Technical Evidence Paper
Houses in Multiple Occupation in Wisbech

BACKGROUND

The purpose of this paper is to provide supporting evidence to determine whether the Council should introduce an Article 4 direction to remove permitted development rights for the conversion of family homes into small houses in multiple occupation (HMO).

The paper also considers whether a district-wide or a more localised Article 4 direction would be the most appropriate course of action, considering the provision of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

What is a House in Multiple Occupation?

The definition of an HMO is set out in the Housing Act 2004 (as amended) and can summarised as:

- a house (or flat) which is let to three or more people, who form two or more households, and who share a basic amenity, such as a bathroom, toilet, or cooking facilities.
- a building which has been converted entirely into bedsits, or other non-self-contained accommodation, and is let to three, or more, people who form two, or more, households and who share a basic amenity e.g. a bathroom, toilet, or cooking facilities.
- a converted house which contains one, or more flats, which are not self-contained (i.e. the flat does not contain within it a kitchen, bathroom, or toilet and which is occupied by three or more tenants who form 2 or more households.
- a building which is converted entirely into self-contained flats and the standard conversion does not meet the standards of the 1991 Building Regulations, and more than one third of the flats are let on short-term tenancies.

This definition is separate to the planning definition of an HMO and is used to grant and manage licences for HMOs. This legislation forms part of the control of an HMO once it is established and does not provide permission for the conversion of a dwellinghouse to a small HMO.

In addition, since October 2018, HMOs now has minimum room size requirement of 4.64sqm and sizes based on a person's age:

- 6.51 square metres for rooms used to sleep one person over 10 years.
- 10.22 square metres for rooms used to sleep two persons over 10 years.

Planning Definition of an HMO

The planning definition of HMOs differs from the Housing Act definition set out above. In town planning terms, distinct types of properties are identified as different Use Classes. These are defined in the Planning Use Class Order (2010), which identify two distinct types of HMO.

Firstly, there are HMOs that fall within the Use Class 'C4'. These are generally 'smaller' HMOs and are defined as the use of "a single-family dwelling by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom." Currently changes of use between single-family dwelling houses (Planning Use Class C3) and 'small' HMOs (Planning Use Class C4) do not need planning permission as this is 'permitted development'. This does not cover properties of up to six people living together as a single household and receiving care (e.g. supported housing schemes such as those for people with learning disabilities or mental health challenges), which falls within the Planning Use Class C3(b).

Secondly, there are larger HMOs that fall within the Use Class 'Sui Generis' (SG). These are properties where there are seven or more occupants. However, changes of use from single family dwelling houses (Planning Use Class C3) to a 'large' HMO's (Planning Use Class Sui Generis) do need planning permission.

Other HMO Agencies

The legislation above sets out the statutory definition, however in practical terms HMO can come about by the way in which a landowner manages a property. For example, a landlord may purchase a large family home and let it to individuals on a single room letting basis, and if there are three or more unrelated people, the dwelling is classed as an HMO. There is no planning control over the conversion of the property as this is allowed as permitted development.

HMOs, once established, are recognised, and regulated through both formal regulation and informal means by the Council to meet their obligations as a statutory part of its role as a local authority. HMOs with five or more occupants, through the Housing Act 2004, require licences and regular monitoring which is a role undertaken through the Council's Private Sector Housing Team. Additional ways in which HMOs are controlled is through Planning Enforcement and Environmental Nuisance legislation.

HMOs in Fenland

HMOs are an important part of the private rental sector (PRS), providing accommodation for groups that cannot afford to buy or rent their own home. Nationally

they make up sizeable proportion of the private rental economy and can provide a good standard of affordable accommodation for people, such as those on low incomes, students and those seeking temporary accommodation.

However, HMOs can also have a negative impact on the community and the local environment where they are not controlled or properly managed. The Communities and Local Government Report on 'Evidence Gathering - Houses in Multiple Occupation and Possible Planning Responses' identified several negative impacts of HMOs, which include:

- anti-social behaviour
- noise
- litter and management of refuse.
- excessive parking
- cramped living conditions
- unkempt premises
- overcrowding

The Government has given local authorities the power to remove permitted development rights for small HMOs using Article 4 directions, where there is sufficient evidence to support it. A sound evidence base must be submitted to Secretary of State detailing why the removal of permitted development rights is required. It should be noted that although the Secretary of State does not approve an Article 4 direction, they do have the right to modify or cancel one.

IMPACT ON THE SUPPLY OF FAMILY SIZED HOUSING

The information collected below shows that the housing/population profile of Wisbech is notably different from Fenland as a whole. It indicates that the reduced availability of affordable family sized housing is resulting in less families staying within or moving to the area - this reduction fundamentally changes a places character and may result in social infrastructure such as schools, nurseries, play groups receiving reduced patronage which could in turn result in them closing which would make the area even less suitable to families in the future.

Census Data (ONS – Census 2021)

	Fenland	**Wisbech Town**	**Wisbech Riverside**	**Wisbech South**
Population	102,500	24,800	4,600	8,800
Number of households	44,100	10,500	2,000	3,900
Household size (1)	29%	30.6%	33.3%	34.4%
Household size (2)	38.2%	34%	31.8%	33.2%
Household size (3+)	32.7%	35.4%	34.8%	32.4%
Household composition (single person)	29%	30.6%	33.5%	34.4%
Household composition (single family)	64.8%	60.2%	56.3%	56.4%
Household composition (other)	6.2%	9.3%	10.2%	9.2%
Tenure (owns outright or with mortgage)	67.3%	52.2%	43%	50.6%
Tenure (social rented)	12.7%	19.4%	20.3%	17.7%
Tenure (private rented)	20%	28.4%	36.7%	31.7%

Number of people waiting for family accommodation in Wisbech (2021-2025) – data from Clarion Housing

Date	**Total**	**Two beds**	**Three beds**	**4+beds**
January 2021	406	212	158	36
January 2022	482 (+76)	252	182	48
January 2023	557 (+75)	293	208	56
January 2024	616 (+59)	345	209	62
January 2025	568 (-48)	300	207	61
Since 2021 there are an extra 162 households on the waiting list looking for family sized housing in Wisbech.				

Number of lets of family accommodation in Wisbech (2019/20 – 2023/24) – data from Clarion Housing

Year	Total	Two beds	Three beds	4+beds
2019/20	49	38	10	1
2020/21	41	34	17	0
2021/22	49	43	14	1
2022/23	44	31	12	1
2023/24	41	27	13	1
Since 2019 the number of homes being let within the area has consistently fallen short of meeting our need for family sized housing within the area.				

Properties to Rent Data (www.zoopla.com 29/1/2025)

Wisbech

- Seventeen homes available to rent that have two or more bedrooms.
- Thirteen homes available to rent that have less than 2 bedrooms.
- Sixteen rooms available to rent in HMOs/House Shares
- 1 HMO (9 bedrooms) available as a single let.

March

- Twenty-eight homes available to rent that have two or more bedrooms.
- Eight homes available to rent that have less than 2 bedrooms.
- Zero rooms available to rent in HMOs/House Shares

Whittlesey

- Eight homes available to rent that have two or more bedrooms.
- One homes available to rent that have less than 2 bedrooms.
- One rooms available to rent in HMOs/House Shares

IMPACT ON SINGLE PERSON HOUSEHOLDS

As mentioned previously HMOs are an important part of the private rental sector (PRS), providing accommodation for groups that cannot afford to buy or rent their own home – specifically single people who are seeking to form their own household.

The demand for shared accommodation within Wisbech has significantly increased since 2011, due to the influx of the migrant population moving to the area to work in the food production industry and who are seeking affordable accommodation. Within The Riverside and Wisbech South wards the PRS accounts for 36.7% and 31.8%, respectively of all tenures; a third more than the national average of 20%and more than double that of the district figure of 18%.

Census Data 2021- Tenure

	Social Housing	**Private Rented Sector**
Wisbech Riverside	20.4%	36.7%
Wisbech South	17.6%	31.8%
England	17.1%	20.5%

Despite the 2021 Census showing the majority of household sizes being between 1-3 persons (see table above), it cannot be assumed that these properties are occupied by small families; in fact, the recorded data from the Private Sector Housing team evidences the highest number of reported and investigated HMOs are located within the 2 constituent wards of Riverside and Wisbech South.

HMO service request and enforcement case data

Area	**Service Requests Received (% of total cases) (% of Wisbech cases)**	**Enforcement Cases (% of total cases) (% of Wisbech cases)**
All Fenland DC area	657	254
Wisbech	306 (46.6%)	189 (74.4%)
2 Wards (Riverside & Wisbech South)	180 (27.4%) (58.8%)	157 (61.8%) (83%)

In addition to these two wards being subject to a higher number of complaints relating to HMO activity, 79% of licensed HMO's (those occupied by five or more occupants and sharing facilities) are in these areas. This may be due to investors being attracted by lower house prices, making them ripe for conversion.

Information from the Homelessness Team

Over the last few years Fenlands Homeless Team have had to respond to 184 requests from people who were living in HMOs within Wisbech that have been made homeless –

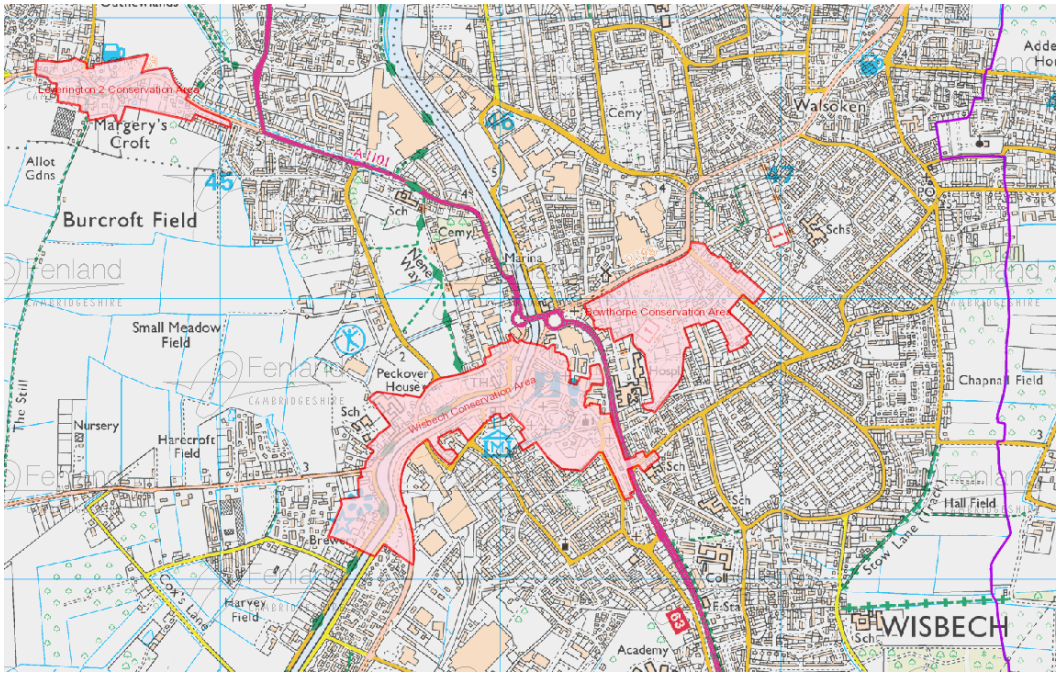
almost two thirds of these requests were within the wards of Wisbech Riverside and Wisbech South. The are number of reasons for people losing their settled home including property disrepair and risk of violence/harassment but the largest reason was end of private tenancy (not assured shorthold tenancy).

Having an Article 4 Direction in place would help ensure that all HMOs including Small HMOs are appropriately designed and managed which will in turn provide better more secure living conditions for people who rely on HMOs to access the housing market.

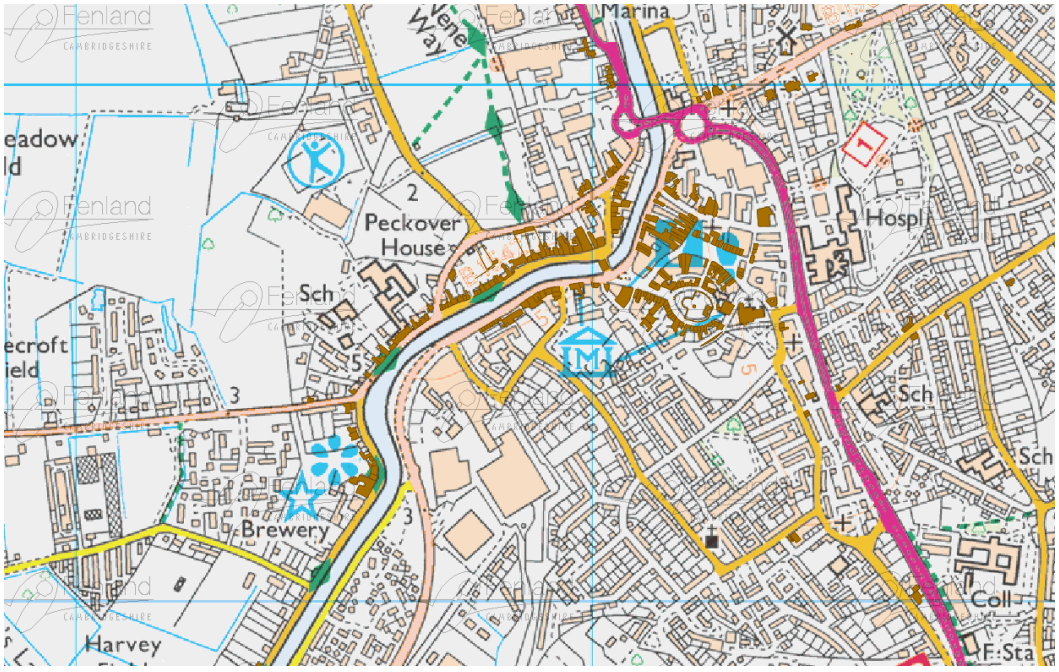
IMPACT ON HISTORIC CHARACTER

Comments from FDCs Principal Conservation Officer

There are two conservation areas within the proposed area for the Immediate Article 4 - Bowthorpe Conservation Areas and Wisbech Conservation Area.



Wisbech Conservation Area (Wisbech CA) was designated in March 1971. Within Wisbech CA there are 227 listed buildings.



The whole of the Wisbech CA is listed on the Heritage at Risk Register. Historic England note in their assessment that the condition of Wisbech CA is unbelievably bad and that the trend is deteriorating.

Over the last few years several buildings with Wisbech CA have been turned into HMOs. Many of these buildings are sold at auction and are quickly stripped out inside/carved up and turned into HMO's. Specifically in relation to listed buildings, this is often carried out without lawful consent, and this often happens without our knowledge and comes to light some after a protracted timescale. The requirement for planning permission under the direction of the Article 4 would not entirely solve this issue of unauthorised works occurring by ignorant or immoral landlords, but it would provide a second tier of restriction for which is likely to reduce unlawful works to listed buildings.

IMPACT ON AMENITY

Domestic Noise Service Requests (information from FDC Environmental Health)

279 Domestic Noise Complaints over last 5 years across Fenland - 19% were within Wisbech South and Wisbech Riverside

Although the data does not breakdown to HMO or not HMO when you compare the Census data for household composition and tenure it is reasonable to assume that the higher concentration of private rented properties and 'other' household composition types are likely to be a contributing factor.

When looking at the other wards in Wisbech: Wisbech Walsoken; and Waterlees and Leverington South Wisbech (the area for a non-immediate Article 4 direction) the total of all Domestic Noise service requests to environmental health is 37% of the total complaints.

Nuisance Reporting (information from FDC Environmental Health)

Since October 2019 there have been thirty complaints raised against licensed HMOs in the District - 29 of them were in Wisbech.

The nature and amount of the incidents indicate that the overconcentration of HMOs in Wisbech (specifically Wisbech Riverside and Wisbech South) is having a negative impact on residential and visitor amenity within the area.

Refuse Considerations

The refuse team have reviewed records for the 153 registered HMOs in Wisbech for 2024. Looking at the records they have been able to establish that:

- Sixty percent (92 properties) of HMOs in Wisbech had no incidents of contamination
- Thirty percent (46 properties) had 1 or 2 incidents of contamination
- Ten percent (15 properties) had three or more incidents of contamination, I would classify this group as problematic with 3% (5 properties) having seven or more incidents,

We do not hold address data for Small HMOs but refuse officers working within the area have noted that the amount of waste has increased in recent years, and this is potentially because of properties being over occupied – i.e. no longer occupied by families.

INFORMATION ON OPERATION PHESANT AND CONTROLLING MIGRATION FUND - MIGRANT EXPLOITATION IN THE PRIVATE RENTED SECTOR OF WISBECH

The Council has been working in partnership on a multi-agency project called Operation Pheasant since September 2012. The purpose of the project is to tackle migrant exploitation within the private rented sector.

The project was formed between Cambs Police and FDC in response to increases in rough sleeping and theft of food. The link was migrant workers being exploited in the private rented sector by rogue landlords and unlicenced gangmasters.

A task force was formed in January 2013 Gangmaster Licensing Authority, Cambs Fire and Rescue, HM Revenues & Customs & Immigration Enforcement

Wisbech is a hub for agricultural work which in turn provides opportunities for migrant workers to gain work here. Unfortunately, exploitation of vulnerable people is commonplace, we have seen 105 cases of human trafficking since Operation Pheasant started in September 2012.

The partnership approach is so vital because of the extent of the issues locally. Issues including sham marriage, prostitution, overcrowded properties, squalid and unsafe private rented accommodation are common. The partnership approach is vital to ensure that we take a no-nonsense approach to tackling the issues together to increase the impact and outcomes.

The Operation Pheasant Task Force group met monthly (between 2013-2020) and works to a task log which is jointly owned by the Task Force. The meeting is attended by both local and national statutory agencies.

Since the launch of Operation Pheasant in 2012, much has been achieved to tackle rogue landlord activity linked to HMO's, with a number of agencies and landlords no longer operational, the landscape in Wisbech and more broadly across fenland has improved significantly. However, issues remain, and the work of Operation Pheasant continues as part of the day-to-day work of the Private Sector Housing team - sharing intelligence and acting with Police and other statutory agencies on a day-to-day basis. The council regularly speak with other local authorities about our approach to tackling modern slavery and exploitation, most recently in January 2025.

INFORMATION ON ARTICLE 4 DIRECTIONS

Policy Requirements and Guidance

An Article 4 direction is made under article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and in accordance with Schedule 3 of that order to restrict Class L(b), dwelling house to HMO. The making of an order must be in accord with the NPPF and Departmental guidance.

Paragraph 54 of the NPPF states that the use of Article 4 directions to remove national permitted development rights should…

> b) in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area…
>
> c) in all cases, be based on robust evidence, and apply to the smallest geographical area possible.

The terms 'local amenity' and the 'well-being' as referred to above are not defined in the NPPF and can have different meanings depending on context. For example, visual amenity could be used in the context of appearance of an area, whilst residential amenity may refer to living conditions within a property. The Planning Portal defines amenity as 'a positive element or elements that contribute to the overall character or enjoyment of an area.'

The local planning authority must notify the Secretary of State when introducing an Article 4 Direction. Whilst the Secretary of State is not required to approve it, they can revoke or amend it, so it is imperative that the evidence supporting the making of an Article 4 Direction is robust.

When introducing an Article 4 Direction, there are two types of Direction under the GPDO: non-immediate directions and directions with immediate effect. An immediate direction can withdraw permitted development rights straight away; however, they must be confirmed by the local planning authority within 6 months of coming into effect to remain in force. A non-immediate direction does not take effect until consultation and subsequent confirmation by the Local Planning Authority, giving usually at 12 months' notice of the direction taking effect.

In accordance with Sections 107 and 108 of the Town and Country Planning Act 1990 and The Town and Country Planning (Compensation) (England) Regulations 2015 (as amended), compensation provisions apply to directions with immediate effect, whereas non-immediate directions may be served, giving at least 12 months' notice (and not more than 2 years) of the intent to enforce a direction, without the need to grant any subsequent compensation.