

Notice of Non-key Executive Decision

Subject Heading:	Clerical clarification of Article 4 Houses in Multiple Occupation (HMO) impacts of ward boundary changes from 2022.
Decision Maker:	Helen Oakerbee Director of Planning & Public Protection, Planning Service
Cabinet Member:	Councillor Graham Williamson Development and regeneration
SLT Lead:	Helen Oakerbee Director of Planning & Public Protection, Planning Service
Report Author and contact details:	Jill Warren, jill.warren@havering.gov.uk 01708 43 44 61
Policy context:	NPPF 2023 Localism Act 2011 The London Plan 2021 Havering Local Plan 2016-2031
Financial summary:	Clerical clarification could prevent unnecessary expenditure on planning appeals or enforcement action. Zero expenditure proposed.
Relevant Overview & Scrutiny Sub Committee:	Places
Is this decision exempt from being called-in?	Yes. The decision will be exempt from call in as it is a Non Key Decision

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The subject matter of this report deals with the following Council Objectives

- People - Things that matter for residents X
- Place - A great place to live, work and enjoy X
- Resources - A well run Council that delivers for People and Place. X

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This report seeks approval to:

1. Clarify Article 4 boundaries as relating to ward changes from 2022.
2. Publish a clerical clarification statement alongside the original Article 4 Declaration.

AUTHORITY UNDER WHICH DECISION IS MADE

3.3.5

2. Planning

2.1 To exercise all powers and functions on behalf of the Council and to meet all obligations imposed upon the Council pursuant to any planning legislation, except where such powers, functions and obligations are reserved to the Council or its committees.

STATEMENT OF THE REASONS FOR THE DECISION

Summary

In 2015, the Council made two Article 4 Directions to remove permitted development rights in relation to change of use from dwellings to a house in multiple occupation (HMO). At that time, the geographic areas of two Schedules were defined by the ward boundaries. The ward boundaries have since changed so this report aims to clarify and map the boundaries in terms of the new wards.

Need for the Article 4 Areas

The Government introduced permitted development right for change of use of a dwelling to HMO without the need for a local authority planning application. Havering introduced two Article 4 Directions in 2015 to remove this permitted development right and require planning applications to be made if a dwelling was to become a HMO.

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The Article 4 Directions were introduced to ensure that there continued to be consideration of the need for family sized homes in the borough; to prevent unsuitable conversions in smaller dwellings as well as addressing the associated issues with areas of over concentration of HMOs as identified in the 2008 DCLG report "Evidence Gathering - Houses in Multiple Occupation and possible planning responses".

What do the Article 4 Notices Do?

Direction Notice 1 -The effect of this Article 4 Direction is that permitted development rights to change *any dwelling located* within these four wards into a house in multiple occupation do not apply and planning permission is required. (The former Brooklands, Gooshays, Heaton and Romford Town wards).

The Direction was confirmed on 3 November 2015 and came into force on 13 July 2016. (Article 4 Direction Art4/1/2015).

Direction Notice 2 - The effect of this Article 4 Direction is that permitted development rights to change a dwelling which is a *flat, terraced house or semi-detached house* located within any part of the borough other than the four wards above into a house in multiple occupation do not apply and planning permission is required.

The Direction was confirmed on 3 November 2015 and came into force on 13 July 2016.

The result of Direction Notice 2 is that any *detached* house within these fifteen remaining wards has permitted development rights and therefore does not require a planning application to the local authority to change use to a HMO.

The published Direction Notices can be found here: [Article 4 Directions - Houses in Multiple Occupation](#)

A map of the original designations with the pre-2022 ward boundaries is shown in Map 1 below.

Where does the Ward Boundary changes have an impact?

In 2022 the ward boundaries in Havering changed, in some cases new wards were created. Since this change, there have been no instances of confusion regarding the areas that apply to the two direction notices, however it is considered that as a precaution, the exact boundary of the two Article 4 areas need to be clarified in terms of the new wards, for example, to identify which wards contain small areas of both designations, identify the small areas where confusion might arise to clarify the designation and addresses within that smaller area.

Where there is no impact identified, the ward will be considered to be entirely within that Article 4 direction designation.

Having mapped out the areas of the original Directions and the changes in wards, it is clear that the ward boundary change only impacts six small areas. The location of the six areas that are impacted and reviewed are identified in Map 2 below.

These six areas have been reviewed in detail and of these, one in the Havering-atte-Bower area contains no residential properties. There is only one area that is to the north of Romford Town, in the new Marshalls & Rise Park ward, that contains any *detached* residential properties where confusion might arise, however, for clarity, all residential properties in the six areas have been listed in the Clerical Statement.

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Detached properties identified in the Marshalls & Rise Park ward impacted by ward boundary changes:

The Avenue 10; 13; 15
Brockton Close 1-4 inc; 6
Caxton Way 1-20 inc
Dunton Road 2
St. Edwards Way 18
Lake Rise 18; 28; 30; 44-48 evens; 54; 56; 66; 3; 47; 49; 55-63 odds.
Mashiters Walk 2; 2A; 40; 54
Petits Lane 1; 11; 25; 27; 63; 4; 2B
Oaklands Avenue 12-16; 24-34 Evens; 1-33 odds
Rosemary Avenue 21; 23;
Sydenham Close 1-6 inc

Total = 82 Properties.

These properties are in the original Direction 1 area therefore currently do not have permitted development right to change use to a HMO. This designation remains the same.

Therefore, it is proposed that a clerical statement will be published confirming this and clarifying all the properties which remain under Direction Notice 1. This statement is in appendix B.

From May 2022 onwards

Wards fully in Direction 1

Gooshays
Heaton
St Edward's
St Alban's
Rush Green and Crowlands

Wards fully in Direction 2

Beam Park
Cranham
Cranham
Elm Park
Emersons park
Hacton
Harold Wood
Mawneys
Rainham and Wennington
South Hornchurch
Squirrel Heath
St Andrew's
Upminster

Wards where clarification is required

Havering atte Bower – 2 areas are partially within Direction 1 there are, no detached houses.
Marshalls & Rise Park – partly in Direction 1 area, detached houses listed.

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Hylands & Harrow Lodge – partly in Direction 1 area. There are no detached properties in this area.

OTHER OPTIONS CONSIDERED AND REJECTED

Do nothing – this option was rejected as without this clarification there is a greater potential for unnecessary expenditure on enforcement action or planning appeals.

Redraft and adopt new Article 4 Direction for HMOs in the borough – this option was rejected as it is a minor administrative update and the restriction of Permitted Development rights has not changed for any individual property.

PRE-DECISION CONSULTATION

The original Article 4 designations followed a formal process of consultation in line with legislation. This report intends to clarify and not change these designations so no further consultation has taken place.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Jill Warren

Designation: Deputy Team Leader Planning Policy

Signature: *JR Warren*

Date: 25 September 2024

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

***Note here the legal implications of, and risks relating to, the proposed decision.
Article 4 Directions – Houses in Multiple Occupation***

It is the council's responsibility to ensure that it publishes the change to its administrative boundary and the impact that change has on current restrictions within the borough. Where changes could potentially cause confusion and conflict with existing restrictions the council should do all it can to clarify the position in order to minimise any risk of challenge that may flow from confusion and any impact on affected areas.

Authority to make the Article 4 Directions derives from Part 3, Section 3.6.6, paragraph (x) of the Council's Constitution, delegated authority was granted to the Head of Regulatory Services, to make Article 4 Directions. authority on 23 June 2015 with the Article 4 Directions having been London Borough of Havering Direction (Art 4/1/2015) made under Article 4 (1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, referring to development described by Schedule 2, Part 3, Class L (b) of the Order signed and sealed on 13 July 2016.

This ED merely seeks to clarify the boundaries of the Article 4 Directions which flows from the change to the Borough's administrative boundary. The Clarification Statement is necessary to regularise and clearly show the up to date boundaries in respect of the Article 4 Directions and how they impact the current Article 4 Directions, to minimise risk of challenge to the council as a result of the change.

FINANCIAL IMPLICATIONS AND RISKS

There are no financial implications of this clerical clarification statement

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no Human Resources implications of this proposed decision.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

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Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out and on this occasion this isn't required/attached

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

There are not equalities and social inclusion implications and risks associated with this decision

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

There are no environmental or climate change impacts from this decision. The recommendations made in this report do not appear to conflict with the Council's policy on Environmental and Climate implications.

BACKGROUND PAPERS

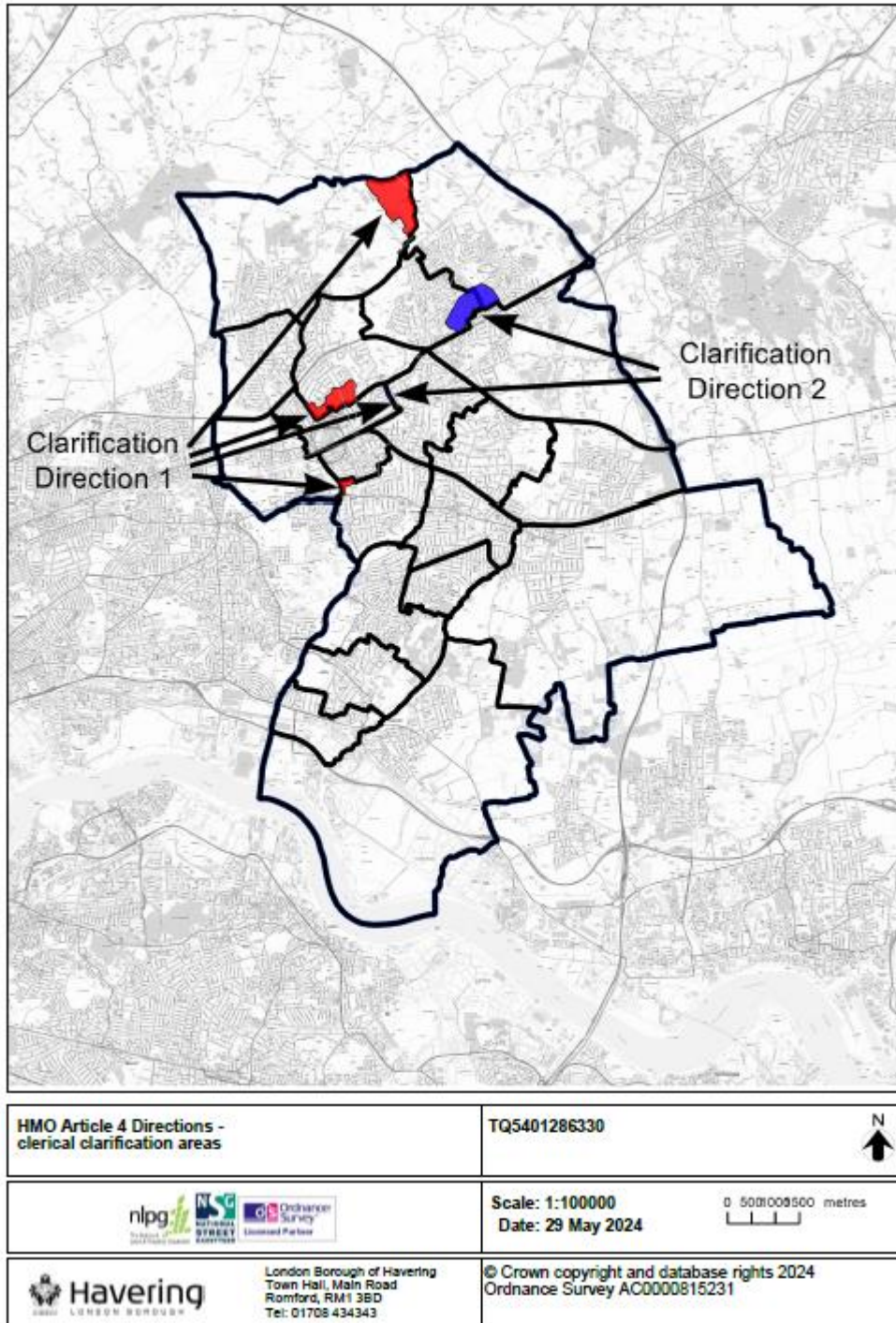
None

Appendix A	Map 1: Wards Pre-2022 Map 2: Wards and HMO Boundary from May 2022.
Appendix B	Houses of Multiple Occupation (HMO) Clerical Clarification Statement for publication

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Map 2 HMO Article 4 Directions with current ward boundaries highlighting areas of clerical clarification.

(Addresses listed in clarification statement).



**Appendix B
Houses of Multiple Occupation (HMO) Clerical Clarification
Statement**

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See attached, separate document.

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed 

Name: Helen Oakerbee

Title: Director of Planning and Public Protection

Date: 20 May 2025

Lodging this notice

The signed decision notice must be delivered to Committee Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____