

Notice of Motion submitted pursuant to Council Procedure Rule No. 5.27

To consider the following Notice of Motion proposed by Councillor A Cope, seconded by Cllr S Pilgrim on behalf of the Green Group:

Introducing Article 4 Directions in relation to Houses in Multiple Occupation (HMOs)

We urge the council to adopt an Article 4 Direction to remove permitted development rights for changes of use from Dwellinghouses (Use Class C3) to Houses in Multiple Occupation (Use Class C4) across the borough of Tonbridge and Malling.

The Green Group calls on the Cabinet to instruct the planning policy team to prepare the necessary evidence for consideration of the replacement of the current Article 4 Directions so that permitted development rights for change of use from C3 (dwellinghouses) to C4 (HMOs) are removed for all homes throughout the Borough, and commit to begin the necessary evidence and legal preparation process for its introduction within the next few months.

Article 4 Directions are made by the Council and withdraw specified 'permitted development rights' across a defined area in order to control works that could threaten the character of an area of acknowledged importance. Permitted development rights allow certain works to take place without the need for a submission of a planning application. However an Article 4 Direction removes these rights.

This will mean that a developer or property owner will have to submit a planning application for work which normally does not need one.

The Council needs to bring into effect an Article 4 Direction relating to the creation of HMOs across the whole Borough of Tonbridge and Malling. This means that planning permission is required for all conversions of residential dwellings to Houses of Multiple Occupation.

Recommendations:

Cabinet be asked to;

- (1) Make arrangements to compile the relevant evidence for the removal of permitted development rights by submitting documentation in support of an Article 4 Direction with regard to creating HMOs.
- (2) Approve the making of an Article 4 Direction to be brought into effect at the earliest opportunity. This will remove permitted development rights for the change of use from Use Class C3 dwellinghouses to Use Class C4 small Houses in Multiple Occupation for the entire borough of Tonbridge and Malling as identified within the Direction.
- (3) Authorise the Director of Central Services and Deputy Chief Executive to submit the relevant documentation to support the Article 4 Direction.