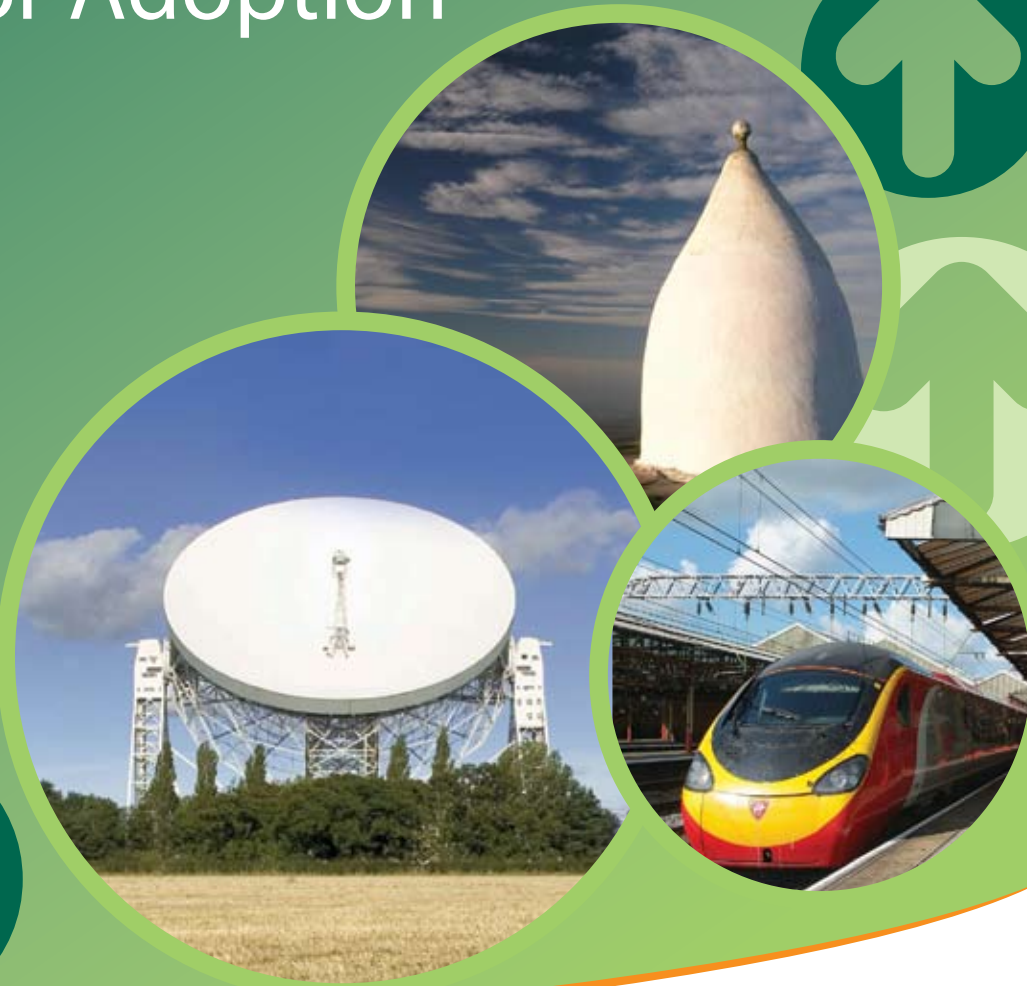


Cheshire East Local Plan

Houses in Multiple Occupation Supplementary Planning Document

Final Draft for Adoption





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1 Introduction

1.1 Supplementary Planning Documents (“SPDs”) add further detail to policies contained within the development plan and are used to provide guidance on specific sites or particular issues. SPDs do not form part of the adopted development plan but they are a material planning consideration in decision taking.

1.2 The Houses in Multiple Occupation SPD builds upon existing development plan policies found in the Cheshire East Local Plan Strategy (adopted July 2017) and ‘saved’ policies within previous Local Plans⁽¹⁾. The SPD also identifies additional plans and policies that are currently in preparation. Guidance is provided for all parties involved in the planning application process, explaining how Cheshire East Council (“the Council”) will assess planning applications involving the change of use of buildings to HMOs across the Borough.

1.3 It is acknowledged that HMOs and the wider private rented sector play an important role in meeting housing needs. However, a saturation of HMOs in a particular location can have negative impacts upon that area, for example the number of homes available for families or those wanting to purchase their first home may reduce due to a high demand for investment properties. In addition, the occupation of dwellings as HMOs by a higher number of adults compared to a typical family home, can place additional demands on services and infrastructure, for example increased waste generation.

1.4 The planning system can assist in maintaining and achieving a balance of households within the Borough’s neighbourhoods, ensuring that different housing needs are met whilst protecting the interests of other residents, landlords and businesses.

1.5 The SPD:

- Explains what a HMO is, in planning terms, and identifies the circumstances where planning permission could be needed;
- Identifies the national and local planning policies of relevance when considering planning applications for HMOs;
- Sets out more detailed policy guidance that will be used to assess planning applications for HMOs, including information requirements;
- Provides an overview of other regulatory requirements for HMOs including licencing and relevant standards for HMOs;
- Explains how the effectiveness of this SPD will be monitored.

1 Including the Congleton Local Plan, Crewe & Nantwich Local Plan and the Macclesfield Local Plan.



2 Planning Policy Framework

2.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise⁽²⁾. Material planning considerations include national planning policy and adopted supplementary planning guidance, where relevant.

The National Planning Policy Framework

2.2 The National Planning Policy Framework (“NPPF”) sets out the Government’s planning policies for England and how these should be applied.

2.3 To achieve sustainable development, the NPPF expects the planning system to support strong, vibrant and healthy communities as a key social objective. This includes provision of a sufficient range of homes and a built environment that supports everyone’s health and wellbeing.

2.4 In particular, policies within the NPPF expect planning policies to reflect the range of housing types and tenures needed by different groups in the community and help achieve the creation of inclusive and safe places that promote social interaction and address identified wellbeing needs.

Local planning policy

2.5 Relevant local planning policies are set out in the development plan for the area. The development plan for Cheshire East currently comprises of the Cheshire East Local Plan Strategy and ‘saved’ policies within previous local plans which remain in effect until such time as they are replaced by the emerging Site Allocations and Development Policies Document (“SADPD”). Neighbourhood Development Plans that have been successful at referendum and have subsequently been ‘made’ also form part of the statutory development plan.

2.6 Development plan policies of relevance to planning applications for HMOs are summarised below. This is not an exhaustive list and consideration will also be given to other relevant planning policies within each plan, where appropriate to the planning application proposals. This could include proposals that also affect Heritage Assets such as Conservation Areas or Listed Buildings.

Cheshire East Local Plan Strategy

2.7 The Cheshire East Local Plan Strategy (LPS) was adopted on the 21 July 2017 and this is the strategic plan for the borough. Relevant policies include:

- **Policy SD 1: Sustainable Development in Cheshire East.** This policy states that development should wherever possible, support the health, safety, social and cultural well-being of residents, contribute towards the equality and social inclusion through positive cooperation with the local community and provide locally distinct, high quality,

² Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.



well designed environments. The policy also encourages use of appropriate technologies to reduce carbon emissions.

- **Policy SD 2: Sustainable Development Principles.** This policy states that development is expected to contribute positively to an area's character and identity and be socially inclusive and integrate into the local community. The policy also states that proposals should be resilient to climate change and minimise energy use.
- **Policy SC 3: Health and Well-Being.** This policy promotes good housing design, ensuring that the layout and use of new development is appropriate and compatible with an area.
- **Policy SC 4: Residential Mix.** In order to support mixed, balanced and inclusive communities, provision should be made for a variety of housing tenures, types and sizes.
- **Policy SE 1: Design.** This policy states that development proposals should make a positive contribution to their surroundings, ensuring an appropriate level of privacy for new and existing residential properties, provide appropriate external storage and waste storage.
- **Policy SE 12: Pollution, Contamination and Land Instability.** The policy states that development should not have a harmful or cumulative impact upon noise or any other pollution which would adversely affect amenity.
- **Policy C0 1: Sustainable Travel and Transport.** This policy encourages the provision of secure cycle parking facilities in new developments.
- **Policy C0 2: Enabling Business Growth through Transport Infrastructure.** This policy states that recharging points should be provided for electric/hybrid vehicles in major development proposals. For residential development, where there is a clear and compelling justification to manage the road network, proposals should adhere to the adopted Cheshire East Council parking standards for cars and bicycles in Appendix C.
- **Appendix C: Parking Standards.** Appendix C sets out the minimum car and cycle parking standards that the Council will apply to new developments, including small houses in multiple occupation (Use Class C4).

'Saved' policies from previous Local Plans

2.8 The following Local Plans contain 'saved policies' that remain part of the development plan. These policies will continue to be used in determining planning applications until such time that they are replaced:

Borough of Crewe and Nantwich Replacement Local Plan

2.9 The Borough of Crewe and Nantwich Replacement Local Plan was adopted on the 17 February 2005. Relevant 'saved policies' include:

- **BE.1 Amenity.** This policy states that proposals will be permitted provided that they are compatible with neighbouring uses, do not prejudice the amenity of future occupiers or existing residents and would not result in an increase in pollution.
- **RES.9 Houses in Multiple Occupation.** This policy sets out various criteria against which proposals for HMOs will be assessed. This includes ensuring that the building is large enough to provide satisfactory living accommodation for future residents without the need for extensions, that the development does not result in adverse changes to the appearance of the building or would detract from the amenity of existing residents and



that adequate provision is made for car parking on site or adequate parking exists on street without worsening existing highway conditions.

Congleton Borough Local Plan First Review

2.10 The Congleton Borough Local Plan First Review was adopted on the 27 January 2005. Relevant 'saved' policies include:

- **GR6: Amenity and Health.** This policy states that development proposals adjoining or near to residential properties or sensitive uses will only be permitted where they do not have a detrimental impact upon amenity, for example through loss of privacy, environmental disturbance or pollution, traffic generation and parking.
- **GR7: Amenity and Health.** This policy states that development will not be permitted which leads to a loss of amenity or increased pollution.

Macclesfield Borough Local Plan

2.11 The Macclesfield Borough Local Plan was adopted on the 8th January 2004. Relevant 'saved' policies include:

- **DC3 Amenity.** The policy states that development should not significantly injure the amenity of adjoining or nearby residential properties or sensitive uses due to loss of privacy, noise, pollution, traffic generation, access and car parking.
- **DC38 Space, light and privacy.** This policy sets out the minimum spacing standards between buildings.
- **DC42 Subdivision of Property for Residential Purposes.** This policy states that applications for the subdivision of property for residential purposes will be permitted provided that the development provides a satisfactory level of amenity for proposed occupants and existing residents, the development does not materially affect the character of the area, particularly through an over-concentration of such uses and that on-site car parking should be provided.

Made Neighbourhood Development Plans

2.12 As at the 31 March 2021, 30 Neighbourhood Development Plans (NDP's) had been 'made' and now form part of the adopted development plan. Further details of these plans can be found on the Council's website:

<https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-planning.aspx>

Supplementary Planning Documents

2.13 The Council has adopted a number of Supplementary Planning Documents and full details of these can be found on the Council's website at:

<https://www.cheshireeast.gov.uk/localplan>

2.14 Relevant SPDs include:



Cheshire East Borough Design Guide

2.15 The Cheshire East Borough Design Guide was adopted on the 2 May 2017. It contains guidance on matters such as bin and cycle storage requirements.

Borough of Crewe & Nantwich: Development on Backland and Gardens SPD

2.16 The Development on Backland and Gardens SPD was adopted on the 15th July 2008. It contains guidance on various matters including minimum garden sizes for residential development.

Congleton Borough Local Development Framework Interim Policy Note: Public Open Space Provision for New Residential Development

2.17 The Interim Policy Note was adopted on the 24th September 2008. It contains guidance on various matters including minimum garden sizes for residential development.

Emerging plans

2.18 The Council is currently preparing a number of Local Plan Documents which once adopted, will form part of the adopted development plan. These include the Site Allocations and Development Policies Document, the Minerals and Waste Development Plan Document and the Crewe Hub Area Action Plan.

Cheshire East Site Allocations and Development Policies Document

2.19 The Cheshire East Site Allocations and Development Policies Document (“SADPD”) will form the second part of the Local Plan. It will set non-strategic and detailed planning policies to guide planning decisions and allocate additional sites for development to assist in meeting the overall development requirements set out in the LPS.

2.20 The Revised Publication Draft SADPD was submitted to the Secretary of State for examination on the 29 April 2021. Further details about this can be found on the Council’s website:

www.cheshireeast.gov.uk/localplan

2.21 The SPD has been prepared in a way that is consistent with, and supplementary to, emerging planning policies. Whilst this is not a legal or national planning policy requirement, this approach provides opportunity for this SPD to complement and support the implementation of future development plan policies too.

2.22 Relevant policies in the Revised Publication Draft SADPD include:

- **GEN 1: Design Principles.** This policy identifies a number of criteria that all developments are expected to meet. These include development contributing positively to the borough’s quality of place, creating safe places, be accessible and inclusive, integrating car and cycle parking and making appropriate arrangements for recycling and waste management including bin storage and collection.



- **ENV 7: Climate change.** This policy states that development proposals should implement opportunities to retrofit resistance and resilience measures in the existing building stock and optimise energy efficiency.
- **HOU 4: Houses in multiple occupation.** This policy states that the change of use of a dwelling to a HMO will be permitted provided that the number of existing HMOs within a 50 metre radius of an application site does not exceed 10% of all dwellings and proposals must not result in the ‘sandwiching’ of an existing single household (C3) between two HMOs. Additional criteria include that the development would not have an adverse impact upon the character and appearance of the property or the local area; on-street car parking levels; the capacity of local services/facilities and the amenity or the environment of surrounding occupiers. The property must also be of a size suitable for the proposed use, including outdoor amenity space, provision of cycle parking and waste storage.
- **HOU 10: Amenity.** This policy states that development proposals must not unacceptably harm the amenities of adjoining or nearby occupiers of residential properties for example through: loss of privacy; environmental disturbance or pollution; traffic generation, access and parking.
- **HOU 11: Residential Standards.** This policy includes a number of criteria including the need to meet minimum spacing standards between buildings and the provision of an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development.
- **Policy RET 8: Residential accommodation in the town centre.** This policy supports the provision of residential accommodation in town centres provided that they are integrated effectively with existing businesses and community facilities and ensure appropriate and safe access arrangements; secure, well designed and accessible cycle parking; and appropriate and well located waste and recycling facilities.
- **Policy INF 3: Highway safety and access.** This states that development proposals should incorporate appropriate charging infrastructure for electric vehicles in safe, accessible and convenient locations.

Cheshire East Minerals and Waste Development Plan Document

2.23 The Minerals and Waste Development Plan Document is currently in preparation. It will set out the Council’s planning policies on minerals and waste.

Crewe Hub Area Action Plan

2.24 The Crewe Hub Area Action Plan (CHAAP) will establish a planning framework to facilitate and manage development around a future HS2 Hub station in Crewe.



3 Houses in Multiple Occupation (HMOs)

Definition

3.1 In planning terms only⁽³⁾, a HMO is a dwelling (house or flat) that is occupied by a certain number of unrelated individuals who share one or more basic amenities such as a kitchen or bathroom. They are commonly known as shared houses.

3.2 The Town and Country Planning (Use Classes) Order 1987 (as amended) classifies HMOs as:

- Use Class C4 – accommodating between 3 and 6 unrelated individuals, or;
- ‘Sui Generis’ - accommodating 7 or more unrelated individuals.

The requirement for planning permission

3.3 Planning permission can be required to change the use of a building to a HMO. The scenarios below identify when planning permission is most often needed:

Change of use of a dwelling to a large HMO

3.4 The change of use of a dwelling (Use Class C3) to a large HMO accommodating 7 or more unrelated individuals (Use Class: Sui Generis) always requires planning permission.

3.5 The same applies in reverse - the change of use of a large HMO (Sui Generis) back to a dwelling (Use Class C3) will require planning permission.

3.6 Planning permission is also required for the change of use of an existing small HMO (Use Class C4) to a larger HMO (Sui Generis).

Change of use of a dwelling to a small HMO (use Class C4)

3.7 Under normal circumstances, the change of use of a dwelling (Use Class C3) to a small HMO accommodating between three and six unrelated individuals (Use Class C4) is ‘permitted development’. This means that planning permission from the Council is not usually required in order to carry out this change of use.

3.8 The same applies in reverse – the change of use of an existing small HMO (Use Class C4) back to a dwelling (Use Class C3) would also be ‘permitted development’.

3.9 However, there are some exceptions to this normal rule. There may be areas of the Borough where ‘permitted development rights’ have been withdrawn through the use of an ‘Article 4 Direction’. Further information about this can be found below.

Change of use to HMOs from other uses

3.10 A change of use to a HMO (large or small) from other uses such as a shop or office will normally require planning permission.

³ There may be different definitions for HMOs under non-planning legislation for example Council Tax and Licencing. Landlords and property owners should therefore ensure that they comply with all relevant standards and legislation.



Article 4 Directions

3.11 The Council can use powers set out in the Town and Country (General Permitted Development) (England) Order 2015, as amended to withdraw ‘permitted development rights’ from defined geographical areas through the introduction of an ‘Article 4 Direction’.

3.12 Once an Article 4 Direction is brought into force, planning permission from the Council is then required for the specific permitted development right that has been withdrawn.

3.13 On the 3rd December 2019, the Council authorised the making of three non-immediate Article 4 Directions for the Nantwich Road, Hungerford Road and West Street areas of Crewe. The Directions were made on the 6th October 2020 and subsequently confirmed on the 4 June 2021. The Directions come into force on the 1 November 2021.

3.14 Within the Direction areas, planning permission will be required for the change of use of any dwelling house to a small HMO accommodating between 3 and 6 unrelated individuals (Class C4). The planning application process will allow the full impacts of such proposals to be assessed by the Local Planning Authority.

3.15 Further information about the Article 4 Directions and maps defining the areas affected can be found on the Council’s webpage:

www.cheshireeast.gov.uk/A4D

3.16 The Council will continue to monitor the location of all HMOs within the borough and may introduce further Article 4 Directions, or changes to any existing ones, if there is evidence to do so. Information about any Article 4 Directions affecting HMOs will be published on the Council’s website.



4 Assessing planning applications for HMOs

4.1 The following issues will be taken into account by the Council when assessing planning applications for HMOs:

Avoiding/ exacerbating concentrations of HMOs

4.2 In order to maintain and support mixed and balanced communities, **a maximum of a 10% concentration of HMOs within a 50 metre radius will be applied.**

4.3 Planning permission will not be granted for new HMOs or proposals to extend existing HMOs to accommodate additional residents, where the number of dwellings already in use as HMOs within a 50 metre radius of the application site exceeds 10% of the dwellings in that area (this includes any part of a dwelling or its curtilage that falls within that radius).

4.4 Figure 4.1 shows how the 50 metre radius will be applied from the boundary of application site (shaded green) and which properties will be included within the assessment (shaded blue).



Figure 4.1: Applying a 50 metre radius

4.5 The assessment of the number of existing HMOs within a 50 metre radius includes both small and large HMOs and not just those HMOs that require planning permission. The Council will gather this information from planning permission data, licencing information and other data sources when assessing planning applications for new HMOs.



4.6 It is recognised that within certain parts of the borough, most notably areas of Crewe that will be covered by Article 4 Directions, concentrations of HMOs may already exceed or are close to, the proposed threshold of 10%. It is considered that these areas require particular protection so as not to erode the important contribution that the remaining family homes make to the balance of the community.

4.7 In addition to the 10% threshold above, **any proposals that would result in an existing property (Use Class C3) being sandwiched by HMOs on either side will not be permitted.**

4.8 Figure 4.2 below shows an example of where a proposed HMO (shaded pink) would result in existing dwellings (C3) (unshaded) being sandwiched between the proposed HMO and an existing HMO (shaded blue). Such sandwiching will not be permitted.



Figure 4.2: Sandwiching

Exceptions

4.9 There may be instances whereby almost all properties within a terrace are already HMOs with only a very small proportion (one or two) of Class C3 dwellings remaining in that group. An example of this is shown in Figure 4.3 below.



Figure 4.3: Exceptions

4.10 The Council may, by exception, allow the remaining one or two C3 dwellings in a particular terraced group to be converted to HMOs if this would have little impact on the balance and mix of households in that terrace which is already over dominated by the proportion of existing HMOs if it would not cause further harm the character of the area.

4.11 It is recognised that owner occupiers or long term residents in this situation (as described above), could struggle to sell their property for a continued Class C3 use when surrounded by existing HMOs. Each application site will be assessed on its own individual merits when considering whether this exception should be allowed.

4.12 Where an application proposes such an exception, the applicant should submit a supporting statement with the planning application to demonstrate that there is no reasonable demand for the existing residential property as a continued Class C3 use. No reasonable demand would be demonstrated where the property has been advertised for a period of at least 12 months on the property market offered at a reasonable price (based on an assessment of the property market in the local area) or rental level to be verified in writing by a qualified person in a relevant profession such as an estate agent, and where there has been no reasonable commitment to purchase/rent the property.

Achieving good standards of accommodation

4.13 The size of the dwelling and internal layout must be sufficient to accommodate the proposed number of residents in order to protect the residential amenity of future occupiers of the HMO and any adjacent residents. The internal layout of HMOs should meet the amenity and facilities standards set out in the Council's latest 'Amenities and Facilities Standards in Houses in Multiple Occupation (HMOs): Guidance for Landlords and Agents' which can be found at:



<https://www.cheshireeast.gov.uk/hmo>

4.14 The external area serving the dwelling should also be of sufficient size to accommodate waste storage requirements, make adequate provision for cycle parking, provide space for outdoor clothes drying and amenity space for residents.

Internal layout and room sizes

4.15 Planning applications should provide existing and proposed floor plans to a suitable scale for example: 1:100. Proposed floor plans should clearly identify proposed room uses, including bedrooms or communal spaces and the location of any opening windows. For bedrooms, the plans must also indicate the maximum number of occupants.

4.16 The Council applies prescribed national minimum room sizes for the size and use of rooms as sleeping accommodation/bedrooms to licenced HMOs. For planning applications , all rooms proposed for use as sleeping accommodation/ bedrooms should, as a minimum, comply with the latest published national minimum room sizes for HMOs. Currently this is:

- no room with a floor area of less than 4.64 square metres (sq.m.) can be occupied as sleeping accommodation.
- rooms with a floor area between 4.64 sq.m. and 6.51 sq.m. can only be occupied as sleeping accommodation by a single child of less than 10 years of age;
- rooms with a floor area between 6.51 sq.m. and 10.21 sq.m. can be occupied as sleeping accommodation by 1 person.
- rooms of at least 10.22 sq.m. can be occupied as sleeping accommodation by two people.

4.17 Further detailed information about prescribed national minimum room sizes can be found on the Council's website:

<https://www.cheshireeast.gov.uk/hmo>

4.18 In addition to the above standards, all rooms proposed for use as a bedroom must have access to at least one opening window.

Waste storage and disposal

4.19 When a dwelling is converted into an HMO, there is potential for increased domestic waste. For example, if a property was previously occupied by a small family, the waste generated is unlikely to be as high as if the property is occupied by a number of unrelated adults.

4.20 The design and layout of HMOs should therefore be carefully considered to ensure that there are adequate facilities for waste storage both internally and externally and for collection.

4.21 The majority of properties in Cheshire East have at least three bins: a recycling bin; a garden/food waste bin and a non-recyclable bin. Plans for the provision of storage areas should take account of these minimum requirements. Larger HMOs should consider the need for any additional waste storage requirements. Further information about the types of bins available (and sizes) can be found on the Council's website:



https://www.cheshireeast.gov.uk/waste_and_recycling/bins-waste-and-recycling.aspx

4.22 In order to ensure that adequate provision is made for waste, the following information must be provided:

- Proposed floor plans to show the location of an **internal waste storage area** to be used prior to removal to an external storage area. The internal storage area must be sited so not to be a danger to children, or cause problems with hygiene and attract pests. Internal waste storage areas should not be located within bedrooms and refuse bins must not be stored on escape routes.
- Proposed site plan and elevations to show the location, size and design of an **external waste storage area** to be used for the storage of waste and recycling bins. The plans should show the route (and distance) from the external storage area to the collection point.

The waste storage area must be in a suitable location within the curtilage of the property, sited to be accessible to all residents with a clear route available from it to the public highway in order to facilitate collection. The storage area must be sensitively sited so to be adequately ventilated, capable of being cleansed and avoid any loss of amenity to neighbouring residents or harm to the wider streetscene.

Reducing carbon emissions

4.23 As with all types of development, proposals for HMOs will be considered in the context of important policies aimed at tackling climate change. LPS Policy SD 1: Sustainable Development in Cheshire East states that development should (where possible) use appropriate technologies to reduce carbon emissions. LPS Policy SD 2: Sustainable Development Principles states that all development will be expected to be resilient to climate change and minimise energy use.

4.24 Emerging SADPD Policy ENV 7: Climate Change encourages opportunities to retrofit resistance and resilience measures into existing building stock. SADPD Policy INF 3: Highway Safety and access requires that developments incorporate charging infrastructure for vehicles in safe and convenient locations.

4.25 The majority of planning proposals for HMOs involve conversion of existing dwellings or buildings in alternative uses. Planning proposals for HMOs should demonstrate that the development will incorporate measures to reduce carbon emissions and minimise energy use. Where it is safe, convenient and accessible to do so, proposals shall make provision for charging points for hybrid or electric vehicles.

Car parking

4.26 HMOs can place additional pressure on car parking within the local area due to the number of unrelated adults residing in the property. In considering proposals for HMOs the Council will apply the following adopted car parking standards set out in Appendix C of the Cheshire East Local Plan Strategy:



| | | |
|---------|--|---|
| C3 / C4 | Dwelling Houses and Houses in Multiple Occupation ⁽¹⁰⁸⁾ | Principal Towns and Key Service Centres: for 1 bedroom - 1 space per dwelling; for 2 bedrooms - 2 spaces per dwelling; for 3+ bedrooms - 2 spaces per dwelling Remainder of borough: for 1 bedroom - 1 space per dwelling; for 2/3 bedrooms - 2 spaces per dwelling; for 4/5+ bedrooms - 3 spaces per dwelling |
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Source: Cheshire East Local Plan Strategy Appendix C

4.27 As set out in paragraph C.4 and Footnote 108 of the adopted parking standards, these are recommended levels and regard will also be had to:

- Availability and cost of parking spaces on site and close by;
- Relationship between different land uses, such as how close housing is to employment, shops and leisure uses
- How easy it is to access a site by safe walking and cycling routes;
- Operational needs of proposed developments; and
- How regular and frequent public transport is;

4.28 When applying the recommended levels, there should be sufficient space for cars to park within the residential curtilage of the property. The existing and proposed site plan must identify car parking arrangements (where appropriate). Any proposed car parking must not result in the loss of front gardens and/ or boundary walls, where this would detract from the existing street scene.

Cycle parking facilities

4.29 Adequate provision must be made for secure, covered cycle storage within the curtilage of the property on the recommended basis of 1 cycle parking space per bedspace. Ground level cycle storage is preferable, and the storage area must be accessible to all residents with a clear route available from it to the public highway.

4.30 In order to ensure that adequate provision is made for cycle storage, the submitted site plan must show the location, size of the cycle storage area and elevations must be provided of the store design. The store must be sensitively designed and sited so there is no loss of amenity to neighbouring residents or the wider streetscene.

Outdoor amenity space

4.31 Separate to external waste storage and cycle parking requirements, the submitted site plan must also identify the location of an external area for clothes drying and useable amenity space for residents. The suitability of the external area to accommodate all requirements will be assessed on a case-by-case basis.

Residential amenity

4.32 Any proposed change of use (or extension of) a HMO should not have an unacceptable impact on the levels of amenity that existing neighbouring residents can reasonably expect to enjoy.



4.33 This is particularly relevant when considering the use of semi-detached or terraced properties, properties in narrow streets or densely developed areas where potential impact is likely to be more concentrated and directly affecting neighbouring residents.

4.34 Where relevant, details of sound insulation measures shall be provided with planning applications. These details should demonstrate that any noise arising from the use of the dwelling as a HMO would not have an adverse impact upon the amenity of adjacent residents.

Impact upon the character and appearance of the area

4.35 Some proposals may affect the outside appearance of a property and this must be clearly shown on submitted existing and proposed plans. Where external alterations require planning permission, they will be assessed against the Council's adopted policies, including LPS Policy SE 1 Design and those contained within 'saved' local plans. All proposals must be sensitively designed to take account of their surroundings. This includes any means of escape required for fire safety reasons.

Display of advertisements

4.36 In areas with high levels of HMOs and rented properties, there is the potential for a proliferation of signage which can detract from the street scene and adversely affect residential amenity.

4.37 The display of advertisements in England is primarily governed by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Certain types of outdoor advertisements, including property 'for sale' and 'to let' boards benefit from 'deemed consent' under this legislation and do not require advertisement consent to be obtained from the Local Planning Authority, provided that the advert is displayed in accordance with the criteria set out in the regulations. Any board advertising a property to let must be removed within 14 days of granting a tenancy.

4.38 Should there be evidence of a proliferation of boards and issues with their timely removal, consideration may be given to taking further steps to secure compliance with legislation. This could include a voluntary code of practice or the withdrawal of deemed consent in areas with high levels of HMOs.



5 Licensing and management

5.1 In addition and separate to the planning requirements set out in this SPD, the Council also operates a mandatory licensing scheme for HMOs. All HMOs occupied by five or more people are required to have a licence. You can find out whether a property has an existing HMO licence at:

https://www.cheshireeast.gov.uk/housing/private_sector_housing/houses_in_multiple_occupation/licensed-hmo-register.aspx

5.2 Operating a licensable HMO without a licence is a criminal offence and there can be serious financial consequences arising. In addition, failure to comply with licence conditions or breaches of HMO Management Regulations is also an offence and penalties can apply.

5.3 The Council's Housing Standards & Adaptations Team deals with the licensing and management of HMOs and can be contacted by email to: HMO@cheshireeast.gov.uk or telephone 0300 123 5017 (selecting option 4).

5.4 Further information about the management of HMOs, housing standards, fire safety and the latest guidance for landlords and letting agents can be found on the housing pages of the Council's website:

www.cheshireeast.gov.uk/housing



6 Monitoring and review

6.1 The effectiveness of this Supplementary Planning Document will be monitored as part of the Authority Monitoring Report process using information from planning applications and decisions.



7 Glossary

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| Amenity | A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them. |
| Article 4 Direction | A direction made under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 as amended. Article 4 Directions are used to withdraw permitted development rights granted by development order. They can take immediate effect or be non immediate. |
| Authority Monitoring Report | An annual report prepared by Cheshire East Council to assess progress and effectiveness of a Local Plan. |
| Development | Defined by the Town and Country Planning Act 1990 as “the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change of use of any building or other land.” Most forms of development require planning permission, unless expressly granted planning permission via a development order. |
| Development Order | <p>Development Orders include the Town and Country Planning (General Permitted Development) Order 2015 as amended and the Town and Country Planning (Use Classes) Order 1987 as amended.</p> <p>Development Orders grant planning permission for certain types of development or changes of use. Such development is then referred to as ‘permitted development’.</p> |
| Development Plan | This includes adopted Local Plans and Neighbourhood Plans and is defined in Section 38 of the Planning and Compulsory Planning Act 2004. |
| Habitats Regulations Assessment | The process that competent authorities must undertake to consider whether a proposed development plan or programme is likely to |



Houses in Multiple Occupation (HMOs)

have significant effects on a European site designated for its nature conservation interest.

A dwelling that is occupied by 3 or more unrelated individuals who share one or more basic amenities – for example a kitchen or bathroom.

HMOs may be described as ‘small’ – occupying between 3 and 6 unrelated individuals or ‘large’ – occupying 7 or more unrelated individuals.

Licence

Separate to planning permission requirements, HMOs may also require a licence from the Council . At present the Council operates the mandatory licencing scheme whereby all HMOs that accommodate 5 or more individuals require a HMO licence.

Local Plan

The plan for the development of the local area, drawn up by the local planning authority in consultation with the community.

In law this is described as the Development Plan Documents adopted under the Planning and Compulsory Purchase Act 2004.

Current core strategies or other planning policies, which under the regulations would be considered to be Development Plan Documents, form part of the Local Plan. This term includes old policies which have been saved under the 2004 Act.

Local Plan Strategy

Development Plan Document setting out the spatial vision and strategic objectives of the planning framework for an area, having regard to the Community Strategy.

Local Planning Authority

The local authority or Council that is empowered by law to exercise planning functions. In the case of this SPD, the Local Planning Authority is Cheshire East Council.



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| Neighbourhood Plan | A plan prepared by a parish Council or neighbourhood forum for a particular neighbourhood area (made under the Planning & Compulsory Purchase Act 2004). |
| Permitted Development | <p>Development that has been planning permission nationally by the government by means of a development order.</p> <p>Permitted development rights may be withdrawn by local planning authorities through the use of 'Article 4 Directions'.</p> |
| Residential Amenity | The quality of the living environment for occupants of a dwelling house, including its associated external spaces. |
| Site Allocations and Development Policies Document | Part of the Local Plan which will contain land allocations and detailed policies and proposals to deliver and guide the future use of that land. |
| Sui Generis | Not all uses of land or buildings fit within the Use Classes Order. When no use classes order category fits, the use of the land or buildings is described as sui generis, which means 'of its own kind'. All HMOs that accommodate 7 or more unrelated individuals fall into the 'sui generis' category. |
| Supplementary Planning Documents | A Local Development Document that may cover a range of issues, thematic or site specific, and provides further detail of policies and proposals in a 'parent' Development Plan Documents. |
| Sustainability Appraisal | An appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process to allow decisions to be made that accord with sustainable development. |
| Strategic Environmental Appraisal | SEA is a process and a tool for evaluating the effects of proposed policies, plans and programmes on natural resources, social, cultural and economic conditions and the institutional environment in which decisions are made. |



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