

The Planning Inspectorate

PINS NOTE 1172r4

To: All Inspectors English casework only

Date of Issue: 9 September 2010

Currency: review at 6 months after issue

Updated: 3 January 2012 – Revised para 4 now references a Court of Appeal judgment on 16 December 2011.

AMENDMENTS TO THE PLANNING RULES FOR HOUSES IN MULTIPLE OCCUPATION

Background

1. Following the [news release on 17 June](#), CLG have issued a Dear Chief Planning Officer letter announcing their plan to proceed with the amendments to planning rules for houses in multiple occupation (HMOs).
2. From 01 October 2010 change of use from Class C3 Dwellinghouse to Class C4 HMO will be permitted development¹. Where there is a local need to control the spread of HMOs, LPAs will be able to issue Article 4 directions requiring planning applications in the local area².
3. DCLG has issued Circular 08/2010 'Changes to planning regulations for dwellinghouses and houses in multiple occupation'. This replaces paras 66-77 of circular 03/2005 'Changes of use of Buildings and Land'.
4. Initially judicial review action by a number of LPAs over the validity of the changes to the GPDO was rejected on 11 April 2011. The judgment was subsequently challenged through the Court of Appeal, where the SoS position was upheld on 16 December 2011, ruling that he was entitled to make those earlier changes to the GPDO as he was to use the limited consultation procedures adopted for the particular circumstances³. The amended GPDO therefore stands.

Action

5. Inspectors should note the changes outlined in the Dear CPO letter and those in PINS note 1155 'Changes to the Use Classes Order: Houses in Multiple Occupation (HMOs)', which outlines the April 2010 changes affecting HMOs.
6. Please contact XXXX if you have any queries on this Note.

¹ [The Town & Country Planning \(General Permitted Development\) \(Amendment\) \(No 2\) \(England\) Order 2010 \(2010 No. 2134\)](#) will come into force on 01 October 2010.

² The Town and Country Planning (Compensation) (No.3) (England) Regulations 2010 (2010 No. 2135) will come into force on 01 October 2010.

³ R (on the application of MILTON KEYNES COUNCIL & ORS) v SoS DCLG (2011)

XXXX

Director of Policy, Quality and Development Plans