolverhampton.

Our key concerns are particularly relevant to your local authority as in 2015 7,880 people in Wolverhampton were on the waiting list for housing, 401 were placed in temporary accommodation, 196 tenants were placed at B&B's (50 repeat stays, some for 12 months), at a cost to Wolverhampton Council tax payers of £96,350. An Article 4 direction will not help these housing issues for the following reasons;

**Using planning to tackle social problems is ineffective**

The RLA is aware that in certain areas there has been concern as a result of the presence of small HMO accommodation. However, 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.

You clearly have in depth knowledge of where HMOs are in the Borough as demonstrated in your case for the Article 4 direction, so why not intensively focus resources in these areas as opposed to introduce a Borough wide scheme that restricts development rights? Or at least target one area and see how successful the scheme is before introducing the direction borough wide.

**On street parking**

Regarding the parking issues in Wolverhampton, it is not necessarily the case that just because there are 5 – 6 individuals in a house, that they will have more cars per household than a family. Particularly those who will be struggling to pay the prices of rent of a flat or house of their own, a car may be a luxury that not all can afford. Therefore, wouldn't it be more sensible to assess this in areas where this problem is most prevalent as opposed to Borough wide planning restrictions?

## **Monitoring**

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

## **Outcomes**

You do not specify with any detail what the desired outcomes of the proposed planning restrictions are. No targets or objectives are set other than vague references to how a less concentrated area of HMOs will 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.

## **Maintaining 'sustainable neighbourhoods'**

One of the arguments for restricting the number of HMOs in Wards / Boroughs is the very general assumption that HMOs cause a loss of community due to the transient nature of some residents, which is a dated and inaccurate opinion. 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.

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. HMOs are not just occupied by students, but with rising rents and difficulties with getting a mortgage, are increasingly required by professional working people.

## **The impact on the Under 35s access to shared housing**

Wolverhampton is a University City. The last figures released for 2014/15 show there were 19,065 students; of these 16,205 (85%) were undergraduates, 14,108 (74%) were full time, 17,349 (91%) live in the UK. In addition to the Universities own Halls of Residence there are a number of purpose built student Halls but they alone cannot meet the demand. There is still a demand for HMO student properties and this is likely to increase. The University is currently investing millions of pounds in a new Business centre and a Building and Construction centre. These centres will attract more students, many of which will need access to HMO's in the private sector. Now is not a good time for the City to be introducing an Article 4 directive.

Local authorities are under a duty to meet demand for housing. A key issue that you rightly address in your supporting case 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. We suspect that these issues are

prominent in the Wolverhampton as they are symptomatic of such high demand and lack of supply of housing in capital at the moment.

A recent APPG (All Party Parliamentary Group) on the PRS, report recommended that Local Authorities should be allowed to use “flipping”. 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, student’s 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.

### **The cost**

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 in your supporting documents. This leaves many questions such as will Wolverhampton have the resources to implement a full Borough wide scheme and deal with the consequent planning applications? How will this cost be met? 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. This could include better enforcement of the complaints that you mention in your Case for HMOs without permission. There is the argument that those Landlords who just ‘flip’ the use of dwellings without consent already, will just continue to do so unless there is effective enforcement and proactive inspections to see that HMOs have sought the necessary permissions.

### **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 Wolverhampton. This will also be almost impossible for you to do seeing as you have proposed a direction in the whole of the borough. How quickly planning applications can be turned around will depend on resources and as such could lead to a backlog of people waiting for shared housing provision when demand is currently so high.

The resulting lack of supply of shared housing in Wolverhampton as a result of the proposed directions 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.

### **Conclusion**

The RLA reiterates its objection to the proposed scheme.

We strongly believe that in the first instance, before even contemplating removing development rights, the Council should look for a more imaginative solution. What is really needed, as mentioned previously, is some improved area management for the problems that you at the moment are merely *anticipating*. Once you have established where the problem is through effective local data, street by street property inspections can be carried out. HHSRS powers can be used to effect improvements, if voluntary co-operation will not work. Rather than implementing an 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 Wolverhampton should be allowed to use “flipping”, if demand changed in the Borough 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.

Yours faithfully,

Andy Burton

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