Article 4 Direction for C3 dwellinghouses to C4 houses in multiple occupation

Consultation Statement

October 2021

What is being consulted upon?

The London Borough of Brent has made a non-immediate Article 4 Direction to remove the permitted development rights allowed under **Schedule 2 Part 3 Class L(b)** of the Town & Country Planning (General Permitted Development) England Order 2015 (as amended) (GPDO). This applies to the borough where Brent is the Local Planning Authority.

This will require that planning permission is sought for the change of use of C3 (dwellinghouses) to C4 (houses in multiple occupation) that would otherwise be allowed by that Schedule. If confirmed it will commence on the 1st November 2022.

Why has the Council introduced this Article 4?

Currently dwellings can be turned into smaller houses in multiple occupation (HMOs) without the need for planning permission. HMOs are small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. There are currently about 17,000 HMOs in the borough. The Council recognises the importance that they have in meeting housing needs. They provide accommodation that is more affordable for some people. Nevertheless, when there are significant concentrations of HMOs it can cause issues. They change the character of an area and result in adverse impacts, for example higher amounts of anti-social behaviour. They also reduce the amount of larger family homes (3+bedrooms) that are available for families.

As such the Council wants to be able to manage the development of HMOs and consider whether change of use from dwellings is acceptable. Requiring planning permission will help in doing this. It will ensure that there is not an over-concentration of uses and address elements that might impact on anti-social behaviour (such as waste management). It will also allow the Council to ensure a reasonable amount of larger homes for families remain available.

The Article 4 will not apply in the Old Oak and Park Royal Development Corporation (OPDC) area, as the Council is no longer the planning authority in that area. It will also not apply the draft Local Plan's site allocations within the Church End Growth Area and all parts of the other seven Growth Areas.

Legislation

The legislative process for consulting on and adopting an Article 4 Direction is set out in the Town & Country Planning (General Permitted Development) England Order 2015 (as amended) (GPDO).

Article 4 of the Order provides Local Planning Authorities with the power to remove certain permitted development rights which are set out in the Order. Schedule 3 of the Order sets

out the procedure for publishing and confirming an Article 4 Direction. This section of the GPDO stipulates specific actions which a Local Planning Authority must undertake when preparing and confirming an Article 4 Direction.

The Local Planning Authority must notify as soon as practicable after an Article 4 has been made by:

a) local advertisement;
b) site display at no fewer than 2 locations within the area to which the direction relates;
c) serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates unless the number of owners or occupiers within the area to which the direction relates makes individual service impracticable.

The notice must:

(a) include a description of the development and the area to which the direction relates, or the site to which it relates, as the case may be, and a statement of the effect of the direction;
(b) specify that the direction is made under article 4(1) of this Order;
(c) name a place where a copy of the direction, and a copy of a map defining the area to which it relates, or the site to which it relates, as the case may be, may be seen at all reasonable hours;
(d) specify a period of at least 21 days, stating the date on which that period begins, within which any representations concerning the direction may be made to the local planning authority; and
(e) specify the date on which it is proposed that the direction will come into force, which must be at least 28 days but no longer than 2 years after the date referred to in paragraph (d).

The Council also has to send a copy of the Article 4 Direction and Notice, together with any map defining the area to which it relates to the Secretary of State on the same day that notice of the direction is first published.

In deciding whether to confirm a direction made under article 4(1), the local planning authority must take into account any representations received during the period. It cannot confirm an Article 4 Direction until 28 days after the last notices have been served/published.

On confirmation of the Article 4 Direction, the local planning authority has to inform the Secretary of State and also publicise this in a notice in the manner consistent with the notification of the Article 4 direction being made.

What consultation has taken place to date?

The Council first notified on an Article 4 for HMOs from 24 October to 5 December 2019. Referred to as the '2019 Article 4'. This Article 4 applied to all parts of the borough, excluding where the Old Oak and Park Royal Development Corporation are local planning authority.

The 2019 Article 4 was publicised using the following methods:

a) local advertisement in the Kilburn Times;
b) site display at 2 locations within the various areas to which the direction relates;
c) writing to those specified in the GDPO 2015, consultees on the planning policy consultation database and through Brent Council's Landlords' Newsletter. The

number of properties within the area means that the Council considered it impracticable to serve individual notices on each owner/occupier of premises;
d) notices within Brent libraries;
e) making it available on the Council's website

Thirteen representations were received, one neither for nor against (Highways England) and seven in support of the Article 4 including Brent Parks' Forum, with the remainder being residents. The five not in favour were those who own dwellings for private rent including Quintain/Tipi. A fuller summary of the representations, together with officer responses is set out in Appendix A.

Subsequently, a decision was made by the Council's Cabinet on 11 October 2021 to formally revoke the 2019 Article 4. At the same meeting, Cabinet agreed the making of a new borough wide non-immediate Article 4 direction for change of use from Residential (C3) to Houses in Multiple Occupation (C4) that excludes the draft Local Plan's site allocations within Church End Growth Area and all parts of the other seven Growth Areas.

Steps the Council has taken to publicise the new Article 4.

The Council has notified on the Article 4 as soon as practicable by:

f) local advertisement in the Kilburn Times;
g) site display at 2 locations within the various areas to which the direction relates;
h) writing to those specified in the GDPO 2015, consultees on the planning policy consultation database. The number of properties within the area means that the Council considers it impracticable to serve individual notices on each owner/occupier of premises;
i) writing to respondents to the 2019 Article 4 consultation;
j) notices within Brent libraries;
k) making it available on the Council's website

Representations may be made concerning the Article 4 direction between 21 October and 1 December 2021. If you wish to make representations, you must do so by post to the Planning Policy Team, Regeneration and Environment, London Borough of Brent, Civic Centre, Engineers' Way, London, HA9 0FJ or by email to planningstrategy@brent.gov.uk. Any representation must be received by 17:00 on 1 December 2021 and include a name and a postal or e-mail address.

Next Steps

Following the close of the consultation this statement will be updated to include a summary of comments received. The comments received together with officer responses will be presented to the Lead Member for Regeneration, Property and Planning for their consideration. This will inform the decision on whether the Council will confirm the Article 4 Direction.

Appendix A: Summary of representations received and officer comment

In total 13 representations: 7 in favour, 5 against and one no impact.

Respondent	Summary of Comments	Officer response	Change to Article 4
Highways England	Changes will not materially affect the safety, reliability, and/ or operation of the Strategic Road Network (SRN).	Noted.	No change.
Resident	In support. Landlords should be restricted from profiting at the expense of the wider community, and that of the tenants who inhabit these often poor dwellings. Impact on neighbours is unacceptable, and impacts on waste, sewerage, noise, footfall, character and parking needs to be considered. Going forward, future development proposals should consider: impact on employment/ businesses, accommodation standards, and impact on neighbours.	Noted. Additional licensing requirements for houses in multiple occupation can help address the quality of dwellings to bring them up to minimum standards. The licences do address matters like management of the properties, so can reduce the potential for adverse impacts related to anti-social behaviour of tenants. Implementation of an Article 4 requiring planning permission would be able to address the potential for otherwise local adverse impacts associated with an over-concentration of houses in multiple occupation, which might impact on matters such as sewerage, noise footfall and character and parking. Planning permissions typically ensure that matters such as waste management, noise and parking are also addressed on-site.	No change.
Resident	In support. Recognise need for housing in London, however, unregulated HMO's are not the answer. Changes to family dwellings across the borough has been rapid, resulting in problems with: subletting, parking, waste management, and anti-social	Noted. Additional licensing requirements for houses in multiple occupation can help address the quality of dwellings to bring them up to minimum standards. The licences do address matters like management of the properties, so can reduce the potential for adverse impacts related to anti-social behaviour of tenants.	No change.

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	behaviour. Increase concentration of occupants exacerbates these problems due to their lack of communal space, changing high streets where the offer becomes less welcoming to locals due to anti-social behaviour. Disproportionate occupation by single men increases feelings of discomfort for local women. Increased population turnover encourages illicit activity. A particular issue is the levying of council tax. Capacity to convert also increases non-occupier/ non-locals to exploit housing stock for investment, reducing affordability for local residents who wish to stay in Brent.	Implementation of an Article 4 requiring planning permission would be able to address the potential for otherwise local adverse impacts associated with an over-concentration of houses in multiple occupation, which might impact on matters such as population churn, anti-social behaviour, character and parking. Planning permissions typically ensure that matters such as amenity/communal space, waste management, noise and parking are also addressed on-site. Both the licensing and the need for planning permission would not intervene in who occupies a house in multiple occupation in terms of their gender. A control on the number of houses in multiple occupation may be a component of potentially reducing house prices. Notwithstanding this, private landlords who may either be residents or from outside the borough, letting to single households may also be in a better position to purchase properties than those buying their own home.	
Resident	In support. HMO's have adverse effects, namely anti-social behaviour due to over-crowding, and also impacts on: waste management, crime, public realm, parking/ transport, and the environment. This also impacts upon the availability of family housing which is lacking in Brent, reducing peoples	Additional licensing requirements for houses in multiple occupation can help address matters like occupation levels and management of the properties, so can reduce the potential for adverse impacts related to anti-social behaviour of tenants. Implementation of an Article 4 requiring planning permission would be able to address the potential for otherwise local	No change.

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	capacity to put down roots and increasing population turnover.	adverse impacts associated with an over-concentration of houses in multiple occupation, which might impact on matters such as population churn, anti-social behaviour, character and parking. Planning permissions typically ensure that matters such as number of occupants, amenity/communal space, waste management, noise and parking are also addressed on-site. The Article 4 would provide in association with policies in the draft Brent Local Plan the potential to retain more properties for larger households to occupy as family housing.	
Brent Parks Forum	In support. The Forum has joined with Thames Water; Thames 21, Brent Council and the Environment Agency as well as Woodcock Park Friends Group as part of the Friends of Wealdstone Brook. List of HMOS is not easily accessible currently. HMOs result in: a) Increases in sewerage abuse – wet wipes have caused two medium sewage pollutions to the surface water systems and Wealdstone Brook in October and November 2019.	The Council is not specifically aware of evidence that HMOs in particular are likely to have higher instances of sewage abuse compared to other dwellings. Nevertheless, assuming abuse is consistent on average across the population as a whole, the volume of sewage and associated issues like increases in wet-wipes is likely to rise from higher occupation of residences. Rented dwellings and HMOs are likely to be more intensely occupied than owner-occupier, which tend to be under-occupied. Thames Water has not specifically requested to be notified of HMO development.	No change.

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	b) Undermining sewerage capacity if numbers are too great. Thames Water needs to be notified of HMOs in the future.		
Resident	In support. Strongly in favour of planning permission being required and needing to demonstrate adequate waste disposal facilities.	It is likely that the Council would seek to take forward a HMO Supplementary Planning Document to support emerging draft Brent Local Plan policies. This will provide additional advice on requirements for matters such as waste associated with the prospect of obtaining planning permission.	No change.
Resident	In support. Council should be able to control over HMO development.	A requirement for planning permission will be able to better address this in association with emerging Brent Local Plan policy that identifies an acceptable number of HMOs in an area. It will however not be able to retrospectively deal with the many existing HMOs as these if lawful will not need planning permission.	No change.
Resident	In support. Vital development that the impacts on local services and amenities should be managed and not overwhelmed. The character of areas should not adversely affected by uncontrolled expansion in terms of housing units and numbers of people.	A requirement for planning permission will be able to better address this in association with emerging Brent Local Plan policy that identifies an acceptable number of HMOs in an area.	No change.
Landlord	Not in support. Council flouting the powers it has available to it. Should not be introducing an Article	The Council understands that good quality landlords feel they are unfairly being impacted on by the poor practises of some landlords.	No change.

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	4. Nor is there a need for licensing for good quality landlords. It is a money making venture which the Council does not apply to its own properties.	Where the landlord is of a better quality, then the level of Council intervention associated with licensing is less intense. The introduction of planning permissions for HMOs will not make the council money. The administration costs associated with an application currently are likely to outweigh the fee received.	
Landlord	Not in support.	Noted.	No change.
Landlord	Not in support. HMOs provide lower cost accommodation for single people and couples. The licensing regime gives sufficient scope to regulate properties.	HMOs do provide accommodation that might be more affordable for many and it is important in addressing the housing needs of residents. This was acknowledged in the Cabinet paper that supported the consideration of the case for making the Article 4. The licensing does not deal with all matters, such as over-concentration of properties or loss of larger family homes for which there is also a housing need, which is currently not being met.	No change
Landlord	Not in support. HMOs provide lower cost accommodation for those looking to climb the property ladder or may not be able to afford a flat. Planning permission adds bureaucracy that is excessive and will deter landlords.	HMOs do provide accommodation that might be more affordable for many and it is important in addressing the housing needs of residents. This was acknowledged in the Cabinet paper that supported the consideration of the case for making the Article 4. In some cases residents might be seeking to save up sufficient funds to open up their housing options, for example by saving funds for some form of home ownership.	No change.

Respondent	Summary of Comments	Officer response	Change to Article 4
		Whilst a need for planning permission will add another process for potential landlords, it is part of a wider regulatory regime that will now apply in the borough associated with licensing. This is likely to ensure that committed/ more professional landlords are bringing forward properties for rent to better meet tenants needs.	
Herbert Smith Freehills and Quod on behalf of Quintain	Not in support. Wembley Park subject to masterplanning when completed by Quintain will have 8,500 homes of which 5,000 will comprise build to rent. The build to rent element is managed by Tipi. These homes all meet or exceed national, GLA or local standards. Occupants of Tipi homes include pre-formed groups such as work colleagues, friends and students. Other occupant groups may be matched through businesses such as Lyvly which seek to pair unrelated individuals in furnished homes.	Noted. It is recognised that the Wembley Park development is substantial. This is in terms of both the volume of dwellings and now the extent to which these properties will be privately rented. Due to its size, Wembley Park undoubtedly has a substantial role to play in addressing the diverse housing needs of the borough and due to its transport connections, a larger wider London than some other developments in other parts of the borough. Delivery of homes is also critical to the Council achieving national planning requirements around the Housing Delivery Test. As the developments have recently been given planning permission, or will be subject to future planning permission it is agreed that the standards achieved do meet or exceed national, GLA or national standards that apply to self-contained accommodation. As private sector rented homes, not unlike other similar properties in the borough it is expected that homes are currently let to groups of individuals rather than single households. It is also understood that this is on	The report identifies a range of options that the Council could pursue in response to the specific circumstances of the institutional build to rent sector which it is accepted the original report did not fully take into account in the recommendations that were made when recommending the making of the Article 4 direction. The recommendation is to make a new Article 4 that excludes site allocations within Church End and all other parts of Growth Areas where the majority of new housing will be delivered.

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		the basis of both pre-formed groups and also on a matching basis of effectively letting out individual rooms by an agency.	
	Tipi has a number of homes with HMO licences. Tipi homes are generally not let to more than 6 occupants at any one time. As 4 beds are released in the future, these might have more than 6 occupants.	Homes let to more than 6 occupiers of two or more households have previously and will in the future in any case require planning permission, irrespective of whether an Article 4 direction is confirmed as they are no longer from a planning perspective considered to be use class C3 dwelling houses. The Council will need to assess the impact of letting these larger dwellings on the availability of family housing, which was the original reason why larger dwellings were sought as part of a mixed and balanced community.	
	Tipi does not currently market individual rooms but will from 2020 along with operators such as Lyvly. It will sublet to separate tenants who will share common facilities.	As the Council at Cabinet on 14th October 2020 approved a borough wide additional licensing scheme, every dwelling let to three individuals of 2 or more households sharing basic amenities is now required to be separately licensed. This is a legal requirement that will not change if an Article 4 direction is not confirmed.	
	Currently there is flexibility in the use class which can freely change to reflect occupants' relationships and in allowing lettings. The Article 4 would reduce the flexibility and letting market available, increasing the planning risk in letting new homes, increase administrative burdens and reduce the flexibility in the housing market to meet	The current flexibility with regards to not requiring planning permission is understood. The Quintain response nevertheless, does not take account of the impact of the Council's additional licensing regime, which will require each HMO to be separately licensed. As the regulations stand, this could limit the extent to which landlords can or will want to	

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	housing demand in the borough. Homes within the area identified by Quintain at Wembley Park should be excluded from the Article 4. The homes at Wembley Park are professionally managed and are not causing 'nuisance' consistent with the problems associated in the Cabinet report that justifies the Article 4.	flip between a private rented dwelling let to one household and a HMO as technically they will require different licences, with the associated cost/administration of doing so. The impact of the planning risk is understood and as Wembley Park is such a significant component of planned housing supply in Brent, impacts on confidence that would ultimately reduce delivery is a substantial material implication in terms of the potential adverse impact on meeting the Housing Delivery Test and the associated planning risks to the borough. Nevertheless, the planning process through national policy is also required to meet identified housing needs. As identified in the 14th October Cabinet report, there is a significant need for family homes (65% 3+ bed properties). This need is not being met in new developments and existing 3+ bed homes are desirable for HMO landlords who are often in a better position financially to purchase those properties, rather than families. Quintain have identified that 3+ bedroom properties typically will become HMOs. In this scenario, two bedroom 3-4 people homes that can accommodate families are also important. Dwellings let out to sharers rather than families further reduce that available stock. The rents at Wembley Park are typically much higher than those in adjacent areas of Brent. Letting to sharers, whether they be professionals or	

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	National and London Plan policy supports provision of HMOs. The high quality of Tipi homes means that the Council has not sufficiently justified the threshold for introducing the borough wide Article 4 and it should not be applied in Wembley Park. It is not clear where the statistics have come from in the Cabinet report para 3.21. The increase in owner occupation becoming unaffordable in the borough is an irrelevant consideration when determining whether an Article 4 direction should be confirmed. An Article 4 direction should not be used to control ownership in the borough. The use of Tipi homes in the disputed way	students will help sustain higher rent levels and will displace potential family household occupiers. This ultimately will impact on Wembley Park's ability to meet non-affordable housing needs, particularly for smaller families in the borough. This is accepted. The quality of the dwellings, communal spaces, estate management and landlord practices is high. It is gives an indication of the professionalism and quality that an institutional landlord can bring and why the Council and Mayor supports such operators. The Council also supports HMOs. As the 14th October Cabinet report identified the role that they play in meeting housing needs. This however has to be balanced up against other impacts and housing needs. Emerging policy in the draft Local Plan sets a benchmark of approximately 27% of homes in anyone area being HMOs. This does not however mean that it encourages all potential dwellings to go up to this threshold. Consistent with the rest of the borough, provision of 15% would be more representative of its reflection within a mixed and balanced community. The information in paragraph 3.21 was set out in a publically available report 'The Case for Extending Selective Licensing in Brent' by Mayhew Harper Associated Ltd December 2016 and Census 2011. The increase in owner occupation becoming unaffordable is not	

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	helps reduce pressures for conversion of family dwellings elsewhere in the borough, but meeting market demand. Build to rent will be an important part of the housing market, helping LBB meet and potentially exceed its housing targets. It will provide a more diverse housing market that is more resilient to market downturns. The Article 4 will directly impact Build-to Rent delivery due to the development's long term and retained investment profile as investors are less likely to risk investing if their eventual use and letting is significantly restricted.	an irrelevant consideration, as the Council needs to plan to meet housing needs in its Local Plan. The amount of HMOs and competition between private landlords and families seeking homes, combined with the lack of new supply of family homes means that permitted development rights are prejudicing the ability of the Council in proper planning of the area to meet family housing needs. The regulations allow Councils to justify Article 4s on this basis. Ensuring a mix of dwelling types/sizes for a range of occupants is part of the desire at a national level of creating balanced and mixed communities and providing for housing that meets local needs. It is accepted that this is possible in some cases. The Council recognises that private rented dwellings will form a significant component of the borough's housing offer and that the continued attractiveness to investors of such homes will ultimately also impact on the rate at which new homes are built. Compared to the delivery of homes under the traditional build to sell model, there has been a significant upturn in dwelling completions since Quintain focussed on build to rent. The programmed build out rates indicate that this trend could well continue. It might	

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		well prove to be more resilient to market downturns. However, to date it is clear that build to rent has effectively been targeting the upper tiers of the rented market, with more premium products. This relies on high rents being sustained and much like has been shown with the wider developments of homes for sale across London concentrating on the same types of market, levelling out of demand means this focus cannot be sustained in the long-run. Whilst demand for private rent is probably more resilient in recessionary times, it does lead to reductions in spending capacity, which ultimately will result in lower rents, particularly in non-prime locations and consequently this will also affect investor confidence.	
	There is not an over-concentration of HMOs in Wembley Park. Tipi take steps to reduce potential for adverse impacts such as anti-social behaviour through pro-active management and a whole estate approach to ensuring high quality.		
	Tipi homes are rented on flexible 6 month to 3 year terms giving tenants security. In this instance, the populations of Wembley Park may be less transient than elsewhere within the borough.	In relation to the flexibility required for individual dwellings to flip between HMO and single household, as identified above, the Quintain response does not take account of the impact of the introduction of additional licensing and as it stands currently, this similarly would affect the potential ease to flip between self-contained and HMO accommodation.	
	Tipi do not charge additional rent for units rented to sharers over those rented to families. Rents are determined by unit size, design and location.	It is accepted that Tipi through its management of the rental estate has to date removed adverse impacts that can be associated with a concentration of HMO properties, which are not prevalent in the Wembley Park area to date.	
	Council mechanisms including licensing, policy, enforcement, community safety and		

Respondent	Summary of Comments	Officer response	Change to Article 4
	environmental health are not considered necessary in Wembley Park given the lack of issues typically associated with HMO's. If such issues do arise in the future such mechanisms may be appropriate. However, it is not considered appropriate to enact the Article 4 on the basis that these issues may arise in the future. Quintain has not sought to subvert the planning regime and complies with planning policies such as space standards. This element of the Cabinet report does not reflect experiences in Wembley Park and therefore is another reason for not confirming the A4 there. In relation to the boroughwide Article 4 the Cabinet report only deals with the matter of potential Secretary of State intervention. It does not deal with other alternatives, such as application to smaller areas/ hot spots/ borough wards. This is unreasonable.	It is recognised that Tipi is a good landlord with flexible terms that allow tenants to remain if they wish. The retention of tenants for longer periods is usually also in the interests of the landlord, reducing costs associated with turnover such as voids, marketing costs and administration. This is welcomed. It is recognised that the issues identified to date have not typically arisen in Wembley Park. The fact that Quintain complies with policies such as the space standards is accepted. Overall, it is accepted that consideration of the institutional build to rent model was not been appropriately addressed in the report and that the Council needs to identify and justify a suitable response. This is incorrect. The report's 'reasons for not making an Article 4 direction' j) identified "An area-specific Article 4 Direction could have the unintended consequence of encouraging HMOs outside of the restricted area, leading to further concentrations more widely across the Borough." The borough's response is considered proportionate as it	

Respondent	Summary of Comments	Officer response	Change to Article 4
		does not preclude the provision of additional HMOs. Indeed compared to other councils the HMO allowable threshold for areas in emerging draft Local Plan policy at 27% is comparatively high. Unlike his response to the B1a and B1c to C3 article 4 directions, the Secretary of State chose not to seek clarification questions, neither has he indicated the potential to intervene. As such, the approach proposed by the Council in making the Article 4 is considered justifiable as reasonable.	
	The reasons identified in para 3.31(a) for the article 4 such as parking pressure and waste management do not occur in Wembley Park.		
	There is no evidence in the report that the Article 4 will reduce the number of enforcement investigations. Actual and specific evidence evidence should be relied upon in confirming a borough wide Article 4 rather than anecdotal.	Agreed. The Cabinet paper indicates a range of issues in relation to addressing the number and concentration of HMO properties. It is not necessary for each potential adverse impact to be fulfilled in each case for the Article 4 to be justified.	
	The following reasons in the report are irrelevant in the confirmation of the report: e), f) and g).	The number and type of enforcement cases associated with HMOs is one of the reasons for pursuing an Article 4, not the only one. Compared to a scenario where no planning permission is required, it is not unreasonable to anticipate that owners of properties will proceed with more diligence, submitting their plans to the Council and awaiting confirmation of permission. This cannot be exact in its estimation. At the moment, owners are likely to just start on site with a layout that may well be incompatible with a C4 use. The need for permission is likely to result in less enforcement cases. Point c) has been based on	

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		the enforcement team's feedback from other councils on enforcement forums where the matter of HMOs has been a subject for discussion over the years. e) is relevant in that it gives an indication that in terms of outcomes communities view the benefits associated with designation as outweighing the potential adverse impacts on the supply of HMOs to meet housing needs. f) Again indicates that where a council has had to balance up the need to protect neighbourhood amenity or family housing through restricting concentrations of HMOs that it has not had to fundamentally review this on the basis of potential adverse impacts in terms of the supply of HMOs to meet housing needs. g) Indicates that on the basis of balancing up the need for HMOs/ flexibility of the planning system, versus potential adverse impacts on communities through concentration/ loss of family housing that wider areas (in this case national) the case for planning permission has been established. It is true that the report's statement is not based on a forensic financial analysis. It is based on professional judgement taking account of the likely small shortfall of income related to an application for change of use for the projected HMO applications (240 cases) versus the extensive enforcement officer time per HMO investigation case for which no fee, or sometimes a change of use fee can be	
	No evidence in the report is provided that the impact to the planning service will be "cost neutral". The counter arguments for the Article 4 are limited in their scope and balance. Quintain however supports reasons: 3.31a)-c) under the reasons for not making an Article 4 Direction. The fact that the Article 4 will have limited impact on existing stock and hit good and bad landlords equally does not provide adequate justification for the additional burdens it imposes.		

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	The paper significantly underestimates the potential number of applications. In the Quintain estate alone it is estimated that between 1500 and 2000 applications will be sought per annum. This has not been considered in the financial implications. The report fails to establish the overall benefits would outweigh the burdens and costs.	attained on regularising development. No additional resources are sought in association with the decision and as such, the risk/balance lies with the planning service to manage within the financial parameters/ work priorities that it has to manage on an on-going basis. Noted The Council has been clear of the role that planning and housing licensing play and their respective controls. The need for planning permission is related to limiting concentration, which as indicated can have adverse impacts whether landlords are good or bad and the reductions in availability of family sized housing to meet needs which is being impacted by lack of sufficient sized homes being delivered in new development and change of use of existing homes to HMOs. It is recognised that the figure provided is an estimate, but this was done on the basis of available information. That is the growth in number of HMOs over the last decade. The Quintain representation does not take account of the Council's additional licensing requirements that apply to every 3 or more person HMO across the borough. There is an administrative cost to the landlord to license the property as a HMO. Additional licensing requirements mean that adaptations to properties also need to occur to make them	

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	It is proposed that having an area specific Article 4 direction could lead to increased concentrations of HMO's elsewhere in the borough. It is hard to see how this would apply to the Wembley Park area if it was excluded as there would be no change in the status quo. If this were to take place, it would be within the Council's power to enact an Article 4 in light of this new evidence. A targeted approach will better reflect local circumstances. Where boroughs have done this, such as Haringey and Hillingdon it has not resulted in adverse impacts elsewhere. The Council would have the ability to take forward an Article 4 for those areas if evidence indicated that this was the case. The Tipi BtR model helps accelerate housing delivery and meets specific market demand. By imposing	compliant. These features may not necessarily be easily removed, nor desirable to single household lets (such as locks on bedroom doors/fire doors, etc.) In addition, there are different management/administrative issues for landlords and risk profiles to letting homes to a single household, people who rent together, or individual tenancy agreements related to room lets, which is related to means to obtain possession of the property either for the owners or lenders. These factors mean it is likely that non-institutional landlords largely sit in the camp of either renting to a single household, or letting to individual tenants. For institutional build to rent however, it is accepted that a more flexible approach to tenancies might be a model that could apply to any of their dwellings as Quintain have identified could apply at Wembley Park. Notwithstanding this, the estimate provided by Quintain of between 1500 and 2000 applications is considered to be grossly inaccurate. Quintain have identified that 5000 dwellings within the estate will be build to rent. On the basis of current consents, the property size profile of the private rented dwellings is heavily weighted towards one bedroom properties (55%). Projecting this forward indicates that 2,250 of the 5000 dwellings will be 2+ bedroom. These realistically are the only size of dwellings that can be let as a HMO (3 or more people sharing). If each of these	

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	this Article 4 on the Wembley Park area the Council may push sharers out into the wider Brent housing market, putting more pressure on family units to convert to HMO's without the necessary licencing and permissions. Current lack of affordable housing may see a rise in age polarity between neighbourhoods, especially considering the aging population. The Tipi model helps to meet demand of affordable housing for those in the middle (i.e. young professionals and middle income households), helping to attract a mix of residents which otherwise may not be catered for within the borough, increasing the areas economic vitality. The government projects that by 2014 all of Brent's population growth will be in single person households and households with two or more adults with no children. This is the market which BtR, and in particular the sharer units will accommodate. Part of the appeal of these homes is their	dwellings were let at a **maximum** of 6 months it would create a maximum of 4,500 new lets in a year. Nevertheless, to require consent needs a change of use from C3 to C4 to occur, the maximum of which would generate the need for 2,250 applications. In reality, the average tenancy is longer than 6 months. Kinleigh Folkhard and Hayward Annual Tenant Barometer 2019 indicates an average tenancy length at around 20 months. Applying this would bring the number down to around 681. Admittedly, this is well above the 250 applications identified in the report and its potential impact needs further consideration. At the time of designation the Council considered a whole borough approach proportionate. It had evidence that whilst HMOs did have areas where they were very concentrated, due to their numbers overall there is a high prevalence across nearly all of the borough. Brent's levels of in-migration, particularly from overseas and its role as an initial landing point, prior to migration elsewhere means that there is a strong market interest in the provision of HMOs, which if restricted in one area is likely to result in displacement elsewhere. This is consistent with the approach of most boroughs which has been to apply their Article 4s to the whole of the borough. It is accepted that build to rent has accelerated housing delivery at Wembley Park.	

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	stress-free, flexible nature. By imposing an Article 4 this appeal would be lost. LBB has already acknowledged the special circumstances that apply to Wembley Park through creating an exclusion for the area in relation to Selective Licensing.	The need for planning permission at Wembley Park is not likely to result in a significant change in supply of HMO accommodation there if it is a necessary part of Quintain/Tipi's investment model. Due to the levels of rent charged at Wembley Park, it is not considered that prospective tenants are likely to be in the same market segment as those tenants who may be taken advantage of by poorer quality landlords. The lack of affordable homes to rent or buy is undoubtedly affecting demographics and social mix across London. The Tipi model has a particular focus, which arguably does help attract residents which may not be catered for within the borough, but similarly its niche focus cannot be wholly regarded as meeting Brent's needs or those of a balanced and mixed community. The Brent Strategic Housing Needs Assessment takes account of the projected household growth by demographic and people's financial ability to meet their housing needs, this indicates a majority need for new larger family homes in the borough. It is for the landlord to manage tenants' services. It is unlikely that an occupying single household will seek another tenant to live with them. The Council has however confirmed Additional Licensing for Houses in Multiple Occupation that	

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		would apply to the whole borough including Wembley Park.	