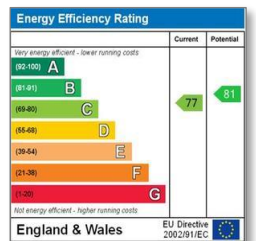




Houses in Multiple Occupation (HMO) Replacement LDP Background Paper:

Newport City Council,
Rhondda Cynon Taf County
Borough Council and
Cardiff Council

Report of Findings
October 2024





Opinion Research Services, The Strand, Swansea SA1 1AF

Jonathan Lee, Scott Lawrence, Nigel Moore, Hugo Marchant, Elliot Muldoon, Trevor Baker, Rhys Evans
with Peter Wilson – Lavender and Wilson

Enquiries: 01792 535300 · info@ors.org.uk · www.ors.org.uk

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Contents

Executive Summary	5
Summary of Background, Key Findings and Conclusions	5
Purpose of Study	5
Legal framework.....	6
Rhondda Cynon Taf	9
Newport.....	12
Cardiff	15
Examination of Best Practice.....	18
Recommendations	20
1. Introducing the Study	23
Introduction and Project Brief.....	23
Methodology	24
2. The Legislative Framework	26
Legal Framework – Origins	26
Legal Framework – Impact of Devolution	27
Legal Framework – Houses in Multiple Occupation.....	29
HMO Licensing.....	31
Planning Framework – Changes in England	34
Planning Framework – Issues in Wales	36
Planning Framework – The Revised Use Classes Order in Wales.....	43
Practicalities of Control	46
3. Rhondda Cynon Taf	49
Introduction.....	49
Concerns with HMOs.....	49
Stakeholder Comments.....	57
Relevant policies in existing LDP and SPG	65
Appeals to Planning and Environment Decisions Wales	69
4. Newport City Council	72
Introduction.....	72
Concerns with HMOs.....	73
Crime and HMOs	79
Stakeholder Comments.....	81
Key Messages from Stakeholder Consultation.....	92
Relevant policies in existing LDP and SPG	93
Appeals to Planning and Environment Decisions Wales	99
5. Cardiff Council	103
Introduction.....	103
Concerns with HMOs.....	104

Stakeholder Comments.....	120
Relevant policies in existing LDP and SPG.....	132
Appeals to Planning and Environment Decisions Wales.....	137
6. Examination of Best Practice & Recommendations.....	142
Introduction.....	142
Wales.....	142
Swansea.....	142
England.....	151
Leeds.....	151
Nottingham.....	155
Other English Authorities – Concentration Thresholds.....	160
General Conclusions.....	162
Rhondda Cynon Taf.....	167
Newport.....	178
Cardiff Council.....	192
Appendix A.....	205
HMO Concentration by Street – RCT.....	205
Appendix B.....	208
HMO Concentration by Street – Newport.....	208
Appendix C.....	213
HMO Concentration by Street – Cardiff.....	213
Appendix D.....	224
Car Ownership in HMOs and non-HMOs.....	224
Appendix E.....	225
Crime and antisocial behaviour statistics by LSOA.....	225
Appendix F.....	241
Planning Appeals and Decisions.....	241
Appendix G.....	244
Stakeholder meetings with University of South Wales.....	244
Appendix H.....	246
Stakeholder meeting with Landlords.....	246
Table of Figures.....	248

Executive Summary

Summary of Background, Key Findings and Conclusions

Purpose of Study

1. This study was commissioned by Newport City Council in 2022 on behalf of Rhondda Cynon Taf Borough Council, Cardiff City Council and itself (the “Councils”) to examine the impact (positive and negative) of houses in multiple occupation (“HMOs”) and to put forward suggestions for controlling the number of HMOs and minimising negative impacts. All three local authorities are in the process of preparing replacement Local Development Plans (“LDPs”) and this report is intended to form part of the evidence base. In addition to broad suggestions for policy change, the brief also required that study should consider options for possible solutions in the short term to identified problems.
2. The Project Brief was to:
 - **Gain an understanding of the issues facing each authority.** It was recognised that it was likely there would be issues common to all three authorities, but also that there would be matters specific to each authority that require further exploration. The brief required in particular, that the study should:
 - Review data on applications for HMO change of use, application decisions and appeal decisions;
 - Review current policies and supplementary planning guidance;
 - Speak with relevant ward Members to gain an understanding of local concerns in respect of HMOs;
 - Speak with other stakeholders including planning officers, environmental health officers, and HMO landlords;
 - **Identify the reasons that HMOs are on the increase and highlight the benefits of HMOs as well as the problems;**
 - **Examine best practice across the UK in terms of HMO planning policies and guidance;**
 - **Recommend potential revisions/updates to SPGs and identify any potential gaps in guidance which can be plugged;**
 - **Recommend other suggestions which could potentially be introduced more immediately to assist prior to replacement LDP adoption. Such suggestions do not necessarily have to be restricted to planning issues.**

Legal framework

3. The study begins by setting out the legal framework governing the role of local planning authorities in Wales. It traces the development of the modern planning system from the foundations laid in the immediate post war era and looks in particular at the impact of devolution. The planning framework that now exists in Wales is a plan led system largely based on the legislation in place prior to devolution; however there has been an increasing divergence between the Welsh and English systems as time has moved on. Technical Advice Notes (“TANs”) specific to Wales were first published in the 1990s and the divergence grew with the first Planning Policy Wales (“PPW”) in 2002. The Edition 12 of PPW¹ (updated July 2024) is the latest version and it is this, supplemented by a series of TANs, Welsh Government Circulars and policy clarification letters, that provide the national planning policy framework for Wales.
4. The Planning (Wales) Act 2015² was the first significant primary legislation to apply in Wales only. This has two key objectives
 - To strengthen the plan-led approach to planning, introducing a new legal framework for the Welsh Ministers to prepare the National Development Framework for Wales (“NDF”);
 - Making provision for the production of Strategic Development Plans to tackle cross-boundary issues, such as housing supply and areas for economic growth and regeneration.
5. That Act had been preceded 3 months earlier by the Well-being of Future Generations (Wales) Act 2015³, the first legislation in the world to impose a duty on public bodies to safeguard the well-being of future generations. The principle of sustainable development is at the heart of the Act, which sets out 7 well-being goals and also introduces the process of Integrated Sustainability Appraisal “ISA” to accompany the NDF. In particular, Section 3 (the well-being duty on public bodies – the obligation to carry out sustainable development) and Section 5 (the sustainable development principle – a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs) will be referred to in any Planning Inspectorate (now PEDW) decision in respect of an HMO. In their decision, a Planning Inspector will state the decision has been made in accordance with both of these sections.
6. An updated version of “Future Wales: the national plan 2040” was published on the 24 January 2021⁴. A 20-year national spatial policy, this covers a range of issues but of particular relevance to the Councils in this study is the policy to have three National Growth Areas, one of which is for Cardiff, Newport and the Valleys. A further policy is to have four regions, each with its own Strategic Development Plan “SDP” developed by Corporate Joint Committees (all three Councils fall within the South East Region). At the time of writing the SDP is not in place although work is now starting on its preparation.

¹ <https://www.gov.wales/sites/default/files/publications/2024-07/planning-policy-wales-edition-12.pdf>

² <https://www.legislation.gov.uk/anaw/2015/4/contents/enacted>

³ <https://www.legislation.gov.uk/anaw/2015/2/contents>

⁴ <https://www.gov.wales/future-wales-national-plan-2040>

7. In effect, the plan led planning system in Wales has development plans in three tiers:

National – Future Wales: Future Plan 2040;

Regional - Strategic Development Plans (not yet produced by any of the four regions);

Local – Local Development Plans.

8. Once the SDP is in place, local planning authorities should move on to prepare Local Development Plan ‘Lites’ (“LDPL”) which will be simpler, shorter and more focussed and will cover a 10-year period.
9. The study also looked at the legal framework specifically relating to HMOs both in terms of planning and housing enforcement. A range of enforcement powers specific to HMOs exist in both Wales and England and the study looked in particular at HMO licensing. It may be noted that the requirement for mandatory licensing in Wales now differs from that in England with the requirement for five persons in two or more households remaining the same⁵ but in England the three-storey stipulation was dropped in 2018⁶.
10. Of particular relevance is the power for local housing authorities to designate areas for additional licensing for HMOs outside the definition for mandatory licensing. Such schemes last for five years although they can be extended for a further five years after a further extensive consultation procedure. To make a designation, the local authority has to consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to problems either for those occupying the HMOs or members of the public. All three of the Councils have additional licensing areas in response to problems experienced with HMOs in particular HMO concentrations and indeed have extended such areas after original designation. The study considered the effectiveness of the designations in particular how that was perceived by stakeholders including local residents, elected members, local authority officers and landlords.
11. The report obviously looked at the planning changes that relate specifically to HMOs. The changes in England were considered first. Larger HMOs (seven or more qualifying residents) have for some time been considered “sui generis” (now “unique use” in Wales) for the purpose of permitted development and planning consent was required for change to such a use. This followed widespread concern around the use over problems associated with HMO concentrations and in particular the 2008 ECOTEC report⁷ which highlighted associated problems. This led to a change in the Town and Country (Use Classes) Order 1987 which defined class C3 (dwelling houses) and introduced a new Class C4 (houses in multiple occupation occupied by 3 – 6 persons)⁸.

⁵ The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (Wales) Order 2006 No. 1712

⁶ The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018

⁷ <https://planningjungle.com/wp-content/uploads/Evidence-Gathering-Housing-in-Multiple-Occupation-and-possible-planning-responses-Final-Report-September-2008.pdf>

⁸ The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010

<https://www.legislation.gov.uk/ukxi/2010/653/contents/made>

12. As enacted, the revised use classes meant that a change of use from single dwelling house to an HMO was no longer permitted development. This was quickly amended in May 2010⁹ to the effect that there were permitted development rights to move from C3 to C4 and vice versa, but that local authorities could remove permitted development rights by making an Article 4(1) direction (after extensive consultation). Such directions meant that planning permission was required for change of use to C4, but local authorities could not charge fees for such applications. The ECOTEC report itself had highlighted that a change in the Use Classes Order was not of itself “a quick fix”; it would have to be supplemented by adopted planning policies.
13. Continuing concerns in Wales led to the Welsh Government commissioning Opinion Research Services (“ORS”) in August 2014 to undertake a study looking at social, economic and environmental issues associated with HMOs, to look at relevant legislation, best practice elsewhere and to make suggestions for control mechanisms. The study looked in significant detail at six “focus authorities” with high HMO concentrations; of the three Councils Cardiff and Rhondda Cynon Taf were both included as focus authorities. Newport City Council had then recently undertaken a study which concluded that there was limited evidence of studentification within the Stow Hill ward at that time but the potential for studentification to increase and become problematic did exist. The report did look at circumstances in Cardiff and RCT; and this report contrasts the circumstances found then with circumstances today. It also looked at broad trends including the growth in student numbers, possible “de-studentification” and the growth of purpose-built student accommodation.
14. The ORS report “Houses in Multiple Occupation: Review & Evidence Gathering”¹⁰ was published in April 2015. Several options for potential change were given and the Welsh Government chose to adopt the C3 and C4 changes from the English revision but without the amended permitted development rights; so it became necessary to secure planning consent for change of use to C4. The recommendation that the definition of HMO should start at four persons was not accepted and so the C4 use class covers HMOs of 3-6 people.
15. This report went on to consider the practicalities of control; as emphasised in both the ECOTEC and the ORS reports, amended or new use classes/permitted development rights do not of themselves bring about change. Clearly there is no impact on existing concentrations as existing HMOs have established use. In order for there to be effective development management in the future planning issue decisions have to be made against clear, evidence-based policies in an LDP with additional guidance from supplementary planning guidance (SPG). As mentioned earlier, at present the development plan is a composite of the national plan and the LDP; in the future it is intended to be a composite of the national, regional and local development plan (lite).

⁹ The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010 No. 2134

¹⁰ <https://www.gov.wales/sites/default/files/publications/2018-11/houses-in-multiple-occupation-hmos-review-report-on-findings.pdf>

16. The report looks at the legal framework for dealing with a planning applications in particular the meaning of “material considerations”. Statute and relevant case law is discussed and the importance of the relationship between the LDP and supplementary planning guidance. As made clear at paragraph 7.3.1 of the Welsh Local Development Plan Manual (Edition 2)¹¹, an LDP contains policy and an SPG contains guidance and advice only. All SPG should derive from a generic policy(ies), there must be a clear link with relevant policies and should be consistent with both the LDP and national policy - SPG supplements the policies in the LDP, but they are not considered part of the adopted Plan. SPG do not have the same status or weight as appropriated to the adopted development plan policies. They are considered as material planning considerations in the decision-making process. They should be the subject to public consultation before being formally adopted or are likely to be given only limited weight at appeal. SPG can “cover detail and numerical guidelines/thresholds where they may change so as to avoid the LDP becoming quickly outdated and to assist flexibility...”¹².
17. The preparation of LDPs is a long, detailed process and they cover long time periods. Clearly had the revised Use Classes Order been in existence during the development of the LDPs for all three Councils, policies relating to HMOs would have been drafted in a way that reflected that. All three Councils did produce HMO supplementary planning guidance, which included specific guidance on thresholds and other measures after the introduction of Class C4, but supplementary planning guidance cannot produce new policy; that can only be done through a revised LDP. As will be seen in the sections dealing with the individual authorities, the planning inspectors have in some decisions supported the guidelines in respect of thresholds, etc but there are a number of references to policy issues.
18. In accordance with the brief, the study sought to make recommendations as to revisions to policy and supplementary planning guidance for each individual Council with a view to making decisions more sustainable on appeal, and also to make suggestions to assist with appeals prior to adoption of any revised LDP. The study also looked at suggestions for measures other than planning to assist with the concerns expressed by stakeholders in particular locality residents. This summary will now look at the findings in respect of each Council separately.

Rhondda Cynon Taf

19. Rhondda Cynon Taf County Borough Council is a unitary authority located in the valleys of south east Wales. The 2021 Census gives the population as 237,650 in some 103,340 households (the second largest population in Wales behind Cardiff. The area has a long history of coal mining and a long association with higher education dating back to the e South Wales and Monmouthshire School of Mines formed in 1913. Based in Treforest, this evolved into a technical college then a polytechnic before becoming the University of Glamorgan in 1992. In 2013, this institution merged with the University of Wales, Newport to become the University of South Wales. This university maintains two campuses in Treforest. The presence of the university is a major factor in the elevated number of HMOs in Treforest.

¹¹ <https://www.gov.wales/sites/default/files/publications/2018-11/local-development-plan-manual-edition-2-2015.pdf>

¹² Paragraph 7.3.5 of the Welsh Local Development Plan Manual (Edition 2) - see footnote 11 above

20. The study showed that HMO growth dated back to the 1980s and concern about this was clearly expressed in the 1990s and led to a Treforest Impact Study (“TIS”) which foresaw many of the specific concerns apparent now. It acknowledged the “far-reaching fundamental changes” in the character of the area and the general dissatisfaction felt by permanent residents, and in particular their fear of further erosion of the community if the University were to expand further (which it has indeed done).
21. Because of concern over issues associated with HMOs the Council has sought to exercise proactive control over HMOs since 2002 when it introduced a Borough wide Registration Scheme under the Housing Act 1985. The Borough introduced additional licensing, again Borough wide, in 2009 and the scheme was renewed for the third time with effect from the 1 April 2024.
22. The study looked at HMO distribution across RCT as a whole and in Treforest in particular. The 2021 Census figures (using multi person households as a proxy for HMOs) showed that the overall percentage of HMOs in Rhondda Cynon Taf as a whole at 1.8% is less than the national average of 2.2%. However, in the Treforest ward the percentage is substantially above at 23.8%. The Rhondda Cynon Taf register of HMO licenses shows there are currently 634 licensed HMOs and of these 587 are in Treforest (i.e. 92.5% of all HMOs and 33.2% of all properties in Treforest).
23. Distribution of HMOs was shown graphically for the whole of Rhondda Cynon Taf, for Treforest in particular and for the three main HMO areas in Treforest (North, Central and South). The maps for each area illustrate the high concentrations overall but with extremely high concentrations in particular Queen Street, Wood Road, Brook Street and Kingsland Terrace.
24. The stakeholder consultation was with elected members, planning and environmental health/housing officers, local residents, the University of South Wales and landlords. Key messages from the stakeholder consultation overall were as below:
 - There are very high concentrations of student HMOs in Treforest with significant growth starting in the 1980s/1980s and accelerating post 2000.
 - The number of students in HMOs has declined in recent years because of improved transport links and other factors but the great majority of HMOs are still let to students.
 - The number of overseas students continues to grow, and some overseas students have brought dependent relatives including children and this has increased pressure on the supply of accommodation with some seeking accommodation outside the HMO areas.
 - HMO concentration can be up to 90% in some streets.
 - There is an emerging trend of large HMOs with occupant numbers in the high teens.
 - The large number of students has had a very marked impact on the character of the area both during term time and between terms. With students absent there is a “ghost town” effect. Some elderly residents are left without neighbours at such times.
 - Anti-social behaviour has been and still is an issue on occasion although the introduction of additional licensing has had a positive effect in this regard.
 - There has been anti-social behaviour associated with purpose-built student accommodation.
 - There is evidence of HMO expansion into other parts of Rhondda Cynon Taf.
 - The number of properties occupied by students does have an impact in terms of council tax revenue and the mechanism by which the Welsh Government recompenses local authorities through hypothecated support funding is not clear.

- There is a proliferation of lettings boards in at times and this conveys an impression of transience in the area.
 - Some applicants seek to circumvent the SPG by describing properties as flats and these subsequently become occupied as HMOs.
 - There appears to be an emerging trend of properties being used as Airbnbs.
 - Parking is a very serious concern. Many students do have cars, and it is generally considered that allowing multiple permits per HMO has exacerbated the problem.
 - Refuse in gardens and blowing in the street is a significant concern for residents and elected Members and was also raised by landlords.
 - Despite a great degree of success in planning appeals after the publication of the SPG there is a general consensus that the LDP needs to address policies on HMOs, flat conversions and Airbnb use along with a strengthening of SPG.
 - There is evidence, albeit limited, some reversion to family homes.
 - The lack of a direct link between HMO licensing and the planning status of a property does cause confusion.
 - A study in the early 1990s (the Treforest Impact Study) had accurately predicted many of the issues causing concern today.
 - Established portfolio landlords state they will endeavour to fill non-student HMOs with HMO tenants but there is also evidence of some landlords filling HMOs with people from vulnerable groups.
25. The study then looked at existing policies in both the existing LDP (adopted March 2011) and supplementary planning guidance (adopted May 2018). The LDP was adopted well before the 2016 changes to the Use Classes Order and therefore the policies were formulated at a time when planning permission was required for only for change of use to large “sui generis” HMO. As a consequence, the references in the SPG to national and LDP policies do not contain any explicit references to small HMOs. Several policies in the LDP were relevant (covering development in the north and in the south and new development) as were several existing SPG documents in respect of design and placemaking, parking and development of flats (conversion and new build).
26. Of great relevance were the policies set out in the SPG “Houses in multiple occupation (HMOs)”, adopted in May 2018 in direct response to the 2016 changes to the Use Classes Order. The SPG contained policies aimed specifically at managing HMO concentrations. These use the threshold approach; a 50m radius is drawn around the application property, and if the application would take the percentage of HMOs above 20% of the total properties within that area, then the application is considered unacceptable in principle and permission is refused. The policy is applied across the remainder of the Borough but with a 10% threshold.
27. There is a specific policy to deal with “sandwiching” aimed at preventing an application resulting in there being HMOs both sides of an existing C3 property. The SPG also recognises the reality that in certain areas further HMOs will make no realistic difference and the threshold policy could frustrate potential sales by owner occupiers wishing to leave. Accordingly, where the concentration of existing HMOs within a 50 metres radius is already at 80% or above, permission is considered acceptable in principle.

28. All SPG should derive from a generic policy(ies), there must be a clear link with relevant policies, and they should be consistent with both the LDP and national policy. SPG supplements the policies in the LDP, but they are not considered to be part of the adopted Plan. Notwithstanding this, analysis of decisions by the Planning Inspectorate (now PEDW) after the adoption of the new SPG showed that Inspectors, whilst acknowledging the subordinate role of the SPG, had nonetheless accorded it significant weight and a number of appeals were dismissed with policies in the SPG being taken into account, in particular with the cumulative impact not being consistent with the "... objective of supporting safe, cohesive and resilient communities¹³". A total of twenty-two appeal decisions were looked at. It may be noted that several decisions emphasised the parallel but separate planning and licensing systems and appeals were dismissed notwithstanding the fact that the property in question had held an HMO licence for a period for example¹⁴
29. After examining best practice elsewhere in Wales and England, a number of proposed policy changes for both the forthcoming LDP and any revised supplementary planning guidance are set out in Part 6 of the report.

Newport

30. Newport City Council is a City and County Borough in South East Wales located on the River Usk close to its confluence with the Severn Estuary. The 2021 Census gave the population of Newport as 159,600, an increase of 9.5% from the 2011 figure of 145,700. This was the largest increase in Wales, where the increase in the population overall was 2.4%. The LDP recognises the economic down turn in recent times and aims to promote growth and regeneration; there is now the prestigious International Convention Centre Wales and a large semiconductor manufacturing plant.
31. The roots of higher education in Newport go all the way back to the founding of the Newport Mechanics Institute in 1841. Caerleon Training College opened in 1914 to train teachers and in 1975, the Caerleon College of Education, Newport College of Art and Design and Gwent College of Technology merged in 1975 to form the Gwent College of Higher Education. A further series of amalgamations notably with the university of Glamorgan led ultimately to the creation of the University of South Wales in 2013. This multi-site university retains the Newport Campus, a £35m development opened in 2011 and having 2,700 students.
32. Because of problems associated with HMOs, Newport has had a whole district additional licensing scheme in place since December 2008. The schemes have covered all smaller HMOs and also S257 HMOs (i.e. self-contained flat conversions not compliant with 1992 Building Regulations). The scheme was renewed again on the 1 July 2019 but expired on the 30 June 2024. Consultation on whether the scheme should be extended has closed.
33. Using multi-person households as a proxy for HMOs, the 2021 Census gave the number of HMOs as 798, a drop of over 35% from 2011. In Rhondda Cynon Taf, the Census data appeared to be underreporting the number of HMOs; whilst in Newport, the reverse appears to be the case as the HMO register in mid-2024 gave the number of licensed HMOs as 363. Newport officers had indicated that the pandemic restrictions had caused delays in processing licensing applicants, but it does beg the question as to whether there a number of unlicensed HMOs in Newport and several stakeholders did express this view strongly during consultation.

¹³ APP/L6940/A/18/3214282

¹⁴ APP/L6940/A/18/3215492, APP/L6940/A/18/3214282

34. HMO concentrations in Newport are different from those in RCT and Cardiff. They are significantly less dense, more widely distributed and the overall position is much more nuanced. As evidenced in particular during the online discussions with planning officers, there is a distinct difference between the east and the west of the city (it is divided by the River Usk), numbers are higher in the Stow Hill, Victoria, Allt-yr-yn, Pillgwenlly, St Julians, Beechwood, Shaftesbury, Caerleon and Lliswerry wards.
35. The stakeholder consultation was with elected members, planning and environmental health/housing officers, local residents, the University of South Wales and landlords. Key messages from the stakeholder consultation overall were as below:
- The distribution of HMOs in Newport is significantly different from the distribution patterns in both Rhondda Cynon Taf and Cardiff with no substantial concentrations of student properties.
 - The number of licensed HMOs is probably does not reflect the actual number of HMOs; this is suggested by both Census data and also by clear comments from elected Members.
 - The number of students and student HMOs has decreased over recent years.
 - The hospitals are a driver of HMO use.
 - There are wards with higher concentrations of HMOs albeit with HMOs tending to be concentrated in particular LSOAs (often closer to the city centre) or along main roads.
 - There is a difference in character between the east and west sides of the city (divided by the River Usk).
 - Applications are often said to targeted at young transient professionals (especially on the east side) but there was both an officer reference and numerous elected member references to HMOs housing residents from vulnerable groups in some areas where deprivation levels were higher (for example Pillgwenlly and Lliswerry).
 - The HMO thresholds tend not to be exceeded when considering applications for change of use.
 - The SPGs for both HMOs and parking need review to make them clearer, more focussed and appropriate down to LSOA level.
 - There is concern particularly among Members about the manner in which the 50m radius operates; there was a consensus that there needs to be a more locally targeted approach when assessing concentrations in particular looking at street-based assessments, sandwiching, etc.
 - There is considerable disenchantment among officers and elected Members with Planning and Environment Decisions Wales; there is a general feeling that Planning Inspectors dismiss local authority arguments citing the lack of objective supporting evidence but then allow appeals on the basis of subjective arrangements unsupported by evidence (for example that HMO residents tend not to have cars).
 - The lack of accountability of Planning and Environment Decisions Wales is a significant concern to both officers and elected Members.
 - Parking is a very serious concern with many streets having little or no off-street parking and HMO approvals potentially exacerbating problems.
 - Both officers and elected Members have concerns about the objectivity of parking surveys submitted by HMO applicants.
 - The proliferation of letting boards has not been a concern in Newport.
 - There has been concern over the allowing of appeals in respect of HMOs with ground floor bedrooms in flood risk areas.
 - Some overseas students have brought dependent relatives including children/teenagers.
 - There appears to be an emerging trend of properties being used as Airbnbs.
 - Newport is a centre for dispersed accommodation and there is concern about the planning status of some properties used for this purpose (and with other hotel type accommodation).
 - There is strong public opposition to HMO growth.

- Anti-social behaviour is an issue which extends beyond HMOs.
36. The study then looked at existing policies in both the existing LDP (adopted January 2015) and supplementary planning guidance (adopted August 2015 and updated January 2017). The LDP was adopted just before the 2016 changes to the Use Classes Order and therefore the policies were formulated at a time when planning permission was required only for change of use to large “sui generis” HMOs and so the references in the SPG to national and LDP policies do not contain any explicit references to small HMOs. Several policies in the LDP were relevant (covering general amenity, housing standards, self-contained accommodation and HMOs and flood risk) as were several existing SPG documents in respect of parking and flat conversions.
 37. Specific policies in the SPG itself cover parking, amenity considerations within the building, and the character of the area. In particular, the guidance on the character of the area includes a threshold approach. In the “defined areas” (defined by a map which encompasses the areas of higher HMO distribution) the threshold is 15% and 10% elsewhere. Again a 50m radius test is used, but as noted in the stakeholder consultation, the thresholds tend not to be exceeded when considering applications for change of use.
 38. All SPG should derive from a generic policy(ies), there must be a clear link with relevant policies, and they should be consistent with both the LDP and national policy. SPG supplements the policies in the LDP, but they are not considered to be part of the adopted Plan.
 39. Eighteen appeal decisions were considered in respect of change of use to C4 and/or new HMO development (a schedule of the cases is provided at Appendix F). The earliest was a case in 2014, the remainder were 2016 onwards. Analysis of decisions by the Planning Inspectorate (now PEDW) after the adoption of the new SPG showed that Inspectors had consistently upheld appeals. Notwithstanding the fact that consistent issues in appeal cases included parking and highway safety, impact on the character and amenity of the area and in particular anti-social behaviour, rubbish, litter, petty crime, etc and also implications for the safety and living conditions of prospective occupiers (in particular in respect of flood risk), out of the eighteen decisions in only two cases were appeals dismissed, and one of those was in 2014.
 40. As noted in the summary of the stakeholder responses, there is considerable disenchantment among officers and elected Members with the Planning Inspectorate and the new body PEDW. A particularly contentious area has been parking where there are significant problems in high density neighbourhoods, and stakeholders feel that HMO growth exacerbates this. It is generally felt that Inspectors dismiss local authority arguments citing the lack of objective supporting evidence but then allow appeals on the basis of subjective arrangements unsupported by evidence. Parking surveys undertaken by applicants have proven especially contentious when Inspectors have preferred such surveys to evidence from the local authority. Inspectors have relied heavily on promoting the “step change” to sustainable travel favoured at national level.
 41. Other such areas have been the dismissal of concerns about anti-social behaviour even when specific evidence was provided and also with regard to flood risk from the River Usk¹⁵.
 42. After examining best practice elsewhere in Wales and England, a number of proposed policy changes for both the forthcoming LDP and any revised supplementary planning guidance are set out in Part 6 of the report.

¹⁵ See for example CAS-01957-T4T0Q8

Cardiff

43. Cardiff has been recognised as the capital city of Wales since 1955. It is located in the south east of Wales on the River Taff which, along with the River Ely, flows into the freshwater Cardiff Bay which in turn opens into the Bristol Channel. A third river, the Rhymney, flows through the east of the city directly into the Channel. The population is around 362,000, with some 157,000 households. Some notable suburbs are Roath, Canton, Llandaff and Pontcanna. Wages in Cardiff are slightly higher than the average in the rest of Wales and there is a slightly lower unemployment rate.
44. Higher education is a vital component in Cardiff's economy. The city is home to several higher education institutions, the most prominent being Cardiff University, Cardiff Metropolitan University, and the University of South Wales. These institutions attract students from across the UK and internationally.
45. Because of high student numbers, there are large numbers of HMOs in Cardiff and certain areas, notably Cathays and Roath, have a high density of HMOs. Because of the high density, prior to the introduction of the option for planning control for smaller HMOs in 2016 Cardiff introduced additional licensing; firstly in the whole of the Cathays Ward in July 2010 and secondly in Plasnewydd (which encompasses much of Roath) in November 2014. Both schemes have been extended, twice in the case of Cathays, and additional licensing applies in both wards at the present time.
46. Using multi person households as a proxy for HMOs, the 2021 Census gave the number of HMOs in 2021 as 8,871, a fall of 13.7%. The fall is much less marked with student HMOs; from 3,219 to 3,186 (1.0%). As would be expected, the highest concentration of MPHs at 43.1% of all dwellings and 78.4% of privately rented dwellings is in Cathays. The total number of licensed HMOs in Cathays is 1,361. The Cathays MPH figures are closely followed by Gabalfa (18.8% and 52.5% respectively) and Plasnewydd 18.7% and 65.5% respectively). It should be borne in mind that that the number of households is significantly greater in Plasnewydd than Gabalfa (7,721 compared with 2,511).
47. The stakeholder consultation was with elected members, planning and environmental health/housing officers, local residents, the University of South Wales and landlords. Key messages from the stakeholder consultation overall were as below:
 - There are very high concentrations of HMOs in both Cathays and Plasnewydd.
 - Cathays has had student HMO for decades but the growth in higher education from the 1990s onwards has increased the numbers substantially (and also in Plasnewydd).
 - HMOs are starting to spread into neighbouring wards (Gabalfa, Riverside, Grangetown, Adamsdown, Penylan, Splott).
 - Cathays remains predominantly a student area whilst Plasnewydd still has significant numbers of non-student residents.
 - The character of both Cathays and Plasnewydd has changed very substantially because of the growth of HMOs especially in Cathays – residents feel that Cathays was an ideal family neighbourhood because of its proximity to the city and the number of attractions. Anti-social behaviour, noise complaints, rubbish (with associated pests) and littering especially associated with HMO concentrations have been (and in particular student HMOs) have been a substantial concern for residents in both wards.
 - There appears to have some been reduction in anti-social behaviour post Covid (partly as a result of cost-of-living issues), but residents indicate that this is starting to increase again.

- Student numbers have fluctuated to a degree but in general terms are still rising.
- There has been a substantial increase in the numbers of foreign students and the visa changes which allowed foreign students to bring family members (including children) as placed additional pressure on housing resources - recent changes to visa rules may well affect this.
- A substantial amount of purpose-built student accommodation has been provided over recent years but there are signs that this is not being fully occupied predominantly apparently because of cost – there are signs that the owners of such properties may seek change of use, and this is causing some concern.
- A number of appeals against refusal of change of use to HMO have been allowed and it appears clear that the LDP (which predates the C4 change in 2016) needs to be strengthened also with revisions to supplementary planning guidance.
- It would appear in particular that there is a trend of PEDW allowing appeals against refusals of change of use to HMO where there is a high concentration in the immediate locality (65% - 70%) as they take the view that the character has essentially changed to an HMO area – this is notwithstanding the 20% threshold set out in the HMO SPG.
- Both elected members and residents expressed significant concern about decisions made by PEDW, in particular the apparent trend of allowing appeals in high concentration areas.
- Officers feel that the additional licensing schemes have proved successful, but residents feel that licensing issues are not pursued sufficiently robustly.
- Residents refer to instances of properties being built in rear gardens with the approach being from a back lane¹⁶.
- The lettings boards direction has proved very effective.

⁴⁸. The Cardiff LDP was adopted in January 2016. The Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance was adopted in October 2016. The Managing Transportation Impacts (Incorporating Parking Standards) Supplementary Planning Guidance was adopted in July 2018 and the Flat Conversions SPG was adopted in March 2019.

⁴⁹. As with both the other two authorities, the Cardiff LDP was adopted before the 2016 Use Classes Order changes (albeit only marginally so) and therefore the policies were formulated at a time when planning permission was required only for change of use to a large “sui generis” HMO. Accordingly, the LDP policies do not contain any explicit references to small HMOs, and this is reflected in the SPG.

⁵⁰. The SPG refers to policies in the LDP relating to the sub division or conversion of residential properties, good quality and sustainable design, and responding to evidenced social needs and developing sustainable neighbourhoods. The SPG is very detailed and covers a range of issues including internal and external amenities, impact on neighbouring properties and overall character and amenity of the area and parking. The SPG acknowledges the value of HMOs but also the reality that the great majority of residents are students; and for a significant proportion of the year properties are vacant which can have an adverse impact on the viability of businesses in the area.

¹⁶ This is APP/Z6815/A/18/3212396 and related cases.

51. As with the other two Councils, the SPG applies a threshold test: “This threshold will resist further HMOs in communities that already have a concentration above this limit, while also controlling the growth of HMOs in communities below this threshold.”¹⁷ In Cathays and Plasnewydd the threshold is 20%, and 10% in all other wards. The approach is justified on the basis that there are vastly greater numbers of HMOs in these two wards than other areas, and they are also designated as additional licensing areas. Again, a 50m radius test is used.
52. There are a number of clarifications in the guidance. For example an existing C4 HMO will not automatically be permitted to become a sui generis HMO; because of the potential intensification of use. Furthermore, evidence of pre-existing HMO status may be required and also applications which do not lead to the loss of an existing C3 use will be looked on more favourably as there is no loss of family housing.
53. The SPG gives clear guidance on design standards with particular reference to the Council's HMO licensing standards, on recycling and refuse (which can cause significant problems), on vehicle parking and cycle storage (with reference to the Managing Transport Impacts and Parking Standards SPG) and noise.
54. All SPG should derive from a generic policy(ies), there must be a clear link with relevant policies, and they should be consistent with both the LDP and national policy. SPG supplements the policies in the LDP, but they are not considered to be part of the adopted Plan.
55. Eleven planning appeal decisions that predate the October 2016 adoption of the supplementary planning guidance (SPG) were considered along with twenty-one after that date (all listed at Appendix F). Analysis of decisions by the Planning Inspectorate (now PEDW) showed that that Inspectors in their reasons commonly referred to the following:
 - HMO concentrations in the area are already very high and so in most cases the character of the area is not being altered/adversely affected as in effect it is already an HMO area.
 - The local authority had offered little direct evidence of the actual impact of concentrations. Where empirical evidence was offered this was commonly given little weight as the Inspector viewed it as not sufficiently specific to the appeal property or locality. Appeals were upheld on occasions where the Inspector had actually acknowledged evidence of concentration issues (litter, additional refuse bins in front gardens, letting boards, signs in windows, etc.) during their inspection.
 - Where the appeal concerned an HMO with established C4 use and the appellant was seeking to create a larger sui generis HMO, it was commonly stated that an additional 2 or 3 people would make little significant change.
 - It was stated several times that significant levels of noise and traffic are typical of dense urban areas.
 - If noise/anti-social behaviour/refuse/traffic problems do occur, the local authority/police have powers to deal with it.
 - In a few cases conditions were imposed for example in respect of the number of occupants, cycle storage, obscured glazing and/or restriction on use of part of property.

¹⁷ Paragraph 5.6

56. The reasons given in fourteen cases where appeals were allowed in many respects mirror the reasons given in the cases that predated the SPG, in particular that in many cases concentrations had reached the point where the character of the area had changed to such a degree that in reality the area had become dominated by HMOs. A common theme was that the local authority had not produced specific tangible evidence “...to directly link the proposals with any significant loss of community cohesion or character, which is already largely determined by the existing concentrations of HMOs in this particular location”. In essence, the Planning Inspectorate/PEDW appear to have adopted a de facto policy that, in general terms, accepts that an existing concentration of 65% - 70% is a tipping point and appeals are commonly allowed in areas where the existing concentration is above this broad level. Planning staff have reluctantly accepted this when considering applications, with potential cost awards acting as significant deterrent to opposing appeals.
57. After examining best practice elsewhere in Wales and England, a number of proposed policy changes for both the forthcoming LDP and any revised supplementary planning guidance are set out in Part 6 of the report.

Examination of Best Practice

58. The study looked at practice in a sample of authorities with significant HMO concentrations predominantly associated with higher education establishments and student populations. Four are in Wales (Swansea, Wrexham, Gwynedd and Ceredigion) and two in England (Leeds and Nottingham). The policies and practice in Swansea appear particularly relevant to this study overall and are looked at in significant detail. As a Welsh authority, the legal framework is the same and it has areas of high HMO concentrations associated with higher educational establishments. With all other areas, essentially only broad issues and specific points of particular relevance are set out.
59. The study looked mainly at the LDP and SPG for each authority (and equivalents in England) along with a limited number of appeals to see how effective the policies were when tested at appeal. Policies and practice in Leeds and Nottingham do offer an alternative approach to the usual practice of using thresholds across an area with, as a starting point for assessing concentration in the immediate vicinity of the subject property, a radius (generally 50m) to calculate HMO concentration (although the radius does vary with some local authorities).
60. Swansea adopted its LDP 28 February 2019 and the SPG: Houses in Multiple Occupation and Purpose-Built Student Accommodation in December 2019. Both were developed and adopted after the 2016 Use Classes Order change to include the new Class C4 and their content specifically reflects this.
61. Both define an HMO Management Area, with detailed and clearly drafted policies setting out a threshold approach of 25% within the Management Area and 10% elsewhere. Both also aim to prevent “sandwiching” of C3 properties between HMOs, require properties to provide satisfactory internal and external amenity space and also not to result in unacceptable adverse impacts from noise and general disturbance.
62. The SPG is particularly detailed and clearly drafted. There is explicit guidance on how the 50m radius test is to be applied to avoid any ambiguity, it adds in a “small streets” test where there may be a disproportionate concentration even though the threshold is not exceeded, provides guidance on how the sandwiching test works, and extremely detailed guidance on the suitability of properties for HMO use. The latter covers room sizes, communal space, outdoor amenity space, noise, disturbance and privacy, refuse storage and vehicle parking/cycle storage. The SPG also makes reference to purpose-built student accommodation.

63. Eight decisions since the adoption of the LDP were considered. In three cases before the SPG was adopted, Inspectors allowed the appeal. In five cases after the adoption of the SPG in December 2019 the appeals were dismissed.
64. With the English authorities, both Leeds and Nottingham were looked at in detail because their approach to management of HMO concentrations was significantly different to the common threshold method.
65. The Leeds Consolidated Core Strategy was adopted in November 2014 and revised in September 2019. After the changes in the Use Classes Order, Leeds moved quickly to make an Article 4 direction which came into effect on the 25 August 2011 covering the city centre areas and surrounding suburbs. The LDP aims to ensure a sufficient supply of HMOs distributed in areas connected with business and education establishments, avoid detrimental impacts from HMO concentrations, ensure HMO proposals address amenity and parking concerns and to avoid the loss of existing housing suitable for family occupation in areas of existing high HMO concentrations. The LDP also contains two exceptional tests, both essentially aimed at potentially allowing of new applications where high concentrations mean that they would not normally be permitted.
66. The approach of the Council is unusual in that it does not adopt a formal Supplementary Planning Document but instead issues a Development Management Practice Note¹⁸. Rather than specify clear thresholds, the Practice Note sets out matters to guide officers and to explain policy to Planning Inspectors. Whilst a material consideration, this has been accorded lesser weight by Planning Inspectors in some cases although not always: *“I afford great weight to the Practice Note in the absence of substantive evidence which challenges the reasonableness of its approach in the context of Policy H6 of the Core Strategy.”*¹⁹ One advantage of the approach is flexibility; the Practice Note can be changed without the lengthy adoption procedure for SPG.
67. Another difference is that it uses a “community area” approach which may be significantly wider than the usual radius test. Some local communities have defined their own “community” boundary through neighbourhood forums or similar. A third difference is the adoption of C3/C4 flipping; a flexible permission may be given to enable a C4 HMO to convert to a C3 dwelling house without losing the potential to revert back to C4 use within a fixed period (normally 10 years).
68. Twenty-nine appeal decisions were considered (from 2016 onwards), with just three adopted after revision of the Practice Note in 2019. A common reason for dismissing appeals was that properties were clearly still suitable as family homes and the loss of such properties should be avoided.
69. In Nottingham, most HMOs are in an area covered by the Land and Planning Policies Document (LAPP)²⁰ adopted in January 2020. Because of concerns over HMO concentrations, Nottingham made an Article 4 direction on the 8 December 2011 to cover the central area and surrounding districts. The policies refer to “significant concentrations”, and the methodology for calculating these essentially uses the Output Areas employed in Census statistics (typically 40 – 625 households), with 10% as the definition of significant concentration. The percentage was 35% prior to the LAPP. A “Home” Output Area is identified and then all contiguous Output Areas are added to form a cluster used as the basis for the assessment. Purpose built student accommodation is taken into account (using council tax data on student discounts as source information) with roughly 100 bed spaces equating to 20 student households.

¹⁸ How we decide on planning permission for HMOs – link as footnote 81

¹⁹ APP/N4720/W/20/3257198

²⁰ <https://www.nottinghamcity.gov.uk/media/vzjxjaa/land-and-planning-policies-document-lapp-2020.pdf>

70. The LAPP focuses on the retention of family housing (of which there is a shortage) and seeks to achieve a sustainable community balance. A total of 36 decisions were looked at (all post the Article 4 direction) and of the 13 appeals after the adoption of the LAPP only 3 appeals have been allowed. Inspectors have in some cases²¹ accepted that that the very change to HMO use can of itself lead to negative impacts on neighbouring properties (especially where the HMO is for student use) simply through the different patterns of usage
71. The alternative approaches adopted by both Leeds and Nottingham were put to officers of the three Councils. In Rhondda Cynon Taf and Cardiff it was indicated that the conventional threshold approach should continue in revised policies. In Newport, where the distribution of HMOs is different, the Nottingham Output Area cluster approach was favoured.

Recommendations

72. Whilst all stakeholders recognised the valuable contribution made by HMOs in respect of providing accommodation for lower income households, young professionals embarking on their careers, and students; there was unanimous concern among local residents, elected Members, and to a lesser degree officers about some of the negative impacts of HMO, especially when in localised concentrations.
73. The concerns in Rhondda Cynon Taf and Cardiff arise from heavy concentrations in limited areas – Treforest in Rhondda Cynon Taf and Cathays and Plasnewydd in Cardiff. In both cases the concentrations are long standing and arose from proximity to universities and in both cases HMO growth has tended to spread out from the core concentration areas, with not all growth associated with student housing. In Newport, the patterns are different with no substantial student concentrations (some students are present and recently there has been an increase in foreign students, some with families). However, the major driver of HMO growth has been the demand for accommodation for hospital staff.
74. The study concludes by making detailed recommendations for each Council. The following summaries are extremely brief, and Chapter 6 of the report should be read for the recommendations in full. There are essential elements in the recommendations which are common to all 3 Councils, and these are as follows:
75. Having regard to relevant legal framework and Welsh Government policies (as described in Part 2 in particular paragraph 2.72 onwards), other relevant Council planning policies, the findings in this study and examples of good practice elsewhere, it is recommended that the LDP *[for the relevant Council]* makes plain the overall aim to adopt a restrictive policy with the intention of:
 - (i) Restricting the growth of future HMOs where the proportion of such properties is above the concentration thresholds by:
 - (a) Refusing change of use from Class C3 to Class C4 or sui generis (unique use) where this would take the HMO concentration in a defined area (50m radius of the application property) above the threshold of 20% in the *[HMO Management Area or with Newport the Output Area cluster]* and 10% elsewhere,

²¹ See for example APP/Q3060/W/19/3240325

- (b) Refusing applications that would lead to the intensification of use of existing HMOs through additional rooms/numbers of residents where existing HMO concentrations are above the thresholds set out in sub paragraph (a) above.

The policy should make plain that the Council seeks to put a brake on the potential for a damaging effect due to incremental increase in HMO numbers or intensification of existing HMOs, notwithstanding the fact that an application may be in area where the threshold is exceeded by a significant margin.

- (ii) Promoting sustainable, inclusive communities with a balanced housing mix and in particular to refuse any development which would lead to the loss of family homes including change of use of dwellings/buildings capable of use as single household/family homes;
- (iii) Promoting the conversion of larger properties to low-cost self-contained flats, as opposed to HMOs where this is appropriate and possible, having due regard to access and external amenity space.

76. The replacement LDP *[for the relevant Council]* should also make it clear that, irrespective of the HMO concentration, applications will only be permitted if:

- (i) The property is in all respects suitable for use as an HMO with adequate internal communal space and external amenity space, room sizes that meet specified standards and have an outlook through windows, and appropriately located and adequately sized facilities for the storage and recycling of refuse. There should be appropriate provision for parking and/or cycle storage consistent with the local authority policy and supplementary planning guidance on highways and parking.
- (ii) The proposed development would not lead to an unacceptable detrimental impact on other properties because of noise or other disturbance.
- (iii) The change of use does not lead to an existing Class C3 dwelling being situated between two HMOs (to avoid “sandwiching”)
- (iv) *[For Newport only]* An alternative approach to the Output Area cluster for determining the geographical area will be used when appropriate in the case of ribbon type groups of HMOs along main roads or when the geography is such that small groups of HMOs could have a disproportionate adverse effect.

Note: no reference to a “small streets” exception is made as Officers for each Council consider that this is not particularly relevant to their authority

77. With RCT and Cardiff, the policy should include exceptions where exceptional circumstances or overriding material considerations clearly outweigh the potential for harm arising from increased concentration or intensification. In particular, it is recommended that the policy makes provision for existing owner occupiers in high concentration areas who wish to sell but feel that they may be “marooned”. Such property may be unattractive to both single household potential purchasers because of the negative impact of HMO concentrations on local amenity and to potential investors because they will seek the higher yield from HMO letting and recognise the HMO policy is likely to prevent this. However, the distribution of HMOs in Newport is such that this is not particularly relevant, and Newport Officers were happy for there to be no such exception in their revised LDP.

78. The recommendations also include references to such issues as purpose-built student accommodation, transport, parking, Airbnbs and, in the case of Newport, flood risk.
79. In respect of supplementary planning guidance, again there is a substantial volume of detail (which does vary with each Council), but the points below set out the general areas recommended for inclusion in the SPG for each Council (once, of course, a revised LDP has been adopted). In each case, the recommendations for a particular authority include such elements as:
- Radius test (Output Area cluster based in Newport),
 - Non sandwiching (detailed interpretation of assessment methodology vary),
 - Suitability for use (room sizes, access to communal space, availability of light and a view, private amenity space – may be referenced to licensing standards),
 - Refuse and recycling (a particular concern with high concentration student areas),
 - Car and cycle parking (the approach for each Council varies significantly dependent on the LDP approach to sustainable transport),
 - Noise and disturbance,
 - Letting boards (not relevant to Cardiff where there is a Regulation 7 direction in respect of letting boards),
 - Exceptional circumstances and material considerations – in addition to issues such as marooning it may set out circumstances where applications may still be resisted, even though they are below a threshold, because of material considerations such as:
 - Highway safety;
 - Adding to parking problems;
 - Significant impact on neighbouring properties through noise, loss of privacy, overshadowing etc.;
 - Impact on conservation areas or individual listed buildings;
 - Demonstrable need for affordable housing;
 - Regard to new Government policy;
 - Regard to recent planning appeal decisions.
80. Finally, the report looks at recommendations for possible action prior to adoption of replacement LDP and SPG. In broad terms, this section looks at evidential issues as well as Planning Inspectorate and PEDW decisions which may help to strengthen arguments opposing an appeal. This could include a review of requirements in respect of parking surveys. Other than planning appeals, the recommendations look at areas outside planning appeals which could have a positive impact for example penalty notices for refuse and litter under the Environmental Protection Act 1990, prosecution for breaches of HMO licensing conditions and management regulations. With parking, examination of existing parking permit policy to limit permits for HMOs (where this exists) is recommended along with use of penalty notices.

1. Introducing the Study

Background to the project

Introduction and Project Brief

- 1.1 Newport City Council appointed Opinion Research Services (“ORS”) in 2022 to undertake a project on behalf of Newport City Council, Rhondda Cynon Taf County Borough Council and Cardiff Council (“the Councils”) to examine the impact (positive and negative) of houses in multiple occupation (“HMOs”) in their respective districts and to propose suggestions for controlling the level of HMOs and ensuring negative impacts are minimised.
- 1.2 The Councils are all currently in the process of preparing replacement Local Development Plans (“LDPs”). All intend to use this report as a background paper and that it will form part of the evidence base. The instruction requires that those issues being experienced by each of the three local authorities be examined and further that the assessment of current policies and guidance be assessed with a view to proposing policy recommendations to be taken through the process of replacing the LDP for each authority. In addition to recommendations for future policy, the brief also seeks suggestions for more immediate solutions and remedial action. Any such suggestions may extend beyond the responsibilities of the Planning Department for each authority provided they do relate to matters within the direct control of each authority.
- 1.3 The project brief set out a number of specific requirements:
 - **Gain an understanding of the issues facing each authority.** It was recognised that it was likely there would be issues common to all three authorities, but also that there would be matters specific to each authority that require further exploration. The brief required in particular, that the study should:
 - Review data on applications for HMO change of use, application decisions and appeal decisions;
 - Review current policies and supplementary planning guidance;
 - Speak with relevant ward Members to gain an understanding of local concerns in respect of HMOs;
 - Speak with other stakeholders including planning officers, environmental health officers, and HMO landlords;
 - **Identify the reasons that HMOs are on the increase and highlight the benefits of HMOs as well as the problems;**
 - **Examine best practice across the UK in terms of HMO planning policies and guidance;**
 - **Recommend potential revisions/updates to SPGs and identify any potential gaps in guidance which can be plugged;**
 - **Recommend other suggestions which could potentially be introduced more immediately to assist prior to replacement LDP adoption. Such suggestions do not necessarily have to be restricted to planning issues.**

Methodology

Literature Review and Collating Public Data

81. Initially, a thorough literature review was undertaken, beginning with looking at the relevant sections of both the Welsh and English national planning frameworks²², Acts of parliament, and other Government publications
82. Local planning documents (LDPs) and associated guidance (SPGs) both currently and historically extant in the local areas in question were obtained and studied. Publicly available Information relating to licensing schemes in the areas in question supplemented this fundamental background information, with specific reference to the areas covered by the schemes and the nature of the licensing conditions. Further information in terms of the location and sizes of properties was provided by the councils
83. Once the local planning contexts were thoroughly understood, appeal decisions relating to HMOs in the areas over the last 10+ years were obtained and studied (see Appendix F). Furthermore, publicly available data on crime, population, student numbers etc. in the areas were obtained. Sources included the 2011 and 2021 censuses, StatsWales, Higher Education Statistics Agency (HESA), data.police.uk, and the Office of National Statistics (ONS).
84. In terms of national best practice, a sample of authorities with significant HMO concentrations predominantly associated with higher education establishments and student populations was collated, and an examination of LDPs, SPGs, appeal decisions, licensing schemes etc. was undertaken in each instance in a similar fashion as for the commissioning authorities.

Stakeholder Interviews

85. The decision was made to attempt undertake stakeholder interviews with (ideally) six representative groups per local authority:
 - Council Members,
 - Planning Officers,
 - Environmental Health Officers,
 - Local Residents,
 - Local Landlords,
 - University staff with responsibility for student accommodation.
86. Where appropriate, some of these groups were merged into one session (e.g. planning and environmental health officers). In terms of finding participants, the local councils themselves were instrumental in putting forward the relevant personnel for the first three groups. Local landlords and resident participants were found through looking at relevant online forums (e.g. local resident Facebook groups), and further information concerning local landlord groups/forums was supplied by the councils in question. The relevant University staff were found utilising the University websites and phone calls to the institutions.

²² National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG) in England, Planning Policy Wales (PPW) and associated Technical Advice Notes (TANs) in Wales.

87. Each stakeholder session lasted approximately two hours and was based around a flexible agenda that discusses both general issues concerning HMOs along with exploration of issues specific to the locality in question that were suggested by the literature review. Having sought participant permission in each case, sessions were recorded for purposes of accurate quoting, on the understanding that the recordings would be destroyed upon completion of the project, and that the name of the participant in question would not accompany the quote.
88. In some cases, participants chose to provide further evidence via email after their session.

2. The Legislative Framework

Legal Framework – Origins

- 2.1 The foundations of modern town and country planning in Britain were laid in the immediate post war era with the Town and Country Planning Act 1947. The Act was in many ways a reaction to concerns over industrialisation and urban growth over the previous half century, especially over urban sprawl and ribbon development. Earlier Acts of Parliament with a planning element dated back to the Housing and Town Planning Act 1909 (which banned “back-to-back” housing) but in reality, the 1947 Act resulted in a step change; implementing recommendations from several Royal Commissions it in effect introduced national control over the right to develop land²³. With some exceptions, it required all development proposals to obtain planning permission from the relevant local authority with a mechanism to appeal a refusal. It also placed an obligation on local authorities to develop forward plans which set out what type of development was permitted and where and also to prepare plan maps marking specific designated areas – a “plan led system”.
- 2.2 It further introduced the concept of a development charge for the wider community to benefit from the planning gain that generally arises from permission to develop (now the planning gain agreement under Section 106 of the Town and Country Planning Act 1992).
- 2.3 As the planning system evolved, green belts and controls in respect of listed buildings/conservation areas and hazardous substances were introduced. The Town and Country Planning Act 1990 consolidated many of the changes that had occurred over time in the overall planning system. It formalised the split of the planning function into forward planning and development control and reinforced enforcement provisions. In effect it put into the hands of democratically controlled public bodies, rather than landowners, the power to make decisions as to significant development in order to protect local communities; both building operations (including demolition), and material change of use were covered. A particular change was reform of planning gain provisions through Section 106 of the Act.
- 2.4 Three further Acts extended the framework; the Planning and Compensation Act 1991²⁵ (included new procedures for planning breach enforcement), the Planning and Compulsory Purchase Act 2004²⁶ (range of issues including regional spatial strategy and local development frameworks replacing local plans) and the Planning Act 2008²⁷ (included replacing local development with development plan documents). The Planning and Compulsory Purchase Act 2004 notably included the requirement for Welsh Ministers to prepare and publish a plan known as the Advisory Development Framework.
- 2.5 It may be noted that the 1947 Act did introduce permitted development rights i.e. the Government recognised that it would be inappropriate for planning consent to be required in respect of all development in particular small scale building works and certain changes of use where the impact on the local area would not cause significant concern. The first Town and Country Planning (Use Classes) Order (UCO) came into effect in 1972; the most recent version (as amended) came into effect in 1987²⁸. This Order means that

²³ Now Part III Town and Country Planning Act 1990

²⁴ <https://www.legislation.gov.uk/ukpga/1990/8/section/106>

²⁵ <https://www.legislation.gov.uk/ukpga/1991/34/contents>

²⁶ <https://www.legislation.gov.uk/ukpga/2004/5/contents>

²⁷ <https://www.legislation.gov.uk/ukpga/2008/29/contents>

²⁸ <https://www.legislation.gov.uk/uksi/1987/764/contents/made>

planning permission is not needed for a change of use of land to a new use within the same class, unless restricted by a planning condition. It is this provision which is specifically relevant to this report because of the 2015 amendment to the Order which made changes in respect of HMOs. This is discussed below.

Legal Framework – Impact of Devolution

- 2.6 The legislative framework for devolution of both executive and legislative powers to a Welsh governing body was originally set out in the Government of Wales Act 1998 (subsequently amended). This followed a second referendum in which voters supported the principle of devolution after initially rejecting it a 1979 referendum. Originally powers were devolved to the National Assembly for Wales which had secondary legislative powers only in a limited number of areas (including housing). The Government of Wales Act 2006 established the Welsh Government with powers actually exercised by members of the Government (including the First Minister and Welsh Ministers).
- 2.7 A third referendum was held in 2011, and voters supported the transfer of primary legislative powers to the Assembly in a specified number of areas. The Senedd and Elections (Wales) Act 2020 renamed the Assembly as the Senedd Cymru (Welsh Parliament) to reflect its wider legislative role. As with devolution in other parts of the UK, the local legislative institution can only make law in respect of devolved powers; certain powers such as defence and foreign policy are reserved powers that can be exercised only by the national Government. Planning is a devolved power.
- 2.8 The planning framework that now exists in Wales is a plan led system largely based on the legislation in place prior to devolution; however there has been an increasing divergence between the Welsh and English systems as time has moved on. The Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004 and the Planning Act 2008 all still apply in Wales albeit with significant amendments. Senedd in October 2023 agreed consent to the Levelling Up and Regeneration Act 2023²⁹ (which does cover matters which are devolved powers) albeit whilst expressing strong reservations about the lack of consultation and what was considered infringement of their legislative function. Provisions in that Act do vary in their application to Wales and England.
- 2.9 Planning guidance specific to Wales supplemented by Technical Advice Notes (“TANs”) was published in the mid-nineties. The divergence between the Welsh and English systems grew with the publication in 2002 of the first edition of Planning Policy Wales (“PPW”), a document which gave guidance on the preparation and content of local development plans and general development control (again supported by TANs). The current version of PPW is Edition 12³⁰, published in February 2024 and updated in July 2024. It is supplemented by a series of TANs, Welsh Government Circulars and policy clarification letters. Together with PPW these provide the national planning policy framework for Wales.
- 2.10 The first significant primary legislation to be made on a Wales only basis was the Planning (Wales) Act 2015³¹ It was intended that the Act, coupled with changes to secondary legislation, policy and guidance would streamline the planning system to deliver “timely, fair and consistent decisions that will enhance the built, natural and historic environment in Wales”. There were a range of measures to improve accountability, enforcement and administration but two key objectives were:

²⁹ <https://www.legislation.gov.uk/ukpga/2023/55/enacted>

³⁰ <https://www.gov.wales/sites/default/files/publications/2024-07/planning-policy-wales-edition-12.pdf>

³¹ <https://www.legislation.gov.uk/anaw/2015/4/contents/enacted>

- To strengthen the plan-led approach to planning, introducing a new legal framework for the Welsh Ministers to prepare the National Development Framework for Wales (“NDF”) setting out national land use priorities and infrastructure requirements;
- Making provision for the production of Strategic Development Plans, to tackle cross-boundary issues, such as housing supply and areas for economic growth and regeneration.

^{2.11} The Act had been preceded three months earlier by the Well-being of Future Generations (Wales) Act 2015³², the first legislation in the world to place a legally binding duty on public bodies to safeguard the well-being of future generations. In effect it looks to safeguard the welfare of stakeholders not yet born and the Future Generations Commissioner is charged with the responsibility of ensuring this happens. The well-being duty is based on the principle of sustainable development, with seven well-being goals relating to prosperity, resilience, greater equality, improved health, cohesive communities, vibrant culture and language and global responsibility. The Act introduces the process of Integrated Sustainability Appraisal “ISA” to accompany the NDF. The Environment (Wales) Act 2016 also has a bearing on planning policy with the obligations in respect of sustainable management of natural resources, climate change and flood and coastal erosion.

^{2.12} The Well-being of Future Generations (Wales) Act 2015 Section 3 (the well-being duty on public bodies – the obligation to carry out sustainable development) and Section 5 (the sustainable development principle – a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs) will be referred to in any Planning Inspectorate (now PEDW) decision in respect of an HMO. In their decision, a Planning Inspector will state the decision has been made in accordance with both of these sections.

^{2.13} The obligation on the Welsh Government to prepare and publish the NDF for Wales set out in the Planning (Wales) Act 2015 was in fact met when “Future Wales: the national plan 2040” was first published in draft on the 14 August 2019 with the adopted version updated on the 24 February 2021. This is a new 20-year national spatial strategy. It sets out the Welsh Government’s policies on development and land use in a spatial context. It has development plan status, which means planning decisions must be made in accordance with the NDF, and the plans that sit below it - regional Strategic Development Plans (which have yet to be published) and Local Development Plans (LDPs) – must be consistent with it. The Wales Spatial Plan, the predecessor to the NDF, did not have development plan status. In effect it sits at the top of the planning policy hierarchy in Wales alongside PPW. The Planning (Wales) Act 2015 requires the Welsh Government to review the NDF every five years (the next review is due in 2026).

^{2.14} As stated, the NDF sets out a spatial strategy covering the whole of the country. It covers a wide range of issues including a target in respect of affordable homes with new build, supporting renewable, low carbon energy, managing flood risk, a town centre first approach to urban development, support for rural areas, improving transport connectivity at all levels, a national forest/green belts/a Valleys regional park and resilient ecological networks and green infrastructure. Of particular relevance to the Councils in this study is the policy to have three National Growth Areas, one of which is for Cardiff, Newport and the Valleys. A further policy is to have four regions, each with its own Strategic Development Plan “SDP” developed by Corporate Joint Committees. All three of the Councils fall within the South East Region. At the time of writing, the SDPs for each region have not been developed, although the Welsh Government has indicated it is keen for these to be completed and revisions to the structure to deliver this were in the recent Local Government and Elections (Wales) Act 2021. Work is now starting on its preparation of the South East SDP.

³² <https://www.legislation.gov.uk/primary+secondary?title=Well-being%20of%20Future%20Generations%20%28Wales%29%20Act%202015>

- 2.15 The upshot of the various changes is that the plan-led planning system in Wales now has development plans prepared at three levels:
- National** – Future Wales: Future Plan 2040;
 - Regional** - Strategic Development Plans (not yet produced by any of the four regions);
 - Local** – Local Development Plans.
- 2.16 In practice, at the present time, a development plan for a local planning authority will be a composite of the national plan and LDP; in the future a composite of the national, regional, and local development plan (lite). National policy is set out in Planning Policy Wales supported by Technical Advice Notes, Circulars and Ministerial letters.
- 2.17 As stated, there are no SDPs yet in place although work is now starting on the development of the South East SDP. The Welsh Government has indicated clearly that local planning authorities should continue with the preparation of Local Development Plans notwithstanding the absence of the relevant SPD. Once the SPD is in place, local planning authorities should then prepare Local Development Plan ‘Lites’ (“LDPL”) The LDPLs will be simpler, shorter, and more focussed development plans covering a minimum ten-year period; the scale and location of growth will already be set in the adopted SPD. They will identify smaller and more localised allocations in the authority area that will be set within the framework of the SPD. The LDPL will also contain a number of policies used in the determination of local planning applications; an issue obviously relevant to this study.
- 2.18 In effect, at the present time at the top of the pyramid there is the national plan, Future Wales accompanied by Planning Policy Wales and at local level the Local Development Plans (to be become Local Development Plans Lite) prepared by the 25 local planning authorities (the 22 local authorities and 3 national parks). All 22 local authorities are unitary (still not the case in England).

Legal Framework – Houses in Multiple Occupation

- 2.19 The statutory definition of house in multiple occupation (“HMO”) for both housing enforcement and planning will be considered further below but in general terms they are residential properties where there are some facilities shared by more than one household. The value of houses in multiple occupation in providing accommodation for certain groups, in particular individuals and small households of limited income, students and young professionals is well recognised. However, they have also traditionally been associated with a range concern in respect of housing conditions for occupiers and on occasions impact on neighbouring properties.
- 2.20 Although the prime focus of this study is on planning matters, housing issues and wider environmental concerns are fundamental to local authority responsibilities in respect of HMOs. The linkage between housing/environmental controls and planning has grown as legislation has evolved over the past two decades. Accordingly, this next section will look at the definition of HMO for housing purposes and some of the legal controls. It is necessary to consider the housing definition because, as will be seen, it is the basis for the modern planning definition with smaller HMOs.
- 2.21 Especially where residents are from low income and/or vulnerable groups (as, realistically, is common in HMOs), the transient nature of many tenancies, intensive use (and on occasions abuse) of shared facilities may give rise to problems with property condition and management, and the welfare of tenants. The risk of

fire has been shown to be notably higher in certain types of HMO³³. This has meant that in recent decades additional powers have been made available to local authorities to deal with unsatisfactory conditions in HMOs, with the Housing Act 1964 being the first to do so. Part XI of the Housing Act 1985 significantly increased the powers available still further and also, not very satisfactorily, in S345, gave a definition of HMO. This was “a house occupied by persons who do not form a single household”; but did not define “single household”. The definition in S345 was the subject of litigation, most notably in *Barnes v Sheffield City Council* (1995) 27 HLR 719, where the Court of Appeal, in a case involving a student house, set out nine factors to be considered in deciding whether a property was in multiple occupation. The 1985 Act also gave local authorities the option to make registration of HMOs compulsory under registration schemes, specific powers to deal with overcrowding, means of escape from fire and management standards.

^{2.22} The Housing Act 2004 introduced substantial change in a range of areas. It replaced the heavily criticised former minimum legal standard for housing that properties should be “fit for human habitation” with the Housing Health and Safety Rating System (“HHSRS”), a risk assessment approach which links deficiencies properties to potential impact on health, with 29 potential hazards. The HHSRS applies to all properties including HMOs whether licensable or not and has robust enforcement powers (potentially unlimited finance and carrying out works in default - recently increased significantly in England only through the Housing and Planning Act 2016 to include, amongst other things, financial penalties of up to £30k).

^{2.23} The Act set out in some detail the definition of an HMO. The previous definition in S345 of the 1985 Act was contained in a sentence; the new definition for housing purposes is very extensive and is set out primarily in S254 – 260 of the Housing Act 2004 with the meaning of some terms clarified in related secondary legislation (for example the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006).

In broad terms, to be an HMO a building or part of a building needs to:

- (i) pass one of the three “tests” set out in S254 of the Act;
- (ii) be subject to an HMO declaration (i.e. the local authority makes a formal declaration, normally where there is a dispute, that it considers a property to be an HMO); or
- (iii) be a converted block of flats within the meaning of S257 of the Act.

S254 states that a building or part of a building is an HMO if it satisfies one of the following tests

- (i) the standard test;
- (ii) the self-contained flat test; or
- (iii) the converted building test.

In practice, the vast majority of HMOs are considered to be HMOs as they fall within the standard test. For that test and also the self-contained flat test, the six conditions set out below must be met:

- » There are one or more units of accommodation which are not self-contained flats;
- » The living accommodation is occupied by persons not forming a single household³⁴;
- » It is occupied by those persons as their only or main residence;
- » Their occupation of the living accommodation constitutes the only use of that accommodation;

³³ ENTEC Ltd Study “Fire Risk in HMOs” 1997 ISBN 9780117534438

- » Rents are payable or other consideration is provided in respect of at least one of the occupants; and
- » Two or more of the households who occupy the living accommodation share one or more basic amenities, or the living accommodation is lacking in one or more basic amenities.

- 2.24 Of particular relevance to this study, it may be noted that S259 makes it clear that the person is to be treated as so occupying a building or part of a building if it is occupied by the person as their residence for the purpose of undertaking a full-time course of further or higher education. This is to prevent any ambiguity following the *Barnes v Sheffield City Council* decision and essentially to ensure that student houses were subject to HMO legislation in particular licensing. Similar provisions apply to refugees (for example from domestic violence) and to migrant workers again to ensure that HMO provisions are not sidestepped.
- 2.25 The self-contained flat test is concerned with flats in multiple occupation with the only difference with the flat test and standard test being that the relevant premises must be a self-contained flat. The converted building test is concerned with buildings (or parts of buildings) which have been partly converted into self-contained flats (i.e. one or more units created since it was built) but which in addition include living accommodation which is not within a self-contained flat (typically all of the amenities are not located behind a single front door).
- 2.26 The HMO declaration was introduced because of doubt on occasions as to whether the occupation by persons not forming a single household is the only use of the accommodation. This could arise where, for example, a property could fluctuate in its use as with some bed and breakfast establishments. A local authority may make a formal HMO declaration under S255 if they are satisfied that the sole use condition has been met. Such a declaration is, of course, open to appeal (to the Residential Property Tribunal) and may also be revoked if circumstances change.
- 2.27 Converted blocks of flats within the meaning of S257 are essentially blocks converted into self-contained flats where the building work does not comply as a minimum with the requirements of the Building Regulations 1991 and less than two thirds of the flats are owner occupied (i.e. resident long lease holder or freeholder). Compliance or otherwise with the relevant standards can often be difficult to determine and, irrespective of this, the status of a “S257 HMO” as they are generally called, can alter with changes in occupation. Properties of this type are common in coastal regions with converted guest houses.
- 2.28 It should also be borne in mind that certain properties are excluded from the definition of HMO for the purposes of licensing and specific HMO (for example HMO management regulations). However, this does not exempt them from the use of HHSRS powers. Properties managed by registered community landlords fall into this category as indeed do buildings occupied by full time students at specified educational institutions operated by educational bodies.

HMO Licensing

- 2.29 In addition to defining much greater precision what an HMO is, the 2004 Act went on to introduce wide ranging licensing powers which had a significant impact in terms of controlling standards in HMOs. Mandatory licensing was introduced for higher risk HMOs (three or more storeys, two or more households and five or more people). In addition, Part 2 of the Act allowed local authorities to designate specific areas (which could be their whole district) as additional licensing areas where local authorities require the licensing of specified types of HMO (for example two storey properties). It may be noted that the mandatory licensing requirements now differ in Wales and England. The 2006 definition including the application to three storey

properties only remains unaltered in Wales³⁵. The storey height stipulation was removed in England in 2018³⁶; the people and household numbers remain unaltered.

- 2.30 It should also be borne in mind that the Housing (Wales) Act 2014 also introduced a requirement for every landlord to be registered and indeed all properties to be registered and for agents to be licensed. As part of the licensing process, an agent has to demonstrate that they have been adequately trained and also that they are a “fit and proper person”.
- 2.31 In order to designate an area for additional licensing, it was and still is necessary to for the local authority to consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs, or for members of the public. The authority therefore considers both the housing conditions of HMO residents and any negative impact on nearby residents which can be significant.
- 2.32 The local authority is obliged to consult with stakeholders and also has to ensure that the designation is consistent with current strategies in particular those relating to anti-social behaviour, homelessness and empty properties, and also that alternative approaches have been considered. Whilst approval from the Welsh Government is no longer required (there is a General Consent³⁷), designation may be challenged by judicial review, and this has occurred in England. Designation is for a five-year fixed period only, although the designation can be extended for a further five years after again going through an extensive consultation procedure.
- 2.33 Of the 22 local authorities in Wales, 9 have additional licensing areas, mostly associated with areas where there are concentrations of student housing. Of these, four schemes cover the whole local authority area. All three of the Councils in this study have additional licensing schemes. Those in Rhondda Cynon Taf and Newport cover their whole district, in Cardiff additional licensing covers the Cathays and Plasnewydd wards only.
- 2.34 Mandatory licensing (and if a designation has been made, additional licensing) are both aimed at ensuring that those managing HMOs are fit and proper persons, that management arrangements are satisfactory and that the physical condition of properties is satisfactory with sufficient space and facilities. Mandatory and additional licensing both require the owner of an HMO to make an application with a range of specified information relating to the circumstances of the owner and the property condition. The local authority then has to assess the application having regard to three tests specified in the 2004 Act:
- **The People Test** - the licence holder is a “fit and proper person”;
 - **The Management Test** - that people managing have sufficient competence, that those managing are fit and proper persons and that the management arrangements are satisfactory;
 - **The Building Test** – that the house is reasonably suitable for the numbers of people in the application, or a number decided by the authority or can be made suitable by imposing conditions.
- 2.35 Assessing a licence application is a complex process with stages where draft licences can be commented on and amended if appropriate. The process frequently involves negotiation with applicants to ensure all three

³⁵ The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (Wales) Order 2006 No. 1712

³⁶ The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018

³⁷ The Housing Act 2004 (Additional HMO Licensing) (Wales) General Approval 2007, which came into force on 13th March 2007

tests are met, including on occasions for the licence to be held by a person other than the applicant. Disputes over the number of occupants and space standards do reach the property tribunals in Wales and England. If granted, a licence will typically be for the maximum of five years although it may be for a shorter period if the authority has concerns in certain circumstances. A significant fee, which varies from authority to authority, is payable both for the original applicant and for renewal.

- 2.36 When a licence is granted, the authority has to attach statutory conditions relating to gas, electrical safety, fire and statement of occupation terms. An authority can (and in practice all do) attach discretionary conditions; the 2015 report to the Welsh Government on HMOs found these were often targeted at issues common in student housing; relating to anti-social behaviour and security.
- 2.37 Failure to licence a property that is subject to a licensing regime is a criminal offence with a potentially unlimited fine as is breaching a licence condition³⁸. In addition, tenants may apply for a rent repayment order and if the rent has been payable in whole or in part by housing benefit/universal credit then the local authority may do so for potential repayment of benefit.
- 2.38 There has been a divergence between the enforcement regimes in Wales and England since 2016. The Housing and Planning Act 2016 introduced the new financial penalty in England as an alternative to prosecution (an authority can opt for either but not both in respect of an offence) for a range of offences including licensing offences and breach of HMO management regulations. The maximum amount is £30k per offence. It is subject to appeal to the First tier Tribunal (Property Chamber) in England and the local authority has to prove to the criminal standard of beyond reasonable doubt. The penalty levied or payable after appeal is retained by the local authority rather than going into central funds; the money is ring fenced for use for housing enforcement purposes (in particular staff costs).
- 2.39 A further divergence resulting from the 2016 Act is that rent repayment orders in Wales are still made under 2004 Act and in England are now made under Part 2 of the 2016 Act where proof of conviction is not required in respect of an application by a tenant of part of an HMO, just that the Tribunal is satisfied to the criminal standard that the offence has been committed.
- 2.40 The effectiveness of the additional licensing schemes in each of the Council areas is discussed at in the part relevant to each local authority.
- 2.41 It has to be borne in mind that the licensing and planning regimes operate independently. A unitary authority, as all Welsh councils are, is both a local housing authority and a local planning authority. It is clear that the licensing provisions of the Housing Act 2004 do not allow a local housing authority to refuse to licence a property because it does not have the necessary planning permission. It can, however, reduce the length of a licence (*Waltham Forest v Khan*)³⁹. That case actually related to selective licensing, but the Upper Tribunal (Lands Chamber) did observe that it was unnecessary and unrealistic *'to regard planning control and Part 3 licensing as unconnected policy spheres in which local authorities should exercise their powers in blinkers.'*
- 2.42 It should also be borne in mind that the Planning Inspectorate (now PEDW) have dismissed appeals against refusals for planning permission for change of use with a licensed HMO⁴⁰

³⁸ S72 Housing Act 2004 (as amended)

³⁹ *Waltham Forest v Khan* [2017] UKUT 153 (LC)

⁴⁰ See for example APP/L6940/A/18/3214384

Planning Framework – Changes in England

- 2.43 As is plain from the previous section, from the Housing Act 2004 onwards the meaning of “HMO” has been clearly defined for housing purposes and there is a well-developed framework for control and enforcement, especially the mandatory and discretionary licensing provisions. The enforcement regime has been reinforced significantly (in England only) by the financial penalty and rent repayment order provisions of the Housing and Planning Act 2016.
- 2.44 On the other hand, the planning system has, up until recently, largely ignored the question of change of use by conversions of single households dwellings to HMOs, notwithstanding the significant potential impact on neighbouring properties especially with concentrations of such properties. Larger HMOs (seven or more unrelated residents) have for some time been considered as ‘sui generis’ (of their own kind – now “unique use”) for the purpose of permitted development and accordingly such a change of use was not permitted development and would require planning consent. Even that, however, was not conclusive. In England, guidance⁴¹ in respect of the revised Town and Country (Use Classes) Order 1987 made the following comment regarding sui generis HMOs, which might be thought hardly helpful to a local authority seeking to use development control to restrict the potential impact of conversion to large HMOs:

“Although the control limit of six persons defines the scope of the C3 (b) and (c) dwellinghouses and C4 houses in multiple occupation classes, this does not imply that any excess of that number must constitute a breach of planning control. A material change of use will occur only where the total number of residents has increased to the point where it can be said that the use has intensified so as to become of a different character or the residents in relation to C3 no longer constitute a single household.”

- 2.45 The issue of permitted development was referred to in paragraph 2.5. It is the Town and Country Planning (Use Classes) Order 1987⁴² that defines specific uses. Change from one use to another within the same class is considered permitted development. S52(2)(f) of the Town and Country Planning Act 1990 and Article 2 of the Order provide that changes of use within a specific class do not constitute development and so do not require planning permission (provided that the use subsists, the planning permission has been implemented and no restrictive condition is attached). The Use Classes Order relevant to residential dwellings was class C3, which was defined as follows:

Use as a dwellinghouse (whether or not as a sole or main residence)-
(a) by a single person or by people to be regarded as forming a single household;
(b) not more than six residents living together as a single household (including a household where care is provided for residents).

- 2.46 Following considerable political pressure on MPs from constituents affected by growing HMO concentrations⁴³, especially of student housing, the then Department of Communities and Local Government commissioned ECOTEC to undertake a study into the problems caused by high concentrations of HMOs, especially where there were high numbers of students. The report “Evidence Gathering – Housing in Multiple

⁴¹ Circular 08/2010 Department for Communities and Local Government Nov 2010

⁴² 1987 No. 764

⁴³ See for example www.hmolobby.org.uk/natuseclassesorder.htm

Occupation and possible planning responses”⁴⁴ (the “ECOTEC Report”) highlighted problems associated with high HMO concentrations in terms of social impacts, impacts on neighbourhoods, environmental and physical impacts and economic impacts. There were a number of references to the phenomenon of “studentification” in the report. It gave three options for possible action, including amending the Use Classes Order to provide a definition of HMOs and allow tighter planning controls over houses in multiple occupation., and it was this option that the Government chose to implement.

^{2.47} The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 came into effect on the 6th of April 2010. Although not applicable in Wales, this change laid the ground work for the change relevant to HMOs in the Use Classes Order in Wales in 2015. The 2010 change introduced a revised Class C3 (dwelling houses) and introduced a new Class C4 (houses in multiple occupation occupied by 3 – 6 persons).

“Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Interpretation of Class C3

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.”

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004”.

^{2.48} When first enacted, the revised use classes meant that a change of use from single dwelling house to HMO was no longer permitted development. The Coalition Government that took power in May 2010 quickly introduced a further order⁴⁵ to amend the Town and Country Planning (General Permitted Development) Order 1995. This gave permitted development rights to move from C3 to C4 and vice versa. It is, however, possible, for local authority to remove permitted development rights by making an Article 4(1) direction under the General Permitted Development Order⁴⁶. If an authority elects to do so, they may make an immediate direction (where compensation may be payable) or non-immediate direction (compensation not payable if procedure followed). In reality, both require extensive local consultation and notification to the Secretary of State (although consent of the latter is not required). A direction may cover the whole local

⁴⁴ <https://planningjungle.com/wp-content/uploads/Evidence-Gathering-Housing-in-Multiple-Occupation-and-possible-planning-responses-Final-Report-September-2008.pdf>

⁴⁵ The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010 No. 2134

⁴⁶ <https://www.legislation.gov.uk/uksi/1995/418/article/4/made>

authority district or only specified areas (typically wards). It should be noted that fees are not payable for planning applications where an Article 4(1) direction has been made

- 2.49 Making an Article 4 direction does potentially give an English local authority significantly greater control as planning consent is required for the change of use to an HMO (with up to six residents). The authority does at least have an opportunity to make a judgement. However, the ECOTEC report emphasised that the requirement for planning consent for change of use to HMO does not of itself provide a “quick fix” as such; it was important that “local authorities should have in place the adopted planning policies to enable them to adequately control where HMO developments should be located and areas where they will be resisted”⁴⁷.
- 2.50 The report highlighted how in Belfast there had been a number of initial difficulties but there was greater success in sustaining decisions where policies to restrict HMO growth had been carefully revised having regard to the other policies in respect of purpose-built student accommodation, transport links, rebalancing communities, etc – and recognition of the value of HMOs in providing accommodation for single people and migrant workers.
- 2.51 Notwithstanding difficulties in developing policies that can give control that authorities wish to achieve, and the accompanying supplementary guidance, since the change in the Use Classes Order many English local authorities have made Article 4(1) directions; there is no national register of these directions, but internet research indicates it is sixty at the time of writing. All of these have one or more universities in their district, or a campus of a university in a neighbouring area or large higher education institution which does indicate a clear link with student issues. This is considered further in the section dealing with best practice elsewhere. The issue of policies in LDPs and related supplementary planning guidance that can prove effective in both controlling HMO growth and also sustaining decisions is of course the key element of this study for the three Councils.

Planning Framework – Issues in Wales

- 2.52 Growing concern about the impact of HMO concentrations, especially in university towns and cities, led to the Welsh Government commissioning Opinion Research Services (“ORS”) in August 2014 to undertake a study looking, amongst other things, at the extent of social, economic and environmental issues associated with HMOs, to look at relevant legislation including planning, at best practice elsewhere and to make suggestions for control mechanisms. The ORS report “Houses in Multiple Occupation: Review & Evidence Gathering”⁴⁸ was published in April 2015
- 2.53 A key element in the study was extensive investigation of circumstances in six “focus authorities”. To select these authorities, analysis of Census 2011 and local authority authorities was carried out to identify the proportions of HMOs in each authority and nationally using multi-person households as a proxy for HMOs with the Census data. It was immediately clear that Cardiff, Swansea, Gwynedd (Bangor University), Ceredigion (Aberystwyth University) were all the national average irrespective of the comparator used. A further four local authorities with significant concentrations of HMOs were noted: Wrexham, Rhondda Cynon Taf, Newport and Conwy.
- 2.54 At that time, Wrexham indicated that although HMO numbers were lower than in other authorities, HMO concentration was recognised as a significant problem in localised pockets. The expansion of Glyndŵr

⁴⁷ Evidence Gathering – Housing in Multiple Occupation and possible planning responses, CLG, ECOTEC at p. 44

⁴⁸ <https://www.gov.wales/sites/default/files/publications/2018-11/houses-in-multiple-occupation-hmos-review-report-on-findings.pdf>

University (now Wrexham University) had added to this, although students only accounted for a fifth of HMO residents with many occupied by migrant workers.

- 2.55 Newport City Council said they had a localised problem in a small number of streets; Cardiff University undertook an investigation to establish the extent of studentification within the inner-city Stow Hill ward of Newport to inform the development of the Newport Local Development Plan. The report concluded that although there was limited evidence of studentification within the Stow Hill ward at that time, the potential for studentification to increase and become problematic did exist.
- 2.56 Conwy County Borough Council stated there was a concentration of HMOs predominantly in the Colwyn Bay and Llandudno areas. The great majority were S257 HMOs (self-contained flats not meeting earlier Building Regulations) as opposed to S254 HMOs, reflecting previous local authority policy to discourage HMO growth.
- 2.57 Rhondda Cynon Taf confirmed that although they were below the national average, there was a significant HMO problem in the Treforest ward, attributable to the Treforest Campus of the University of South Wales.
- 2.58 Accordingly, the six focus authorities were Cardiff, Swansea, Gwynedd (Bangor University), Ceredigion, Rhondda Cynon Taf and Wrexham (i.e. two of the three Councils in this study were considered at that time). The circumstances found in that report in respect of Cardiff and Rhondda Cynon Taf will be considered in the individual sections dealing with each authority further on in its report.
- 2.59 Discussions with stakeholders at the focus authorities highlighted a number of themes. With the larger cities/towns where there were substantial concentrations and studentification was a very significant factor, stakeholders expressed concern about displacement of families and long-term residents, with problems with anti-social behaviour, noise, parking problems, refuse and litter, properties in poor condition, elevated levels of burglary and so on. In essence, a substantial change in the character of an area with established family housing becoming HMOs and neighbourhoods taking on a more transient appearance with a growth in letting agents and a proliferation of lettings boards. Both house prices and rentals had been driven up by the growth of HMOs. Overall, community cohesion was badly affected, with negative effects for example on school rolls.
- 2.60 Stakeholders referred to the lack of effective planning controls as an issue and said they would very much welcome a mechanism to effectively control growth. Interestingly, officers in Rhondda Cynon Taf (where HMO concerns were very much focussed in the Treforest ward) said that a change would be of limited value in their borough as the effect would not be retrospective and there were signs that market forces were leading to a contraction in the student HMO market regardless. They could, however, see it having value in authorities with high concentration areas.
- 2.61 There have been traditional student areas in a number of locations for many years now (for example Cathays and Plasnewydd in Cardiff). However, a major factor in the increase in HMO concentration has of course been the expansion in student numbers. The table below shows total post and undergraduate numbers:

Figure 1: Number of students within the UK, 2000-2022

	UK Post-Graduates	UK Under-Graduates	England Post-Graduates	England Under-Graduates	Wales Post-Graduates	Wales Under-Graduates
2000/01	172,300	1,037,900	144,500	839,700	7,800	58,000
2001/02	186,300	1,069,200	155,400	862,700	8,700	58,700
2002/03	206,800	1,111,300	173,600	898,600	9,900	60,500
2003/04	220,400	1,141,900	186,600	925,000	9,700	62,400
2004/05	226,100	1,165,400	190,700	945,100	9,800	63,800
2005/06	234,200	1,198,800	196,700	976,800	10,200	64,800
2006/07	243,100	1,208,600	201,800	985,800	11,200	66,000
2007/08	248,400	1,232,000	206,900	1,012,000	11,400	66,800
2008/09	268,000	1,272,000	223,000	1,044,700	12,500	68,400
2009/10	298,300	1,333,900	249,900	1,095,800	14,300	73,800
2010/11	310,000	1,367,300	257,200	1,125,400	16,100	75,700
2011/12	309,400	1,412,000	257,300	1,166,600	15,500	77,700
2012/13	296,500	1,385,700	244,700	1,140,600	15,900	77,100
2013/14	304,400	1,391,600	250,600	1,142,900	16,600	77,600
2014/15	305,300	1,391,400	251,600	1,140,000	15,500	76,600
2015/16	305,100	1,435,400	252,100	1,179,600	13,600	78,300
2016/17	321,200	1,476,800	266,500	1,216,400	13,300	80,300
2017/18	347,900	1,554,400	288,300	1,290,300	14,400	81,200
2018/19	365,700	1,574,600	302,100	1,307,600	15,800	81,300
2019/20	404,100	1,611,800	334,400	1,342,000	18,000	82,300
2020/21	468,600	1,707,300	385,300	1,424,100	20,400	84,900
2021/22	538,400	1,728,200	437,100	1,443,500	23,800	84,000

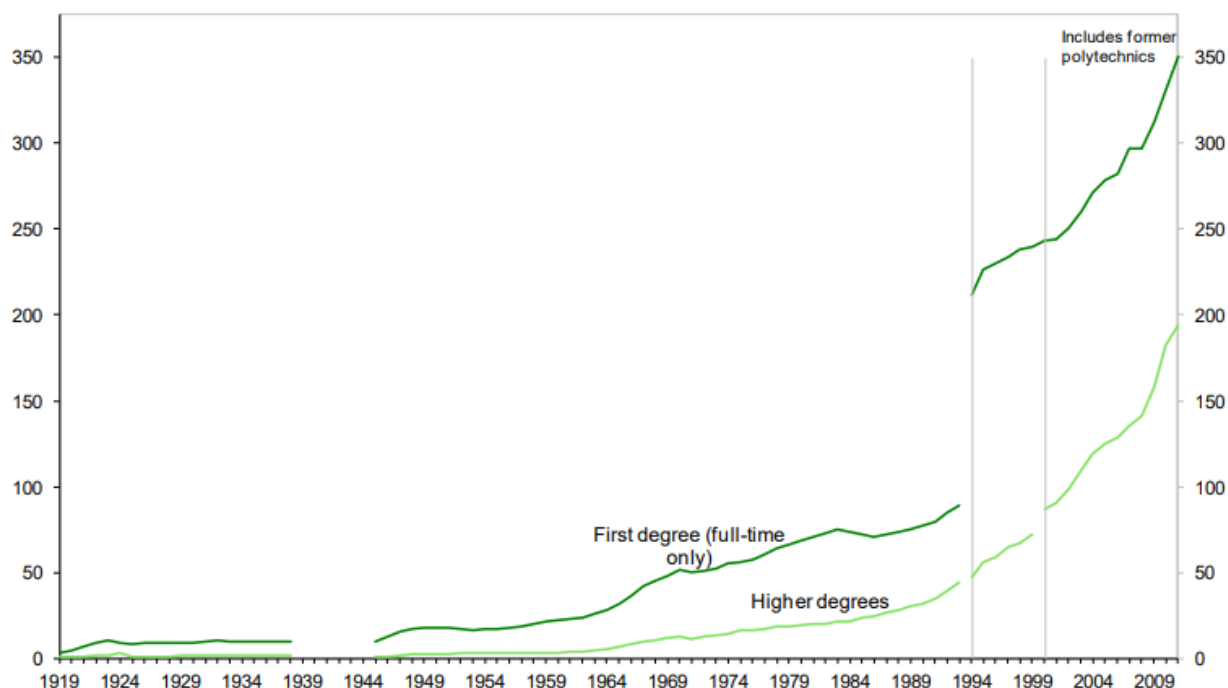
^{2.62} The figures might be described as extraordinary. In Wales, in just over two decades the total number of full-time students has risen from 65,800 to 107,800, a rise of 42,000 (63.8%). The figures in England are even higher at 91.1%.

^{2.63} To put the figure in a historical context, the chart below (taken from the House of Commons Research Briefing "Education: Historical statistics"⁴⁹ shows the growth in university degree awards (corrected for the change in status of some organisations from polytechnic to university) from 1919 onwards. Overall participation in higher education increased from 3.4% in 1950, to 8.4% in 1970, 19.3% in 1990 and 33% in 2000⁵⁰ (and significantly since).

⁴⁹ <https://researchbriefings.files.parliament.uk/documents/SN04252/SN04252.pdf>

⁵⁰ National Committee of Inquiry into Higher Education (Dearing Report) Report 6 *Widening participation in higher education for students from lower socio-economic groups and students with disabilities*

Figure 2: Students who obtained university degrees in the UK.



^{2.64} In the stakeholder comments for all three Councils there are references to the growth of full-time further education especially in the 1980s and 1990s and the chart above bears this out. Obviously, it is not appropriate for this study to comment on the merits or otherwise of the acceleration in the growth of full-time education. What might be said is that the drive for a very substantial increase in participation in higher education did not also carry with it fully considered plans for accommodation of the much greater numbers of full-time students close to their place of learning and, certainly in the early phases, the shortfall was made up to a great degree by the conversion of family homes close to universities and other higher education organisations into HMOs to house students.

^{2.65} The table below shows the continuing trend since 2000/2001 in terms of new admissions:

Figure 3: Total New Admissions to University 2017/18 to 2021/22

	UK	Wales	England
2017/18	818,290	40,735	687,595
2018/19	838,100	41,355	704,315
2019/20	896,335	44,185	755,880
2020/21	974,515	46,735	818,435
2021/22	1,016,035	48,650	851,720

^{2.66} One issue that was highlighted in the recent discussions with the Councils as a particular concern regarding increasing demand was the question of foreign students. The numbers of such students have increased significantly in recent years (there is no cap on their fees) and in many cases they have brought dependent relatives with them. This will be looked at the later sections for each of the councils, but it is illustrated below:

Figure 4: New Admissions by UK and Non-UK 2017/18 to 2021/22

	UK Resident	Non-UK	Percentage non-UK
2017/18	582,675	235,615	40%
2018/19	583,575	254,525	44%
2019/20	595,045	301,280	51%
2020/21	664,310	310,160	47%
2021/22	655,980	360,040	55%

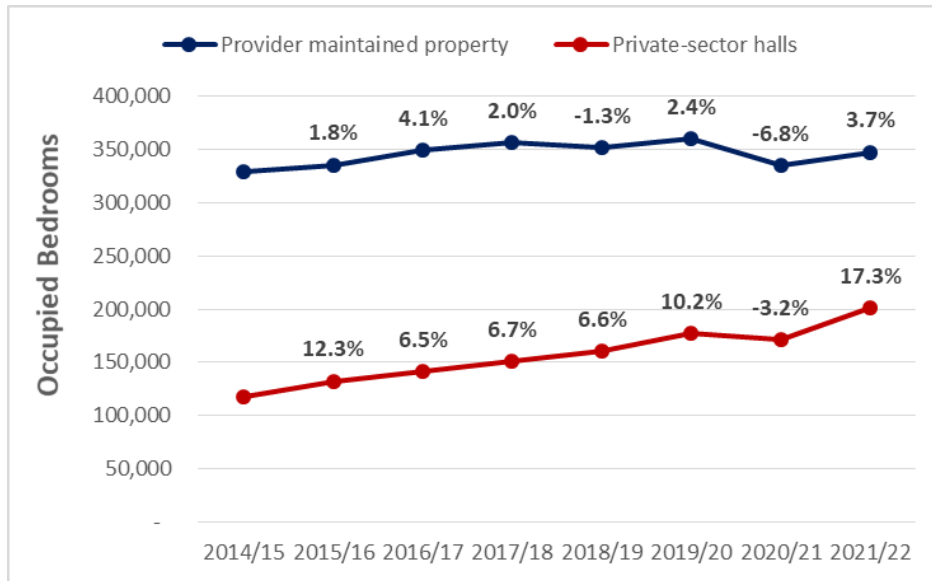
^{2.67} The change in market forces referred to above was a reference to the growth of purpose-built student accommodation (“PBSA”). That was a theme noted in the four authorities with high student concentrations and the growth of PBSA is continuing. Unfortunately, this information is not available by campus do cannot be compared by individual authorities, but the chart below shows the numbers of purpose-built bedrooms provided by the institutions themselves and private sector providers. The initial surge in the demand for accommodation for full time students was taken up by HMO conversions; it has taken a while for institutions (both the educational institutions themselves but especially private sector providers) to catch up with the provision of purpose-built student accommodation but the table below illustrates the changes.

Figure 5: Accommodation type of students within the UK 2014-2022

Term-time accommodation	2014/15	2021/22	2014/15	2021/22	DIFFERENCE
Other	+142,710	+189,250	8.4%	8.7%	+46,540
Other rented accommodation	+520,500	+598,390	30.7%	27.4%	+77,890
Own residence	+258,520	+419,825	15.2%	19.2%	+161,305
Parental/guardian home	+327,300	+429,620	19.3%	19.7%	+102,320
Private-sector halls	+117,995	+200,895	7.0%	9.2%	+82,900
Provider maintained property	+329,745	+347,680	19.4%	15.9%	+17,935
Total full-time and sandwich	1,696,770	2,185,660			+488,890

2.68 The chart below illustrates the trend with higher education providers and private sector providers:

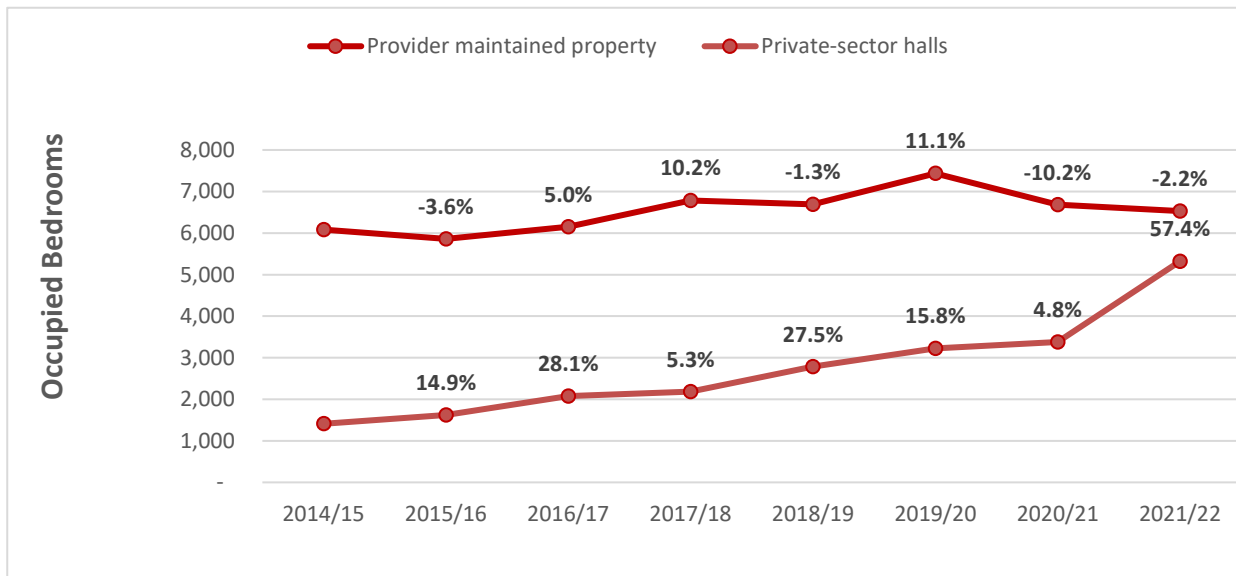
Figure 6: Occupied Bedrooms for students, by private sector halls and provider-maintained property.



2.69 The following charts show the figures by individual educational establishments.

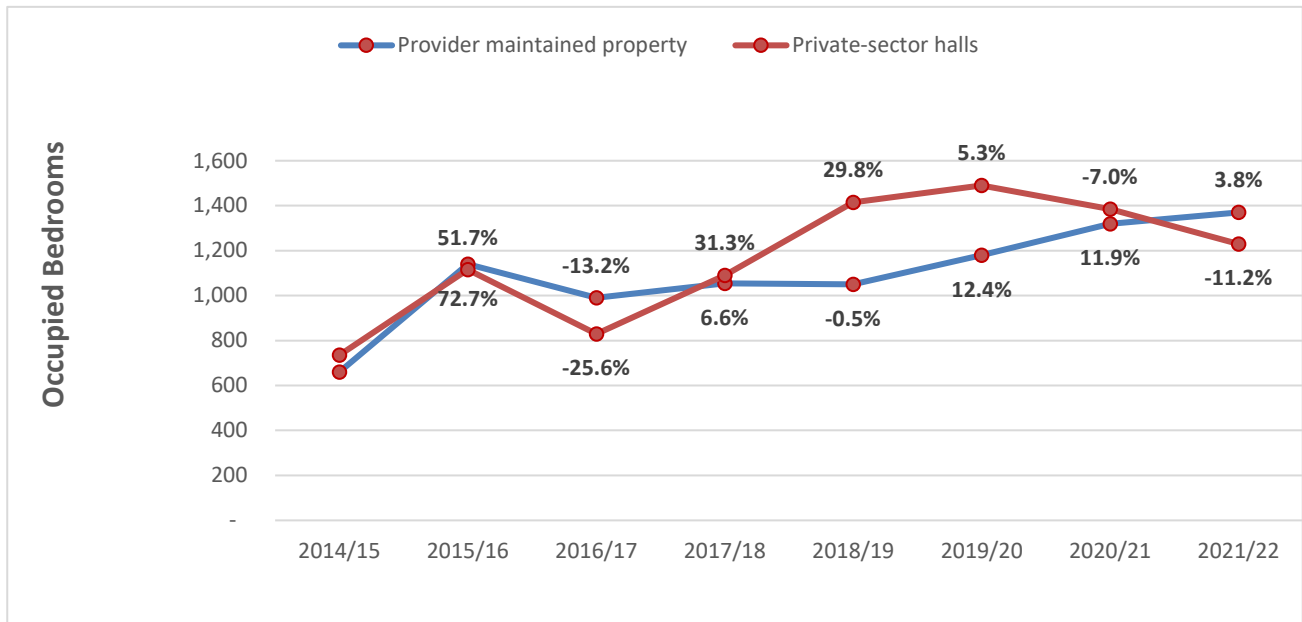
Cardiff University

Figure 7: Occupied Bedrooms for students, by private sector halls and provider-maintained property for Cardiff University



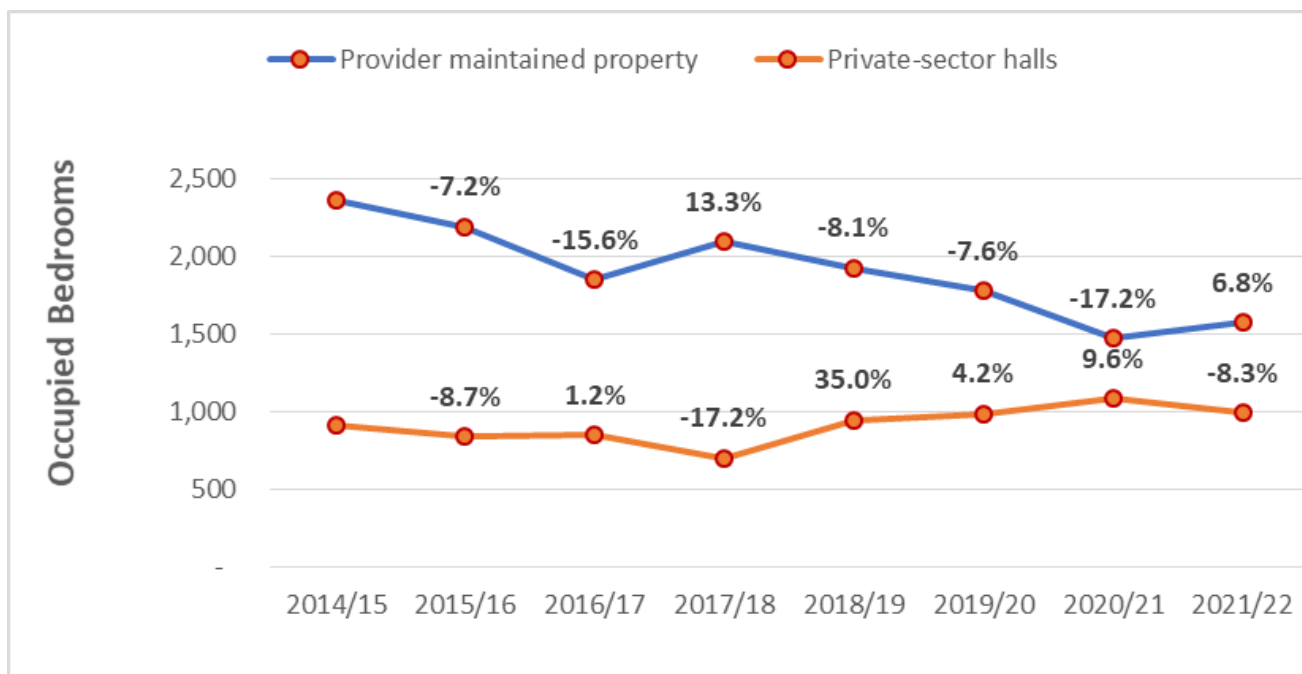
Cardiff Metropolitan University

Figure 8: Occupied Bedrooms for students, by private sector halls and provider-maintained property for Cardiff Metropolitan University.



University of South Wales

Figure 9: Occupied Bedrooms for students, by private sector halls and provider-maintained property for University of South Wales.



- 2.70 Savills, the property consultancy, does keep track of trends in the provision of student accommodation in particular purpose-built student accommodation and have noted the continuing growth of both the number of students (especially overseas students) and PBSA. They have also noted the reduction in the availability of student HMO provision. They use a classification system for potential investors to gauge the quality of investment opportunities in PBSA which mirrors degree classifications. The most recent⁵¹ put Cardiff as a 2:1 because of projected continued growth but both Newport and RCT as pass only. This information, however, predates very recent changes to visa arrangements for overseas students.
- 2.71 It may be noted that, at the time the number of HMOs was growing rapidly in the absence of any planning mechanism to control the growth of non sui generis HMOs, all six of the focus authorities had introduced additional licensing schemes, in one case as early as 2006. All said that they had found both mandatory and additional licensing schemes have proved effective tools in helping to drive up standards in HMO accommodation. Additional licensing schemes had been renewed where they had run their five-year term. There was considerable comment about the complexity and administrative burden involved in making additional licensing designations. The 2015 report did make recommendations in respect of the designation procedure (including allowing designation for up to ten years, using HMO concentration percentages as a parameter for designation, etc) but the Welsh Government did not adopt any of them.

Planning Framework – The Revised Use Classes Order in Wales

- 2.72 The ORS report made several recommendations for change in the framework for planning control for smaller HMOs and gave four potential options in respect of changes to the Town and Country (Use Classes) Order 1987. A key recommendation was that there should be a clear definition of HMO and that this should be reflect that used for the Housing Act purposes. The amendment of the Use Classes Order in England stipulates that interpreting Class C3 “household” has the same meaning as S258 of the Housing Act 2004 and in interpreting Class C4 “house in multiple occupation” does not include S257 HMOs (converted flats not compliant with earlier Building Regulations) but otherwise has the same meaning as S254 (essentially the standard, self-contained flat test and converted flat test”. The Welsh Government did accept that the residential classes in the Use Classes Order should be amended to mirror that in the English revision (but not the revised permitted development arrangements) – see paragraph 2.81 below.
- 2.73 This does mean that the definition of HMO for planning purposes can include a property with just three residents who do not form a single household. The ORS report recommended that the definition for planning purposes should start at four persons. The Welsh Government did not accept that proposal which means that “small” HMOs contain 3 – 6 people.

⁵¹ https://www.savills.co.uk/research_articles/229130/327571-0/market-in-minutes--student-accommodation---q1-2022

2.74 The four potential options essentially were to

- (i) maintain the status quo;
- (ii) adopt the modified use classes used in England as originally enacted (i.e. planning consent required to move from single household dwelling to small (3 – 6 people) HMO but without permitted development rights;
- (iii) adopt the modified English classes but with permitted development rights (so Article 4(1) directions necessary for planning consent to be required);
- (iv) adopt the English changes with permitted development rights but a significantly simplified procedure for making a direction (shorter consultation period and fees payable for planning applications).

2.75 The ORS report did examine the arguments for and against the options. Given the extent of problems, option (i) was clearly not appropriate. It did acknowledge that option (ii) might arguably be considered disproportionate given that the Census used in the report had identified that the only wards where HMO concentration exceeded 10% were in the six focus authorities. In essence, a stringent control would become operative in many authorities where it was not needed and indeed in many parts of the focus authorities. Against this, if concentrations were not an issue, then an applicant could be considered purely on the merits of the case and approval given if no significant concerns. In any event, to mitigate the impact of the change, an authority could make a Local Development Order (LDO) to make the change of use permitted development in the whole or part of their district, although a stringent procedure does apply. In effect it would be the reverse of the English position – an authority would have to opt out of HMO planning control rather than opt in.

2.76 Option (iii) was not considered appropriate as local authorities would have to opt in to planning control of HMOs by making Article 4(1) directions and this would take time, possibly prompting a surge in conversion to HMO use and there was also concern that application fees would not be payable once a direction came into effect.

2.77 Option (iv) would again involve local authorities opting in but with a shortened direction procedure and also application fees being payable if a direction was in place.

2.78 The ORS report also suggested that the position of sui generis HMOs might be clarified by the creation of a separate use class, but this proposal was not accepted.

2.79 In the event, the Welsh Government accepted option (ii), and the changes were enacted by the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016, coming into effect on the 25 February 2016. The wording of the revised C3 (with a minor variation) and new C4 Classes were essentially the same as in the English version. However, C3 has been since amended by the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022 (and new C5 and C6 classes created) to reflect Welsh Government policy in respect of second homes and short term lets (less than one month for example holiday lets). These changes became effective 20 October 2022.

^{2.80} For the sake of completeness, Class 3, Class 4, Class 5 and Class 6 are shown as they now stand.

Class C3. Dwellinghouses, used as sole or main residences]

Use as a dwellinghouse as a sole or main residence and occupied for more than 183 days in a calendar year by—

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Interpretation of Class C3

For the purposes of Class C3 “single household” is to be construed in accordance with section 258 of the Housing Act 2004. In the calculation of the 183 days, any time spent by single households in accommodation provided in connection with a person’s occupation, such as oil rigs or barracks, contributes to the 183 days.

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a house in multiple occupation.

Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.”

Class C5. Dwellinghouses, used otherwise than as sole or main residences.

Use as a dwellinghouse, otherwise than as a sole or main residence and occupied for 183 days or fewer by—

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4).

Interpretation of Class C5

For the purposes of Class C5 “single household” is to be construed in accordance with section 258 of the Housing Act 2004.

Class C6. Short-term lets

Use of a dwellinghouse for commercial short-term letting not longer than 31 days for each period of occupation.

- 2.81 The variations to Class C3 and the new Class C5 are intended to give local authorities the power to control development of second homes. The New Class C6 is aimed at holiday lets. However, the Town and Country Planning (General Permitted Development) Order 1995 has been amended⁵² so that change of use between Classes C3, C5 and C6 is permitted development. A local authority seeking to disapply these permitted development rights can do so using the Article 4 direction procedure. The issue of Airbnbs was raised in several stakeholder meetings and the new C6 class may be an issue in the review of LDPs.
- 2.82 It should be noted that The Town and Country Planning (General Permitted Development) (Amendment)(Wales) Order 2016 permits a change of use from Class C4 to Class C3 without obtaining planning permission. However, movement the other way from Class C3 to Class C4 obviously does require permission and landlords have criticised this; it does not allow flexible use of a property. If HMO demand drops on a temporary basis (for example because of a pandemic), then if the properties is used for a single household, then the existing use status as an HMO would be lost and it would be necessary to reapply for HMO use.

Practicalities of Control

- 2.83 As was emphasised in the ORS report⁵³, a change in the law through amended or new use classes and/or revised permitted development provisions, does not of itself bring about change. Obviously, all existing HMOs retain their status so there is no reduction in concentration and in order for there to be effective development management in the futures planning issue decisions have to be made against clear, evidence-based policies in an LDP with additional guidance from supplementary planning guidance. As discussed at paragraph 2.16, a development plan for a local planning authority will be composite of the national plan and LDP; in the future a composite of the national, regional and local development plan (lite).
- 2.84 Future Wales makes numerous references to housing but generally with reference to the provision of more housing in particular affordable housing. It sets out how the provision of new housing has fallen over recent decades in particular the lack of any new local authority dwellings post-1989. It estimates that over the 20-year period 2019 – 2039, an average of 7,400 additional new homes will be required annually, with almost two thirds of these in the South East Region which includes all three Councils. There is no specific reference to HMOs in Future Wales whether in terms of the potential benefits in providing affordable housing, facilitating higher education, supporting local economy etc or the potential concerns and management issues.
- 2.85 In determining planning application S70(2) of the Town and Country Planning Act 1990 states:

In dealing with an application for planning permission or permission in principle, the authority shall have regard to—

the provisions of the development plan, so far as material to the application,

(a) any considerations relating to the use of the Welsh language, so far as material to the application;

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

⁵² The Town and Country Planning (General Permitted Development etc.) (Amendment) (Wales) Order 2022

⁵³ See for example paragraph 3.127

- 2.86 The Planning and Compulsory Purchase Act 2004 s.38(6) provides that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 2.87 There is no prescribed list of what can or cannot be a material consideration as each planning decision will turn on its own facts. However, there are indications from case law. Policies and guidance contained in the PPW and TANs, and local supplementary planning guidance can be material considerations. In *Newbury District Council v Secretary of State for the Environment [1981] AC 578* the Court of Appeal set out principles (generally referred to as the "Newbury principles") of material considerations:
- have a planning purpose (relate to the character and/or use of the land); and
 - be fairly and reasonably related to the development (it cannot have a remote or trivial connection to the proposed development).
- 2.88 In effect, material considerations should concern the wider community. If an issue does not concern the wider public, it is less likely to qualify as a material consideration – for example loss of individual's view, reduction in property value, personal motives or personal conduct, etc. However, the fact that something will benefit the wider public does not of itself mean it a material consideration. In *R (On The Application Of Wright) V Resilient Energy Severndale Ltd And Forest Of Dean District Council [2019] UKSC 53*, the applicant sought to build a very large wind turbine and undertook to donate a percentage of the profits to a local community fund annually. The Supreme Court held that this was not a material consideration and reinforced *Newbury* - material considerations must relate to the land that is the subject of the planning permission. This could, for example, include the layout of the proposed development, the means of access, the availability of infrastructure, or the design. Of particular relevance to this study, material considerations have included traffic generation, highway safety, noise and disturbance, smells/fumes, deficiencies in local infrastructure, etc as well as national and regional strategy, government guidance and previous planning decisions including appeals.
- 2.89 S70(2) of the Town and Country Planning Act 1990 does place a key obligation for a decision maker to have regard to policies in the LDP. However, S38(6) Planning and Compulsory Purchase Act 2004 S38(6) does provide that applications should be determined in accordance with the LDP "unless material considerations indicate otherwise". It does follow therefore that in some circumstances a planning application can be legitimately refused, even if it accords with the local development plan, depending on the impact of material considerations.
- 2.90 It should be noted that so long as the decision is made having regard to all material considerations, the weight given to each cannot usually be challenged. The weight to be given to each material consideration is a question of planning judgment and therefore will not be challenged by the courts, unless the weight given was demonstrably unreasonable. This may mean that even if a material consideration is highlighted, the decision maker can decide to give it limited weight. It is important to note that greater weight will generally be given material considerations supported by evidence.
- 2.91 For the purposes of this study, it is important to bear in mind the relationship between the LDP and supplementary planning guidance. As made clear at paragraph 7.3.1 of the Welsh Local Development Plan Manual (Edition 2)⁵⁴, an LDP contains policy and SPG contains guidance and advice only. All SPG should derive from a generic policy(ies), there must be a clear link with relevant policies and should be consistent with both

⁵⁴ <https://www.gov.wales/sites/default/files/publications/2018-11/local-development-plan-manual-edition-2-2015.pdf>

the LDP and national policy. SPG supplements the policies in the LDP, but they are not considered to be part of the adopted Plan. SPG do not have the same status or weight as appropriated to the adopted development plan policies. They are considered as material planning considerations in the decision-making process. As detailed in the LDP manual, they should be the subject to public consultation and formally adopted. SPG that do not do so are likely to be given only limited weight at appeal. Of particular note in the Manual is the comment that SPG can “cover detail and numerical guidelines/thresholds where they may change so as to avoid the LDP becoming quickly outdated and to assist flexibility...”⁵⁵

- ^{2.92} The preparation of LDPs is a long, detailed process and they cover long time periods. Adopted policies may be less relevant or effective if there is a significant change in legislation during the lifetime of the LDP. Clearly had the revised Use Classes Order been in existence during the development of the LDPs for all three Councils, policies relating to HMOs would have been drafted in a way that reflected that. All three Councils did produce HMO supplementary planning guidance which included specific guidance on thresholds and other measures after the introduction of Class C4, but supplementary planning guidance cannot produce new policy; that can only be done through a revised LDP. As will be seen in the sections dealing with the individual authorities, the planning inspectors have in some decisions supported the guidelines in respect of thresholds, etc but there are a number of references to policy issues.
- ^{2.93} In accordance with the requirements of the brief, this study will seek to make recommendations as to revisions to policy and supplementary planning guidance with a view to making decisions more sustainable on appeal.

⁵⁵ Paragraph 7.3.5

3. Rhondda Cynon Taf

HMO Concentrations

Introduction

- 3.1 Rhondda Cynon Taf County Borough Council is a unitary authority located in the valleys of south east Wales. The authority was created in 1996 following a major reorganisation of Welsh authorities. The Local Government (Wales) Act 1994 created a single tier of twenty-two unitary authorities; in general terms, the former District Councils of Rhondda, Cynon and Taff-Ely were merged to create the new County Borough Council. The new Council took over the functions of the former District Councils and also functions of the abolished Mid Glamorgan County Council.
- 3.2 The area has a long history of coal mining. As the original deep mines closed, they were replaced with open cast mines, some operational until recently. The legacy has included large numbers of 19th century terraced former miners' houses, with the development in valley bottoms and lower slopes commonly in a ribbon pattern as new homes followed new mines. Industrial and other change led to a sharp decline in both coal and steel industries and the area, like others in South Wales, supported by the former Welsh Development Agency and now the Welsh Government, has sought to promote commercial and industrial regeneration.
- 3.3 The Borough covers some 424 km² (164 sq. miles). The 2021 census gives the overall population of the Borough as 237,650 comprising 103,340 households. It has the second largest population in Wales (behind Cardiff). Of these households, 98,870 are one person or single-family households, with 4,470 (4.3%) other household types. The principal towns are Aberdare, Pontypridd, Llantrisant and Talbot Green.
- 3.4 Rhondda Cynon Taf has a longstanding association with higher education dating back to the South Wales and Monmouthshire School of Mines formed in 1913 (funded by mine owners). Based in Treforest, this evolved into a technical college then a polytechnic before becoming the University of Glamorgan in 1992. In 2013, this institution merged with the University of Wales, Newport to become the University of South Wales. This university maintains two campuses in Treforest. The presence of the university is a major factor in the elevated number of HMOs in Treforest.
- 3.5 Because of concern over issues associated with HMOs the Council has sought to exercise proactive control over HMOs since 2002 when it introduced a Borough wide Registration Scheme under the former Part XI of the Housing Act 1985. The Borough introduced additional licensing, again Borough wide, in 2009 and the scheme has been renewed for the third time with effect from the 1 April 2024.

Concerns with HMOs

- 3.6 The table below shows the number of households, the number of households privately renting and the number of multi person households split into student occupiers and other occupiers. The explicit information in Census data in respect of HMOs is extremely limited and it is usual practice to use the multi person household (MPH) as the best proxy for HMOs. The information is drawn from the 2021 Census and for comparison from the 2011 Census.

Figure 10: Number of households, the number of households privately renting and the number of multi person households by student occupiers and other occupiers in Wales, RCT and certain Wards.

Country/Local Authority/Ward	Total Households	Private Rented	Student MPH	Other MPH	Total MPH	% MPH	% PR
Wales	1,347,117	452,918	6,368	23,617	29,985	2.2%	33.60%
Rhondda Cynon Taff	103,339	32,537	433	1,394	1,827	1.8%	31.5%
Treforest	1,768	1,086	329	92	421	23.8%	61.4%
Porth	2,538	714	13	34	47	1.9%	28.1%
Aberdare East	3,196	1,215	3	32	35	1.1%	38.0%
Total	7,502	3,015	345	158	503	6.7%	40.2%

3.7 The table indicates that the overall percentage of HMOs in Rhondda Cynon Taf as a whole at 1.8% is less than the national average of 2.2%. However, in the Treforest ward the percentage is substantially above at 23.8%.

3.8 The table below shows the same figures for Treforest, but drawn from the 2011 Census:

Figure 11: Number of households, the number of households privately renting and the number of multi person households by student occupiers and other occupiers in Treforest in 2011.

Ward	Total Households	Private Rented	Student MPH	Other MPH	Total MPH	% MPH	% PR
Treforest	1,665	770	421	79	500	30%	46%

3.9 Interestingly, this shows a decrease in 2021 in the percentage of multi person households with the student numbers decreasing and non-student increasing. In the 2015 Welsh Government study, Council officers had anticipated a reduction in the demand for student HMO accommodation because of many students living in Cardiff and commuting by rail. It was noted that there was a significant proportion of international students living in Treforest. These figures bear out comments made during stakeholder meetings, and there has since been a significant increase in demand from international students as they have recently been permitted to bring dependent relatives, including children in some cases.

3.10 The figure above was shown to give comparison on a like for like basis a decade apart. However, the 2021 Census appears to be underreporting the extent of HMOs. The Rhondda Cynon Taf register of HMO licenses shows there are currently 634 licensed HMOs and of these 587 are in Treforest (i.e. 92.5% of all HMOs and 33.2% of all properties in Treforest).

3.11 The following maps show the distribution of licensed HMOs firstly across Rhondda Cynon Taf as a whole and then in Treforest specifically. Figure 12 shows the whole Borough. The heavy, local concentration in Treforest is clearly evident but also the “creep” into Porth and Aberdare referred to in the stakeholder meetings with elected Members and residents can also be seen. Figure 13 to Figure 16 show the overall position in Treforest and the concentration around the University buildings.

3.12 The HMO concentrations in Treforest are in three main areas – North, Central and South. The maps for each area illustrate the high concentrations overall but with extremely high concentrations in particular Queen Street, Wood Road, Brook Street and Kingsland Terrace.

Figure 12: HMO distribution across Rhondda Cynon Taf County Borough Council

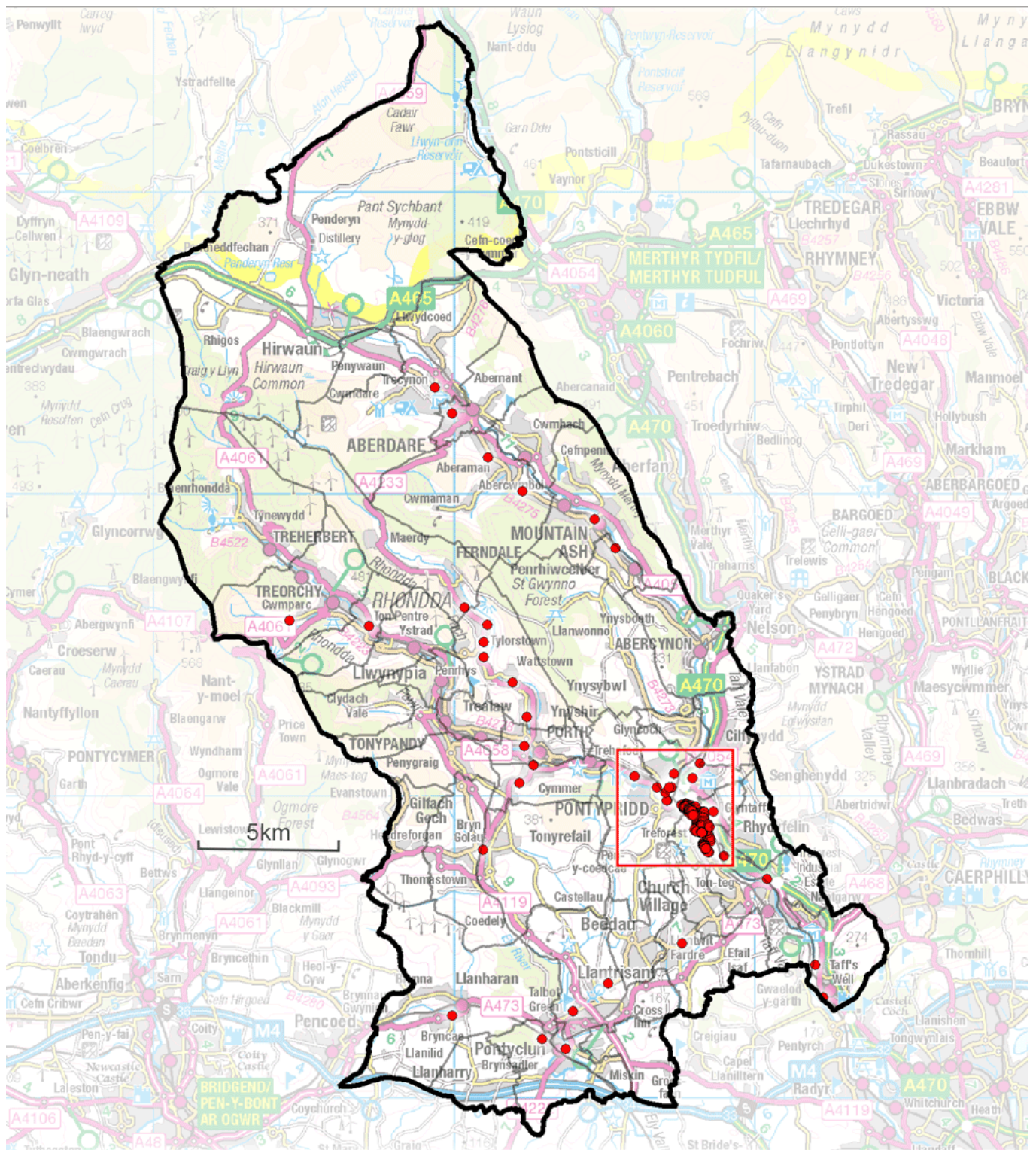


Figure 13: General Distribution of HMOs in Treforest

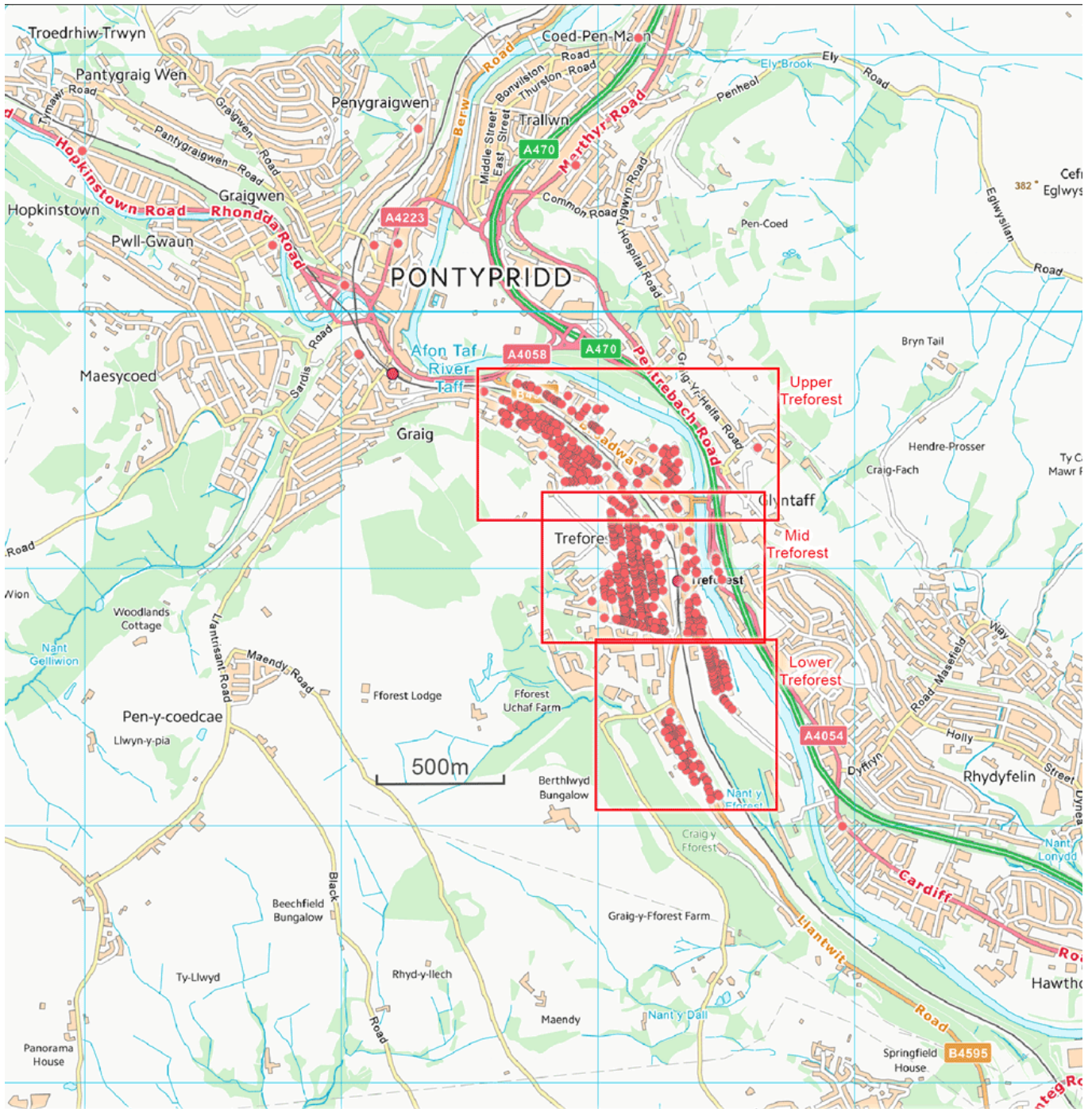


Figure 14: HMO distribution Treforest (Upper)

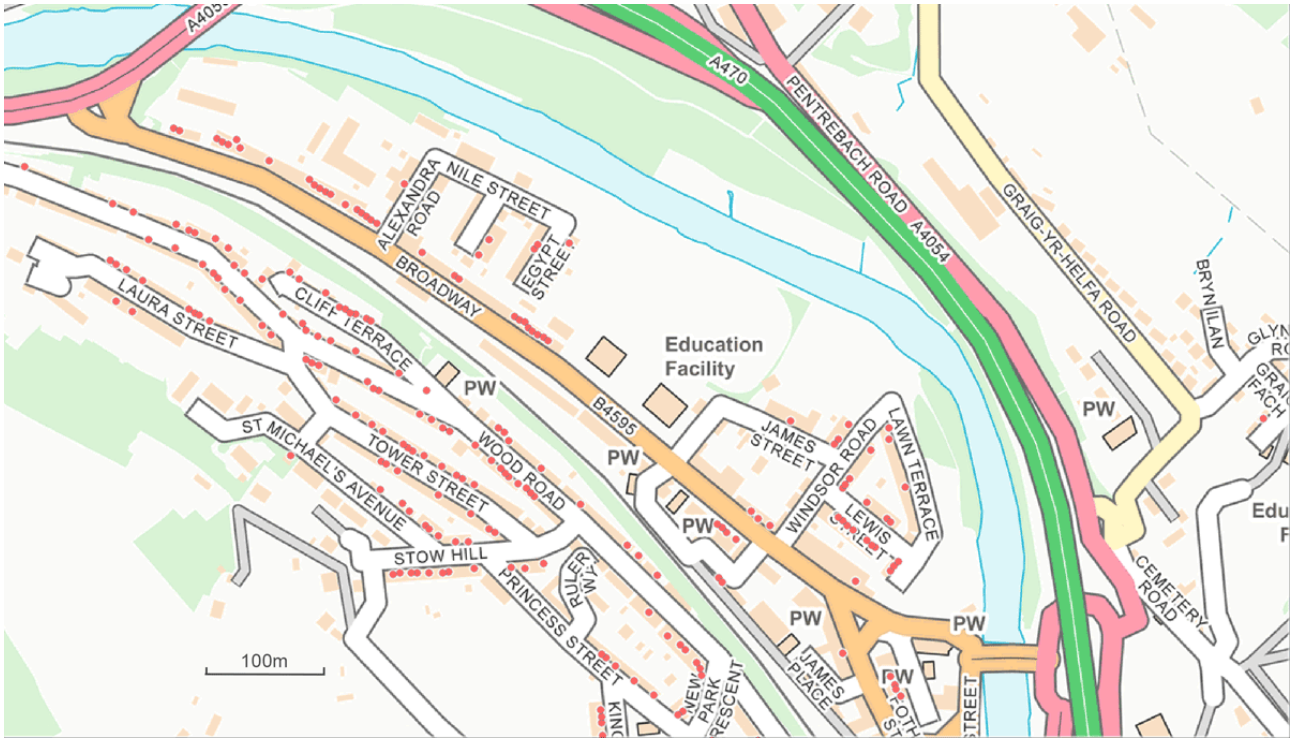


Figure 15: HMO distribution Treforest (Mid)

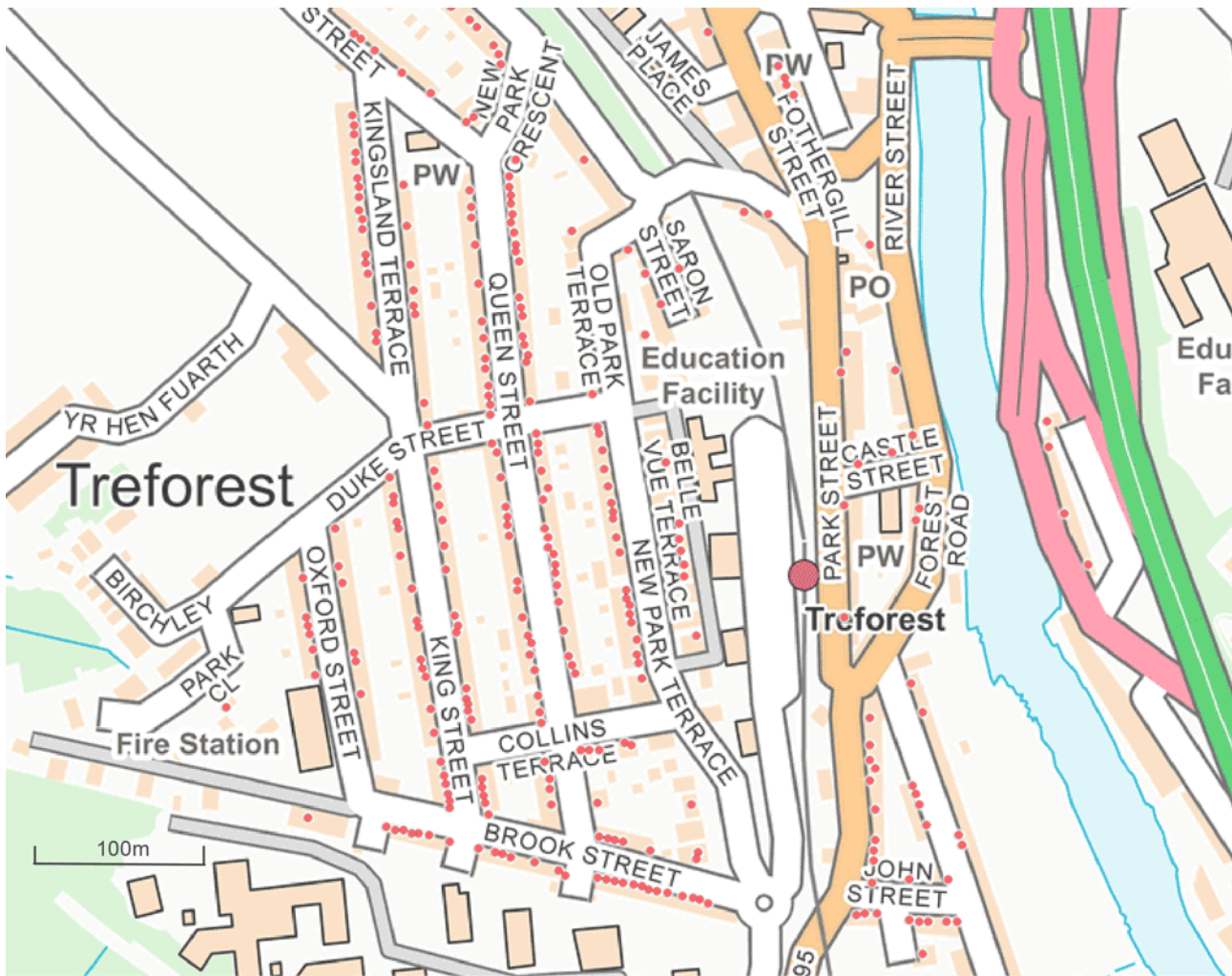
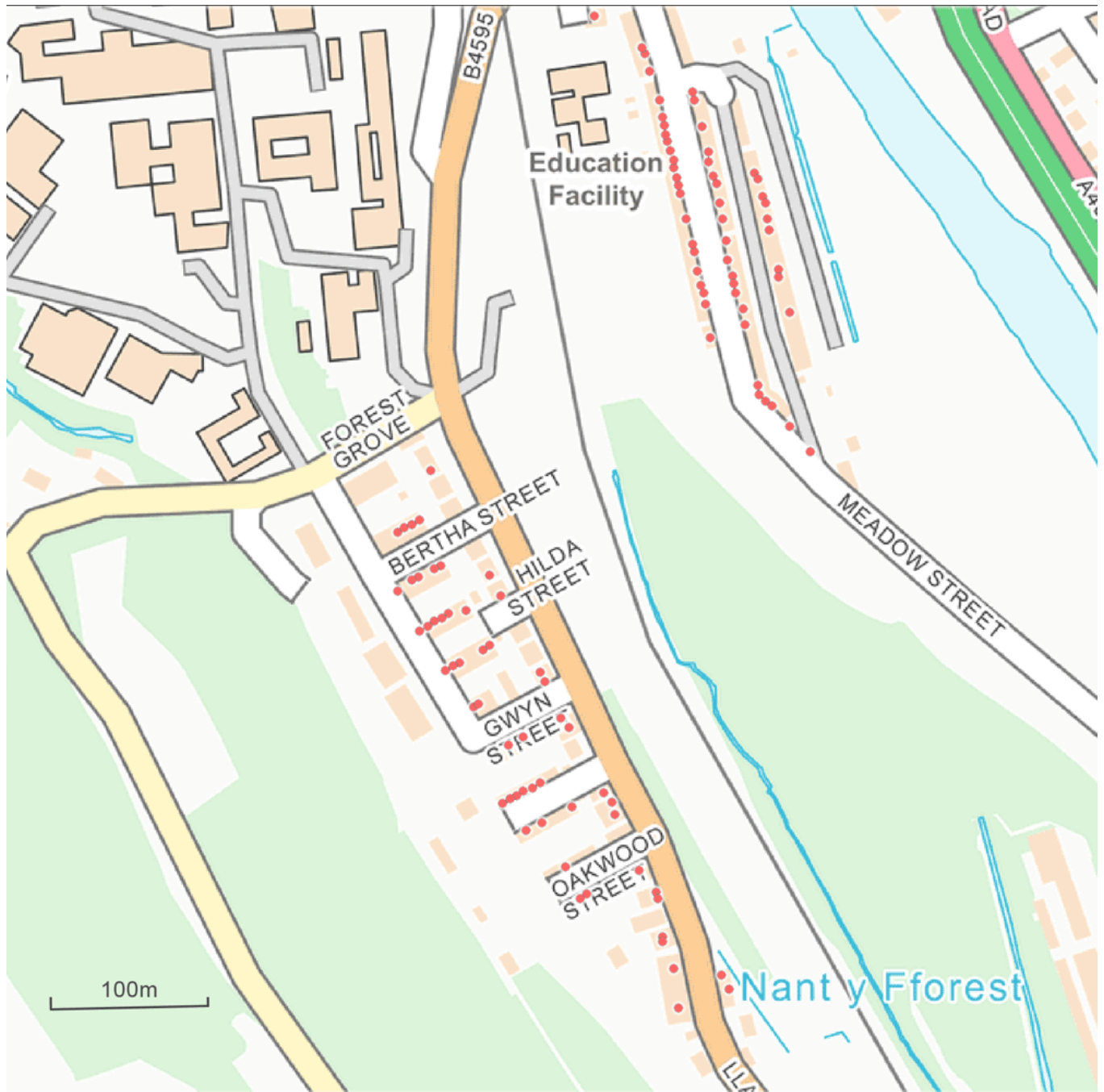


Figure 16: HMO distribution Treforest (Lower)



3.13 Appendix A shows a table which sets out the HMO density by street. The extract from the table below shows the streets where the density is 10% or above.

Figure 17: HMO Density by Street in RCT.

RCT				
STREET	COA	HMO	PAF	DENSITY
Hilda Street	W00009894	11	14	78.6%
Forest Road	W00006627	3	4	75.0%
Brook Street	W00006630	36	50	72.0%
John Street	W00006631	10	15	66.7%
Collins Terrace	W00006623	6	9	66.7%
Rees Terrace	W00006631	4	6	66.7%
Bertha Street	W00009904	9	14	64.3%
Queen Street	W00006628	31	51	60.8%
Queen Street	W00006629	37	61	60.7%
Heathfield Villas	W00006626	4	7	57.1%
Birchwood Avenue	W00009904	9	16	56.3%
Lewis Street	W00006624	10	18	55.6%
Gwyn Street	W00009894	5	9	55.6%
New Park Terrace	W00006623	22	41	53.7%
Meadow Street	W00006631	44	85	51.8%
King Street	W00006629	41	82	50.0%
Windsor Road	W00006624	8	16	50.0%
John Place	W00006631	1	2	50.0%
Broadway	W00006633	30	64	46.9%
Oliver Terrace	W00006630	4	9	44.4%
Park Crescent	W00006628	3	7	42.9%
Stow Hill	W00006628	13	31	41.9%
Kingsland Terrace	W00006628	25	61	41.0%
Cambrian Place	W00006624	2	5	40.0%
Cliff Terrace	W00006625	9	23	39.1%
Wood Road	W00006625	19	49	38.8%
Park Street	W00006623	12	31	38.7%
Llantwit Road	W00009894	9	24	37.5%
St Michael's Avenue	W00006625	7	20	35.0%
Wood Road	W00006232	17	49	34.7%
Belle Vue Terrace	W00006623	7	21	33.3%
River Street	W00006627	2	6	33.3%
Oxford Street	W00006630	14	46	30.4%
Tower Street	W00006625	20	67	29.9%
Wood Road	W00006626	26	88	29.5%
Princess Street	W00006628	5	17	29.4%
Llantwit Road	W00009904	10	35	28.6%
Castle Street	W00006627	2	7	28.6%
Bridge Street	W00006626	2	7	28.6%
Raymond Terrace	W00006627	9	34	26.5%

Laura Street	W00006232	10	39	25.6%
Francis Terrace	W00009906	2	8	25.0%
Oakwood Street	W00009904	3	13	23.1%
Lawn Terrace	W00006624	5	22	22.7%
Court House Street	W00006230	2	12	16.7%
River Street	W00006626	1	6	16.7%
Coedcae Lane	W00006268	1	6	16.7%
Saron Street	W00006623	3	20	15.0%
Park Street	W00006626	4	28	14.3%
Mitchell Terrace	W00006231	1	7	14.3%
Dare Villas	W00006067	1	7	14.3%
Long Row	W00006627	4	30	13.3%
Broadway	W00006624	8	61	13.1%
Egypt Street	W00006633	3	24	12.5%
Gelliwastad Road	W00006448	1	8	12.5%
Niagara Street	W00006633	2	18	11.1%
Cardiff Road	W00006627	4	41	9.8%
Stuart Terrace	W00006532	2	21	9.5%
James Street	W00006624	1	11	9.1%
Mill Street	W00006077	1	11	9.1%
Greenhill Drive	W00005996	1	12	8.3%
Llantrisant Road	W00006303	1	13	7.7%
Graig Crescent	W00006017	1	13	7.7%
Glyn Street	W00006734	1	14	7.1%
Graig Fach	W00006622	1	14	7.1%
Old Park Terrace	W00006623	2	30	6.7%
Ystrad Road	W00006388	2	30	6.7%
Mill Street	W00006451	1	16	6.3%
Library Road	W00006451	1	16	6.3%
Waurhydd Road	W00006575	1	16	6.3%
Alexandra Road	W00006633	1	17	5.9%
Park Close	W00006630	1	17	5.9%
Fothergill Street	W00006626	1	17	5.9%
Cemetery Road	W00006472	1	17	5.9%
Office Street	W00006174	1	17	5.9%
Penrhiwceiber Road	W00006363	1	17	5.9%
Pryce Street	W00006361	1	19	5.3%
Newbridge Road	W00006289	1	24	4.2%
Ferndale Road	W00006692	1	27	3.7%
Oakland Terrace	W00006198	1	28	3.6%
Gwilym Street	W00006241	1	29	3.4%
Park Road	W00006664	1	32	3.1%
Cardiff Road	W00006516	1	38	2.6%
Pwllgwaun Road	W00006495	1	41	2.4%
Williams Place	W00006248	1	41	2.4%

Rickards Street	W00006231	2	87	2.3%
East Road	W00006687	1	44	2.3%
Aberllechau Road	W00006716	1	45	2.2%
Lanpark Road	W00006448	1	61	1.6%
Merthyr Road	W00006606	1	63	1.6%
Coedpenmaen Road	W00006599	1	65	1.5%
Llantrisant Road	W00006443	1	75	1.3%
High Street	W00006185	1	81	1.2%
Cardiff Road	W00006518	1	83	1.2%
East Road	W00006683	1	91	1.1%
Ynyshir Road	W00006718	1	103	1.0%

- 3.14 11% of all HMOs are in streets with a density of over 2/3 of dwellings as HMOs, 46% of all HMOs are in streets with a density of over 1/2 of dwellings as HMOs. 5 Street / Census output areas (COAs) contain 25% of all HMOs, 11 Street / COA areas contain 50% of all HMOs. There is a total of 96 Street / COAs containing at least 1 HMO.

Stakeholder Comments

Councillors 13 April 2022

- 3.15 Online meeting attended by 3 Councillors including senior Ward member and Chair of Planning Committee. Head of Planning attended along with the Planning Policy Officer and a Senior Planner
- 3.16 The member for the Treforest ward member expressed very strong concerns about the impact of HMOs. He traced the history of HMO growth back to the 1980s with the formation, after a merger with a training college, to become Glamorgan Polytechnic. This accelerated after the institution obtained university status in 1992 and has continued with the further merger to create the University of South Wales in 2013. He commented on the distribution on HMOs referring to the 34% overall percentage and that some streets have over 90% HMO: *“areas closer to the university are saturated whilst the outer areas have only a few”*
- 3.17 He was of the view that the wards of Porth and Aberdare are not experiencing major issues at present, but HMOs are starting to “creep” in to those wards (and also Pontypridd). This is evidenced in the map at Figure 13. The view came across from several people that the character of the area had changed “irreparably” for the worse. *“The elderly of Treforest also have no neighbours and the sense of community has gone. The HMO issue has been made worse by the number of takeaways, which emphasises the temporary nature of properties”*. From the 1980s, landlords had put *“anything and everything into the area’s housing without a care”*.
- 3.18 Some positive change was perceived with HMO licensing. *“Virtually all student properties in Treforest used to have some anti-social behaviour issues, but that’s improved since licensing.”*
- 3.19 More recent changes had the University encourage students move back into cities, *“then landlords will chuck a mix of people in the HMO to replace the students. We’ve seen the rise of super-HMOs. Some Super-HMOs have been four bed bungalows turned into a student HMO.”* The Councillor using the phrase “super HMO” explained that it was a local term referring to a conventional property becoming an HMO with many residents for example converted flats with each flat as an HMO. *“Some HMOs will be a 5-bed house with 19 workers living inside. I don’t know what work they do.”*

- 3.20 It is interesting to note that on the RCT HMO licence register there are fourteen HMOs with eight or more occupants, ten with ten or more occupants, two with seventeen occupants and one with twenty.
- 3.21 One recent concern has been properties being used for illegal purposes; one person stated that two properties had burned down apparently because of cannabis cultivation.
- 3.22 One issue raised by the ward Councillor was the loss of significant council tax revenue because of the student council tax exemption. There was discussion as to whether this was refunded by the Government and ORS undertook to clarify this.⁵⁶
- 3.23 Whilst licensing had improved matters, there was concern still expressed over licensing standards. *“We need to set the bar high before licencing in the first place. We haven’t got good qualitative standards for this accommodation.”* *“HMOs are now commonplace but the least we can do is to improve the quality of the market.”* *“RCT needs national minimum standards, in addition to the need for planning and licensing to work together.”* It was explained that the planning and licensing legislation operate independently; a local authority cannot refuse to license a property that does not have planning permission but can grant a licence with shorter term.
- 3.24 On planning appeals, the ward Councillor did say that prior to the SPG the vast majority of appeals by landlords had been allowed. The situation had improved since the introduction of the SPG, but landlords are still seeking to circumvent the SPG process.
- 3.25 *“Some HMOs are also turned into Airbnbs. This wasn’t covered by the supplementary guidance”. “Commonly “flats” become occupied as HMOs”. “Landlords are still looking for potential HMOs in the area despite restrictions in the SPG”.* Splitting family homes into flats is a significant issue – the Ward Member referred to an example of an application being refused and then resubmitted with the only change being a bedroom was changed to a kitchen. This circumvented the SPG, and they *“need the ammunition to fight off these types of application”*. Some refused applications return described as *“service accommodation”*.
- 3.26 The ward Councillor said that letting boards were a concern and were dangerous in storms. The proliferation of them makes *“the place look like a shanty town”*.
- 3.27 Outside term time, the area becomes a *“ghost town”*. *“Any residents left have no neighbours. I had an 80 something year old lady who had students either side and when the students went home, she had no neighbours. [To be fair] they helped her when she fell during term time.”*
- 3.28 There was a consensus that refuse remains an issue, with criticism of the local authority officers requiring a month for refuse to be removed. Councillors felt that either the legislative powers were not strong enough or they weren’t being used effectively. Refuse blowing in the streets was also a concern.
- 3.29 Parking was another contentious issue. *“It is often said that students do not have cars, despite the fact that they do.”* The permit system was considered unfair as the families pay for permits per car whereas with HMOs the HMO residents may have number of permits linked to one property. It was accepted that this should be an issue for administrative control although the LDP/SPG should link to parking issues.
- 3.30 Fit and proper persons checks were questioned - *“how high is the bar?”* and concern was expressed that people can move into a property on application for a licence, rather than after checks are made and it has

⁵⁶ Research on this point showed the position with both the Welsh and UK governments to be somewhat opaque. It does appear that there is no direct compensation as such, but the number of students in an area and the local tax baser are factors used in the calculation of unhypothecated funding in the local government settlement.

been issued. It was explained that a duly made application is a defence to action for operating an HMO without a licence.

- 3.31 The consensus view from the elected Members was that there are essentially two sides to this issue: managing existing HMOs and managing the planning process. The policy on HMOs and general sub-divisions of all properties needs to be addressed. RCT needs suitable policy in the first instance, alongside more detailed SPG. The policy will need to set out the Council's intentions and the SPG will provide the detail behind this. The Revised LDP will also need to address the loopholes associated with conversions to flats and other new build flats and buildings of multiple occupation. The current tools to address the problems associated with existing HMOs also need to be investigated and considered further.

Officers 16 May 2022

- 3.32 Nine Officers from Planning Development Management, Planning Enforcement, Housing Strategy, Environmental Health and Waste Services along with one elected member.

What changes have happened to HMOs in the area?

- 3.33 Student numbers are down. *"There has been a proliferation of purpose-built student accommodation, predominantly through private sources rather than the universities themselves.... student numbers are down and there's a transition then from c4 into c3 usage – houses of single occupancy. I think a lot of the older landlords are just getting out of rental because of all the changes that are being brought about as well."*
- 3.34 *"There has obviously been an increase since the 1980s in HMO numbers, but in the last few years there's been actually a decline, we've are noticing now, in terms of HMO licencing."* *"Difficult to provide hard numbers in respect of decline".*

Many are being converted back to family homes.

- 3.35 *"I think it's more to do with the fact that they just can't fill the rooms, and rather than having an HMO dormant they'd rather put a family in there. ... I'm speaking in terms of Treforest now solely. Obviously, HMOs are across the county but in terms of Treforest it tends to be family occupation."*
- 3.36 *"Treforest no longer a family area" "will not a transition to majority family homes because of its close proximity to the University"*
- 3.37 There was reference to a scheme called Homestep Plus where RCT work with United Wales which *"aims to help young first-time buyers get on the property ladder. They had a couple properties in Treforest, and they were successful. There is a taste to buy in the area, if there was a scheme similar to this again, they could focus on turning it away from a predominately student area."*

Do Elected Members feel that vulnerable groups are replacing students?

- 3.38 *"Whilst there may be a slow-down in the spread of HMOs, their replacement quite often was not family accommodation but other, shall we call sort of more vulnerable groups of society that were taking the place of those..."*

Supplementary planning guidance, standards and HMOs

- 3.39 Officers said that after that change in the Use Classes Order and until the SPG was in place there had been 16 or 17 appeals and all but one had been allowed. Post SPG the Council has been much more successful in defending appeals. Officers were critical of the fact that there is no direct link between planning/licensing.

“To the man on the street that seems ridiculous – it seems ridiculous to me if I’m honest - ... why are we giving somebody a licence where we may have refused planning permission; it doesn’t make sense”.

- 3.40 The view was expressed that, whilst the Committee don’t have any problem with students, there is a perception that the size and quality of the accommodation – in particular a feeling that landlords may seeking to get a quart into a pint pot. Cramping leads to additional problems – condensation with a lack of drying facilities, lack of outdoor amenity space and problems with refuse spreading into the street. The proliferation of letting signs was also seen as problem – there should be a limited period for the signs to be up as in Cardiff. *“We’re trying to discourage companies from advertising that way and using the internet more with online advertising”* but not proving successful.

HMOs as a Stepping Stone

- 3.41 The possibility of the Councils using HMOs to give someone a stepping stone to independent living was discussed. The housing strategy representative explained that are difficulties managing this especially with a common housing register (HomefinderRCT); a person seeking one bedroom accommodation may well be vulnerable in some respect. Then there are support service needs and putting vulnerable people in an HMO can lead to problems. It is likely such a such a move would attract opposition. Would be more likely to be some form of low-cost ownership in those areas rather than social renting in multiple occupancy.

What Can be Done about HMOs in the Future?

- 3.42 Housing strategy representative: *“From a housing perspective I think we need to decide what do we want to do with HMOs – reduce them, change them to families, and then we can step in with a strategy and bring those particular schemes into place.”* An elected member observed that the purpose of the SPG was to achieve a 20% threshold in Treforest and 10% everywhere else – recognised that concentration in Treforest was above the threshold already. *Are the issues in Treforest because there is a big population [of them] in Treforest? Would we like to see as much as 10% in other parts or is what we see now enough?”*
- 3.43 This was a reference to the SPG policy 2 that acknowledges the contribution HMOs can make to the housing market in giving housing options to low-income individuals and small households and seeks to allow for HMO accommodation to come forward in other parts of Rhondda Cynon Taf. The 10% threshold would control concentration would it potentially arise for example in town centres or in areas bordering Treforest.
- 3.44 Planning representative said that the issue is the concentration within one ward of the Borough; many wards with very small HMO numbers. *“I think everyone, committee members included, recognise HMOs fulfil a function and there is need for them. The difficulty is what would be considered the adverse impacts of that rate of concentration of HMOs...” some of the streets in Treforest that are probably 70, 80, 90 percent HMO” ... those impacts in terms of things like rubbish, traffic, anti-social behaviour are the sort of issues that are the ones that have been brought to attention through local representatives.*
- 3.45 Do stricter controls in one locality encourage activity across boundaries? Planning representative – *“... there is evidence of activity trickling across into the next ward”* with elected Members expressing concerns.

Circumvention of Guidance

- 3.46 Planning – referred to recent example raised by a ward member for Treforest – *“an application that had come in earlier this year for a change of use of a terrace property to an HMO was refused. Within 2-3 weeks it had come straight back in as change of use to flats, essentially the same other than the notation on one room in that property changed ... need to give some clarity to that cross-over between the two.”*

- 3.47 A number of redundant buildings (former public houses, chapels etc) where clear course would be conversion to flats. However, they often get proposed as an HMO to “squeeze as many in as possible”. A real problem as invariably the building almost completely covers the plot with no parking room at all.
- 3.48 What changes would help? *“I think in terms of being back to that point of trying to ensure a good standard of accommodation and trying to find how to define what that looks like... is it X square meters, is it provisions of bike racks, refuse storage, clothes drying facilities a big concern because there isn't outdoor amenity space in the building – need to try to nail this down in the policy.”*
- 3.49 Are Airbnbs an issue? Planning – *“Not at present a big issue for Treforest but there are probably more Airbnbs than we are aware of”.*

Has the additional licensing scheme worked?

- 3.50 Public health representative – the current scheme started in 2019 [replacing the former scheme that had run from 2014]. The former scheme had proved successful. As previously, the new scheme was Borough wide and covered all HMOs including S257 HMOs. Complaints are logged and officers endeavour to resolve them quickly; *there are relatively few in the context of the large number of HMOs* Fixed penalties were used previously but not for a while. They could be introduced if there are problems with specific houses, but this was not the case at the moment. *“Anti-social behaviour is not a huge issue. If there is an issue, they call the landlord, and it is usually resolved with a couple of telephone calls.”*
- 3.51 The waste services representative expressed the view also expressed that rubbish more of a concern in non-student areas. Particular concerns with properties converted to flats. Environmental health representative said that the additional licensing scheme had helped with rubbish – licence condition requires tidy exterior. With students it is often a matter of getting used to the collection or “the way things work”.
- 3.52 The planning enforcement representative said that rubbish is problematic on the Broadway where there are basements at the front of properties and rubbish tends to collect.
- 3.53 The public health representative said he was at pains to rebut comments that discretionary conditions in licences were ineffectual. He said that *“If it's an HMO we can deal with waste through licensing conditions, we have the controls in place.”* He did say that single household rented dwellings could be more problematic.

Parking

- 3.54 Highway representative: Parking is a significant problem with HMOs. *“Generally going from a three-bedroom terrace to an HMO for maybe 5,6, or 7 people. Very limited on facilities for parking. It's the nature of the housing stock, terrace houses. It gives rise to the lack of space for refuse and certainly not space for parking. “If it was a shared house, say a house converted to two flats, then one permit would be granted for each flat or residential dwelling. Only if there was deemed capacity on the street would the additional permits be allocated. With a HMO, each occupant is a standalone resident and would be entitled to claim one permit.”*
- 3.55 Planning representative *“the conversion of first floors or old redundant buildings results in each occupier legitimately under the policy able to claim their own parking voucher. The number of vouchers may be below more than the capacity of that road to accommodate”.* The parking policy should be changed in terms of who can apply for a permit, and it should be capped per property, as in Cardiff, no more than 2 an HMO *“how they decide who has the two is a matter to discuss between themselves.”*

Residents 20 June 2022

- 3.56 Two local residents (one of whom was the Secretary of the Treforest Residents Association) and the ward member were present at the online meeting with local Members, the Planning Policy Officer.
- 3.57 The Secretary of the TRA (a long-term resident) gave the history of HMO growth again referring to a start in the in the 1980s and growing through the 1990s. He referred to the representations made to the then Local MP, Dr Kim Howells, and the Welsh Office about the problems caused by the “growing and excessive” numbers of student houses in the area and the Treforest Impact Study (“TIS”) commissioned jointly by the then local authority, Taff Ely Borough Council, the Welsh Development Agency and the University itself, then the University of Glamorgan. He subsequently emailed a copy of the TIS. The Secretary described some of the content of the TIS and given its relevance to circumstances today, a few brief notes are set out below:
- 3.58 The TIS acknowledged the “far-reaching fundamental changes” in the character of the area and the general dissatisfaction felt by permanent residents, and in particular their fear of further erosion of the community if the University were to expand further. The TIS is in many ways a rather prophetic document and accordingly some of its findings and its recommendations are set out below:
- A joint approach be adopted to monitor and control standards of student accommodation;
 - Central Government be requested to review the Use Class Order (sp. Class C3) to bring shared houses under planning control;
 - Where on-street parking exceeds 70%, any further planning applications for HMO type developments be refused.
- 3.59 The TRA Secretary said that the local authority was attempting to deal with the issue but not all HMOs were licensed. He estimated that there were around a thousand HMOs in Treforest. He emphasised the social changes – the loss of community and social cohesion, closure of schools – and that many elderly don’t have in practice have neighbours to help them.
- 3.60 Student numbers do seem to be declining and Covid may have had some effect with students not returning in such numbers. Problems did abate during the Covid restrictions. The Secretary did say that he thought there were more families in the area following the increase in purpose-built student accommodation. He thought it was middle aged and young people converting HMOs back into single household accommodation. He also said there some issues with landlords unable to find student tenants and letting instead to migrant workers and also on occasions to people from vulnerable groups (for example drug users, ex-offenders etc).
- 3.61 The Secretary said that whilst parking remained a problem there had been improvements since the permit scheme.
- 3.62 The elected member for the ward reiterated concerns he made in the first meeting: anti-social behaviour, drug use, prostitution. Those responsible for inspecting licensed HMOs ignore anti-social behaviour and crime. He said that the problems were not confined to student HMOs; there were significant problems with two very large purpose-built accommodation blocks in Treforest. He said there are cannabis farms in the area and the police have not on occasions dealt with these effectively.
- 3.63 He emphasised the small scale of Treforest; it is a village not a town.
- 3.64 On a positive note, the ward member said that he was aware of a grant in place to allow people to change HMOs back into family homes.

- 3.65 There was reference to an influx of persons from overseas (international students have been allowed visas in recent years to bring dependent relatives). Both local residents commented that they didn't wish to see isolated communities within the larger community.

University of South Wales 13 February 2023

- 3.66 A meeting was held with the Director of Student Services and Principal Safeguarding Officer on the 13 February 2023 following an earlier meeting with the Head of Accommodation on the 25 July 2022. As the University covers all three Council areas, notes from the meeting are set out at Appendix G. A number of points were relevant in respect of Rhondda Cynon Taf.
- 3.67 The Director of Student Services said that the visa change which allowed post graduate students to bring family members had placed enormous pressure on accommodation. Some families were arriving with children. *"Reasons for this increase in bringing families over aren't clear. Students are getting accommodation further away from campus and commuting. What we are seeing is a lot of those students are then finding accommodation further afield from our campuses, and commuting, which again stretches the parameters of their visa."*
- 3.68 With regard to anti-social behaviour, the university works with South Wales Police. She pointed out that behavioural issues are community based, not just students and mentioned specifically tenants of some community landlords. Also, important to bear in mind that not all HMO residents are students.
- 3.69 Before the University takes any disciplinary procedures, there has to be a first phase of police intervention or some criminal activity. The university was carrying out community initiatives to minimise friction between students and local communities. A local police officer was based in campus.
- 3.70 The Head of Accommodation pointed out that there has been a considerable growth in purpose-built student accommodation, which also changes the character of an area. The bulk of the new purpose-built student accommodation has been third party/private sector provision (CRM Students, Unite Group, Campus Living Villages) in Cardiff and Newport. University accommodation was predominantly in Treforest with 1,222 rooms on campus (this growth has been from the 1980s onwards). The demographic of the students that attend is such that quite a few still choose to live at home with parents as they are locals.

Landlords 19 December 2022

- 3.71 An online meeting was held with two portfolio landlords on the 19 December 2022. One the landlords is a prominent member of landlord organisations (LL1). The other landlord (LL2) said that he had been a landlord for over 30 years and was now slowing selling HMOs in his portfolio. LL1 said that he had properties in Cardiff and also Treforest. As with the University, the issues are generally common across the three Councils, and notes from the meeting are set out at Appendix H.
- 3.72 In Cardiff and Treforest, landlords generally seek professional tenants in properties other than student lets.
- 3.73 The issue of Airbnbs was raised. LL1 said that there was no particular demand for Airbnbs in Treforest and also requirements for Airbnbs should be made more strict. LL2 said that Airbnbs are infiltrating every neighbourhood – landlords are likely to progressively change from HMO to Airbnbs.
- 3.74 In response to a query as to how to root out bad landlords, LL1 that Rhondda Cynon Taf are a prime example of lack of priorities - RCT tend to scrutinise proper letting agents/landlords over minor issues instead of dealing with bad landlords. LL2 said that was why he had sold all of his HMOs in Treforest.

3.75 LL1 said that parking was a major issue in Rhondda Cynon Taf; also litter and refuse. There was significant concern about waste collection in Treforest.

3.76 With regard to older residents in Treforest LL1 said “... *times change they have to change. People have to be housed for reasonable amounts of money. HMOs are necessary, without them we wouldn't have the development of South Wales.*”

Key Messages from Stakeholder Consultation

3.77 Whilst there was disagreement to some degree on some issues, the following could clearly be said to emerge from the various meetings.

- There are very high concentrations of student HMOs in Treforest with significant growth starting in the 1980s/1980s and accelerating post 2000.
- The number of students in HMOs has declined in recent years because of improved transport links and other factors but the great majority of HMOs are still let to students.
- The number of overseas students continues to grow, and some overseas students have brought dependent relatives including children and this has increased pressure on the supply of accommodation with some seeking accommodation outside the HMO areas.
- HMO concentration can be up to 90% in some streets.
- There is an emerging trend of large HMOs with occupant numbers in the high teens.
- The large number of students has had a very marked impact on the character of the area both during term time and between terms. With students absent there is a “ghost town” effect. Some elderly residents are left without neighbours at such times.
- Anti-social behaviour has been and still is an issue on occasion although the introduction of additional licensing has had a positive effect in this regard.
- There has been anti-social behaviour associated with purpose-built student accommodation.
- There is evidence of HMO expansion into other parts of Rhondda Cynon Taf.
- The number of properties occupied by students does have an impact in terms of council tax revenue and the mechanism by which the Welsh Government recompenses local authorities through hypothecated support funding is not clear.
- There is a proliferation of lettings boards in at times and this conveys an impression of transience in the area.
- Some applicants seek to circumvent the SPG by describing properties as flats and these subsequently become occupied as HMOs.
- There appears to be an emerging trend of properties being used as Airbnbs.
- Parking is a very serious concern. Many students do have cars, and it is generally considered that allowing multiple permits per HMO has exacerbated the problem.
- Refuse in gardens and blowing in the street is a significant concern for residents and elected Members and was also raised by landlords.
- Despite a great degree of success in planning appeals after the publication of the SPG there is a general consensus that the LDP needs to address policies on HMOs, flat conversions and Airbnb use along with a strengthening of SPG.
- There is evidence, albeit limited, some reversion to family homes.
- The lack of a direct link between HMO licensing and the planning status of a property does cause confusion.

- A study in the early 1990s (the Treforest Impact Study) had accurately predicted many of the issues causing concern today.
- Established portfolio landlords state they will endeavour to fill non student HMOs with HMO tenants but there is also evidence of some landlords filling HMOs with people from vulnerable groups.

Relevant policies in existing LDP and SPG

- ^{3.78} The existing LDP was adopted in March 2011 to cover the period up to 2021. SPG “Development of Flats-Conversions and New Build” was adopted in June 2014 and SPG “Houses in multiple occupation (HMOs)” was adopted in May 2018.
- ^{3.79} Obviously the LDP was adopted well before the 2016 changes to the Use Classes Order and therefore the policies were formulated at a time when planning permission was required for only for change of use to large “sui generis” HMOs. Accordingly, the references in the SPG to national and LDP policies (upon which it is intended to provide supplementary guidance) do not contain any explicit references to small HMOs. The SPG states that to contribute to the goals of the Well-being of Future Generations (Wales) Act 2015 applications should “ensure that all local communities – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods”.
- ^{3.80} The SPG then refers to policies in PPW (then Edition 9, November 2016) in particular at 3.1.7 that the planning system does not exist to protect individual private interests – “Proposals should be considered in terms of their effect on amenity and existing use of land and buildings in the public interest”. There are references to policies touching on prevention of crime and disorder, safe routes, safe neighbourhoods and sustainable communities. Of particular relevance are 9.3.3 “... the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area’s character or amenity” and 9.3.4 “...where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered”. Lastly, there is 9.3.4 which refers to “... adequate facilities and apace for the collection, composting and recycling of waste materials...”.
- ^{3.81} The SPG also refers to TAN 12 on design – “Consideration should be given to practical ways in which the design of development can reduce opportunities for crime, disorder and anti-social behaviour.”
- ^{3.82} With regard to local planning policies in the LDP, the following were referred to:

Policy CS 1 - Development in the North

... emphasis will be on building strong, sustainable communities. This will be achieved by promoting residential and commercial development in locations which will support and reinforce the roles of Principal Towns and Key Settlements and providing high quality, affordable accommodation that promotes diversity in the residential market.

Policy CS 2 – Development in the South

... emphasis will be on sustainable growth that benefits Rhondda Cynon Taf as a whole. This will be achieved by promoting residential development with a sense of place which respects the character and context of the Principal Towns and ... protecting the culture and identity of communities by focusing development within defined settlement boundaries and promoting the reuse of under used and previously developed land and buildings.

Policy AW 5 – New Development

This refers to a range of issues with new development but notably with amenity that “...no unacceptable effect on the character and appearance of the site and the surrounding area” and with accessibility that there would be “... safe access to the highway network and would not cause traffic congestion or exacerbate existing traffic congestion” and also that car parking would be provided in accordance with the Council's SPG on Delivering Design and Placemaking: Access, Circulation and Parking Requirements.

SPG Design & Placemaking March 2011

3.6.2 To ensure mixed communities are accommodated and that the local population have a choice of appropriate housing, different housing needs such as family, student, retirement, elderly and sheltered accommodation need to be considered.

4.3.14 Parking on street should be kept small in scale, provided within defined bays and be designed to add to the character of the street scene.

4.3.17 Where there are no garages, cycle storage could be provided in rear gardens where there is a safe and secure means of access.

SPG Delivering Design & Placemaking: Access, Circulation & Parking Requirements March 2011

Car Parking Space Requirements:

House conversions to bedsits, or self-contained apartments:

Zone 1 (Principal town centres) Maximum Requirement: 1 space per unit (for residents); nil (for visitors);

Zones 2-4 (elsewhere) Maximum Requirement: 1 space per bedroom, maximum of 3 (for residents); 1 space per 5 units (for visitors)

For developments where clear evidence has been supplied that car ownership levels will be lower than normal, a more flexible approach to numbers of parking spaces may be taken.

SPG Development of Flats – Conversions & New Build, June 2015

The subdivision of existing houses is likely to be acceptable where a high quality of accommodation and amenity can be provided for residents.

However, many smaller properties, and particularly in traditional terraced streets, will not be appropriate for subdivision. Consideration will be given to the nature of the resulting flats, and it is likely that permission will be refused where:

- *A high standard of internal layout cannot be achieved.*
- *Habitable rooms would lack natural light, ventilation or a reasonable outlook.*
- *The occupants of the first-floor flat would not have access to the rear garden or other external space for amenity, clothes drying, bin storage and / or cycle storage.*
- *It would exacerbate existing on street parking problems.*
- *Living rooms or kitchens would be located directly adjacent to upstairs bedrooms of neighbouring houses, unless mitigating measures can be provided.*

Cycle Provision

Cycle storage facilities should be provided for residents in convenient locations, either inside flats or in communal areas close to each flat.

Bin Storage and Refuse Collection

Sufficient space must be provided for the storage of bins, recycling and food waste in between collections, either within individual flats or in

^{3.83} The SPG then sets specific policies aimed at managing HMO concentrations:

Policy HMO 1 - 20% Threshold Area in Treforest

“Within the Treforest Ward, excluding the area to the east of the A470 ... a threshold of 20% of HMO dwellings, (as a percentage of all residential properties) within a 50-metre radius of the planning application address, will be applied. If the proposed HMO would result in this threshold percentage being exceeded, it would be considered unacceptable in principle, and permission refused.

All planning applications for C4 HMOs and Large, Sui Generis HMOs in Rhondda Cynon Taf will be considered against this policy.”

^{3.84} The SPG states the 50m radius in this policy threshold seeks to prevent tight clustering of HMO in a localised area. The guidance also acknowledges in reality across much of Treforest the 20% threshold has already been exceeded – research at that time looked at 10 sample sites and showed there was an average of 39% licensed HMOs within a 50m radius. *“Accordingly, it is accepted that there will be a number of areas within Treforest where no further HMOs should be allowed ... as the 20% threshold is still a high level of concentration, the policy is not considered to be overly prescriptive even close to a university campus.”* The policy was further justified by references to PPW described above also to the 2015 Welsh Government research.

^{3.85} The guidance gave the following illustration of Policy 1 in practice. With the example given, the guidance refers to there being 50 residential properties within the 50m buffer circle of which 24 were HMOs. Calculation shows the figure to be 48%, significantly above the 20% threshold and the application would accordingly be refused. The guidance does not make clear the basis on which the property is considered to be within the circle. In some cases, properties appear included where the line passes through some part of the curtilage in other cases not.

Figure 18: Example of the 50m buffer circle used within RCT



Policy HMO 2 – 10% Threshold Across Rhondda Cynon Taf:

“To allow for appropriate levels of opportunity for HMOs in all other parts of the County Borough, a lower threshold of 10% of HMOs (as a percentage of all residential properties) within a 50 metres radius of the planning application address, will be applied. If the proposed HMO would result in this threshold percentage being exceeded, it would be considered unacceptable in principle, and permission refused.”

- ^{3.86} In effect this policy is saying that the value of HMOs in making a significant contribution in the rental housing market is recognised and that the Council seeks to allow more HMOs to be developed in appropriate locations. It refers to concentrations as low as 1.3% in some locations which means that market demand is generally low, and it would be very unlikely that numbers would approach the 10% threshold. However, the threshold is there as a backstop should concentrations increase for example in areas bordering Treforest or some town centres.
- ^{3.87} The SPG gives another example of the 50m radius around the subject property again with 50 residential properties within the circle but this time 16 existing HMOs; an application in these circumstances would be accepted in Treforest but not elsewhere in the Borough. In a further example, only 2 existing HMOs are in the radius. This would obviously be accepted in Treforest but also anywhere in the Borough.

Policy HMO 3 – Sandwiching and Adjacent HMOs

“A proposal for an HMOs that would result in the ‘sandwiching’ of non-HMO properties will not be permitted i.e. no property should be located between 2 HMO. Further to this, no more than two HMOs should be allowed adjacent to each other to prevent more localised clustering of such properties.”

- 3.88 This is intended to have an effect at a very localised level both prevent non-HMO properties being sandwiched between two HMOs and also reduce the impact on neighbouring properties of a very localised concentration. The policy accepts that many such situations already exist in Treforest, the aim to prevent further arising.

Policy HMO 4 – Exceptional Circumstances

“In certain circumstances, concentrations of HMOs have reached such a point in a localised area that further permissions for HMOs are considered to not have any further detrimental effect. Where the concentration of existing HMOs within a 50 metres radius is already at 80% or above, then permission would be considered acceptable in principle.”

- 3.89 This policy is a pragmatic approach which recognises that certain areas have in reality become virtually exclusive HMOs. Application of Policy HMO 1 would mean that potential investors would be disinclined to buy owner occupied properties in such a locality as they would secure consent for change of use to C4, or sui generis only be successful appeal. Potential owner occupiers would very probably be discouraged from buying because of the high HMO concentration. The policy is intended to prevent isolated owner occupiers from being “marooned” in properties they cannot sell.
- 3.90 With regard to flats, SPG Development of New Flats - Conversions and New Build was adopted in June 2015. The essential elements are set out at paragraph 3.83 above.

Appeals to Planning and Environment Decisions Wales

- 3.91 As a preliminary point, it should be noted that from the 1st of October 2021 organisation responsible for dealing with planning appeals, formerly known as the Planning Inspectorate, is Planning and Environment Decisions Wales (PEDW)
- 3.92 Twenty-two appeal decisions were considered (a schedule of the cases is provided at Appendix F). Examination of the decisions supports the comments made by stakeholders. In the period between the revised Use Classes Order coming into effect on the 25 February 2016 and the adoption of the SPG: Houses in multiple occupation (HMOs) in May 2018, appeals against the refusal to grant permission for change of use from C3 to C4 were almost universally allowed. The one exception⁵⁷ was dismissed not because of concentration related matters such as the impact on the neighbourhood but because the proposed internal layout would have led to unsatisfactory living conditions for prospective occupants.
- 3.93 The Inspector stated that the Council's and objectors principal concerns relate to the concentration of HMOs in the area. However, there was no policy or adopted guidance in relation to what constitutes acceptable levels of HMOs or criteria against which to consider applications for planning permission. There were references to policies and guidance elsewhere but no explanation of the application of this to circumstances in Treforest. He said he had received little evidence of actual problems associated with HMO concentrations nor had he seen significant evidence of such during site visits. He accepted that problems in respect of anti-

⁵⁷ APP/L6940/A/16/3160863

social behaviour, rubbish etc could “arise from time to time” but the concerns expressed had not been supported by tangible evidence.

- 3.94 Further appeals against refusal of a change of use from C3 to C4 were allowed in the period up to the adoption of the SPG. Consistent themes were the lack of specific policies, lack of SPG and lack of empirical evidence with regard to concerns over negative impacts from for example of an increased number of takeaways, anti-social behaviour, highway safety as parking etc. One Inspector referred to the fact he did not experience any parking issues at the time of his visit (which he acknowledged was not in term time and presumably not in the evening) along with other factors before concluding that he did not consider the lack of on-site parking to represent a material threat to highway safety⁵⁸.
- 3.95 A different approach was evident in decisions after adoption of the HMO SPG. These tended to acknowledge the reality that the LDP did not contain policies specifically relating to small HMOs but did acknowledge the relevance of some of the policies that predated the Use Classes Order change in particular Policy AW5. This seeks to support new development where the development would be compatible with other uses in the locality, would avoid crime and anti-social behaviour and would have no significant impact upon the amenities of neighbouring occupiers.
- 3.96 A number of decisions acknowledged that an LDP should not delegate criteria for planning decisions to an SPG which should contain only guidance and assistance. However, they did say that guidance in the SPG could assist in the assessment of HMO applications including the application of LDP policies. Accordingly, it gave context to existing policies rather than attempting to introduce new policy and a number of decisions afforded it “considerable weight”.
- 3.97 An extract from one appeal⁵⁹ is illustrative of the approach post SPG. “It is clear that the character of the area is dominated by HMOs and other shared properties and that HMOs now define the character of the area. Their cumulative impact has resulted in negative perceptions of the area among existing residents as well as those who may wish to move into the area. During my site visit I saw a number of characteristics associated with areas containing high concentrations of HMOs, including a large number of “to let” signs, litter on the pavements and properties with a run-down appearance. The appeal proposal would contribute to the problems that I saw and those identified by the Council and the cumulative impact of such proposals is likely to have a materially adverse effect upon the character and amenity of the area. Therefore, the appeal proposal would conflict with local and national policies designed to secure and maintain safe and sustainable communities, and specifically Policies CS2 and AW5 of the LDP and the associated SPG.”
- 3.98 In another instance⁶⁰, the property subject to appeal was actually in a block of 5 student houses and very close to the University. Nonetheless, the Inspector dismissed the appeal as it was contrary to HMO Policy 3 in the SPG in respect of “sandwiching” aimed at preventing local concentrations.
- 3.99 The decision acknowledged the University provides a huge boost to the local economy, that the subject property was in good condition and was well managed and furthermore had held an HMO licence for a number of years. “The cumulative impact of such proposals, particularly when the thresholds are exceeded to the extent that they are here, is likely to have a materially adverse effect upon the character and amenity of the area.... Therefore, whilst the appeal proposal would appear to conflict with local and national policies designed to secure and maintain safe and sustainable communities, it would not conflict with the actual

⁵⁸ APP/L6940/A/17/3174499

⁵⁹ APP/L6940/A/18/3215492

⁶⁰ APP/L6940/A/18/3214282

content of Policies CS 2 and AW 5 of the Local Development Plan. However, it would conflict with the spirit and aims of those policies in terms of compatible uses in an area and it would be in direct conflict with the HMO SPG. I also conclude that this decision is in accord with the Well Being of Future Generations (Wales) Act 2015 and in particular the achievement of the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.”

- ^{3.100} It may be noted that several decisions emphasised the parallel but separate planning and licensing systems and appeals were dismissed notwithstanding the fact that the property in question had held an HMO licence for a period for example ⁶¹
- ^{3.101} In another example where the percentage of HMOs in the 50m radius was only fractionally above the 20% threshold⁶², the Inspector found that there was no evidence that the HMO had increased to the detriment of community sustainability, character of the area or the provision of local services. However, the appeal was dismissed because significant concern over highway safety. A similar line was taken in a case in Aberdare⁶³
- ^{3.102} Policies suggested as appropriate for inclusion in the replacement LDP and guidance in the replacement SPG are set out in Part 6.

⁶¹ APP/L6940/A/18/3215492, APP/L6940/A/18/3214282

⁶² APP/L6940/A/19/3221746

⁶³ APP/L6940/A/21/3278355

4. Newport City Council

HMO Concentrations

Introduction

- 4.1 Newport City Council is a City and County Borough in south east Wales located on the river Usk close to its confluence with the Severn Estuary. It is one of the twenty-two unitary authorities across Wales created in 1996 by the Local Government (Wales) Act 1994. Immediately prior to the 1996 Act it had been part of the new local government County of Gwent. Newport was awarded City status in 2002.
- 4.2 The 2021 Census gave the population of Newport as 159,600, an increase of 9.5% from the 2011 figure of 145,700. This was the largest increase in Wales, where the increase in the population overall was 2.4%. Newport has the sixth largest population of the twenty-two authorities (third most populous of the city authorities).
- 4.3 Newport has a long and eventful history. There is evidence surviving today of a Bronze Age settlement at Newport; most recently a bronze ring was discovered under farm land in 2021. There was a Roman fortress, amphitheatre and baths at Caerleon and in the fifth century Gwynllyw Filwr, the patron saint of the city, founded a Christian community which became St Woolos Cathedral (now Newport Cathedral). A Norman motte and bailey castle, built around 1075 but now long gone, was referred to as Castell Newydd ar Wysg (new castle on the Usk), and that is probably the origin (in contracted form) of the modern name. The ruins of the second Newport Castle, built in the fourteenth century, remain in the city today.
- 4.4 Its location, opening onto the Severn Estuary, enabled Newport to grow as a trading port. Major change came with the industrial revolution: firstly the canals and then the railways allowed Newport to export coal in great quantity, along with iron and steel products and the port grew. Iron and steel manufacture also grew in the twentieth century to become a mainstay of the local economy; this culminated in the opening of the advanced Llanwern steelworks in 1962. Sadly, steelmaking ceased in 2001 with the loss of 1,300 jobs but strip mill operations still continue.
- 4.5 The LDP, adopted in January 2015, recognises the impact of the economic downturn in recent times and key aims of the Plan are to promote growth and regeneration in Newport. The city now has the prestigious International Convention Centre Wales. It has a large semiconductor chip manufacturing facility which has recently been bought by an American company which should secure its future after security after security concerns with the previous owner.
- 4.6 The roots of higher education in Newport go all the way back to the founding of the Newport Mechanics Institute in 1841, where for a limited fee working men and women could attend lectures on a range of topics. Caerleon Training College opened in 1914 to train teachers. In 1975, the Caerleon College of Education, Newport College of Art and Design and Gwent College of Technology merged in 1975 to form the Gwent College of Higher Education.
- 4.7 In 1996, the Gwent College of Higher Education was admitted into the University of Wales as the University of Wales College Newport with Privy Council approval to use the title University of Wales, Newport. This institution combined with the University of Glamorgan to become the University of South Wales in 2013.

This multi-site university retains the Newport Campus, a £35m development opened in 2011 and having 2,700 students.

- 4.8 Because of problems associated with HMOs, Newport has had a whole district additional licensing scheme in place since December 2008. The schemes have covered all smaller HMOs and also S257 HMOs (self-contained flat conversions not compliant with 1992 Building Regulations). The scheme was renewed again on the 1 July 2019 and expired on the 30 June 2024. At the present time, the Council is reviewing the additional licensing scheme to determine the scheme should be extended for a further five years and consultation on this has recently closed.

Concerns with HMOs

- 4.9 The table below shows the number of households, the number of households privately renting and the number of multi person households split into student occupiers and other occupiers. The explicit information in Census data in respect of HMOs is extremely limited and it is usual practice to use the multi person household as the best proxy for HMOs. The information is drawn from the 2021 Census and for comparison from the 2011 Census.

Figure 19: Number of households privately renting and number of multi-person households by student and other occupiers according to the 2021 census.

Country/Local Authority/Ward	Total Households	Private Rented	Student MPH	Other MPH	Total MPH	% MPH	% PR
Wales	1,347,117	452,918	6,368	23,617	29,985	2.20%	33.60%
Newport	66,054	24,021	19	1,316	1,335	2.00%	36.40%
Stow Hill	2,958	1,658	3	117	120	4.10%	56.10%
Victoria	3,335	1,697	2	139	141	4.20%	50.90%
Allt-yr-yn	3,991	1,166	2	75	77	1.90%	29.20%
Pillgwenlly	2,943	1,917	4	88	92	3.10%	65.10%
St Julians	3,792	1,255	0	94	94	2.50%	33.10%
Beechwood	3,277	1,135	2	58	60	1.80%	34.60%
Shaftesbury	2,314	932	0	55	55	2.40%	40.30%
Caerleon	3,523	774	1	36	37	1.10%	22.00%
Llisbury	5,698	2,299	0	122	122	2.10%	40.30%
TOTAL	31,831	12,833	14	784	798	2.50%	40.30%

Figure 20: Number of households privately renting and number of multi-person households by student and other occupiers according to the 2011 census.

Country/Local Authority/Ward	Total Households	Private Rented	Student MPH	Other MPH	Total MPH	% MPH	% PR
Wales	1,302,676	419,546	7,794	28,553	36,347	2.80%	32.20%
Newport	61,172	21,575	311	1,485	1,796	2.90%	35.30%
Stow Hill	2,206	1,253	53	128	181	8.20%	56.80%
Victoria	3,084	1,451	33	158	191	6.20%	47.00%
Allt-yr-yn	3,797	1,094	13	102	115	3.00%	28.80%
Pillgwenlly	2,957	1,932	122	116	238	8.00%	65.30%
St Julians	3,655	1,064	36	101	137	3.70%	29.10%
Beechwood	3,282	1,053	8	89	97	3.00%	32.10%
Shaftesbury	2,381	930	7	73	80	3.40%	39.10%
Caerleon	3,433	739	23	51	74	2.20%	21.50%
Llisbury	4,887	1,778	4	121	125	2.60%	36.40%
TOTAL	29,682	11,294	299	939	1,238	4.20%	38.00%

4.10 The table below illustrates the changes between the 2011 and 2021 Census:

Figure 21: The difference between the 2011 census and the 2021 census for Number of households privately renting and number of multi-person households by student and other occupiers

Country/Local Authority/Ward	Total Households	Private Rented	Change between 2021 and 2011 Census		
			Student MPH	Other MPH	Total MPH
Wales	44,441	33,372	-1,426	-4,936	-6,362
Newport	4,882	2,446	-292	-169	-461
Stow Hill	752	405	-50	-11	-61
Victoria	251	246	-31	-19	-50
Allt-yr-yn	194	72	-11	-27	-38
Pillgwenlly	-14	-15	-118	-28	-146
St Julians	137	191	-36	-7	-43
Beechwood	-5	82	-6	-31	-37
Shaftesbury	-67	2	-7	-18	-25
Caerleon	90	35	-22	-15	-37
Llisbury	811	521	-4	1	-3
TOTAL	2,149	1,539	-285	-155	-440

4.11 As observed with the earlier section dealing with RCT, multi person household is the household type in the Census that most closely approximates to a house in multiple occupation. In the case of Rhondda Cynon Taf, the Census data appeared to be underreporting the number of HMOs. With Newport, the reverse appears to be the case. The latest Newport Register of HMO licenses (all HMOs are licensable under the additional licensing scheme including S257 HMOs) give the number of licensed properties as 363.

- 4.12 Mandatory licensing and the additional licencing scheme combined in effect require the licensing of all HMOs in Newport including S257 HMOs. When discussed with officers in the online meeting in August 2022, it was indicated that there was then a backlog of HMO licence applications because of COVID-19 and officers anticipated that there were around 400 HMOs, which accords with the present HMO register. There will always be properties which are in reality HMOs, but which are “under the radar” in any local authority. However, the disparity between the number licensed and the Census data does beg the question as to whether there are a number of unlicensed HMOs in Newport. In the second stakeholder meeting (well attended by elected Members representing wards with higher HMO concentrations, several expressed strongly the view that there are significant numbers of unlicensed HMOs.
- 4.13 The following maps show the distribution of licensed HMOs firstly across Newport as a whole and then the various wards towards the centre where numbers are higher. Finally, there individual maps for the wards of Stow Hill, Victoria, Allt-yr-yn, Pillgwenlly, St Julians, Beechwood, Shaftesbury, Caerleon and Lliswerry.

Figure 22: Wider Newport area with HMOs highlighted.

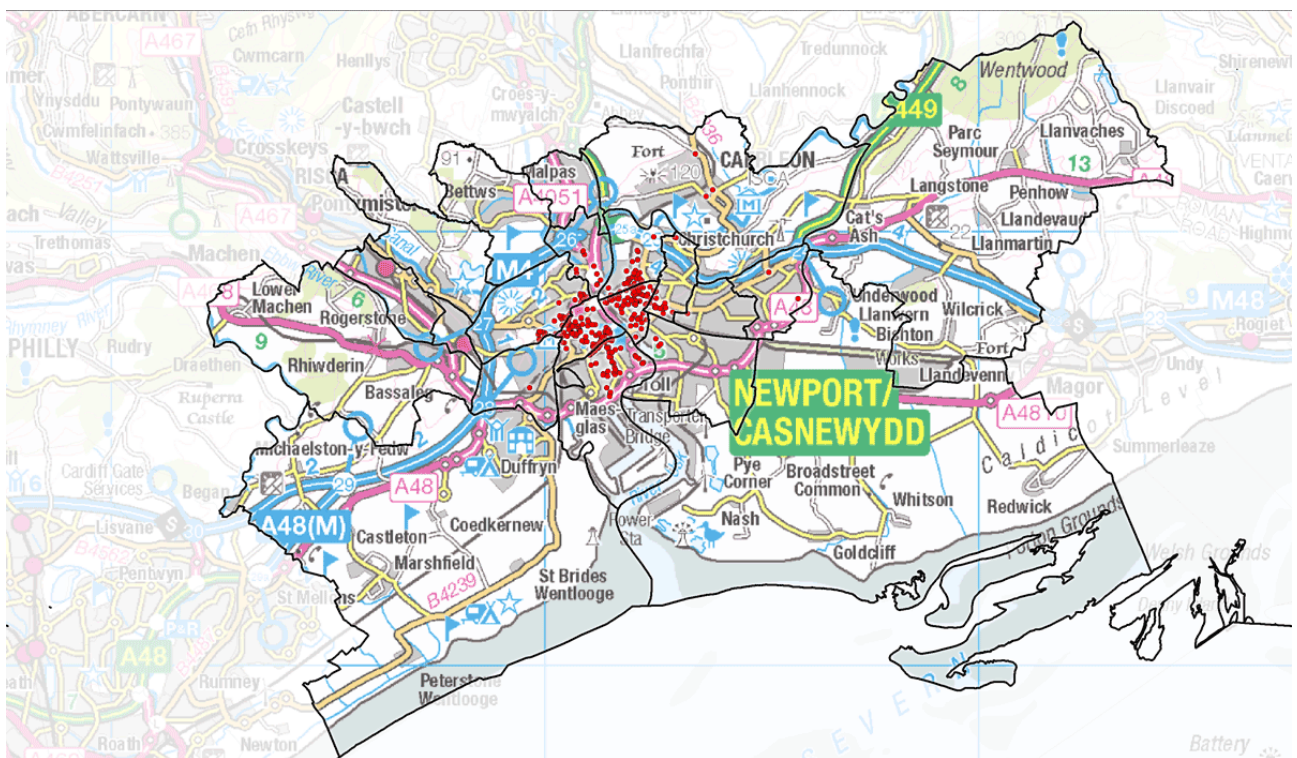
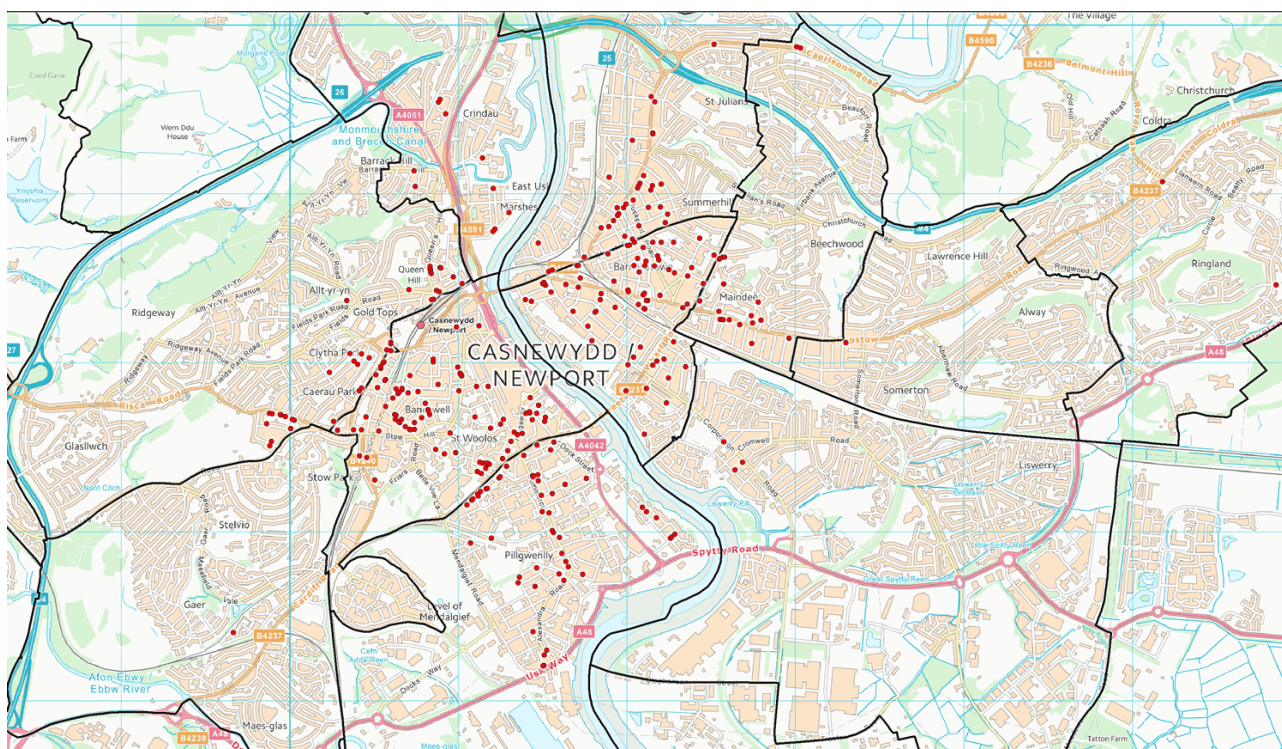
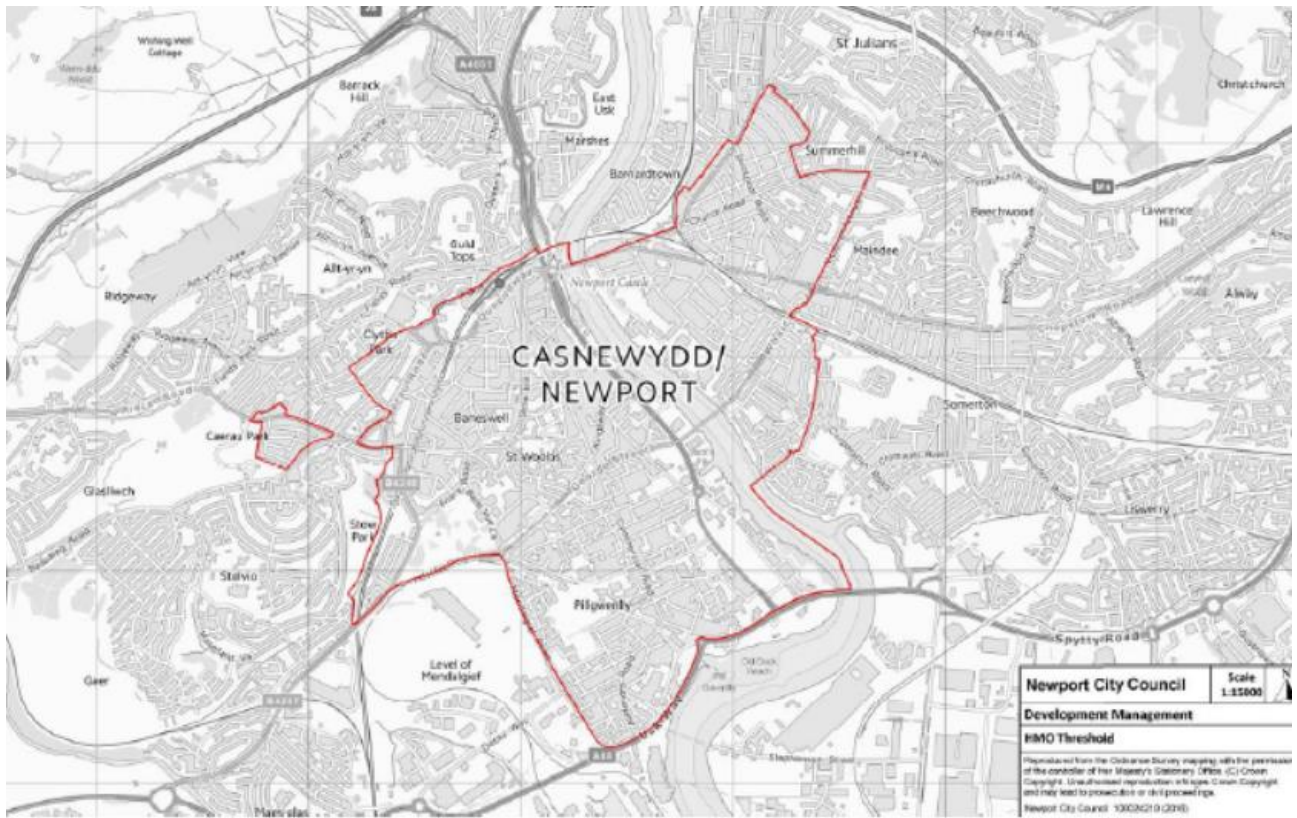


Figure 23: Closer view of Central Newport with HMOs highlighted.



- 4.14 Both the overview and higher-level maps showing the distribution of HMOs in Newport, and then the discussions with officers, showed that the situation with multi-occupied properties in Newport is substantially different from that in Rhondda Cynon Taf and Cardiff. In both of the two other authorities, studentification has been the primary factor driving up HMO numbers in particular in locations close to universities, although of course, especially in recent years, there have been a number of other factors in play. However, concentrations in Newport are significantly less dense, more widely distributed and the overall position is much more nuanced. As evidenced in particular with the online discussions with planning officers, there is a distinct difference between the east and the west of the city (it is divided by the River Usk), a difference discussed further below at paragraph 4.44 onwards.
- 4.15 As will be discussed shortly, the supplementary planning guidance sets two thresholds, 15% in the central higher threshold area where HMOs numbers are greater and 10% elsewhere. The map below is taken from the Newport SPG and the boundary corresponds fairly closely to the actual HMO distribution rather than simply ward boundaries.

Figure 24: Newport SPG and the HMO boundary.



4.16 Appendix B shows a table which sets out the HMO density by street. The extract from the table below shows the streets where the density is 10% or above.

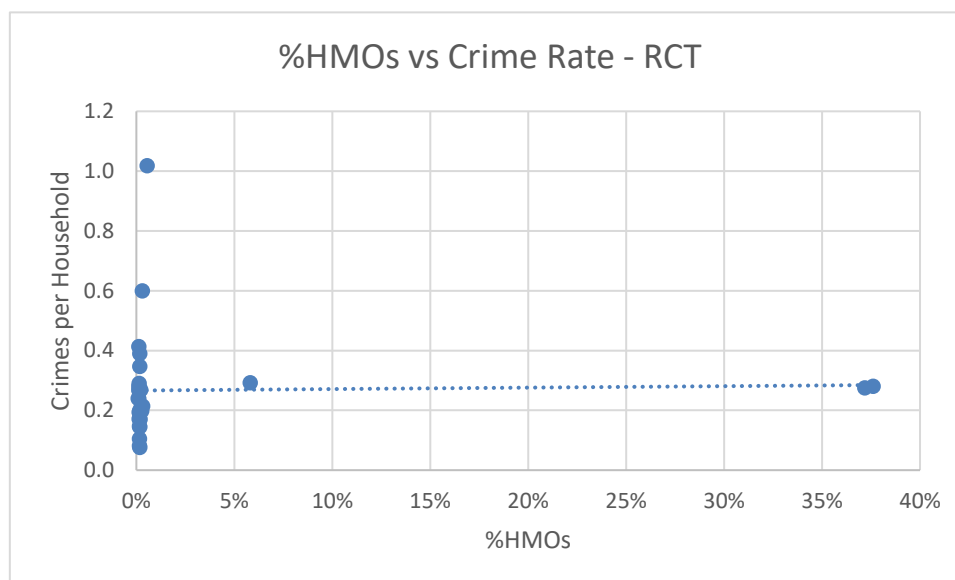
Figure 25: Newport HMO density by road.

NEWPORT				
STREET	Census Output Area	HMO	PAF	DENSITY
St. Vincent Lane	W00010632	2	3	66.7%
Tredegar Street	W00008615	2	3	66.7%
Wesley Place	W00010547	1	2	50.0%
Stow Hill	W00008737	5	15	33.3%
Albert Street	W00008615	1	3	33.3%
Mill Street	W00008345	1	3	33.3%
Powells Place	W00008741	2	8	25.0%
Palmyra Place	W00008742	1	4	25.0%
Caerleon Road	W00008696	3	14	21.4%
Cardiff Road	W00008618	4	19	21.1%
Caerleon Road	W00008690	6	30	20.0%
Essex Street	W00008770	1	5	20.0%
Devon Place	W00008349	6	31	19.4%
Cardiff Road	W00008622	4	21	19.0%
Risca Road	W00008331	8	43	18.6%
Tunnel Terrace	W00008734	5	28	17.9%
Clytha Crescent	W00008618	3	18	16.7%
Park Square	W00008742	2	12	16.7%
Belle Vue Terrace	W00008624	1	6	16.7%
Clyffard Crescent	W00008736	5	32	15.6%
Caerau Road	W00008734	5	36	13.9%
York Place	W00008740	12	90	13.3%
Crindau Road	W00008722	2	15	13.3%
Watch House Parade	W00008608	2	15	13.3%
Queens Hill	W00008345	6	46	13.0%
Clytha Square	W00008745	10	77	13.0%
Chepstow Road	W00010632	4	31	12.9%
Chepstow Road	W00008402	2	16	12.5%
Caerleon Road	W00008692	5	41	12.2%
Batchelor Road	W00008396	3	25	12.0%
Clifton Place	W00008731	4	34	11.8%
Morden Road	W00008688	3	26	11.5%
Chepstow Road	W00008765	7	63	11.1%
Commercial Street	W00008742	2	18	11.1%
Rodney Road	W00010625	1	9	11.1%
Jeddo Street	W00008611	3	28	10.7%
Lower Dock Street	W00008741	3	28	10.7%
Halstead Street	W00008770	3	30	10.0%

Crime and HMOs

- 4.17 Data on numbers of crimes per month is available at the Lower Super Output Area (LSOA) geographic area, with each LSO encompassing between 400 and 1,200 households. As such, the crime rate for each LSO can be calculated by dividing the number of crimes recorded in a given period by the number of households in the LSOA. Equally, the number of HMOs in each LSOA is known, and therefore the percentage of households that are HMOs can also be calculated. By plotting these on a scatter graph, any prevailing correlation between crime rates and the percentage of HMOs in the LSOAs should become apparent.
- 4.18 The following three figures represent the crime rates and percentage of HMOs for the most recent full year that crime data was available at the time of writing (November 2022-23). For clarity, all LSOAs with no HMOs at all were omitted from the data⁶⁴, and a trend line has been added to illustrate any correlation. The raw data can be found in Appendix E.

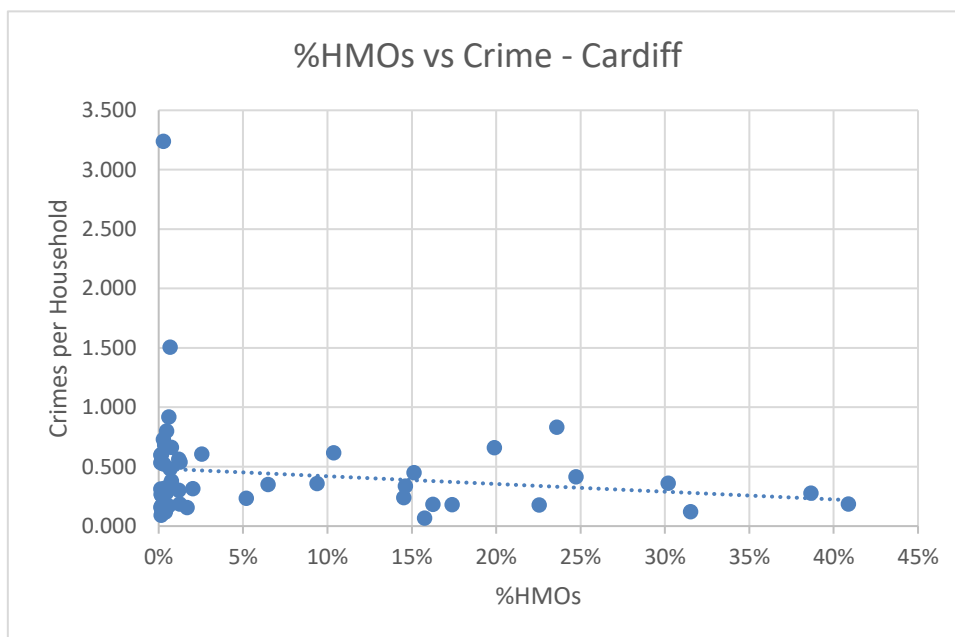
Figure 26: Crimes per household vs percentage of properties that are HMOs in RCT 2022-23. Each blue dot represents one LSOA.



- 4.19 In RCT (Figure 26), there are only two LSOAs with high numbers of HMOs, both located in Treforest. Despite the prevalence of HMOs in these two areas, the crime rate is comparable to other areas with very few HMOs. There therefore appears to be very little evidence of a correlation between crime and HMOs in RCT.

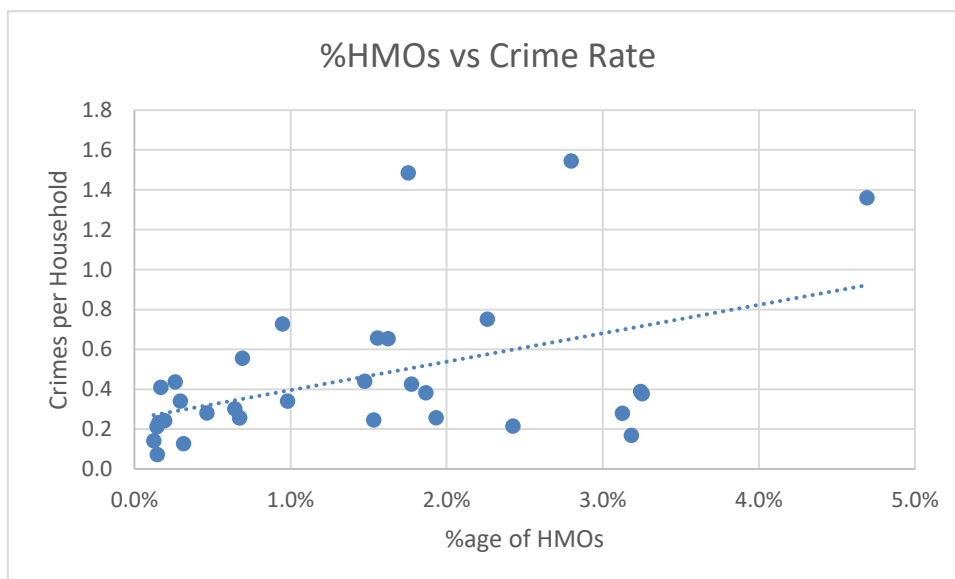
⁶⁴ It may be noted that the precise number of HMOs in a given LSOA may have varied over the course of the year, therefore the data presented should be considered a close approximation.

Figure 27: Crimes per household vs percentage of properties that are HMOs in Cardiff 2022-23. Each blue dot represents one LSOA.



^{4.20} In Cardiff (Figure 27), there also seems to be no meaningful correlation between crime and the percentage of properties that are HMOs. Indeed, areas with high percentages of HMOs appears to have a lower crime rate than other areas, however it must be recognised that this trend is skewed somewhat by significantly higher crime rates in LSOAs in and around the city centre.

Figure 28: Crimes per household vs percentage of properties that are HMOs in Newport 2022-23. Each blue dot represents one LSOA.

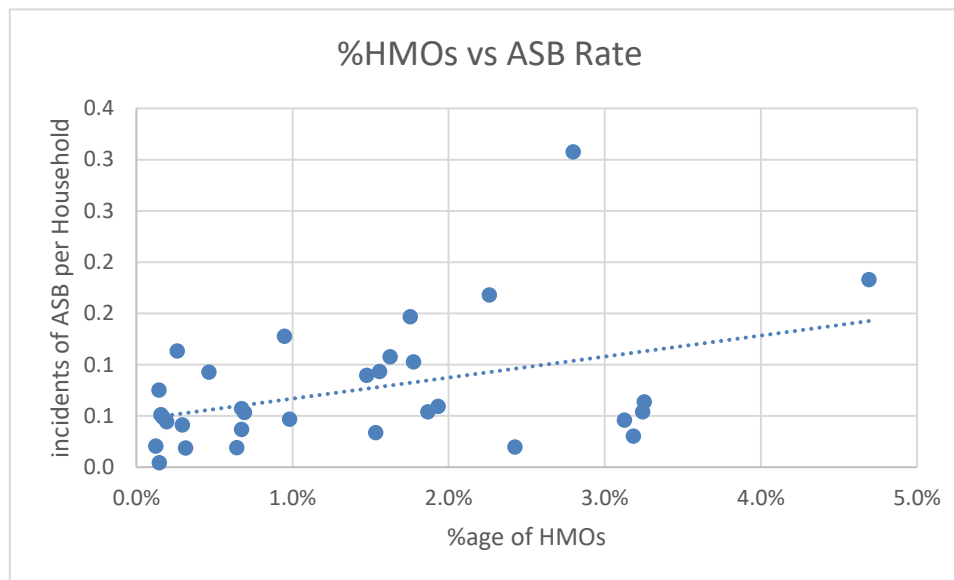


^{4.21} In Newport, there seems to be a much more apparent correlation between crime and HMOs than in either of the other two areas, however it may be noted that the correlation is not very strong, and there are some LSOAs with relatively high proportions of HMOs, but no notable increase in crime (e.g. the four LSOAs below the trend line with over 3% HMOs (Figure 28). Nonetheless, there is a correlation.

^{4.22} By way of further investigation, the rate of anti-social behaviour (ASB) incidents per LSOA can similarly be plotted against HMO prevalence. In RCT and Cardiff, the resultant graphs were extremely similar to the

overall crime rate graphs above, so have been omitted. Newport's ASB graph shows the same correlation as in Figure 28:

Figure 29: Incidents of ASB per household vs percentage of properties that are HMOs in Newport 2022-23. Each blue dot represents one LSOA.



- 4.23 As with the crime graph, there is a clear correlation between rates of ASB incidents per household and the prevalence of HMOs, however it must again be noted that this relationship is not particularly strong.
- 4.24 Whilst the reason for the difference in the relationship between crime and HMO prevalence between Newport and the other two areas cannot be definitively stated (it is of course not possible to confirm that a given crime in an LSOA was committed in a HMO or by a resident of a HMO), this evidence suggests that there is a link between HMOs and higher rates of crime in Newport, but not in RCT and Cardiff. This may be due to the different demographic that is resident in Newport HMOs. As is made clear from the stakeholder interviews following, a larger proportion of the residents of HMOs in Newport are understood to be vulnerable or “less affluent”, in contrast to Cardiff and RCT’s primarily student-occupied HMOs. It may therefore be the case that these groups are more likely to be victims of crime. Conclusively confirming this hypothesis would require access to police data that is outside of the scope of this report.
- 4.25 With regard to RCT and Cardiff, it should also be noted that crime rates in areas with high levels of student-occupied HMOs are not meaningfully different to areas with fewer HMOs. This evidence is counter to the perception of some local residents that feel these areas to be less safe.

Stakeholder Comments

Planning and Housing Officers 17 August 2022

- 4.26 Online meeting attended by a Senior Planning Officer (SPO), Principal Environmental Health Officer (PEHO – heads the HMO Licensing and Enforcement Team) and an HMO Licensing Officer (HLO).
- 4.27 There are significant numbers of HMOs on two main roads in Newport, Chepstow Road and Caerleon Road. St Julians also has significant numbers of HMOs.
- 4.28 The SPO said that when considering HMO applications, it should be borne in mind that a local planning authority cannot control the residents that will actually live there. The term ‘young professionals’ is

- frequently used, probably to make the application appear more acceptable to residents and elected Members. There does not appear to be any definition of “young professional”.
- 4.29 He added that in his view fewer students are now occupying HMOs in Newport since the Caerleon campus was sold off for housing development and the University of South Wales main campus is now the new building on the banks of the river Usk. He thought that students now live in Cardiff and commute to Newport. *“Students in Newport have definitely decreased over the last several years or slightly longer. I haven’t seen any HMO applications I’ve dealt with that are student HMOs, there isn’t a market there for that”*
- 4.30 The PEHO said that *“The number of licences has lowered over the years but that’s due to several reasons like Rent Smart Wales coming on board and landlords had to licence and they meant additional responsibilities for landlords... people are converting properties to single private let because they’re having problems in HMOs, and they don’t want to deal with it. This tends to be landlords without manager agents who don’t want to deal with the problems of five different people.”*
- 4.31 When discussing the type of tenant generally found in Newport HMOs, the PEHO said that their system was unable to collect that sort of data. The SLO did say that in his experience residents in Newport HMOs were realistically from vulnerable groups; he did not encounter students or young professionals. The PEHO pointed out that the SLO generally worked on higher risk properties which do not tend to include student properties which tended to be in better order.
- 4.32 The SPO said that revised SPG was adopted in 2017. Many HMOs are considered by the Planning Committee rather than an officer decision. Newport had never succeeded when opposing an appeal against refusal of planning permission for change of use to HMO.
- 4.33 *“We’ve never won a planning appeal on an HMO, regardless how much data. If there’s an issue with parking, I’ve gone out and done my own parking surveys. I’ve gone out 10pm in the evening and weekends to survey, to put evidence together. We’ve submitted those and we cannot win a planning appeal ... We have to give planning appeals weight in our assessment, they are a planning consideration. If we refuse the planning application, we lose an appeal, which is very comparable, and we can’t make a differentiation between our appeal and their decision. We have to consider the cost too. We reluctantly approve most of our HMO planning applications ... I can only think of one recently that I’ve had to refuse on parking grounds.”*
- 4.34 Both applications and appeals have increased since the change in the Use Classes Order and appeals too. The SPG uses threshold percentages to seek to control HMO concentrations – 15% around the town centre and 10% elsewhere. The SPO said that even if there is clear evidence that the threshold is exceeded, the Planning Inspectors will support the appeal if there is no clear evidence of negative issues. The Council is seeking to avoid concentrations leading to problems, but it seems that appeals are supported unless there is evidence of problems; then it’s *“... too late and we want to avoid that...”*
- 4.35 There appears to be an assumption that people who live in HMOs don’t have cars. *“...That may well be the case where there’s less affluent people living in HMOs, a number of the HMOs in Newport are being targeted for young professionals whether they just graduated or doing their first few years of work They’re likely to have their own car to get to work. There’s an assumption that HMO tenants won’t own their own cars, and they will rely on public transport. If we have an HMO on a main road like Caerleon road for example... which there is lots of terrace houses that won’t have their own off street parking spaces so if people own cars, it spills onto the street.... By virtue of being on main roads, they will have bus services and local amenities such as convenience stores, laundrettes, takeaways and food outlets, inspectors will look at that and think they have public transport to get to work, they’re less likely to own a car and they’re within 200 metres of a local*

shop, they can walk to amenities.” The SPO then said this is used a justification for saying that the HMO tenants will not require the full parking requirements set out in the SPG.

- 4.36 The SPO highlighted the issue of the parking surveys undertaken by applicants; he said there have been instances when the Council's own survey has contradicted completely the evidence in the applicant's survey and has been used as an argument at the appeal but without success after Inspectors have referred to parking two streets away.
- 4.37 He advocated the use of the Lambeth Parking Methodology as a standard requirement.
- 4.38 The SPO then raised one issue specific to the proximity of the River Usk, which does cause flooding on occasions. Some areas are within Zone C1 as defined by TAN15. The TAN advises that new development should be directed away from Zone C. In one case⁶⁵, an application for change of use from a four-bedroom house to a four-bedroom HMO was refused as one of the bedrooms would have to be on the ground floor. In the event of a flood, the impact on the resident of the ground floor room could be very severe; there was no communal space on the first floor, all rooms were bedrooms. The Planning Inspector allowed the appeal on the basis that the tidal nature of the flooding meant it could be predicted and there was a generous landing on the first floor which the occupier of the ground floor room could use as a temporary refuge.
- 4.39 Planning Inspectors have allowed appeals even where the HMO concentration is significantly above the threshold⁶⁶.
- 4.40 Letting signs are not generally a concern. Flat conversions and Airbnbs also not a concern at the present time.
- 4.41 The PEHO said that her team dealt with complaints relating to HMO conditions. A separate team deals with anti-social behaviour and noise complaints. Generally, get a lot of complaints if there is a proposal for a new HMO on York Place as there are so many already.
- 4.42 Most licensing applications are accepted unless the landlord has been deemed not to be a fit and proper person. Some landlords ignore licensing requirements. Her team will generally prosecute if they find an unlicensed HMO and also in respect of management failings. She thought that financial penalties would be more straightforward but are still a lot of work. Pillgwenlly action groups make residents aware and find unlicensed HMOs. On occasions owners of licensed HMOs will report unlicensed HMOs

Planning Officers 25 August 2022

- 4.43 Online meeting attended by the Development Manager for the East Area (DMEA), Principal Planning Officer for the West Area (PPOW) and a Senior Planning Enforcement Officer for the West Area (SPEO).
- 4.44 It was made clear by Officers at the outset that the River Usk divides the city into west and east areas and each area has a distinct character in particular in terms of the type and density of HMOs. The DMEA said that the eastern side does not include the city centre nor the university campus which is on the western side as is the purpose-built student accommodation. There had been an increase in HMO applications in the east and many are called for decision by the Planning Committee. It is generally possible to predict if an application will go to determination to Committee by the ward in which it is located. Virtually every Committee meeting

⁶⁵ APP/G6935/A/19/3233724

⁶⁶ APP/GB935/A/18/3212158

will have an HMO decision to make. Committee Members do express concerns along the usual lines about HMOs but do make decisions on the merits of each case.

- 4.45 The DMEA did say that the majority on the east side appear to be aimed at transient professionals and not students. HMO applications are rarely made in traditional suburban areas but moving closer to the town centre St Julians does see a fair number of applications. A particular issue relates to placements of refugees and homeless people/households. They consider the accommodation used to be hostels as opposed to HMOs *“because of the nature of the occupancy, the frequency of the turn over, the very short-term periods these people are resident in this accommodation, the way in which its managed, there’s often some overarching management type company keeping an eye on everything...”*⁶⁷.
- 4.46 So far as HMO applications go, because of the numbers of them at Committee the staff are familiar with the concerns of the elected Members and the key objections from the local community. *“I would say parking is generally the top one, because they’re looking to go into units that have no off-road parking and in a densely populated area.”* As would be expected, *“... rubbish, noise and disturbance, loss of character, loss of traditional housing stock for families ... all of those things, obviously we try and address through the concentration assessment via the SPG we already have in place.”* However, *“... Members are generally concerned, but what we have built up over the last 5 years or so is a good body of appeals. What we found is, we refused a fair number with strong evidence on parking for example, and we’ve lost all of the appeals. We have no support from Planning and Environment Decisions Wales (PEDW) for the refusal of HMO applications...”*
- 4.47 The DMEA said that she appreciated that Newport was in a different position to Pontypridd or Cardiff where they might have a concentration of over 90% within a 50m radius. With Newport applications, the vast majority fall under the threshold or if they do exceed the threshold, it is only a small amount. The primary area of concern is parking, and we accept that there are issues with the parking SPG. *“We’ve also got the situation where we are being told PEDW want evidence for our decision making and then they throw in ‘occupants of HMOs aren’t likely to have the same level of car ownership’...”*
- 4.48 The Council requires a parking report to be prepared in accordance with the Lambeth methodology with an HMO application. Because the spaces required are limited, those instructed by the applicant will generally find sufficient spaces to park and it is difficult for us to refute that. Recent parking surveys have tended to say that there is no parking in the parking survey; it is at capacity.
- 4.49 Reference was made to a case where the applicant accepted that there was no car parking. The application for HMO use was refused on parking grounds and at the time of the discussion the appeal was pending. *“It might be sustainable that they can walk to a shop or bus stop, but what will an inspector say when the applicant says there’s no parking.”* They were particularly concerned because, if they had granted planning permission with no parking, the agent concerned could potentially argue that there was no need for parking surveys in the future. The DMEA predicted that the Planning Inspector would allow the appeal on the basis that there is likely to be low car ownership and with a short walk to bus stop and the shops.
- 4.50 It is understood that the appeal concerned was CAS-01786-S4X0Y7 and it was indeed allowed, notwithstanding general agreement about the almost complete lack of parking, on the basis that the Inspector gave considerable weight to the sustainability of the proposed development and that this type of accommodation is likely to be attractive to those without a car. *“The rigid application of parking standards is not appropriate in the circumstances of this case. I do not consider that the proposal would give rise to*

⁶⁷ The issue of HMO or hostel is commented on at paragraph 4.70

significant concerns regarding highway or pedestrian safety. The issues raised primarily relate to matters of convenience, which are not sufficient to warrant refusal of the proposal.” This case is referred to later at paragraph 6.102.

- 4.51 The DMEA stated that the route of appeal is judicial review which is very expensive and accordingly it is unlikely that they would pursue this if the appeal was allowed. They may raise the issue with PEDW to ask for the evidence on which Inspectors rely when they indicate that car ownership in an HMO is lower than in a standard house.
- 4.52 The PPOW said that in the western area HMO issues arose because of the city centre and also the two hospitals, the Royal Gwent Hospital and the St Woolos Hospital. The concentrations of HMOs are around those areas. There are a number of larger properties; original occupied as single household dwellings but now flats or HMOs. *“I think an HMO in certain areas does cause issues from neighbours, they don’t like the idea of multiple occupancy, it’s down to the same the issues of antisocial behaviour and parking. I don’t think the student situation is different, it’s not the same as Cardiff because we don’t have that high student population.”*
- 4.53 With the various wards, Stow Hill is mostly city centre. Allt-Yr-Yn has areas close to the city centre and has some substantial properties. Whilst the number of HMOs in Allt-Yr-Yn is relatively low, there is significant opposition to HMOs. In Pillgwenlly, there have historically been higher numbers of HMOs but again there is opposition to HMO applications. The Pillgwenlly ward tends to have higher levels of deprivation and realistically at least some HMOs will be catering for vulnerable groups.
- 4.54 In the east, the highest numbers of HMOs are in St Julians and Victoria. There are a limited number of HMOs in Beechwood (again there tend to be larger properties). In Shaftesbury, it might be thought that there would be sign numbers of HMO application because of the proximity to the city centre and the nature of the housing stock but the number of applications is limited. Caerleon has high house prices and demand is primarily for family homes; there are few HMOs despite the former presence of the University of South Wales campus (now closed and sold off). Lliswerry is a very big ward; a few HMOs are present.
- 4.55 The potential revision of the SPG was discussed. The DMEA said that when the 50m radius is drawn, it is common to see only a very small number of HMOs within the circle – perhaps, say, two equating to say an 8% concentration. Members can refer to another say four just outside the circle and will query why the radius could not be increased. If the radius were to be increased, then the number of non-HMOs would also be increased and realistically the concentration may not increase.
- 4.56 Comment was made about the line of the 50m radius cutting through a curtilage (for example through a rear garden) and the property not being counted in the concentration calculation notwithstanding the fact the property is still close to the property subject to the application. the DMEA was not sure that that in reality made much difference but did say *“family units are often street focused and what the 50m radius does is take a bit of their street and bits of streets that are remote from them. We don’t get a street wide view... discussion to be had about changing it from a radius to a street, possibly having control over sandwiching, HMOs both side of a family home.”* The PPOW observed *“it should also relate more to the parking demand because people are more likely to look along the street of where to park.”* The DMEA commented upon the differential with the parking radius at 200m. *“I tend to find people are quite concerned with their street and don’t know what’s going on in the next street.”*

- 4.57 The DMEA suggested possible a two-phase test; “we stick with our current test but then we have a second test that will potentially give a different percentage i.e. a whole street assessment... but some long streets so some caveat would need to be included” [in respect of that].
- 4.58 Discussion moved to York Place “...the originator of HMO problems, certainly on the west side.... it has large properties but there are double yellow lines on the one side so there’s only one side you can park your car.” The PEO observed that the Planning Inspectorate are allowed to use planning judgement; the Council has to produce objective evidence. The Inspector had referred to “*students unlikely to have a car*”. This particular decision⁶⁸ is referred to later at paragraph 4.134.
- 4.59 In discussion about the application of Lambeth methodology, the DMEA stated that the Council had made lots of efforts to provide extra evidence about parking but to no effect. “...*Certainly I know on the east side we’ve done multiple visits in evenings, on weekends, as case officers. We don’t as a rule take their parking survey just as a given. If we know from our visits that something is amiss, something doesn’t look right, they are telling us that only 50% of the parking spaces on streets are taken up and every time we go it looks like at least 90%, we don’t just accept it as a written supporting document, we will go out at on street parking peak times, not necessarily at midnight mind you, which they should have done. We will go out evenings and weekends to get a feel... the highways officer has done the same thing and taken photographs of illegal parking taking place at junctions and double yellow lines, all signifiers of parking pressures, and still we lose the appeal.*”
- 4.60 The Newport officers accepted that the HMO SPG and the Parking SPG lack clarity and need strengthening and once assumptions start to be made as a result of appeal decisions, they tend to get adopted in respect of future HMO applications. In particular, both documents should clarify what the parking expectation is in respect of HMOs.
- 4.61 There appear to have been broad assertions by Inspectors that HMO residents tend not to have cars. Has the Council any evidence that such residents do in fact have cars? The DMEA said that they had endeavoured to get such evidence but in practice it is difficult to ensure it is sufficiently robust. The planning officers expressed the view that in the applicant referred to, where the property would go from a 3-bedroom family house to a 5-bedroom HMO, if the Inspector makes a statement in the decision that demand for parking is not going to increase then it should be incumbent on him or her to provide evidence for that view. Furthermore, the Council cannot control the type of residents in an HMO, students may be less likely to have a car but that is not the case with young professionals.
- 4.62 Because of appeal decisions, in reality approvals may be recommended where Officers would otherwise recommend refusal. “In some cases. I think its lowered the bar is the best way of putting it. Where we still feel quite strongly that we can present an argument on parking, we will present that argument. It has altered our view; it has lowered the bar. We are more inclined to grant them than we were... because we can’t see any way we can win them.”
- 4.63 The Planning Officers accepted that it was possible that the Inspectors were right; “... *there is an open mind in that respect. We may be misinterpreting the consequences of the HMOs.*” The officers were reminded that the Council carried out a very detailed piece of work which demonstrated a clear link between the complaints and HMO numbers. They said this was used to justify the thresholds in the SPG. Reading the document shows it was a thorough piece of work.

⁶⁸ APP/G6935/A/18/3212158

- 4.64 The issue of Airbnbs was raised. The PEO said that he had just attended a meeting with the homelessness team; they were using Airbnbs for homeless people which has implications for planning enforcement. *“For one family it would be a home, for a group of people that would mean essentially it’s a hostel.”* The issue went beyond Airbnbs; because of housing pressure housing staff were using hotels, houses, public houses etc.
- 4.65 Airbnbs for holiday use were small in number; however, there is concern if used as party house (one mentioned had ten people in the property for extended periods). Planning staff consider this is materially different from a house and a planning breach. Since that meeting, as set out at paragraph 2.81 the Use Classes Order has been amended to include a new Class C6, a dwelling house used for commercial short term lets, although such a change is permitted development unless disapplied by an Article 4 direction. The PEO said that the Planning Inspectorate had been supportive of enforcement action. There has been some Airbnb activity in Pillgwenlly but of a different kind; *“cheap accommodation if visiting a venue in Cardiff.”*
- 4.66 The PEO raised several other points. Firstly, he referred to the high economic growth in Newport (approximately 10% was stated). The significant population growth in the decade between the 2011 and 2021 Census, the largest in Wales, was noted at paragraph 4.2.
- 4.67 Secondly, he referred to the proposals for a new Coleg Gwent campus to replace the existing Newport Centre which would be of a significantly greater size. This would form the basis for a new Knowledge Quarter to serve as a hub for both higher and further education and would have the potential to increase the number of resident students and student HMOs as some degree courses were being offered.
- 4.68 Thirdly, he did comment that few HMO licences appeared to be revoked notwithstanding the existence of anti-social behaviour. The difficulties associated with revocation were explained in particular the last resort option of Interim and Financial Management Orders. It was more usual to focus on enforcement action in respect of licence conditions/management regulations and in England the enforcement regime had been stiffened by the introduction of financial penalties as alternative to prosecution (and in addition rent repayment orders to allow tenants to recover rent and a local authority to recover universal credit). It is not within the scope of the report to make recommendations for action outside the existing powers of the local authority but obviously open to both Members and officers to make representations should they see fit to do so.
- 4.69 There was further discussion on the issue of asylum seekers. Although housing is a devolved function, housing for asylum seekers is still controlled by the UK Government Home Office. Newport is a centre for “Dispersed Accommodation”. An organisation called Clear Springs Ready Homes has been contracted to manage the process.
- 4.70 The DMEA said that HMOs are being occupied for the dispersal of refugees as some sort of group accommodation as for temporarily housing people *“...that’s not an HMO, its either a CAS-01786-S4X0Y7 or something else.”* They are not providing services or food but are managed – daily visits and often CCTV. There are no tenancy agreements, and they are very transient, typically staying only a few weeks. The Council has taken legal advice on the difference between HMO and hostel and that set out five criteria in particular as to whether there are tenancy agreements and the average length of stay. *“We have had some refugee-based enforcement cases and have been challenged when we say it’s not an HMO”.* [A hostel falls within the sui generis use class]. *“Challenges have come from the owners”* [presumably because of the potential loss of existing use].

- 4.71 The DMEA said that the major problems in terms of anti-social behaviour in hostel type accommodation had not come from refugees (although there had been some issues) but with those released from prison with accommodation on licence. One case in particular had led to significant problems with constant telephone calls and police involvement.

Councillors 20 October 2022

- 4.72 Online meeting attended by 3 Councillors including Cabinet Portfolio Holder for Strategic Planning, Regulation and Housing. One elected member for the Beechwood ward and one for the Rogerstone West ward. Attendance for a short time only possible with two of the Members. The Portfolio Holder and member for Beechwood said they were meeting other elected Members that afternoon to discuss HMOs.
- 4.73 The Beechwood said that there was a lot of concern among elected Members about HMOs because of issues raised by constituents. He was particularly concerned about “side street” properties; small two- or three-bedroom terraced houses that have always been family homes. The bigger properties on the main streets with three or four storeys are more suitable as HMOs. Parking is the biggest issue. People say that there is parking three or four streets away but people in those streets also have cars so where four or five cars on top mean the parking situation is getting worse. The most problematic wards for HMOs are Beechwood, St Julians, Pillgwenlly, Allt-yr-yn and Victoria. The less problematic wards with regards to HMOs are Carleon, Shaftsbury and Lliswerry.
- 4.74 The Portfolio Holder expressed his view that HMOs can be very positive; not a great issue in his ward (Malpas). He added that officers will always provide evidence from two or three roads away – “*They’ll have the circumference of an area with two or three roads in that area.*” [This is a reference to the 50m radius circle drawn on a map around the subject property when assessing whether an HMO threshold has been exceeded.] HMO applications lead to the biggest discussions at the Planning Committee. “HMOs are predominantly cropping up closer to the city centre. As a result of this you get around 18 wards not discussing HMOs but then three or four wards where that’s all they are discussing.” He raised the issue of the “fear factor”; does the concern stem from what does happen or what could happen? At Planning Committee, it is always parking and rubbish that are raised.
- 4.75 The Councillor for Rogerstone West said her perception was that the number of HMOs was growing. She also said that she felt there was some ambiguity over the way it is determined whether a property falls within the 50m circle or not. She has sat on the Planning Committee and has felt that the circle can be adjusted to the most advantageous position – different results on whether the circle touched the front or back of a property. If below the threshold even by a very small margin, then Councillors are advised that they cannot refuse the application.
- 4.76 The ward member for Rogerstone West also said, “People are concerned about the untidiness and the lack of care for the area and people argue it changes the character of an area.” She recognised from the experience of one of her own family the important contribution made to housing but “they do contribute more to rubbish because it is always someone else rubbish, it’s like the mail that piles in the doorway, it is always someone else’s junk.” She felt there should be greater emphasis put on landlords to make sure rubbish and recycling is dealt with effectively. The view has been expressed to her that it is the unregulated HMOs that are the problem and give the others a bad name.
- 4.77 She also expressed concern about the cost of appeals; when an application is rejected an appeal is routinely made and the costs are a concern.

- 4.78 The member for Beechwood did say that in his ward the HMOs are more like flats in that they are managed well but he has noticed as necessary increase in rubbish around the HMOs. He did express concern about some HMO residents potentially from vulnerable backgrounds moving into family communities. A local street surgery was carried out and he said that 99% of residents did not want HMOs in the streets – their principal concerns were parking as they struggle to park already and the impact on the community of non-family type residents.

Councillors 15 November 2022

- 4.79 Online meeting attended by eleven Councillors representing Stow Hill (two), Beechwood (two, one of whom is the Deputy Leader of the Council and also Cabinet Member for Education), Rogerstone, Pillgwenilly (two), St Julians and Victoria (two).
- 4.80 One ward member for Stow Hill made an opening statement the general sentiments of which were echoed repeatedly by other Members. *“Obviously, like my colleague, I’m very worried about what is going on in Stow Hill. We’ve got the highest number of HMOs of anywhere in the city. We’re aware of the link with antisocial behaviour and disruption to our communities, who are old established residential communities. At the moment, we seem to be working off a set of rules which are not being adhered to. We advise our residents on the grounds on which HMOs will be granted and we’ve found recently that those basic rules appear to be being broken. We don’t understand the reasons behind this and certainly I don’t think the state of affairs can continue, so we’re looking for a solution to this.”*
- 4.81 The other Stow Hill member was concerned that approval had been granted even where the 15% threshold had been exceeded. *“... we have a situation where the officers have gone against even the 15% they permitted, admitting that they’ve gone above the 15%. That has annoyed my residents no end. At least up to that point they believed the council is on their side. It wasn’t the appeal, but it was the planning authority itself. I would be interested in any information that will give them some redress short of the judicial review, which.... is expensive.”* Comments were made that on occasions planning officers will recommend approval after taking into account the tenor of recent appeal decisions; they are recognising that there is a good chance that a refusal may be overturned with the added risk of a costs award.
- 4.82 A member for Stow Hill stated that there was a clear need for housing but would want to see HMOs spread around the city rather than have concentrations in particular areas.
- 4.83 A Beechwood ward member said that, in a previous capacity with responsibility for planning, she had met a representative of the Planning Inspectorate Wales who came to speak to the planning committee with regard to their role specifically in relation to HMOs. He gave a talk to the Planning Committee, and she found the presentation *“quite disillusioning as I found his approach very subjective.”*
- 4.84 *“Effectively in Wales, no one inspects Planning Inspectorate Wales, there’s no comparative work done with one another, so you’re very much at the will and whim of the individual that actually visits the planning appeal at that point in time. The planning inspector, what he actually said was, he comes with a set of criteria. His specific set of criteria is to walk down the street and to look at the lettings boards and he counts them. Now, in a city such as Swansea or in Cardiff, that’s wholly appropriate because it reflects the amount of student accommodation. In Newport, there are very few lettings boards, it’s not an adequate measure. So, therefore, if you are actually going to use that as a measure in Newport, where HMOs are, it does not reflect the number. He’s used that as a measure in Newport and he goes, “there are no lettings boards, so therefore I cannot see that there is an issue in relation to overcrowding this area.”*

- 4.85 She also expressed particular concern about the parking reports and mentioned a case where the ward Members had insisted that Council officers carry out their own parking assessments and on the basis of the results the application was refused. For the appeal, the applicant had produced his own parking survey the results of which were entirely different from those of the Council survey. *“... as soon as we know that an applicant has gone to appeal, we know we’ll get Planning Inspectorate Wales coming in, and they will accept the application on the subjective information that they are applying to it.”*
- 4.86 The ward member for Beechwood said in her experience one company in particular would not take photographs at six of seven o’clock when parking pressure is at its highest. She had direct experience of an HMO application in the terrace where she lived. She had undertaken her own survey in the early evening with all spaces taken. The property owner submitted his own parking survey and presented a completely different picture. The Planning Inspector accepted the evidence put in by the applicant.
- 4.87 The ward member for St Julians said that he had written to the Welsh Assembly through his MS as he and fellow Councillor were so disillusioned with the Planning Inspectorate. With regard to St Julians, there are about 55 HMOs, all concentrated towards the city end of the ward. He would like to see reduction in the number of HMOs. *“We all want young professionals; we would bus them in if we possibly could. Our HMOs, with the exception of one, do not attract young professionals. The one that is the exception is a ten person HMO, which is virtually rented by the Royal Gwent Hospital, so when they get people in for training, they put them in there because it’s cheaper than using a hotel.”*
- 4.88 The ward member went on to express concern about both the 15% threshold which he felt was too high and also the 50m radius; in particular the line cutting through curtilages. The parking surveys are a concern; he would like to see them carried out by the Council to ensure the results were fair and the applicants recharged. As to future restriction of growth *“...we have the problem already and none of us expect or could even suggest that HMOs at some point in the future, are going to magically turn back into family residences.... Three things I would like to achieve, decrease the percentage, increase the radius, and regulate the parking surveys.”*
- 4.89 One ward member for Pillgwenlly said he specifically agreed with those three points. He favoured going from a 50m radius to a 100m radius although the approach could be tailored to individual wards for example as a neighbourhood plan for wards such as Stow Hill, Victoria, Allt-yr-yn, Pillgwenlly, St Julians and Beechwood. *“In terms of parking as well, as [others] mentioned I think if we go down the route of having some sort of independent assessor, it doesn’t necessarily have to be from the developer, or the council even.”*
- 4.90 A ward member for Stow Hill also supported the view that the 50m radius was insufficient – the test misses HMO on the same street – a street-based assessment would be preferable. *“We have streets, and they have developed into a community as people moved out and other people moved in. We have got one in Stow Hill, like York Place, and really the 50 metres is meaningless there because what you’ve got to do is take the whole street, because the whole street contains quite a lot of HMOs, which a 50-metre test would exclude. Therefore, the planning officers would feel pushed by the fear of the inspector at an appeal, to actually recommend approval. Actually, if they take the street, and the issues the street faces in terms of community cohesion and parking issues and other things, they actually would not hesitate about recommending refusal.”*
- 4.91 He said the independence of the parking surveys was a genuine concern; the applicant clearly has a vested interest in the outcome of the application. *“The SPG or the policy ought to really address that issue that the parking survey should not be conducted by the applicant themselves ... Public transport and cycling (bike storage) should be looked at too to ease parking.”* He stressed the importance of rubbish storage and recycling being dealt with effectively to community cohesion and in some streets where there are HMOs this not always happen.

- 4.92 In particular with parking, he was concerned about flat conversions where approvals were given with no parking provision being required. The application form will ask if any parking is required and the applicant answers 'no'. *It's in an area where there is no off-street parking, and the applicant does not provide on-street. There is no free on-street parking, and the applicant does not provide off-street parking. It is a bit of a joke, and I think we ought to really address these issues.*"
- 4.93 A further point was made by the Councillor for Beechwood in respect of the 50m radius. She said that when the line intersects the boundary of a super output area, the guidance may ignore properties on the side of a road opposite to the application because they are in a different SOA. [This was not discussed further at the meeting but may well relate to paragraph 5.5.6 in the SPG which deals with the procedure if the radius fails to capture a minimum of ten dwellings – the nearest 10 dwellings from the same side of the street as the proposed HMO are selected.]
- 4.94 She went on to make points about the condition and management of properties. She feels that, whilst Rent Smart Wales is a good piece of legislation, it lacks teeth – *"landlords sign up but there is no recourse for tenants in relation to how their properties are kept and maintained."* Landlords should be accountable for their tenants; the way they handle recycling and the way they manage what's going on in the street. She drew a contrast with Swansea; notwithstanding the very high density of student accommodation the areas seem clean and tidy. Do they have greater penalties or apply them more?
- 4.95 Again, the question of the financial penalties used in England in respect of breaches of licence conditions and management regulations was raised (and again mentioned that this was an issue for the Welsh Government not the local authority).
- 4.96 A ward member for Stow Hill also raised the issue of rubbish and referred to some poorly managed flat conversions in larger properties mixed in with HMOs – and there is also the issue with some residents from a demographic very similar to some of those occupying HMOs where there are management problems. In York Place, there were difficulties with properties owned by a community (social) landlord who were not supervising their vulnerable tenants well. The issue of problems at a property managed by Clear Springs to provide accommodation for refugees was also mentioned.
- 4.97 The issue of unlicensed HMOs was raised by the ward Member for Beechwood. A ward member for St Julians said he was aware of unlicensed HMOs in that ward and a ward member for Pillgwenlly said she thought there over forty unlicensed HMOs in her ward. There were comments to the effect that it appeared complaints were not taken seriously. There was discussion about differentiation within wards and a member for St Julians talked specifically about lower-level super output areas which allow more fine-grained analysis. He referred specifically to the document used in support of the thresholds referred to us earlier, *"... where are the problem areas? I'm going to quote from a document that's headed 'Houses in Multiple Occupation - Evidence to Support the Council's HMO threshold Stance'"*. It is a very useful document as it correlates complaints and HMO numbers at LSOA level. *"In my own St Julians ward, at the time that that report was written there are more HMOs now than at the time that the report was written. We've got 54 HMOs in St Julians, 44 of them are in two LSO areas, and that's the areas closest to the city exactly where you'd expect. So, we've got another six LSOs in there which only have four HMOs between them, so this is coming back to the point of concentration of HMOs."* Preferable for any threshold concentrations to be based at LSOA level rather than ward level.
- 4.98 Further comments related to HMO applications being considered by Committee rather than Officer decisions. Some Members felt that they were being denied the option to have applications debated at Committee

where they could represent the views of their constituents. There was a further comment about the noise insulation requirement in the SPG not being carried out.

^{4.99} After further discussion about the enforcement of HMO standards and discovery of unlicensed HMOs a ward member for St Julians said that he accepted all the enforcement powers existed. However, Newport had been subject to severe financial constraints for the past ten years and this had meant that environmental health teams did not have appropriate resources to police HMOs as robustly as they might.

University of South Wales 13 February 2023

^{4.100} As discussed at para 3.6 in the section dealing with RCT, a meeting was held with the Director of Student Services and Principal Safeguarding Officer on the 13 February 2023. As the University covers all three Council areas, notes from the meeting are set out at Appendix G. A number of points were relevant in respect of Newport.

^{4.101} A lot of students commute to Newport; some continue to live at family homes and students at the Newport campus are mostly post graduate. As with RCT there had been a recent issue with international students arriving with their families “We are not talking one child of school age or under school age, three or four children ranging in ages, up to teenagers.” As at RCT, these students were tending to find accommodation further away from the campuses – stretching the parameters of their visas.

Landlords 19 December 2022

^{4.102} As discussed in the section on Rhondda Cynon Taf, an online meeting was held with two portfolio landlords on the 19 December 2020. One the landlords is a prominent member of landlord organisations (LL1). The other landlord (LL2) said that he had been a landlord for over 30 years and was now slowing selling HMOs in his portfolio. The other landlord (LL2) said that he had been a landlord for over 30 years and was now slowing selling HMOs in his portfolio. LL1 said that he had properties in Cardiff and also Treforest.

^{4.103} The references to Newport were limited – mainly that demand is primarily driven by the hospitals rather students. With reference to Planning Inspectorate decisions in Newport: *“Newport’s economy is completely different, no comparison with Cardiff. Is it because they don’t have the density of people to make this work? Each town has its own character, and they need to design policy that matches the ambition of the area.”* More detailed notes from the meeting are set out at Appendix H.

Key Messages from Stakeholder Consultation

The following messages appeared to be clear from the stakeholder meetings:

- The distribution of HMOs in Newport is significantly different from the distribution patterns in both Rhondda Cynon Taf and Cardiff with no substantial concentrations of student properties.
- The number of licensed HMOs is probably does not reflect the actual number of HMOs; this is suggested by both Census data and also by clear comments from elected Members.
- The number of students and student HMOs has decreased over recent years.
- The hospitals are a driver of HMO use.
- There are wards with higher concentrations of HMOs albeit with HMOs tending to be concentrated in particular LSOAs (often closer to the city centre) or along main roads.
- There is a difference in character between the east and west sides of the city (divided by the River Usk).
- Applications are often said to targeted at young transient professionals (especially on the east side) but there was both an officer reference and numerous elected member references to HMOs

housing residents from vulnerable groups in some areas where deprivation levels were higher (for example Pillgwenlly and Lliswerry).

- The HMO thresholds tend not to be exceeded when considering applications for change of use.
- The SPGs for both HMOs and parking need review to make them clearer, more focussed and appropriate down to LSOA level.
- There is concern particularly among Members about the manner in which the 50m radius operates; there was a consensus that there needs to be a more locally targeted approach when assessing concentrations in particular looking at street-based assessments, sandwiching, etc.
- There is concern particularly among Members about the manner in which the 50m radius operates; there was a consensus that there needs to be a more locally targeted approach when assessing concentrations in particular looking at street-based assessments, sandwiching, etc.
- There is considerable disenchantment among officers and elected Members with Planning and Environment Decisions Wales; there is a general feeling that Planning Inspectors dismiss local authority arguments citing the lack of objective supporting evidence but then allow appeals on the basis of subjective arrangements unsupported by evidence (for example that HMO residents tend not to have cars).
- The lack of accountability of Planning and Environment Decisions Wales is a significant concern to both officers and elected Members.
- Parking is a very serious concern with many streets having little or no off-street parking and HMO approvals potentially exacerbating problems.
- Both officers and elected Members have concerns about the objectivity of parking surveys submitted by HMO applicants.
- The proliferation of letting boards has not been a concern in Newport.
- There has been concern over the allowing of appeals in respect of HMOs with ground floor bedrooms in flood risk areas.
- Some overseas students have brought dependent relatives including children including teenagers.
- There appears to be an emerging trend of properties being used as Airbnbs
- Newport is a centre for dispersed accommodation and there is concern about the planning status of some properties used for this purpose (and with other hotel type accommodation)
- There is strong public opposition to HMO growth.
- Anti-social behaviour is an issue which extends beyond HMOs.

Relevant policies in existing LDP and SPG

^{4.104}The Newport LDP was adopted in January 2015 to cover the period up until 2026. Supplementary Planning Guidance: Houses In Multiple Occupation (HMOs) was adopted in August 2015 and updated in January 2017 and the Supplementary Planning Guidance: Flat Conversions was originally adopted in August 2015 and was updated in October 2021. Supplementary Planning Guidance: Parking Standards was adopted in August 2015.

^{4.105}As with Rhondda Cynon Taf, the existing LDP was adopted well before the 2016 changes to the Use Classes Order and therefore the policies were formulated at a time when planning permission was required for only for change of use to large “sui generis” HMOs. Accordingly, the references in the SPG to LDP policies (upon which it is intended to provide supplementary guidance) do not contain any explicit references to small HMOs.

^{4.106}As with Rhondda Cynon Taf, the SPG refers to policies in PPW (then Edition 9, November 2016) in particular at 3.1.7 that the planning system does not exist to protect individual private interests – “Proposals should be considered in terms of their effect on amenity and existing use of land and buildings in the public interest”. There is then a particular reference to TAN15 which deals with development and flood risk both in terms of

Flood Consequence Assessments where appropriate but also the unacceptability of resident development in especially vulnerable locations.

^{4.107} With regard to local planning policies in the LDP the following were referred to:

Policy GP2 – General Amenity

Development will be permitted where, as applicable:

- (i) there will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;*
- (ii) the proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;*
- (iii) the proposal seeks to design out the opportunity for crime and anti-social behaviour;*
- (iv) the proposal promotes inclusive design both for the built development and access within and around the development;*
- (v) adequate amenity for future occupiers.*

Policy H2 (Housing Standards)

“Residential development should be built to high standards of environmental and sustainable design, taking into account the whole life of the dwelling.”

^{4.108} Excerpt of supporting text:

“Residential development of all types, whether new development, redevelopment, conversions, extensions or changes of use, should be carried out in as sustainable way as possible, to reduce the impact on the environment both of the construction and subsequent use of the dwelling.”

Policy H8 - Self Contained Accommodation and Houses in Multiple Occupation

- (i) Within the defined settlement boundaries, proposals to subdivide a property into self-contained accommodation, bedsits or a house in multiple occupation will only be permitted if:*
- (ii) the scale and intensity of use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems;*
- (iii) the proposal does not create an over concentration of houses in multiple occupation in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock;*
- (iv) adequate noise insulation is provided;*
- (v) adequate amenity for future occupiers.*

Policy SP3 (Flood Risk)

“Newport’s coastal and riverside location necessitates that development be directed away from areas where flood risk is identified as a constraint and ensure that the risk of flooding is not increased elsewhere. Development will only be permitted in flood risk areas in accordance with national guidance. Where appropriate a detailed technical assessment will be required to ensure that the development is designed to cope with the threat and consequences of flooding over its lifetime. Sustainable solutions to manage flood risk should be prioritised.”

4.109 Specific policies in the SPG are as below:

5.3 Parking provision

5.3.1 Parking provision must comply with the Newport City Council Parking Standards Supplementary Planning Guidance 2015. Schemes that meet those requirements only by sacrificing entire amenity spaces are unlikely to be acceptable. The council will resist the loss of traditional front gardens and boundary treatments, both of which are important features in a streetscape.

5.3.2 Parking spaces must be capable of independent use (tandem parking will not be acceptable), and parking areas must allow vehicles to manoeuvre in a safe manner. To this end, developers may need to provide turning areas that allow vehicles to enter and leave the site in a forward gear. Visibility requirements for driveways and openings will vary according to local traffic speeds.

4.110 Parking provision has to comply with Newport's Parking Standards SPG. The Council states that it will resist the sacrificing of entire amenity spaces and will also resist the loss of traditional front gardens and boundary treatments.

4.111 The Parking Spaces SPG uses a zoning system. It is Zone 3: Urban that is the most relevant to HMOs:

"Very much part of a substantial built-up area with a number of basic local facilities within 400m walking distance. A range of bus routes offering up to 6 buses per hour; the range of destinations offering practical access to most but not all essential facilities. The curtilage of the site restricts, to an extent, what car parking can be provided. There are likely to be some restrictions on on-street parking and other available off-street parking is severely limited or non-existent."

4.112 Paragraph 6.1 sets out the factors the factors taken into account in assessing parking requirements:

- accessibility to and the service provided by the public transport system;
- the availability of private buses or the extent of car-pooling;
- the relative proportions of full time / part time / local catchment of labour;
- accessibility by walking and cycling;
- the existing and possible future congestion in streets adjacent to the development;
- accessibility to and the availability of public and/or private car parking space in the vicinity.

4.113 To illustrate the operation of the policy the SPG gives several case studies. The most relevant is the theoretical conversion of a large 3 storey 5 bed roomed house in Zone 3 into three one-bedroom flats:

"The parking requirement for the original house is three parking spaces, but given the age of the property, these may not actually be present. The parking requirement for the flats is one space per bedroom. Three parking spaces are therefore required in theory. These should, if possible, be provided at the rear of the premises. If the site has no existing parking, the conversion will not require any although it would be desirable to gain these parking spaces. If the site is too small to accommodate three cars and the house fronts a local road that is not a bus route and kerbside parking pressure is not evident then an allowance of on-street parking immediately outside may be possible. Local circumstances should always dictate the approach to be taken."

4.114 Paragraph 7.8 of the Parking Space SPG deals with Land Use. It refers specifically to the Town and Country (Use Classes) Order 1987 but as the adoption of the SPG predated the 2016 changes to the Use Classes Order so there is reference to C3 but not C4. The land use includes general purpose houses and flats, and paragraph 9.0 sets out the parking standards by land use. In Zones 2 – 6, the requirements are as at Fig 30 below:

^{4.115}The SPG does contain at Appendix 5 a chart which sets out how the number of parking spaces may be reduced having regard to sustainability points awarded to reflect developments that meet set criteria in respect of walking distance to local facilities, public transport, cycle route(s) and the frequency of the local public transport. For example, local facilities include a food store, chemist, post office, health-care facility, and school accessible within 200m, 400m and 800m results in an award of 3, 2 or 1 sustainability points. Access to two of these within the same walking distance will score single points, double if there is access to a district centre. There are additional points for a school. there are points for access to a bus stop up to 800m away with additional points dependent on frequency of the service. With residential developments, 10 points leads to a reduction of 2 spaces, and 7 points to a reduction of 1 space.

Figure 30: Number of parking spaces required per Type of Development.

Type of development	Residents	Visitors
Conversions to bedsits (including HMOs)	1 space per bedsit	1 space per 5 units
Conversions to self-contained apartments	1 space per bedsit 1 space per 5 units	1 space per 5 units

5.4 Amenity considerations

5.4.1 Rooms should be arranged and designed in a manner that maximises the living standards of occupants. For instance, living rooms, kitchens and bedrooms should neither overlook adjoining properties nor face high boundary walls. Living rooms, moreover, should not be next to, directly above or directly below a bedroom in a neighbouring property.

5.4.2 Conversion schemes must reduce the transmission of sound (e.g. music and televisions) between floors, ceilings and adjoining rooms or properties by means of acoustic insulation. The council will use planning conditions to ensure that residents have reasonable living standards.

5.4.3 HMOs should provide outdoor amenity spaces in which residents can relax, dry their clothes and store refuse and recycling bins. Shared amenity spaces will be acceptable so long as they can accommodate every resident of the properties that they serve. In certain locations, such as the city centre or one of the district centres, the council may relax its requirements in respect of amenity spaces. Every HMO, however, must provide storage space for refuse and recycling bins.

5.4.4 A rear passageway will be acceptable as a primary access point only if it is wide, well-lit and already used extensively for that purpose. In no circumstances may an HMO and a non-residential unit (e.g. a shop) share a single entrance.

5.4.5 The Council's Environmental Health (Housing Licensing) department provides guidance on room-size requirements for HMOs. In order to avoid complications, applicants ought to familiarise themselves with these standards before applying for planning permission.

5.5 Character of the area

5.5.1 National planning policy (Planning Policy Wales) requires local planning authorities to promote safe and attractive mixed-tenure communities. For the time being, though, HMOs are not evenly distributed throughout Newport. Certain electoral wards contain comparatively high numbers of HMOs, and the same is true for particular areas within those wards. Clusters of HMOs can alter the composition of a community and detract from local visual amenity. Some HMOs, for instance, may have poorly maintained exteriors and front gardens. Others may have had their front gardens turned into parking areas. Many such properties, moreover, increase demand for on-street parking, making surrounding roads noisier and more cluttered.

5.5.2 The Council must confine its assessment of an HMO proposal to material planning considerations. It cannot consider the circumstances or likely behaviour of prospective residents.

5.5.3 This guidance introduces a threshold above which HMOs are considered to detract from the character of an area. The council will apply this threshold to planning applications in order to manage the distribution of HMOs throughout Newport.

5.5.4 A two-tier threshold limit has been identified for use. In general, the council will not support a planning application that would take the number of HMOs, considered as a proportion of the local housing stock, above a specified limit. In “defined areas” (see the HMO Threshold Map on p. 18), this limit is 15%; in other areas, 10%. Proposals that exceed these figures will be unsuccessful unless their implementation, judged in the light of all other material considerations, would serve the public interest. When considering a planning application, the council will bear in mind existing approvals in the surrounding area, even if the approved HMOs are not yet operational.

5.5.5 It is usually those who live in proximity to HMOs who feel their negative effects most keenly. For each proposal, therefore, the Council will use a radius to identify an area in which to apply the threshold limits identified. This area will include all residential properties the entire principal elevations (normally the front walls) of which lie within a 50-metre radius of the application site. In order to achieve consistency, the council will use its online mapping system to establish the radial area for a given property.

5.5.6 In certain areas of Newport, such as those with large residential plots or comparatively sparse development patterns, a fifty-metre radius may capture only a handful of properties. In such cases, the council will apply the relevant threshold to an area that contains at least 10 dwellings. Should a fifty-metre radius fail to capture the required number of properties, the council will select the nearest 10 dwellings from the same side of the street as the proposed HMO.

5.5.7 A worked example for measuring the area of impact can be found on pp. 17-18. In practice the number of existing HMOs within the fifty-meter radius will be checked by the case officer using data provided by the Environmental Health Housing team to ensure the most up to date information is used.

^{4.116} The general threshold map has already been shown as Figure 18. The 15% threshold map is given on the next page. Detail is given in the SPG on the application of the policy to the worked example.

^{4.117} Figure 31 shows a residential property, outlined in red, at which a notional applicant wishes to create an HMO. 6.1.1 “A 50-metre radius, taken from the address point of the application site, creates a circular area for assessment. This area captures entire front elevations at 26 residential properties. Situated within the 50-metre radius are three licensed HMOs (denoted by green dots). Collectively, these constitute 11.5% (3 of 26 properties) of the selected housing stock. Were the proposal to proceed, however, HMOs would constitute 15.4% (4 of 26 properties) of that stock, exceeding the permitted threshold. The council, therefore, would

refuse this application unless its implementation, judged in the light of all other material considerations, would serve the public interest.”

SPG Flat Conversions October 2021

This policy adopted in August 2015 and revised in October 2021 does make specific reference to HMOs but only in the context of reiterating the Policy H8 (Self-contained Accommodation and Houses in Multiple Occupation) already referred to above at paragraph 4.108.

Figure 31: HMO boundary for Newport.



Appeals to Planning and Environment Decisions Wales

- ^{4.118} As at paragraph 3.91, it should be noted that from the 1st of October 2021 organisation responsible for dealing with planning appeals, formerly known as the Planning Inspectorate, is Planning and Environment Decisions Wales (PEDW)
- ^{4.119} Eighteen appeal decisions were considered in respect of change of use to C4 and/or new HMO development (a schedule of the cases is provided at Appendix F). The earliest was a case in 2014, the remainder were 2016 onwards. The HMO SPG was updated in January 2017. Consistent issues in appeal cases were parking and highway safety, impact on the character and amenity of the area and in particular anti-social behaviour, rubbish, litter, petty crime, etc and also implications for the safety and living conditions of prospective occupiers (in particular in respect of flood risk)
- ^{4.120} Of the eighteen decisions, in only two cases were the appeals dismissed and one of these was in 2014. In that case⁶⁹, the proposal was to convert a house to a sui generis HMO. The then prevailing Parking Standards indicated a total of nine spaces would be required. The Inspector said, *“In my view, therefore, a total provision of 9no spaces is not an unreasonable requirement.”* The Council acknowledged the existence of on street parking in the vicinity of the subject property, but the Inspector said *“Although not evident at the time of my visit, the Council and other interested parties confirmed that the pressure for this parking is great. Consequently, I am of the view that the availability of on street parking along this busy main road could not be relied upon to provide alternative parking provision... the proposal would be likely to result in inadequate parking provision within the site for the proposed use leading to indiscriminate parking and an increased pressure on on-street parking to the detriment of highway safety”*.
- ^{4.121} The appellant had argued that the HMO would be used by students and so have a lower rate of car ownership. *“However, there is no compelling evidence before me to substantiate this view.”* Indeed, there were apparently three existing students each with a car. The Inspector did consider the proximity to the university cite and the alternatives to car ownership. There were two bus routes nearby with regular services and an alternative stepped route for pedestrian or cycle access.
- ^{4.122} The appeal was dismissed, primarily for the harm in highway safety terms.
- ^{4.123} The approach in this case, which many might consider to be entirely reasonable, seems to contrast strongly with decisions in the run of cases thereafter. In none of those where increasing pressure on on-street parking and potential impact on highway safety has been argued by the Council and residents/elected Members making representations has an appeal been dismissed. In many cases the appellant has produced a parking survey to support their appeal and where there has been evidence to counter this from the Council and/or local objectors Inspectors have preferred the evidence of the appellant.
- ^{4.124} In one case⁷⁰ the subject property was located in street of terraced houses (closed at one end) with all the surrounding streets of a similar nature. The applicant was to convert a house to a 5 bed HMO; accordingly, the Council's Parking SPG meant that 6 spaces would be required. The Inspector noted that the subject property was in a *“highly sustainable location close to a major arterial route that is well served by bus. There are local shops and a school nearby. The site is also within walking distance of [two] District Centres with a wide range of shops, restaurants and services. It is therefore a location where walking and cycling would be a realistic alternative to the car. The location and the type of accommodation proposed mean that the*

⁶⁹ APP/G6935/A/14/2214123

⁷⁰ CAS-01786-S4X0Y7

proposal is likely to be attractive to those without a car. The proposal provides for cycle storage facilities to the rear, which would support a modal shift away from cars, as advocated in PPW.”

- 4.125 However, the Inspector accepted that it was possible that some residents of the proposed HMO may have cars and accordingly the implications of the potentially increased parking demand had to be assessed. The appellant had submitted a parking survey on those portions of the streets within a 200m radius using a methodology approved by the Council (presumably the Lambeth methodology). This showed a high demand for parking with 96% of the 167 potentially available being occupied. The results were supported by evidence from both the Council and local residents who referred to there being no available spaces on local streets. Three of the six spaces were on the B4237 and on sloping road on the other side of the B4237.
- 4.126 Residents had referred to congestion and problems caused by illegal parking (and action taken by the authorities in respect of such parking). *“It may be that some people park inconsiderately or even illegally. That is regrettable but there are relevant laws and restrictions available to control illegal parking and planning decisions can only reasonably be based on the premise that such laws and restrictions will be appropriately enforced.”*
- 4.127 The Inspector concluded that *“The only substantive issue of harm in this case is the impact of the proposal on car parking in the area. It is common ground amongst all the parties that the on-street parking within 200m of the site is at near capacity. This demand means that people have to park further away from their homes on occasion. This is not unusual in a dense urban location of terraced streets, where car ownership has increased over time to render on-street parking a matter of some inconvenience owing to competition. Indeed, such inconvenience may encourage some motorists to use public transport, cycle or to walk, as advocated by Planning Policy Wales.”*
- 4.128 *“I give considerable weight to the sustainability of the development in this location. I consider that this type of accommodation is likely to be attractive to those without a car. The rigid application of parking standards is not appropriate in the circumstances of this case. I do not consider that the proposal would give rise to significant concerns regarding highway or pedestrian safety. The issues raised primarily relate to matters of convenience, which are not sufficient to warrant refusal of the proposal.”*
- 4.129 This particular case had in fact been highlighted by Planning Officers at the stakeholder meeting before the appeal decision was published. They had anticipated the appeal would be upheld notwithstanding the fact the appellant and the Council in effect agreed that in reality there was little or non-on-street parking. They said they anticipated the sustainability argument being given greater weight than the concerns over parking and highway safety. Parking and highway safety has been a major issue in virtually all the HMO appeal cases. Portions of the decision have been quoted directly as they illustrate the reasoning which appears to predominate in cases post 2016.
- 4.130 In essence, the decisions appear to say that if a proposed HMO is in a sustainable location (nearby bus routes, proximity to shopping and other facilities, close to City Centre/University with walking, cycling and public transport, then greater weight will be given to this than even clearly foreseeable parking/highway safety concerns. Inspectors refer in particular to the paragraphs on car parking in PPW Edition 11 (and its predecessor Edition 10) especially paragraphs 4.1.50 and 4.1.52. The decisions state that the provision of parking in supplementary guidance/standards should maximum levels, not minimum levels, and that these should be applied flexibly to allow for the provision of lower levels of parking informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car. The general tenor of decisions should be that decisions support the PPW aim of a “modal shift to walking, cycling and public transport”.

- 4.131 The parking paragraphs in the PPW refer only to “development”; the wording does seem to suggest that they are particularly aimed at new build as opposed to development in existing areas. The general tenor of decisions post 2016 does seem to suggest, having regard to the PPW, the ability of a local planning authority to restrict development which could be anticipated to increase parking demand in an area with existing high parking stress is substantially curtailed. This approach does at odds with the rather more pragmatic approach taken in the 2014 case referred to above at paragraph 4.109 onwards⁷¹.
- 4.132 As stated above, it does seem where there is parking evidence from the appellant and from the Council/local people the appellant evidence will be preferred, that in some cases Inspectors have indicated that car ownership in HMOs tends to be lower without referring to support evidence (although in CAS-01786-S4X0Y7 the Inspector did say “ Whilst both sides of the argument opined freely on levels of car ownership amongst HMO occupants, little concrete evidence of actual levels was available.”
- 4.133 A number of decisions have Inspectors stating that they have not encountered difficulties parking to carry out their inspections although they generally acknowledge that their visit was made at a time when parking demand is low.
- 4.134 In one earlier case⁷², in respect of car parking in a street with closed end and very heavy parking by a hospital, application of the Council's Parking SPG would have required an additional eight parking spaces (shortfall five spaces). The Inspector referred to the accessibility/sustainability argument, the statement in the SPG where off street parking is not available to in effect waive the need of additional spaces and the appellant’s parking survey which stated “.... The survey provides evidence that there is ample on-street parking capacity to accommodate the anticipated on-street parking associated with the development.” She referred to her own experience in finding a parking space without difficulty at 13:30. She noted the comments made by local residents about parking on double yellow lines but again the argument was made that planning decisions can only be made on the assumption that laws and restrictions will be effectively enforced. The appeal was allowed.
- 4.135 The HMO SPG does refer to concentration thresholds with 15% applying across a broad area – essentially in wards close to the town centres and 10% elsewhere. This is because of the potential adverse effect on the character and amenity of the area. In reality in the vast majority of cases the 15% threshold has not been exceeded and where it has been the general response has been (even from the local authority officers) that one additional HMO will not have a substantial effect. The general line adopted by the Inspectors has been that they will look for specific evidence of adverse effects such as rubbish, littering, letting signs and a number of decisions have stated that these issues were not evident during their inspection. Decisions have referred to the lack of clear evidence to support concerns over noise, anti-social behaviour and crime.
- 4.136 One example of the approach to the concerns of local residents is illustrated by the following statement in one case “I appreciate that local residents have genuine concerns about the potential for an increase in noise, crime and anti-social behaviour. However, I find there is insufficient evidence to substantiate the local residents’ concerns. Crime and disorder do not seem to me to be a predictable consequence of HMOs as opposed to single occupation of dwellings, but rather a matter of individual behaviour and suitable management. If such behaviour did occur, as with any local resident, the local authority and police have powers to deal with it.”⁷³ It may be noted that the EcoTEC report⁷⁴ referred to earlier at paragraph 2.49 and

⁷¹ APP/G6935/A/14/2214123

⁷² APP/G6935/A/18/3212158

⁷³ APP/G6935/A/20/3254249

⁷⁴ Evidence Gathering – Housing in Multiple Occupation and possible planning responses, CLG, ECOTEC at p. 44

the 2015 report on HMOs to the Welsh Government did in fact find that there is a greater likelihood of anti-social behaviour and related issues associated with concentrations of HMOs⁷⁵

- 4.137 In the case referred to earlier at paragraph 4.134, the HMO concentration was 9%. The Council did provide statistical data in respect of complaints received by the environmental health team and reported crime, but the Inspector said there no information regarding the individual address or details of the type of incident. *“I appreciate that local residents and the Council have genuine concerns about the potential for an increase in anti-social behaviour. I have had regard to the Council’s research but there is no firm evidence, for example from Police records, if there have been any such occurrences in the locality they are attributable to occupants of the property at issue or others in the street.”* As above, the appeal was allowed.
- 4.138 A particular concern of planning officers has related to flood risk. There are areas in Newport which are close to the River Usk and are in Flood Zone C1. TAN 15 advises that new development should be directed away from Zone C. Natural Resources Wales has confirmed that as no new dwelling is proposed (as here, where conversion of an existing house was proposed) it considers the flood risk to be acceptable. It advises that the developer should be made aware of the potential flood risk and be advised to install flood-proofing measures. The proposal was conversion of an existing C4 dwelling to a 4 bedrooms C4 HMO.
- 4.139 The Council was concerned because one of the four bedrooms (which would be the only space of which a potential occupant would have excluded possession) would be at a higher risk of flooding. The subject property is approximately 70 m from the banks of the Usk (on the opposite side of the street separated by a strip of vacant brownfield land. The Council was concerned flooding could cause serious problems for such an occupant if all first-floor rooms were locked (as realistically is likely in an HMO) and possessions could be damaged or lost.
- 4.140 The decision stated: *“The submitted drawings show that there is a generous landing area at first floor that would provide adequate temporary refuge in the event of a serious flooding incident. The appellant points out that a first-floor store room would also be available in such circumstance. Whilst the resultant loss of possessions would disproportionately affect the occupier of the ground floor bedroom this risk does not justify withholding permission”.* As there would be warning of a flood, the appeal was allowed, and this line was taken in two other cases.
- 4.141 The decision makes no reference to issues such as flooding persisting for a period, the fact that substantial flooding may make the ground floor of a property uninhabitable for a significant period of time and also that the occupier of the room might be away for example on holiday at the time of any flooding. It also begs the question in respect of shared facilities in particular the kitchen which is likely to be on the ground floor. In a more recent case⁷⁶, there was a potential refuge on a landing, but it was very limited in size. There was also access to the roof space but only via a telescopic ladder. The appeal was dismissed.
- 4.142 Notwithstanding the lack of objection from Natural Resources Wales based on the nature of the proposal, the submitted Flood Consequence Assessment fails to demonstrate that the tolerable conditions set in TAN 15 can be achieved and that access/egress routes from the property would remain flood-free during an event. As such, there is a real and appreciable risk to life and property as a result of flooding.
- 4.143 Comments on decisions by Planning and Environment Decisions Wales are made in part 6.

⁷⁵ See paragraphs 2.56 onwards

⁷⁶ CAS-01957-T4T0Q8

5. Cardiff Council

Introduction

- 5.1 Since 1955, Cardiff has been recognised as the capital city of Wales. It is located in the south east of Wales on the River Taff which, along with the River Ely, flows into the freshwater Cardiff Bay which in turn opens into the Bristol Channel. A third river, the Rhymney flows through the east of the city directly into the Channel. Cardiff Council, a unitary authority, was constituted in its present form by the Local Government (Wales) Act 1994, combining Cardiff with part of the former South Glamorgan County Council. One the twenty-two principal areas, it is formally titled the City and County of Cardiff. In addition to its role as the capital city, Cardiff is the home of the Senedd, the Welsh Parliament and is the main commercial centre of the country.
- 5.2 The city has a long and colourful history. Four Neolithic burial chambers have been found within 10 miles of the city centre indicating settlement dating back six millennia. A Roman invasion in the first century led to the establishment of a timber fort covering four hectares, before the Romans withdrew in the fifth century. During the latter part of the first millennium, Vikings invaded parts of Wales and used Cardiff as a base and a port. The arrival of the Normans in the eleventh century led to the construction of a keep which became Cardiff Castle.
- 5.3 The Bute family played a substantial role in the development of Cardiff with a legacy still visible today but the coming of the Industrial Revolution was the major catalyst for growth, in particular the coal and iron ore mines around Merthyr Tydfil. The opening of the Glamorganshire Canal in 1794 allowed ready movement of coal and iron ore to Cardiff and the first Cardiff dock was built in 1798. The arrival of the railways in the mid nineteenth century connecting Cardiff with more mining and industrial areas in the valleys promoted further growth. The port was repeatedly expanded to become the largest coal exporting port in the world, only for that trade to reduce dramatically after the First World War and cease completely in 1963.
- 5.4 The late 20th and early 21st centuries saw a shift from an industrial to a service-based economy, with developments in sectors like finance, technology, and tourism. Major projects, like the redevelopment of Cardiff Bay, have redefined the city's landscape, blending its industrial heritage with modern urban living.
- 5.5 The total area covered by Cardiff Council is approximately 140 square kilometres (54 square miles). The population is around 362,000, with some 157,000 households. Some notable suburbs are Roath, Canton, Llandaff and Pontcanna.
- 5.6 Wages in Cardiff are slightly higher than the average in the rest of Wales. It also shows a slightly lower unemployment rate than the rest of Wales, reflecting the city's diverse and dynamic economy. The average life expectancy in Cardiff is around 79 years for males and 83 years for females, which is fairly consistent with the national averages for Wales and the UK. The city is served by the Cardiff and Vale University Health Board, which provides a range of healthcare services. Cardiff has several major hospitals, including the University Hospital of Wales, which is the largest hospital in Wales.
- 5.7 Higher education is a vital component of Cardiff's educational and cultural landscape (and indeed its economy). Cardiff is home to several higher education institutions, the most prominent being Cardiff University, Cardiff Metropolitan University, and the University of South Wales. These institutions cater to a wide range of academic disciplines, attracting students from across the UK and internationally.

- 5.8 HMOs are a significant aspect of the housing landscape in Cardiff, especially given the city's large student population and the high demand for affordable rental accommodation. Certain areas of Cardiff, such as Cathays and Roath, have a high density of HMOs. These areas are popular among students and young professionals due to their proximity to universities and the city centre. The concentration of HMOs can lead to issues like parking congestion, increased noise, and waste management challenges.
- 5.9 Due to the density of HMOs, prior to the introduction of the option for planning control for smaller HMOs in 2016, Cardiff introduced additional licensing; firstly in the whole of the Cathays Ward in July 2010 and secondly in Plasnewydd (which encompasses much of Roath) in November 2014. Both schemes have been extended, twice in the case of Cathays, and additional licensing applies in both wards at the present time.

Concerns with HMOs

- 5.10 The table below shows the number of households, the number of households privately renting and the number of multi person households split into student occupiers and other occupiers. The explicit information in Census data in respect of HMOs is extremely limited and it is usual practice to use the multi person household as the best proxy for HMOs. The information is drawn from the 2021 Census and for comparison from the 2011 Census. The table shows all wards not simply those with higher concentrations to illustrate the distribution of MPHs across the whole of Cardiff. The MPH total was 8,871 in 2021; the latest total for licensed HMOs is 4,004. As indicated above, additional licensing in Cardiff covers two wards only (Cathays and Plasnewydd) not the whole district and so, whilst the majority of HMOs are in those two wards, a significant difference between the two totals would be expected, although perhaps not to the degree found. The additional licensing scheme in Plasnewydd does cover the whole ward; that in Cathays does not.
- 5.11 The tables show that in practice every ward contains some multi person households. The total number of MPHs across Cardiff has in fact decreased in the decade between 2021 and 2011 from 9,808 to 8,871, a fall of 13.7%. The fall is much less marked with student MPHs; from 3,219 to 3,186 (1.0%). The fall has been greater with non-student MPHs; from 6,589 to 5,685 (13.7%). The tables show that in 2011 there were 5 wards where the proportion of HMOs was above 10% and a further five where the proportions were between 5% and 10%. In 2021 the comparable figures are five above 10% and three between 5% and 10%.
- 5.12 As would be expected, the highest concentration of MPHs at 43.1% of all dwellings and 78.4% of privately rented dwellings is in Cathays. The total number of licensed HMOs in Cathays is 1,361. The Cathays MPH figures are closely followed by Gabalfa (18.8% and 52.5% respectively) and Plasnewydd 18.7% and 65.5% respectively). It should be borne in mind that that the number of households is significantly greater in Plasnewydd than Gabalfa (7,721 compared with 2,511). The numbers of licensed HMOs are 786 and 27 respectively (noting only mandatory licensing is in effect in Gabalfa).
- 5.13 It is not possible to produce a map showing distribution of MPHs across the whole district as Census data does not identify individual addresses. The number of MPHs per Census output area can be determined but in the low concentration areas but this would not necessarily be of any great value. A map showing licensed HMOs can be plotted as the address information is in the public domain and this has been done across the whole district as shown at Figure 36.

^{5.14} In looking at the distributions, it should be borne in mind that outside Cathays and Plasnewydd, the data is not “like for like” in that the information for Cathays and Plasnewydd includes HMOs licensed under the additional and mandatory schemes, elsewhere only properties subject to mandatory licensing. The Welsh mandatory scheme remains as enacted in 2006 (i.e. applicable to three storey properties with a minimum of five people and two households⁷⁷; the English scheme was modified in 2018 to remove the storey height requirement⁷⁸. All HMO types are covered by the additional licensing schemes (so two storey properties are licensable as are HMOs with just three people in working order or more households) and also including S257 HMOs. The Council's own online maps do appear to include properties considered to be HMOs as consequence of council tax data.

⁷⁷ The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (Wales) Order 2006 No. 1712

⁷⁸ The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018

Figure 32: Number of households privately renting and number of multi-person households by student and other occupiers according to the 2021 census by Country/Local Authority and Ward in Cardiff.

Cardiff: 2021 Census							
Country/Local Authority/Ward	Total Households	Private Rented	Student MPH	Other MPH	Total MPH	% MPH	% PR
Wales	1,347,117	452,918	6,368	23,617	29,985	2.20%	33.60%
Cardiff	147,333	61,467	3,188	5,683	8,871	6.00%	41.70%
Cathays	6,169	4,834	1,993	665	2,658	43.10%	78.40%
Gabalfa	2,511	1,318	178	293	471	18.80%	52.50%
Plasnewydd	7,721	5,058	670	770	1,440	18.70%	65.50%
Adamsdown	4,111	2,863	88	377	465	11.30%	69.60%
Butetown	5,488	3,709	38	528	566	10.30%	67.60%
Riverside (Cardiff)	6,169	3,380	34	349	383	6.20%	54.80%
Grangetown (Cardiff)	8,783	4,779	36	495	531	6.00%	54.40%
Splott	6,112	3,356	33	315	348	5.70%	54.90%
Canton	7,096	2,448	17	273	290	4.10%	34.50%
Llandaff North	3,479	1,323	5	95	100	2.90%	38.00%
Ely	6,232	3,504	2	167	169	2.70%	56.20%
Penylan	5,275	1,479	14	126	140	2.70%	28.00%
Heath (Cardiff)	5,177	1,009	15	121	136	2.60%	19.50%
Llanrumney	4,807	2,170	9	106	115	2.40%	45.10%
Pontprennau and Old St Mellons	4,909	1,413	2	109	111	2.30%	28.80%
Rumney	3,601	1,120	1	78	79	2.20%	31.10%
Trowbridge	7,009	3,436	6	138	144	2.10%	49.00%
Pentwyn	6,515	2,698	9	115	124	1.90%	41.40%
Caerau (Cardiff)	4,756	2,438	3	81	84	1.80%	51.30%
Llanishen	4,637	1,567	4	75	79	1.70%	33.80%
Fairwater (Cardiff)	5,878	2,286	4	76	80	1.40%	38.90%
Llandaff	3,756	677	1	50	51	1.40%	18.00%
Whitchurch and Tongwynlais	6,831	1,601	5	94	99	1.40%	23.40%
Cyncoed	4,185	617	6	45	51	1.20%	14.70%
Lisvane and Thornhill	4,507	785	2	51	53	1.20%	17.40%
Rhiwbina	5,036	572	4	51	55	1.10%	11.40%
Pentyrch and St Fagans	3,757	607	2	32	34	0.90%	16.20%
Radyr	2,823	423	5	10	15	0.50%	15.00%
TOTAL	147,330	61,470	3,186	5,685	8,871	6.00%	41.70%

Figure 33: Number of households privately renting and number of multi-person households by student and other occupiers according to the 2011 census by Country/Local Authority and Ward in Cardiff.

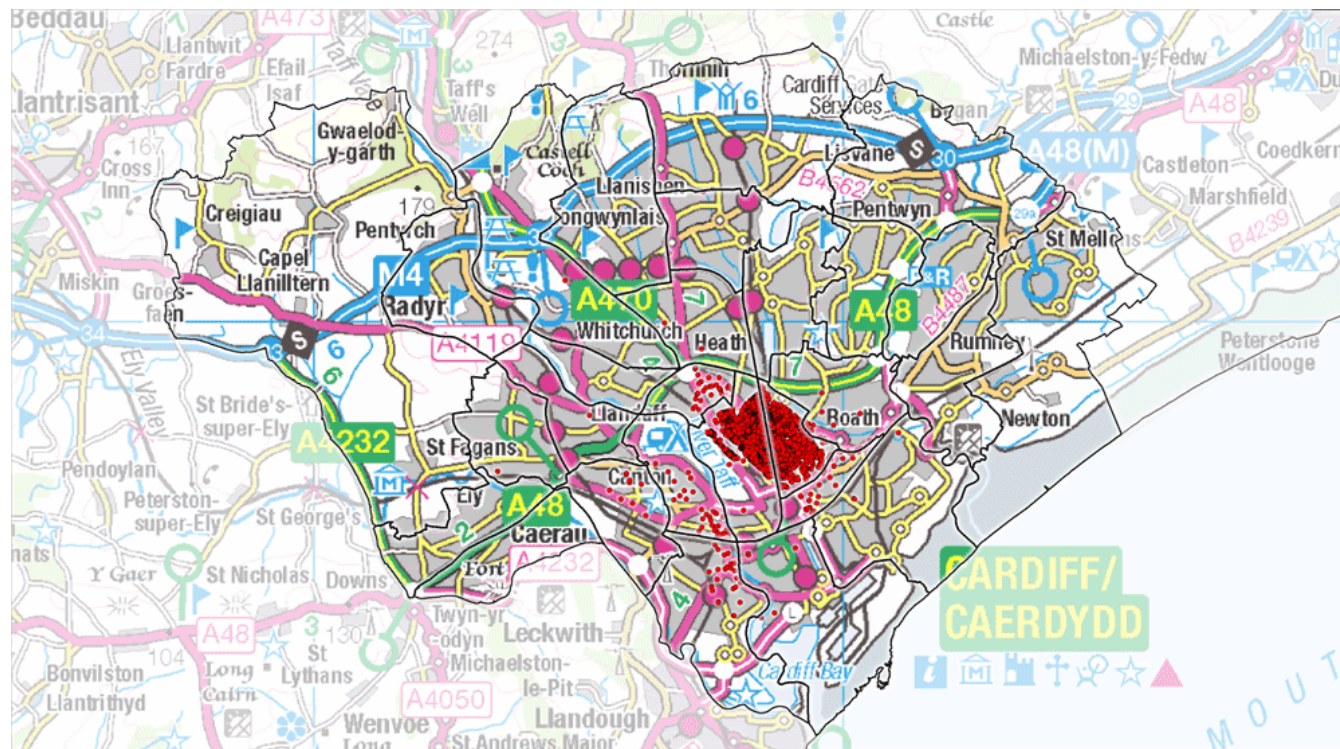
Cardiff: 2011 Census							
Country/Local Authority/Ward	Total Households	Private Rented	Student MPH	Other MPH	Total MPH	% MPH	% PR
Wales	1,302,676	419,546	7,794	28,553	36,347	2.80%	32.20%
Cardiff	142,557	57,656	3,219	6,589	9,808	6.90%	40.40%
Cathays	6,192	4,690	1806	750	2556	41.30%	75.70%
Plasnewydd	7,565	5,062	804	998	1802	23.80%	66.90%
Gabalfa	2,426	1,229	248	325	573	23.60%	50.70%
Butetown	5,368	3,654	63	614	677	12.60%	68.10%
Adamsdown	4,064	2,727	80	357	437	10.80%	67.10%
Riverside (Cardiff)	6,158	3,487	48	474	522	8.50%	56.60%
Grangetown (Cardiff)	8,261	4,330	37	549	586	7.10%	52.40%
Canton	6,254	2,004	10	382	392	6.30%	32.00%
Splott	5,863	3057	13	285	298	5.10%	52.10%
Penylan	5,092	1,340	45	211	256	5.00%	26.30%
Llandaff North	3,504	1,383	1	118	119	3.40%	39.50%
Heath (Cardiff)	5,124	939	10	142	152	3.00%	18.30%
Rumney	3,535	1,084	1	83	84	2.40%	30.70%
Pontprennau and Old St Mellons	3,870	1,003	2	82	84	2.20%	25.90%
Caerau (Cardiff)	4,677	2,250	1	95	96	2.10%	48.10%
Fairwater (Cardiff)	5,948	2,259	3	119	122	2.10%	38.00%
Llanishen	7,489	2,023	7	147	154	2.10%	27.00%
Cyncoed	4,235	576	8	78	86	2.00%	13.60%
Llandaff	3,794	738	4	73	77	2.00%	19.50%
Llanrumney	4,712	2,003	8	86	94	2.00%	42.50%
Ely	6,063	3,342	2	111	113	1.90%	55.10%
Pentwyn	6,321	2,329	4	118	122	1.90%	36.80%
Whitchurch and Tongwynlais	6,946	1,616	10	119	129	1.90%	23.30%
Trowbridge	6,629	3113	2	120	122	1.80%	47.00%
Rhiwbina	5,062	492	1	77	78	1.50%	9.70%
Radyr	2,552	346	1	30	31	1.20%	13.60%
Lisvane and Thornhill	1,444	107	0	15	15	1.00%	7.40%
Pentyrch and St Fagans	3,409	473	0	31	31	0.90%	13.90%
TOTAL	142,557	57,656	3,219	6,589	9,808	6.90%	40.40%

Figure 34: The difference between the 2021 and 2011 census for number of households privately renting and number of multi-person households by student and other occupiers according to the 2021 census by Country/Local Authority and Ward in Cardiff.

Country/Local Authority/Ward	Total Households	Private Rented	Change between 2021 and 2011 Census		
			Student MPH	Other MPH	Total MPH
Wales	44,441	33,372	-1,426	-4,936	-6,362
Cardiff	4,776	3,811	-31	-906	-937
Adamsdown	47	136	8	20	28
Butetown	120	55	-25	-86	-111
Caerau (Cardiff)	79	188	2	-14	-12
Canton	842	444	7	-109	-102
Cathays	-23	144	187	-85	102
Cyncoed	-50	41	-2	-33	-35
Ely	169	162	0	56	56
Fairwater (Cardiff)	-70	27	1	-43	-42
Gabalfa	85	89	-70	-32	-102
Grangetown (Cardiff)	522	449	-1	-54	-55
Heath (Cardiff)	53	70	5	-21	-16
Lisvane and Thornhill	3,063	678	2	36	38
Llandaff	-38	-61	-3	-23	-26
Llandaff North	-25	-60	4	-23	-19
Llanishen	-2,852	-456	-3	-72	-75
Llanrumney	95	167	1	20	21
Pentwyn	194	369	5	-3	2
Pentyrch and St Fagans	348	134	2	1	3
Penylan	183	139	-31	-85	-116
Plasnewydd	156	-4	-134	-228	-362
Pontprennau and Old St Mellons	1,039	410	0	27	27
Radyr	271	77	4	-20	-16
Rhiwbina	-26	80	3	-26	-23
Riverside (Cardiff)	11	-107	-14	-125	-139
Rumney	66	36	0	-5	-5
Splott	249	299	20	30	50
Trowbridge	380	323	4	18	22
Whitchurch and Tongwynlais	-115	-15	-5	-25	-30
TOTAL	4,773	3,814	-33	-904	-937

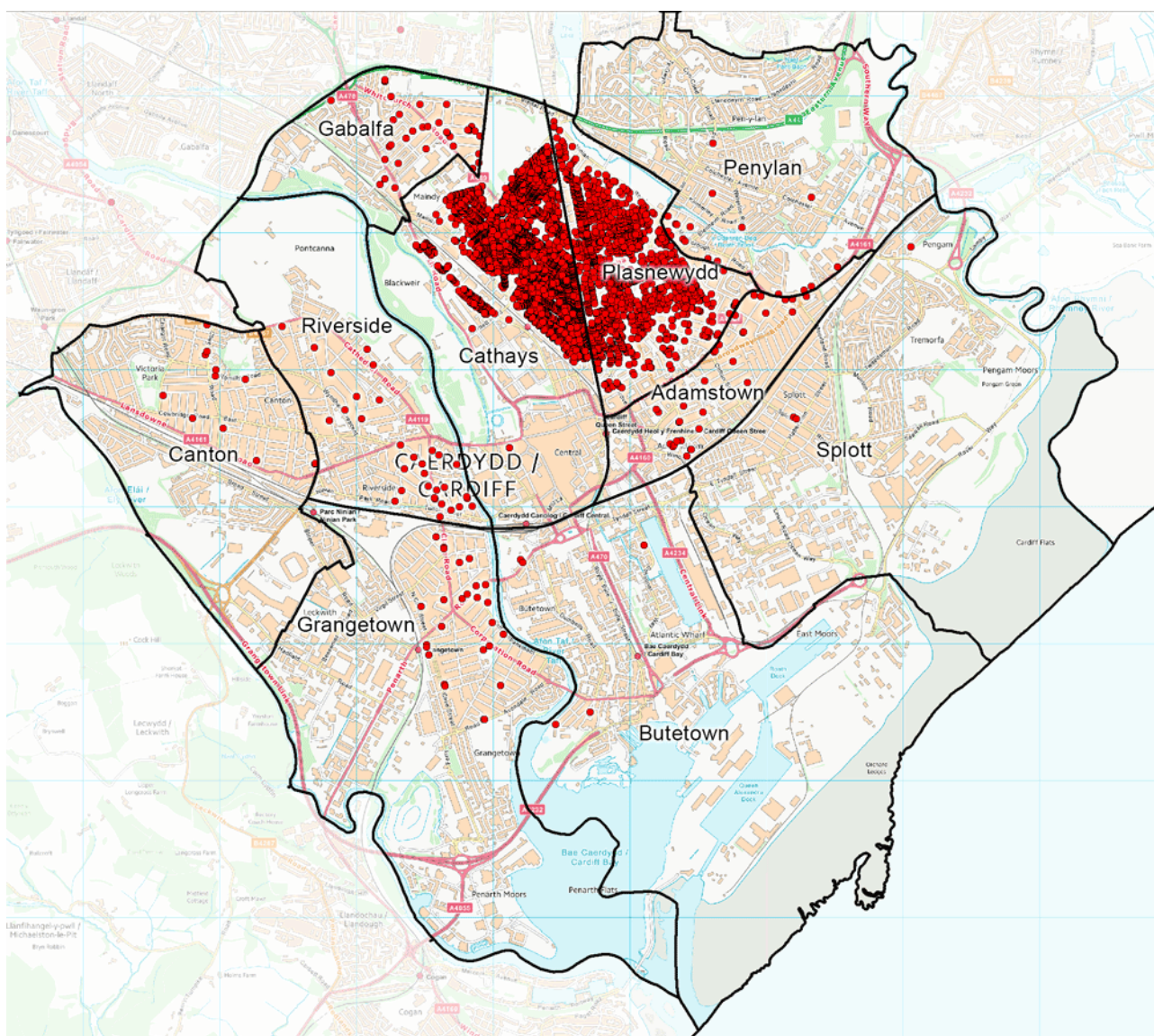
- 5.15 The map below shows the distribution of licensed HMOs across Cardiff as a whole (as at paragraph 5.14 it should be borne in mind that the additional licensing regimes in Cathays and Plasnewydd increase the numbers of licensable HMOs significantly).

Figure 35: View of the wider Cardiff area illustrating distribution of HMOs.



- 5.16 The map below shows licensed HMOs in the wards with higher distributions (“higher” being figures from the MPH Census data but the map can only show licensed HMOs).

Figure 36: Cardiff centre with an illustration of HMOs



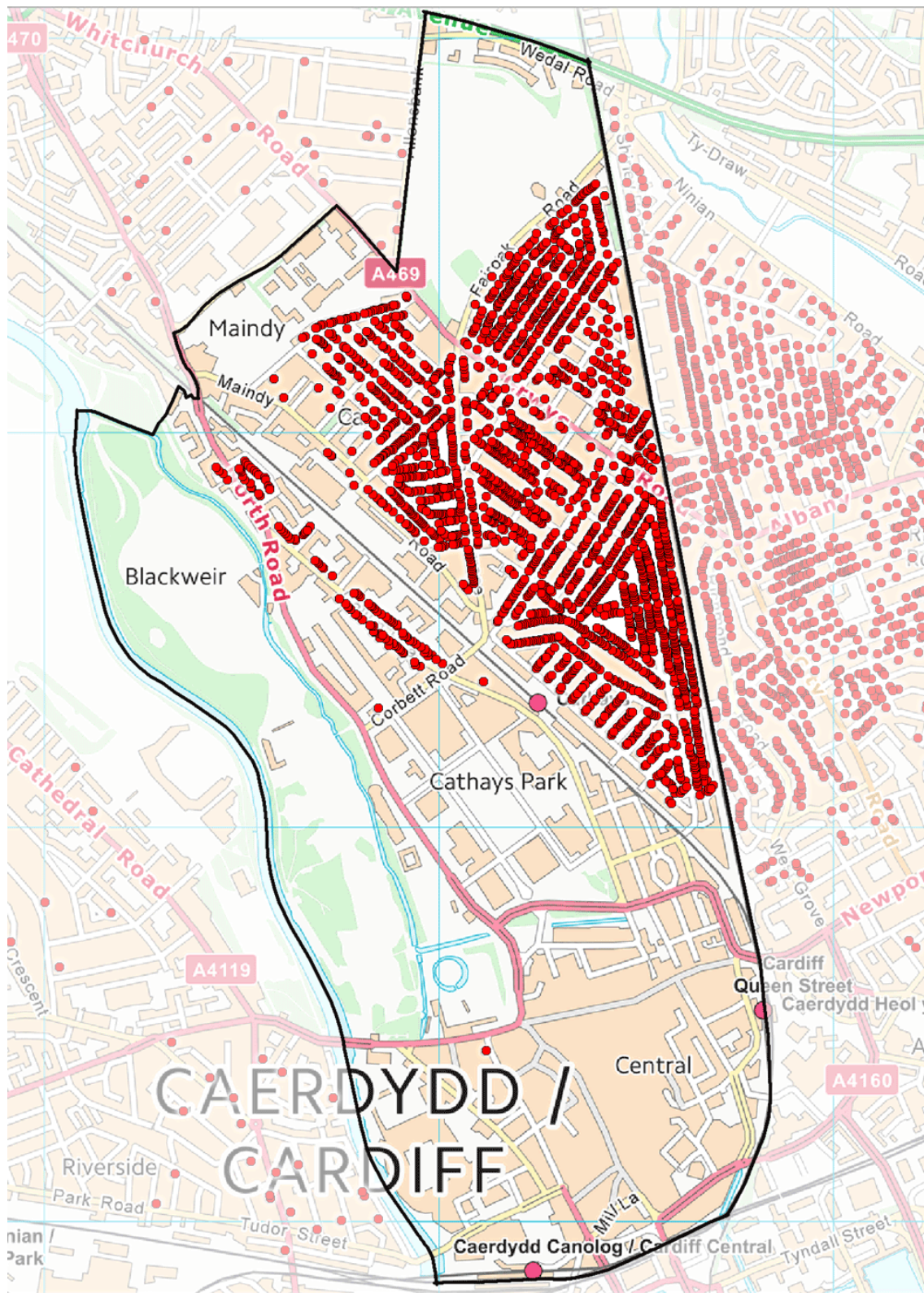
5.17 As would be anticipated, there are extremely heavy concentrations in the traditional student areas of Cathays and Plasnewydd. In looking at the map, the caveat at paragraph 5.14 in respect of the differential licensing regimes needs to be borne in mind (if the additional licensing regime were to extend across a broader area or indeed the whole district then realistically the number of red dots would be much higher as in particular two storey properties and properties with just three occupants in two households would be included). What does appear to be the case is that HMOs have spread out of the centre student zone into surrounding wards. It should be borne in mind that as the red dots outside the two additional licensing areas fall within the mandatory licensing regime and therefore are three storeys with a minimum of five people in two households. It is because it was considered that such properties were higher risk⁷⁹ is one of the reasons that mandatory licensing was brought in.

5.18 The following maps show the distribution and concentrations of licensed HMOs in the two areas with additional licensing schemes:

⁷⁹ ENTEC Ltd Study "Fire Risk in HMOs" 1997 ISBN 9780117534438

Cathays

Figure 37: Location of HMOs within the ward of Cathays.



5.19 The maps below show HMO distribution in greater detail, firstly in the north of the ward then the south.

Figure 38: Location of HMOs northern section Cathays.

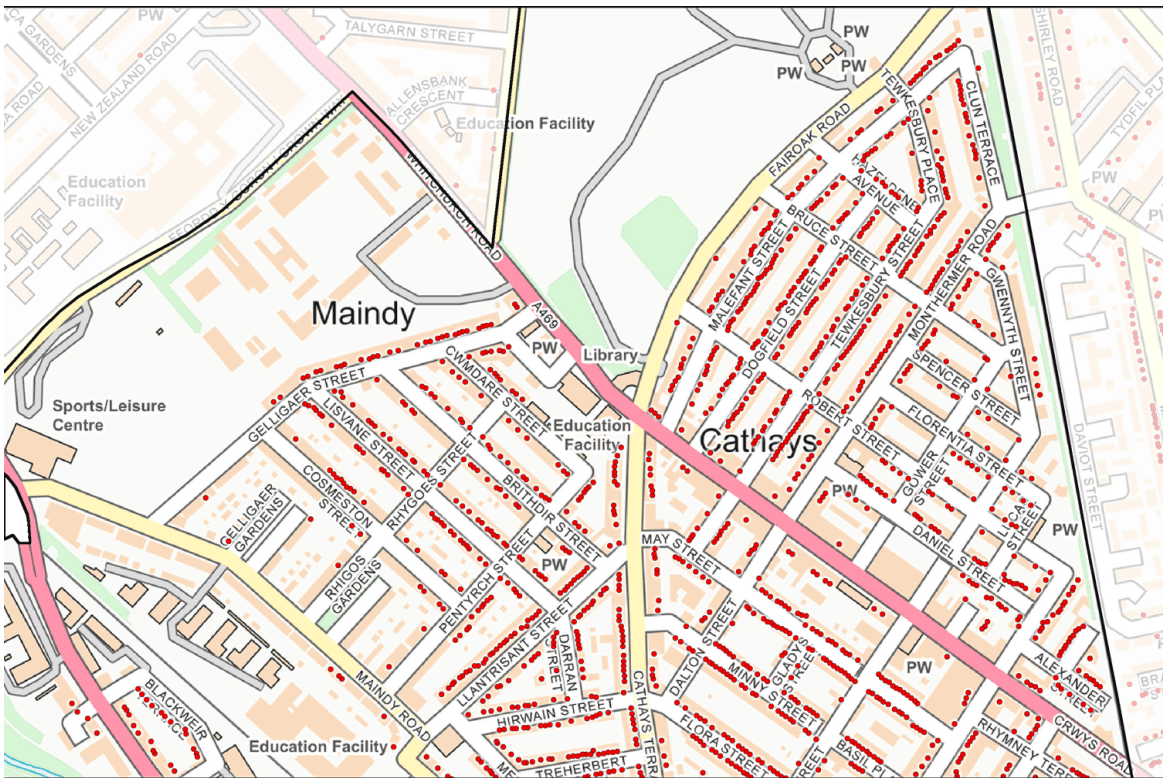
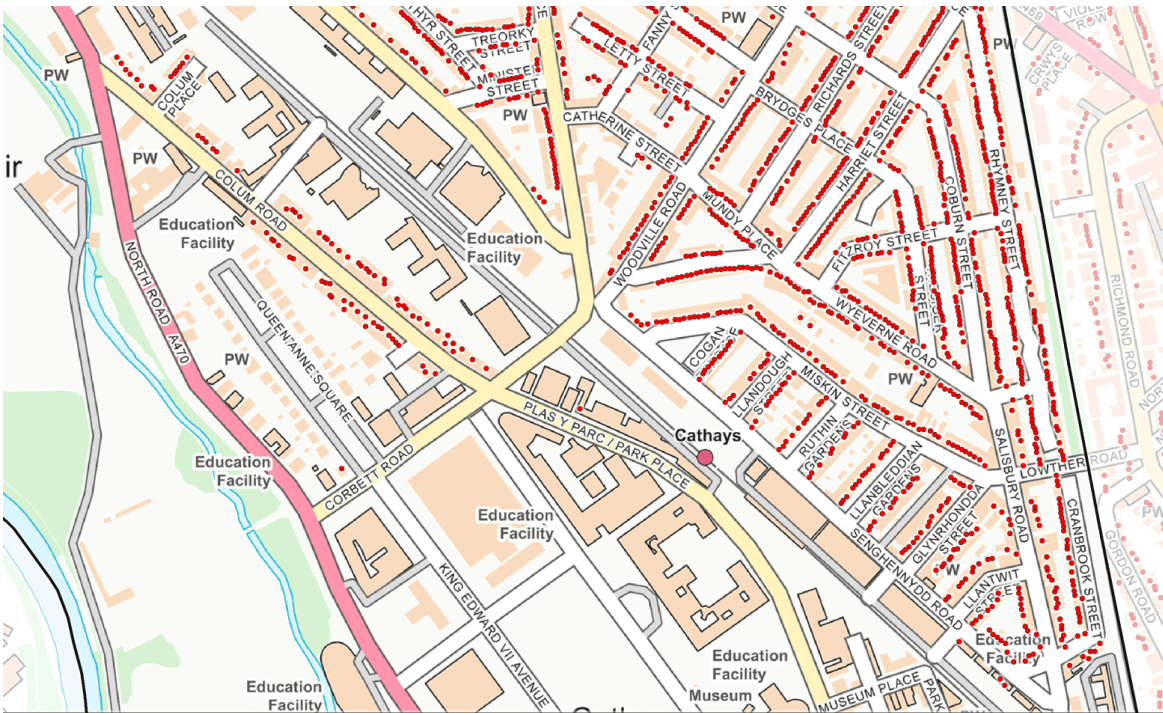
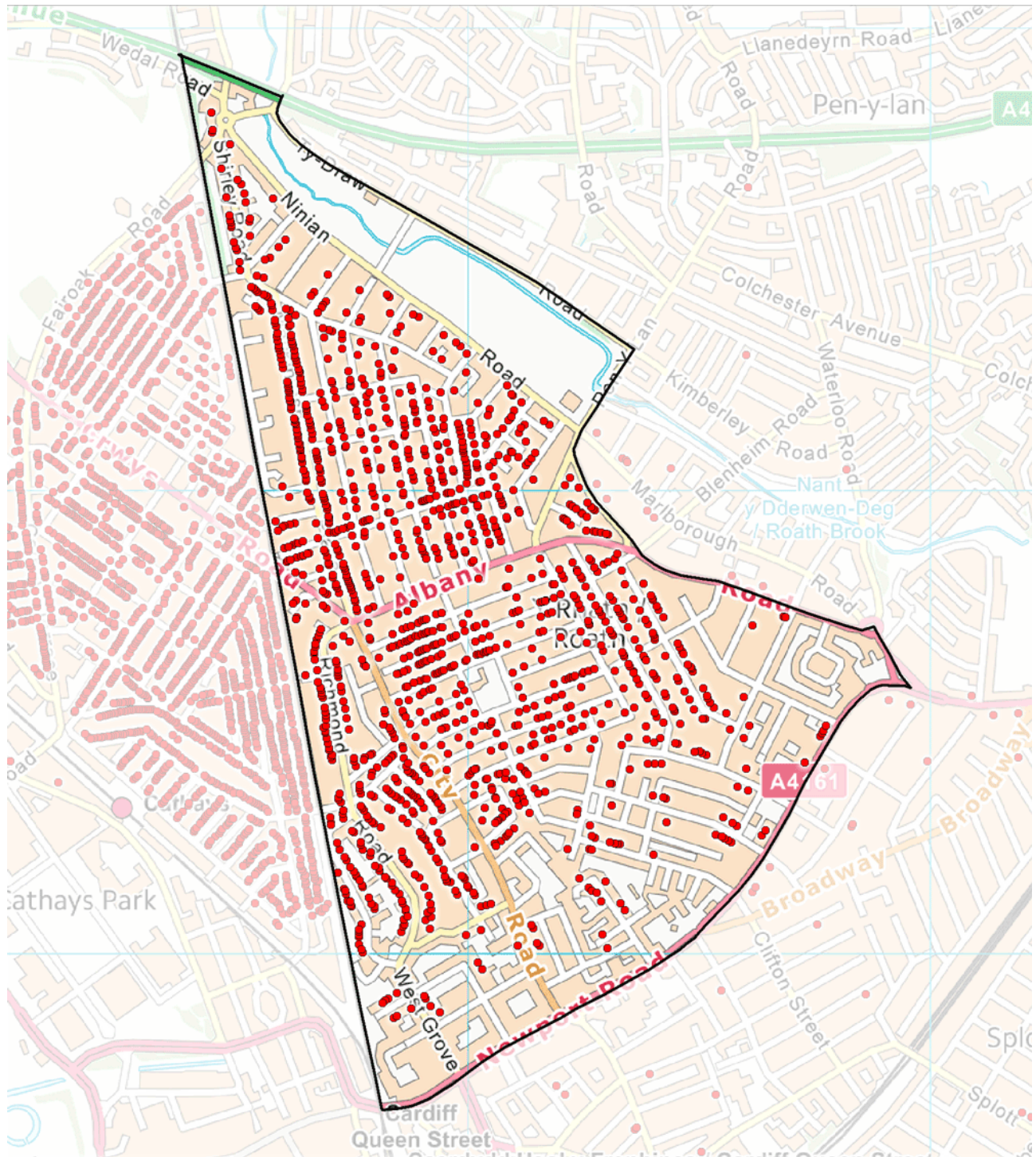


Figure 39: Location of HMOs southern section Cathays.



Plasnewydd

Figure 40: Location of HMOs within the ward of Plasnewydd.



5.20 The maps below show HMO distribution in greater detail, firstly in the north of the ward then the south.

Figure 41: Location of HMOs northern section Plasnewydd

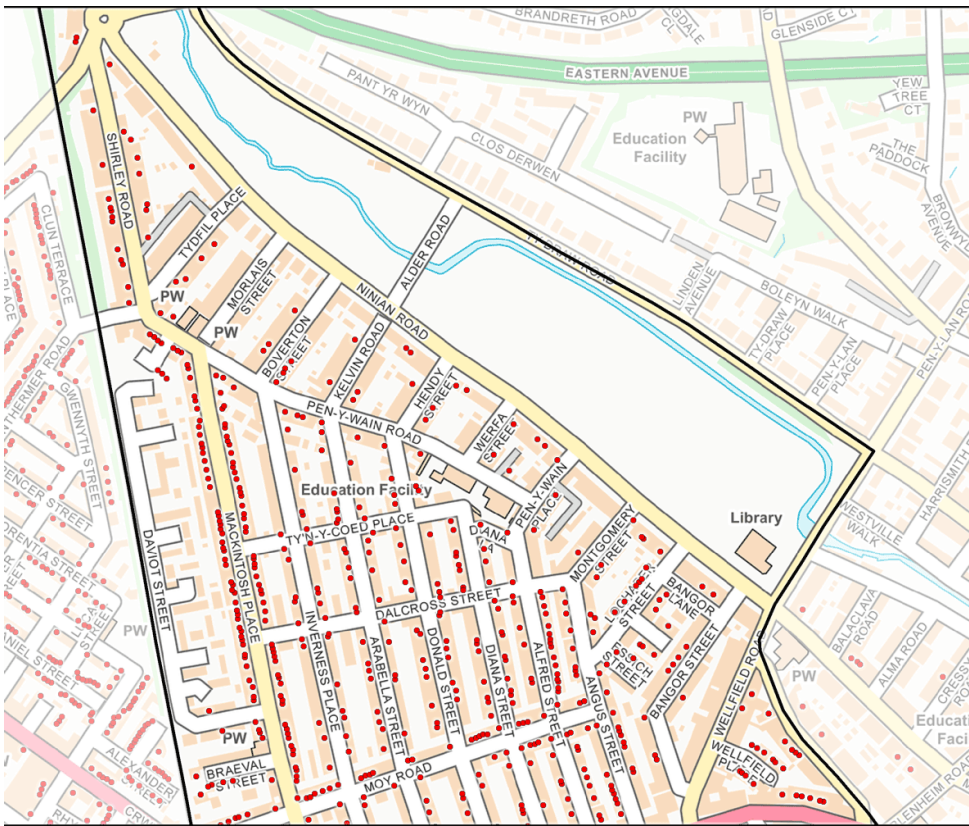
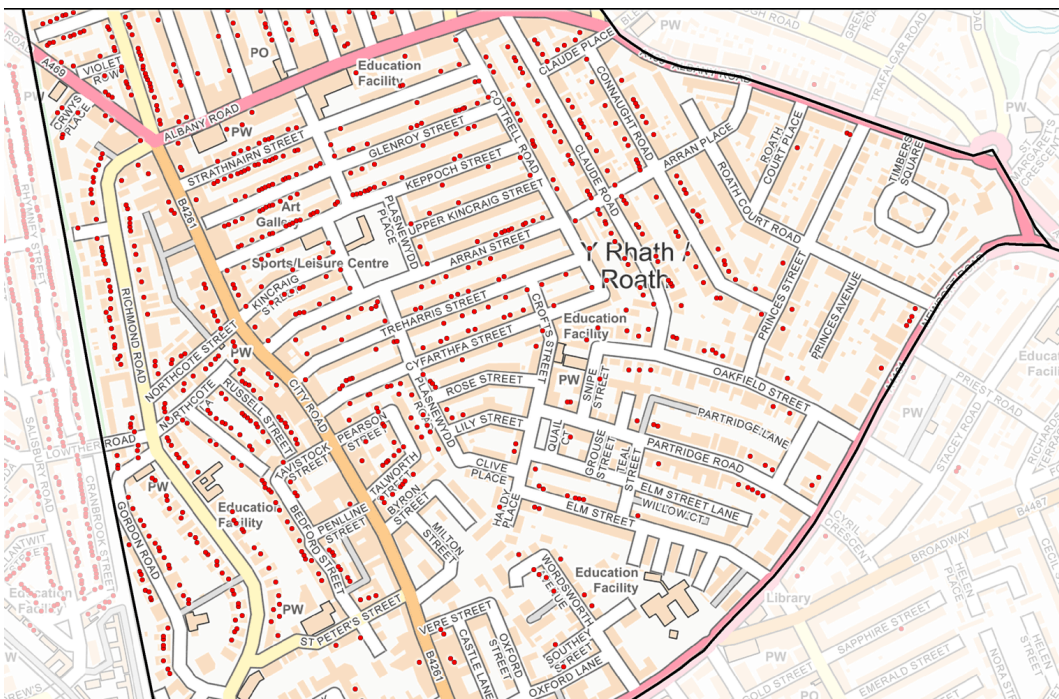


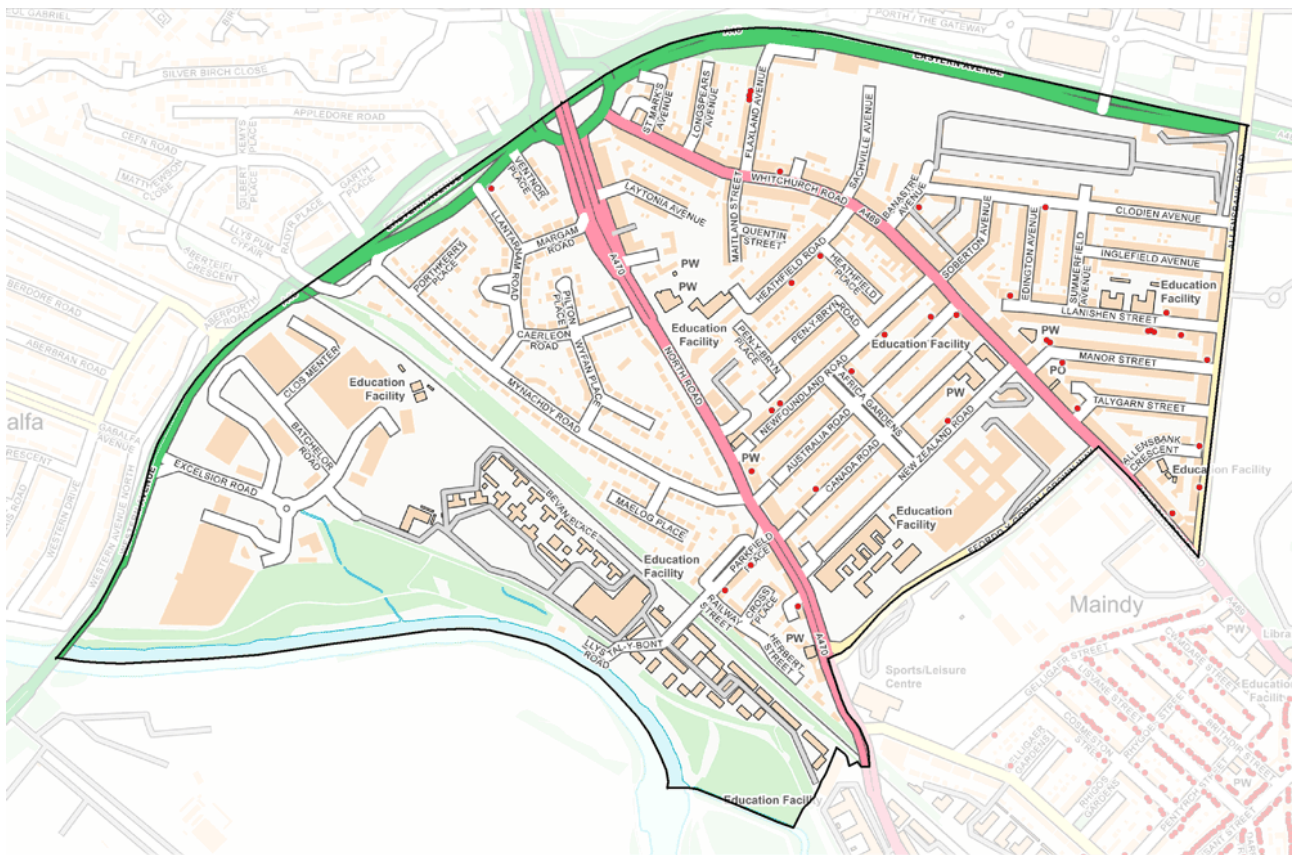
Figure 42: Location of HMOs southern section Plasnewydd



- 5.21 What may be noted in both wards is that whilst there are areas where HMOs do indeed predominate, equally there are areas where they do not (especially in Plasnewydd), and this is relevant when considering development management policies in the future LDP.
- 5.22 As would be expected, the stakeholder comments illustrate the very significant impact the extremely high concentrations have had in the areas close to the universities.
- 5.23 The following map shows the distribution of licensed (mandatory only) HMOs in the Gabalfa ward as an illustration of HMO distribution outside the additional licensing schemes.

Gabalfa

Figure 43: Location of Mandatory Licensed HMOs in Gabalfa



5.24 Appendix C shows a table which sets out the HMO density by street. The extract from the table below shows the streets where the density is 20% or above.

Figure 44: HMO density by street in Cardiff.

CARDIFF				
STREET	Census Output Area	HMO	PAF	DENSITY
Senghennydd Place	W00010115	5	5	100.0%
Pen-y-wain Lane	W00009454	3	3	100.0%
Plasnewydd Square	W00009428	1	1	100.0%
Wyeverne Road	W00010633	32	34	94.1%
May Street	W00010648	26	28	92.9%
Harriet Street	W00008909	19	21	90.5%
Coburn Street	W00008901	31	35	88.6%
Harriet Street	W00008910	22	26	84.6%
Glynrhondda Street	W00008915	27	32	84.4%
Tewkesbury Street	W00008924	28	34	82.4%
Coburn Street	W00008910	41	50	82.0%
May Street	W00010500	22	27	81.5%
Miskin Street	W00008915	34	42	81.0%
Cranbrook Street	W00008916	33	41	80.5%
Dogfield Street	W00008924	24	30	80.0%
Cogan Terrace	W00010125	12	15	80.0%
Thesiger Street	W00008910	54	68	79.4%
Woodville Road	W00008911	19	24	79.2%
Richmond Crescent	W00009448	7	9	77.8%
Rhymney Street	W00008901	31	40	77.5%
Miskin Street	W00010125	20	26	76.9%
Wyeverne Road	W00010219	43	56	76.8%
Coburn Street	W00008903	22	29	75.9%
Crwys Road	W00010569	22	29	75.9%
Llanbleddian Gardens	W00008913	28	37	75.7%
Flora Street	W00008932	40	53	75.5%
Llantrisant Street	W00008931	46	61	75.4%
Rhymney Street	W00008916	59	80	73.8%
Rhymney Street	W00008903	28	38	73.7%
Richmond Road	W00009437	33	45	73.3%
Minsky Street	W00008932	30	41	73.2%
Llandough Street	W00010125	21	29	72.4%
Tewkesbury Street	W00008920	25	35	71.4%
Flora Street	W00010568	20	28	71.4%
Llantwit Street	W00010115	17	24	70.8%
Mundy Place	W00010601	24	34	70.6%
Harriet Street	W00008903	52	75	69.3%
Treorchy Street	W00008906	18	26	69.2%

Norman Street	W00010615	11	16	68.8%
Dogfield Street	W00008922	21	31	67.7%
Ruthin Gardens	W00008913	21	31	67.7%
Daniel Street	W00008923	20	30	66.7%
Letty Street	W00008906	20	30	66.7%
Letty Street Lane	W00008911	2	3	66.7%
Lucas Street	W00010648	2	3	66.7%
Richards Street	W00008909	51	77	66.2%
Salisbury Road	W00008916	25	38	65.8%
Dogfield Street	W00008918	21	32	65.6%
Treherbert Street	W00008899	30	46	65.2%
Rhymney Street	W00010638	31	48	64.6%
Miskin Street	W00010219	18	28	64.3%
May Street	W00008932	7	11	63.6%
Malefant Street	W00008918	60	95	63.2%
Woodville Road	W00010633	37	59	62.7%
Minister Street	W00008899	15	24	62.5%
Mackintosh Place	W00009454	40	65	61.5%
Mackintosh Place	W00009456	32	52	61.5%
Cathays Terrace	W00008933	19	31	61.3%
Tewkesbury Street	W00008922	38	63	60.3%
Merthyr Street	W00008899	39	65	60.0%
Lisvane Street	W00008927	36	60	60.0%
Hazeldene Avenue	W00008902	6	10	60.0%
West Grove	W00010536	3	5	60.0%
Monthermer Road	W00008922	35	59	59.3%
Monthermer Road	W00008920	29	49	59.2%
Wellfield Place	W00009462	10	17	58.8%
Gordon Road	W00009437	17	29	58.6%
Richards Street	W00010569	31	53	58.5%
Dogfield Street	W00008920	14	24	58.3%
Moy Road	W00009465	7	12	58.3%
Whitchurch Place	W00008929	11	19	57.9%
Richmond Road	W00009446	28	50	56.0%
Colum Road	W00010119	19	34	55.9%
Minnie Street	W00010568	17	31	54.8%
Russell Street	W00009424	25	46	54.3%
Mackintosh Place	W00009465	55	102	53.9%
Darran Street	W00008933	14	26	53.8%
Pentyrch Street	W00008925	7	13	53.8%
Wyeveerne Road	W00008901	22	41	53.7%
May Street	W00008929	23	43	53.5%
Clun Terrace	W00008902	16	30	53.3%
Minnie Street	W00010648	17	32	53.1%

Malefant Street	W00008902	45	85	52.9%
Gordon Road	W00009446	9	17	52.9%
Hirwain Street	W00008933	28	53	52.8%
Fitzroy Street	W00008901	14	27	51.9%
Daniel Street	W00008924	17	33	51.5%
Woodville Road	W00010615	20	39	51.3%
Colum Road	W00008912	29	57	50.9%
Richmond Road	W00010630	51	102	50.0%
Llantrisant Street	W00008933	10	20	50.0%
Rhymney Terrace	W00010569	10	20	50.0%
Senghennydd Road	W00008911	2	4	50.0%
Robert Street	W00008918	1	2	50.0%
Gelligaer Street	W00008919	36	73	49.3%
Cathays Terrace	W00008906	34	69	49.3%
Lisvane Street	W00008926	31	64	48.4%
Colum Road	W00010118	28	58	48.3%
Letty Street	W00010568	14	30	46.7%
Alexander Street	W00010615	12	26	46.2%
Talworth Street	W00009441	11	24	45.8%
Woodville Road	W00010569	25	55	45.5%
Strathnairn Street	W00009476	27	60	45.0%
Brithdir Street	W00008931	28	63	44.4%
Moy Road	W00009466	24	54	44.4%
Fanny Street	W00010568	4	9	44.4%
Blackweir Terrace	W00010223	12	28	42.9%
Colum Place	W00010119	6	14	42.9%
Violet Row	W00009468	6	14	42.9%
Mackintosh Place	W00009468	11	26	42.3%
Tewkesbury Place	W00008920	16	38	42.1%
Bedford Street	W00009441	13	31	41.9%
Cathays Terrace	W00008925	20	48	41.7%
Moy Road	W00009468	16	39	41.0%
Keppoch Street	W00009428	21	52	40.4%
Monthermer Road	W00008924	10	25	40.0%
Pen-y-wain Road	W00009452	8	20	40.0%
Woodville Road	W00010568	6	15	40.0%
Gladys Street	W00008932	4	10	40.0%
Claude Road	W00009472	19	48	39.6%
Claude Road	W00009429	26	66	39.4%
Cathays Terrace	W00008911	19	50	38.0%
Northcote Street	W00009434	11	29	37.9%
Glenroy Street	W00009476	14	37	37.8%
Glenroy Street	W00009428	12	32	37.5%
Cathays Terrace	W00008932	12	33	36.4%

Bedford Street	W00009424	28	78	35.9%
Diana Street	W00009460	13	37	35.1%
Connaught Road	W00009435	9	26	34.6%
Cwmdare Street	W00008925	18	53	34.0%
Claude Road	W00009435	11	33	33.3%
Claude Place	W00009423	5	15	33.3%
Tulloch Street	W00009467	4	12	33.3%
Florentia Street	W00008923	15	46	32.6%
Alfred Street	W00009467	13	40	32.5%
Lochaber Street	W00009461	12	37	32.4%
Connaught Road	W00009475	16	50	32.0%
Alfred Street	W00009460	24	77	31.2%
Talworth Street	W00009444	9	29	31.0%
Diana Street	W00009463	17	55	30.9%
Pen-y-wain Road	W00009457	7	24	29.2%
Angus Street	W00009467	16	55	29.1%
Miskin Street	W00010132	2	7	28.6%
Angus Street	W00009461	11	39	28.2%
Moy Road	W00009464	7	25	28.0%
Maindy Road	W00008912	20	72	27.8%
Arran Street	W00009443	13	49	26.5%
Brithdir Street	W00008925	13	49	26.5%
Senghennydd Road	W00010115	9	34	26.5%
Robert Street	W00008923	19	73	26.0%
Shirley Road	W00009451	20	78	25.6%
Arabella Street	W00009457	10	39	25.6%
Arabella Street	W00009458	11	43	25.6%
Diana Street	W00009466	11	43	25.6%
Kincraig Street	W00009428	11	44	25.0%
Connaught Road	W00009423	5	20	25.0%
Lowther Road	W00009437	1	4	25.0%
Gwennyth Street	W00008921	13	53	24.5%
Plasnewydd Road	W00009444	11	45	24.4%
Cosmeston Street	W00008927	9	37	24.3%
Donald Street	W00009463	16	66	24.2%
Connaught Road	W00009432	8	33	24.2%
Woodville Road	W00008909	7	29	24.1%
Oakfield Street	W00009438	7	30	23.3%
Pentyrch Street	W00008927	12	52	23.1%
Bruce Street	W00008921	6	26	23.1%
Pen-y-wain Road	W00009456	3	13	23.1%
Donald Street	W00009469	12	54	22.2%
Salisbury Road	W00010132	19	86	22.1%
Crwys Place	W00009468	5	23	21.7%

Arran Street	W00009436	11	51	21.6%
Donald Street	W00009458	14	65	21.5%
Crwys Road	W00010500	3	14	21.4%
Keppoch Street	W00009430	10	47	21.3%
Cottrell Road	W00009470	7	33	21.2%
Ninian Road	W00009461	4	19	21.1%
Dalton Street	W00008929	10	48	20.8%
Cosmeston Street	W00008926	12	60	20.0%
Fairoak Road	W00008918	3	15	20.0%
Lucas Street	W00008923	2	10	20.0%
Pen-y-wain Road	W00009458	1	5	20.0%

- 5.25 28% of all HMOs are in streets with a Density of over 2/3 of dwellings are HMOs, 56% of all HMOs are in streets with a Density of over 1/2 of dwellings are HMOs. 24 Street / COA areas contain 25% of all HMOs 61 Street / COA areas contain 50% of all HMOs. There is a total of 389 Street / COAs containing at least 1 HMO.

Stakeholder Comments

Councillors 9 May 2023

- 5.26 Online meeting attended by two ward Members for Cathays and two ward Members for Plasnewydd.
- 5.27 One ward member for Plasnewydd (PN1) said that because of concern over appellants winning appeals against decisions refusing applications for change of use to HMO, a task group of elected members was formed to investigate the matter. That group had interviewed both representatives of the Planning Inspectorate and also other local authorities and this had helped their understanding of why decision were going against them and also indicated what was best practice when formulating supplementary planning guidance.
- 5.28 A ward member for Cathays (CW1) said that part of the reasons for the Council not being successful with appeals was that the LDP predated the SPG (which was revised after the change in the Town and Country (Use Classes) Order 1987 in 2016. What appears to be happening is that where the concentration is between 20% and roughly two thirds, when the Council has rejected applications, the appeals have tended to be dismissed.
- 5.29 *“What the planning inspectorate has done is written their own policy where they are determining that over about 2/3, about 70% they are saying it is their view, that no further harm can be done so they allow those appeals. So, we won some, so interesting even though our SPG come after our LDP, they have still accepted that the SPG applies in a certain number of cases.”* They have essentially created their own policy.
- 5.30 A ward member for Cathays (CW2) said that when the SPG was introduced, the Council was successful in the majority of appeals. Then one Inspector seemed to decide another HMO would not make any difference because the concentration was already so high (seems to be over 65%). She was concerned that the method of assessing concentration using the radius was not sufficiently discriminating. There might be a situation where additional HMOs could make a real difference, but the actual density is not reflect fairly using the radius because there could be very few HMOs in for example a street to the rear not caught by the circle.
- 5.31 CW1 said it was most important that the planning officers provided evidence of harm when defending appeals – impact on shops, traffic etc. Swansea could be used as a best practice example. It has been said

- that the LDP does not have the “hooks” for the SPG to work effectively. When the Councillors task group had spoken to Swansea, they had said that when they rewrote their LDP they were more successful at defending appeals.
- 5.32 A ward member for Plasnewydd (PN2) said that the rise of HMOs went back to the 1990s. In Plasnewydd there was now a gradual return to family homes. CW2 said that there had been little return to family homes in Cathays (“the odd property”). Issue grew from the expansion of higher education in the 1990s. The response from both national and localised area government was very slow. Purpose built student accommodation is meeting a market that is still growing. The SPG has tended to slow down the rate of conversions but has there has not been any significant return to family housing.
- 5.33 CW2 said that large amounts of purpose-built student accommodation had been built but it was taken up quickly. This type of accommodation is particularly favoured by overseas students. When the SPG came in, landlords and residents both felt that as if they were losing HMOs or at least not gaining any more. However, it seems that HMOs are increasing again and families are starting to move back out. *“we’ve got HMOs just creeping up again, and the families, I mean a lot of the streets in Cathays now have very few families in them and that’s really disappointing.”*
- 5.34 The issue of HMO occupancy by people other than students arose. CW2 said there has been a lot of flat conversions; some were going to small families, some to young professionals and some were being used as HMOs with the living room being used as a bedroom. The character of the area is, however, still predominantly student.
- 5.35 PN1 said that recent research by Savills had shown that there is an oversupply of purpose-built student accommodation. [As discussed at paragraph 2.70, Savills does run analysis⁸⁰ of the PBSA market and the last briefing showed continuing demand in Cardiff, although not Newport and Rhondda Cynon Taf]. He referred to the additional licensing regimes in Cathays and Plasnewydd and suggested that landlords feel these regimes to be burdensome and, combined with the SPG, this has meant the Planning Committee has been seeing more applications as for flats. It does appear that HMOs are increasing in areas such as Splott and Grangetown aimed at young professionals.
- 5.36 PN2 observed that there seems to be an increasing number of young professionals in Plasnewydd rather than students; trend probably reflects the general cost of living and housing especially – too expensive to live near the centre of Cardiff. PN1 said that the difference between Plasnewydd and Cardiff (apart from the volume of HMOs) was the interchangeability between student and non-students. There are some streets where tenants are from vulnerable groups. CW2 said that in Cathays there were some mixed groups of people in houses; some possibly homeless or put there by the Council and also an increase in properties being used for refugees. However, the majority are still students.
- 5.37 There was some discussion on the issue of the impact of student concentrations. CW2 there has been HMOs in Cathays for decades because of the proximity of the university, but there were far, far fewer even in the 1990s. There was an established, family-based community. People liked to live in Cathays, it is close to the city centre, it has a lot of attractions. The studentification has affected the schools because of the lower numbers of children. It is hard to build communities now; the churches are there but people come in from outside to the churches; socialisation has become much more difficult in Cathays.

⁸⁰ https://www.savills.co.uk/research_articles/229130/327571-0/market-in-minutes--student-accommodation---q1-2022

- 5.38 Anti-social behaviour from student still problematic on occasions. CW2 stated that *“Thursday has become the new Friday night”*. CW1 said an additional problem is the growth of cars; it certainly feels that more and more students seem to have cars and larger ones as well. The Council has been making some changes to parking permits. PN1 said that not necessarily the foreign students bringing cars; more the better off English students. PN2 said that, whilst only an anecdotal observation, the level of noise from student has gone down recently – unusual to be woken up by students in the street on Friday and Saturday nights whereas common a few years ago. She assumed that the universities were clamping down and were more prepared to take action.
- 5.39 CW2 said that her experience in Cathays echoed that of the PN2; things had become noticeably quieter since the Covid restrictions. There has been a reduction in the numbers of people coming to the surgery with noise complaints – it has not disappeared but significantly reduced post Covid.
- 5.40 The effectiveness of additional licensing was raised. CQ2 said that she was awaiting information from the Council in respect of enforcement action taken. There was some discussion on the effectiveness of the new financial penalties in England and Members saw some merit in this as alternative to prosecution not least as the money was retained by the local authority ring fenced for housing enforcement. Used in respect of unlicensed premises, breaches of licensing conditions and also breaches of HMO management regulations. It was emphasised that any change would be a policy matter for the Welsh Government. CW2 said she as a former HSE inspector that did take prosecutions was familiar with the work involved and could see the advantages of financial penalties not least as the money was retained for use by the local authority.
- 5.41 PN1 said that Shared Regulatory Services were very effective and has a lot of respect for the way they operated.

Officers 19 June 2023

- 5.42 Online meeting attended by Operations Manager for Strategic Development Place Making (OM), Principal Planning Officer Place Making (PPO), Team Manager Enforcement Shared Regulatory Services (TME), Development Manager (Non-Strategic) MD, Planning Officer (PO) and Student Liaison Officer Shared Regulatory Services (SLO).

Character of area/student conduct

- 5.43 TME said that the majority of Cathays is occupied by students, Plasnewydd is more of a fifty/fifty split of students and non-student residents. The stock is different in the two areas; similar terraced houses but some large houses in Plasnewydd that get converted to flats. SLO said that over time there are peaks and troughs to student. *“In the period mid 1990s up until 2010 there was a significant increase in enrolment but quite a dip from 2011 to 2018 in South Wales universities – but then has picked up again significantly since then. The universities in recent years have shifted toward more of a recruitment of foreign, postgraduate students in particular.”* The shift has reflected the financial benefits to the universities of overseas students; their fees are not capped and also less concern about housing post graduate students.
- 5.44 TME agreed that the high student population had been an issue for decades. There was discussion about the negative effects of studentification in Cathays with rubbish and other issues, but Plasnewydd was not so bad in this regard. The SLO thought that this reflected the fact that there more non student residents who followed the correct procedures for waste management and this prompted neighbours to do the same.
- 5.45 There was discussion about student anti-social behaviour issues post Covid. The SLO said that the number of noise complaints had dropped significantly in the post Covid era and there is far less anti-social behaviour

even though in practice the number and density of properties had increased. *“... the cost-of-living crisis has impacted the student community, and they are going out less now. We were unsure if that would have an impact on the increase of house parties for example, but we haven’t seen that post-Covid. It could be that they are adjusting behaviour because they are more aware of noise because of, during the Covid period that’s what they experienced and it could just be a confidence issue as well, I think that particularly in the wake up of the concerns around spiking there’s far fewer students going out in the night-time economy than there were prior to Covid. So, it’s quite a complex picture really.”*

- 5.46 Students tending now to favour more local venues when going out rather than the city centre.

HMO SPG

- 5.47 The SPG was drafted at the time the change to the Use Classes Order was going through and was adopted in October 2016. The threshold approach is used with 20% in HMO concentration areas and 10% outside. The 50m radius is used as with the other authorities. The planning staff made it clear that inappropriate to describe the high concentration areas as “student” areas; clear that HMOs house a variety of people – students, young professionals and in some cases people from vulnerable backgrounds.
- 5.48 OM emphasised very strongly the importance of not making judgmental assumptions about HMO tenants. Many young professionals move on from university into HMO accommodation for a period because of the lower cost (as he did) and that does not make them members of a vulnerable group. With regard to not being successful at appeals, he referred to comments from the Head of PEDW to the effect that that organisation was aware of the number of appeals going against local authorities and whilst Inspectors may wish to be supportive of local authorities in respect of HMO issues but are only prepared to do so true evidential back up to demonstrate why there is a degree of harm.
- 5.49 It was suggested that discussions with RCT had shown that the Inspectorate had been more supportive once the SPG was in place but much less so in Newport because the HMO concentrations were significantly lower and rarely exceeded the thresholds set. The PPO said that going back five or six years the Council would typically be successful in around half HMO appeals but now was probably more in the order of a third.
- 5.50 The PO said that in effect in the high concentration areas the character has become an HMO area and as such the view is taken change of use to HMO is in keeping with what is already there. In terms of objections from elected Members is primarily about parking. However, Cardiff has a Managing Transport SPG that focusses very much on sustainability and in essence that says that if you provide cycle parking there is no need now for a minimum number of parking spaces.
- 5.51 OM said there had been issues with HMOs for many years; there is policy with to deal with these issues, but it does need strengthening. Swansea has a more detailed SPG (post 2016). The 10% and 20% are not hard and fast limits *“if you get to 11% it’s unacceptable, inspectors don’t accept that, the effectively say it’s not about whether it tips the threshold of 10-11 it’s about whether tipping that threshold from 10-11 or 15, whether that in itself can be demonstrated to be materially harmful.”*
- 5.52 PO said that in his experience appeals against refusal were commonly dismissed where percentages were between 20% and 65%, or if insufficient garden space or no cycle parking facilities but is over 65% he was tending to recommend approval as realistic to do so given the likelihood of a successful appeal. There have been instances of different Inspectors coming to different decision on similar cases. In one particular case a few years ago, site visits to two similar properties were made on the same day. The properties were in the same vicinity and one appeal was dismissed and the other allowed. The allowed appeal was not challenged.

- 5.53 DM said that he was not aware of any instances where the decision of an Inspectorate had been challenged. It does appear that above 65% appeals are being supported. He was concerned that if the Council continued to resist applications for change of use to HMO in high concentration areas, and if appeals are subsequently supported, then there is the risk of costs. However it does not feel comfortable granting consent when the concentration is not far above 65% and there are still family homes nearby. Equally, it has to be borne in mind that refusing consent may make it difficult for a person who wants to sell their home in an HMO saturated area. PO noted that there had been a number of costs awards which are typically around £3,000 in each case. Obviously, the Council is publicly accountable in terms of costs.
- 5.54 The TME observed that even at 70% concentration there are still 30% non-HMO homes. The rights of the people in those homes should not be ignored; suggested the policy may have to be amended to cater for the apparent response of Inspectors where concentration exceed what they perceive as the threshold above which additional HMOs will make no difference in practice. MD said they were not apprehensive in respect of taking on appeals, but they had bear in mind the potential reaction to refusals then allowed on appeal – from the public and also landlords who would consider the success rate of particular agents. Perhaps need to discriminate more carefully between individual streets.
- 5.55 The SLO gave a reminder that students too needed to be treated as residents as they were in the city for three years or longer and sometimes will live here after graduation. It can be very challenging living with 5 unrelated people. The present housing crisis makes things harder for them; in reality they may have a choice between an HMO or commuting long distances. Housing costs are high in Cardiff.
- 5.56 There was some discussion about the accountability of planning inspectors. The only route to challenge is judicial review which is generally agreed to be extremely expensive. In addition, the grounds for challenge are very limited, it is acknowledged to involved significant risk (especially in terms of potentially paying the costs of the other side) and the remedies are at the discretion of the court (and are commonly to remit the decision for rehearing by the same body). In practice other authorities have said that they don't challenge because of the cost and complexity of the judicial review route. It was suggested that in reality this reduces the accountability of planning inspectors. DM said that they were not happy to simply concede where the percentages were above the levels where Inspectors take the view that additional HMOs won't cause any further harm because of the existing HMO numbers.
- 5.57 OM disagreed strongly with the view that planning inspectors were unaccountable. The HMO policies were being followed and in his view that is why not many applications for judicial review would succeed. Inspectors make their own judgments on these matters. It would not be appropriate to be make a policy based on the perceived decision of Inspectors. It was clarified that again that the reference to unaccountability was not to suggest that there was no mechanism to challenge the decision of an Inspector, just that the fact that the cost and high potential risk of the mechanism was made it difficult to access even for local authorities.
- 5.58 PO reminded attendees that the SPG does not set policy only gives guidance; policy is set in the LDP. DM said that some streets are highly saturated; criticism will be levelled whatever decision is made. The 20m radius is a good starting point but the policy needs to be refined; the Swansea sandwiching policy appears effective. The issue of conduct also needs to be considered; it is people that leave litter and rubbish and engage in anti-social behaviour. The possible drafting of a more nuanced policy where the area is treated as a form of mosaic where conversions are refused in some streets, but consent given in others approaching saturation point with HMOs.
- 5.59 TME agreed in principle in respect of revisions to the LDP but said that it should also be borne in mind that there is a housing crisis, and this is being exacerbated by the number of students. Recently there was

somewhere between an extra four to five thousand extra students in a year; that is roughly a thousand houses if accommodated in the privately rented sector – half of what is currently in Cathays. If that increase is repeated the following year, then there will be significant problems.

- 5.60 “What my team sees is the unexpected or perhaps expected upshot of that in terms of accommodation coming online which is unacceptable in quality, which is a poor quality conversion and then the exploitation of some of the vulnerable, and I think it would be accepted that in particular foreign students are more likely to be exploited because they don’t quite understand how the system works here, you know have language barriers, cultural barriers and also not knowing how to complain”.
- 5.61 SLO said that with the purpose-built student accommodation developments were generally around 90% capacity. Bristol University have some students in the purpose-built student accommodation in Newport so that is not available to Cardiff students. Universities say that the cap on student fees has had impact on their finances hence the reliance on foreign students.
- 5.62 *“The Home Office are putting a stop to dependent visas for post-graduate students, so the demand for family accommodation is likely to drop for foreign students ... if foreign student come over as a single person, then the demand for HMO accommodation is likely to increase.”* There was some criticism of universities bringing over foreign students without having accommodation planned for them as clearly exacerbates issues with HMOs.
- 5.63 There was brief mention of the Direction in respect of letting boards: *“Very effective, pretty much overnight they disappeared.”*

Effectiveness of the additional licensing schemes

- 5.64 TME said his is the third iteration of the additional licensing scheme (in his view they should last for ten years rather than five). “We’ve certainly seen an increase in the number of properties that are up to standard through the course of the scheme, at the beginning of the scheme there were well upwards of 70% of properties that we found that were not up to standard to a greater or lesser degree”. However, they deteriorate “... management issues kick in and you can see a compliant property become non-compliant again. But on the whole, during the course of, certainly the second scheme, we would tend to see rates of non-compliance drop a lot and of course with these schemes we apply space standards so we’re restricting the number of occupiers in each property and on the whole, we do manage to keep the average number of occupiers down to about 5”.
- 5.65 TME said that licensing needs to be used in conjunction with other powers for maximum effectiveness – S80 Environmental Protection Act 1990, S4 Prevention of Damage by Pests Act 1949, S215 Town and Country Planning Act 1990 etc. The public health powers are generally delegated to the waste management team who act as a “one stop shop” for waste management issues. The Shared Regulatory Services team will intervene with licensing powers if the waste management team require assistance.

Cardiff Residents 29 June 2023

- 5.66 Online meeting held 29 June 2023 with ten local residents: PW, EY, AS, JD, ER, C & R Mears (CM and RM), B, A and CB. Residents were drawn from both Cathays and Plasnewydd.
- 5.67 EY said that the conversion of what were three-bedroom homes into properties housing seven or more people is wrong. There are many concerns about the sustainability of the community and the current

- saturation of HMOs is not sustainable. CB said that she used to live in Bristol and the HMO situation was much better managed.
- 5.68 ER said that there are waiting lists of people who want to find housing in Cathays. She had had students move into the property next door as they had sought somewhere quieter. The previous tenants had caused her significant problems and had told her she had no right to have a camera on the front of her house – they objected because the camera was picking up a drug dealer coming to their house. ER had lived in the area for a long time and said that there used to be a variety of shops “... it seems now that nine out of every ten shop fronts on the main road are letting agents”. She elaborated by saying that the odd business will start up but often close quickly because of the transient population.
- 5.69 *“Crwys road is now looking like City Road, ... all of the grocers are gone off there as well, the post office is gone, things that they don’t see as needed around here, we almost lost the library too, but we managed to keep hold of that. Things just disappear, they change the routes as people just don’t catch buses around here. So if you want to go to work at 7 in the morning tough because the buses don’t start till 9am.”*
- 5.70 She said that it felt as if resident were being driven out and this was a great shame as Cathays had many attractions as an area for family homes – a castle on the door step, a lake, velodrome. The area has its own railway station and close links to South Wales.
- 5.71 *“It is the ideal place to raise families.... People actually need homes, it is such a waste of an amenity and a community, I just don’t see the logic of it, just because there is a university on the doorstep doesn’t mean you have to take over everything. I think they need to cap student numbers again, because it is out of control.”*
- 5.72 EY endorsed the comments on the changes – much more family orientated community. Fewer takeaways, letting agents and barbers. When the students are away, the area becomes a ghost town. Any house that becomes vacant gets converted. Changing back to single household use would be difficult; poor noise insulation is particularly problematic. There are problems with landlords maintaining properties properly and also with refuse.
- 5.73 AS endorsed the concern over noise levels. She would ask people next door to be quiet, but they would be the same next day. Her view is that student can be selfish; they think that no one knows them in this new city they have moved to there is no accountability. She has not had great success contacting the university about problems with students.
- 5.74 PW said he worked with the Cardiff branch of a national community union that represents tenants and workers. He said there were a lot of problems with landlords, tenants often don’t know about licensing and if they do and complain nothing happens. *“... we are now seeing [tenancy) contracts with non-disparagement clauses...”* - this is now discouraging tenants from complaining to organisations. He has found problems with some portfolio landlords.
- 5.75 ER said that people buying HMOs or properties for conversion were pricing other buyers out of the market. There used to be a community liaison officer but at the time of the meeting Cardiff University no longer had one. The CLO used to attend Police and the Community (PACT) meetings. These were suspended in spring 2020 because of Covid restrictions and at the time of the meeting had not been restarted. She referred to an agent who had allegedly been investigated with regard to allegations of illegal evictions but was still letting properties. [Cardiff was subject to a successful application in May 2023 for judicial review brought by Public Law Project on behalf of a person made homeless by a landlord changing the locks to his property. The Council has now agreed to pursue a prosecution, develop a policy to investigate allegations of unlawful eviction and to resource that policy.]

- 5.76 CM and RM were away from Cardiff on a boat but emailed into the meeting. They said they stay away from their home as much as possible because they are embarrassed about conditions around their home.
- 5.77 CB The students on occasions block the pavement with posters; they think it is part of the campus. It appears residents are no longer getting notifications of planning application for alterations or change of use to HMO. She has had holes left in her walls following alterations without notice.
- 5.78 PW said that the university has been the biggest driver of HMO growth. There appears to have been a slowing of the growth and some HMOs now being used by migrant workers. He has heard that there has been an increase in HMO application outside the two key areas. Some HMOs being used as Airbnbs, and this does cause significant problems.
- 5.79 ER said that disturbances had alleviated with the pandemic but there were signs that they are starting to pick back up again. Activity particularly related to university (Cardiff) social events which can run on any day of the week. The university encourages this with the Students Union and marketing.
- 5.80 ER said that in her view the number of HMOs were still growing. *“When you look at the houses for sale, sometimes you’ll see they are sandwiched between two HMOs, so whoever’s in the middle one has had enough. There is a knock-on effect, as soon as you’ve got one and someone is finding it unbearable to live next to it, they move then theirs get taken, it’s like dominoes.”* She said that the Cathays Facebook group covers information about appeals in respect of HMO refusals and the general feeling was that Inspectors simply let appeals go through.
- 5.81 When looking at Facebook posts, the following link below⁸¹ was noted which gives an external perspective on the impact of student concentrations in Cathays. A brief internet search will show a number of web pages where comments to similar effect can be seen.

Future Policy

- 5.82 ER said that residents had been told that a policy would be put in place to stop HMO conversions in high concentration areas. As said, she thought all HMO conversions should be stopped in Cathays, but she was unsure as how the area could revert to family housing. In her street there are more than 80 HMOs. She understood there was a lot of purpose-built student accommodation in the city centre not being used (rent levels). Not suitable for use as residential dwellings.
- 5.83 PW said that building is now occurring in rear gardens where the only access is from the back lane. The back lanes are simply not big enough to accommodate this – one car parked will block the whole lane. One property faces the road, the other the back lane. There was reference to one particular property which the group viewed on Google Earth where a dwelling had been built in a rear garden. The local authority refused an application for retrospective planning permission but an appeal to the Planning Inspectorate was upheld.
- 5.84 ER said that with purpose-built student accommodation, the cost is now high whether private provider or university halls of residence. In practice they have been largely occupied by foreign students as they were beyond the means of British students. Some city centre purpose-built flats have gyms and cinemas and have been finished to a very high standard. However, she said that a lot of purpose-built student accommodation was not fully occupied and there had been some attempts to use it for alternative purposes. PW said that

⁸¹https://www.reddit.com/r/Cardiff/comments/11iw06v/cathays_for_non_students/?rdt=51863

that is problematic as the size of individual lettings are generally too small for household living – it could lead to a bizarre situation where students are living in family houses and families in cramped student flats.

- ^{5.85} It was noted that there have comments in the local press about the oversupply of purpose-built student accommodation and applications have been made for change of use for example to service accommodation (i.e. short term all-inclusive lets with additional facilities such as kitchen face very much like hotel accommodation)⁸². In one case, a block of 34 student flats built in 2014 was granted permission for apart-hotel use (Class C1)⁸³. Indeed, Cardiff Council itself granted itself planning permission to use purpose-built student accommodation (46 bed unit) as managed accommodation for homeless persons in August 2018. The residents alluded to later obtaining planning permission for a use other than student accommodation as a way of circumventing planning polices and this view has been expressed in the local press⁸⁴.

Additional Licensing

- ^{5.86} PW said that additional licensing is good in principle but is not being enforced. He referred to Council published figures on issues including disrepair in the additional licensing area [presumably a reference to the consultation document on a further designation⁸⁵] and said the figures did not indicate success.
- ^{5.87} ER said that staff involved in controlling noise had reduced and the time given to respond to complaints; resident were now advised to record concerns. They tend not to take formal action just “tell people off” but they quickly revert to noisy behaviour.
- ^{5.88} The issue of vermin was raised by AS. Rats are preventing her from using her rear garden. She cannot afford to put all the fences suggested and has to pay for pest control every two years. The presence of the rats is affecting her quality of life; she is scared to go into her back garden and cannot have guests to visit because of embarrassment. ER said that fly tipping is prevalent, and people leave bins overflowing for long periods. This encourages rats and seagulls. CB had said earlier that rats have been burrowing into her garden making it difficult to walk over and has to pay the Council £50 for rat treatment. She has seagulls nesting on her roof and can’t afford to have it removed; she has to take a strobe light into the rear garden to ward off seagulls that try to attack her small dog.
- ^{5.89} CB also mentioned the considerable problems she has with noise with student on in the properties on both sides of her – new strangers every year. She experiences regular problems with rubbish and food outside and noise. *“I had a new front door put on that I was very proud of. It had a door viewer in it and a knocker, students came round and prised out the knocker and the door viewer, so I haven’t got that now. The door viewer very handy from a security point of view. What it was, was the students were playing a game of treasure hunt, and they had to bring back a door knocker (I had a student tell me this) she said they had a list of things, things off people’s clothes lines, a doorknocker, things from people’s gardens, all sorts of things. I had a police number for insurance, but I can’t afford to replace the whole door as I would have to do”*

⁸² For example <https://www.walesonline.co.uk/news/wales-news/student-flats-cardiff-council-planning-17303967>

⁸³ 18/01563/MJR

⁸⁴ Again see <https://www.walesonline.co.uk/news/wales-news/student-flats-cardiff-council-planning-17303967>

⁸⁵ <https://cardiff.moderngov.co.uk/documents/s64283/Cabinet%2020%20October%202022%20Cathays%20add%20licensing%20App%202.pdf>

University of South Wales 13 February 2023

- ^{5.90} A meeting was held with the Director of Student Services and Principal Safeguarding Officer on the 13 February 2023 following an earlier meeting with the Head of Accommodation on the 25 July 2022. As the University covers all three Council areas, notes from the meeting are set out at Appendix G. A number of points were relevant in respect of Cardiff, although in Cardiff on campus accommodation was generally more third party/private sector provision (CRM Students, Unite Group, Campus Living Villages); they had been very active in Cardiff.
- ^{5.91} The Head of Accommodation said that in terms of HMOs as opposed to purpose-built student accommodation, students wanted to have the choice. The university has no say in respect of the price of purpose-built accommodation and the price is beyond the reach of some students. There has been a massive growth of purpose-built student accommodation in Cardiff, it does seem as if it is at capacity, and they are still building more.
- ^{5.92} Traditionally “...students wanted an HMO because that was seen as the student experience. I think we are getting away from that now.” Although the costs are higher, there are advantages to students in purpose-built accommodation – they have certainty over what their bills will be and also greater certainty over the time frame of repairs. Although in contrast the Director of Student Services did say that living in an HMO was still valuable as part of the student experience
- ^{5.93} Cardiff does still operate the Student Safety Bus service staffed by South Wales Police and volunteers particular during Fresher Week and other busy times to protect students who may have drunk excessively when socialising and potentially put themselves at risk.
- ^{5.94} A particular point made by the Director of Student Services was that the University did have concerns over well-being and safeguarding in HMOs. She said it was frequently difficult to make contact with some students in HMOs which was necessary on occasions because of safeguarding issues. She would like to see some sort of requirement for landlords to give information to allow contact to be made albeit in a way which met with data protection requirements.

Landlords 19 December 2022

- ^{5.95} As mentioned at paragraph 3.71, an online meeting was held with two portfolio landlords on the 19 December 2022. As with the University, there was commonality in the issues across the three Councils, and notes from the meeting are set out at Appendix H. One the landlords is a prominent member of landlord organisations (LL1). The other landlord (LL2) said that he had been a landlord for over 30 years and was now slowing selling HMOs in his portfolio. LL1 said that he had properties in Cardiff and also Treforest.
- ^{5.96} LL1 said that in Cardiff that outside of student areas HMOs were generally let to young professionals (in Newport the demand was driven by the hospitals). He was particularly concerned about the rigidity in the way the changes to the Use Classes Order were implemented. If a property was an existing HMO, then if let to a family that HMO established use would be lost. During the pandemic there were properties empty because the students could not attend and, in many cases, families seeking accommodation were turned away by landlord because they did not want to lose the use class for the property. As mentioned at paragraph 6.52, Leeds operate a policy of flexible C3/C4 permissions for new and existing C4 HMOs. This enables a C4 HMO to convert to a C3 dwelling house without losing the potential to revert back to C4 use within a fixed period (normally 10 years).

- 5.97 LL1 said there had been some limited impact on HMOs because of the growth of purpose-built student accommodation (higher quality and higher rents). There had been a loss of some foreign student to HMOs because of it.
- 5.98 LL2 said that some HMO landlords are now seeking to replicate the very high standard of purpose-built accommodation, and this is driving up standards in the HMO market. Higher returns are necessary now because of legislative requirements and interest rate rises. *“The old model doesn’t work anymore”*. New landlords entering the market either have to buy expensive fully converted HMOs or buy one that requires significant investment after use. Very easy to fall foul of property regulation in Wales and that is driving investors away as returns have fallen. Returns on HMOs used to be 10 – 15%, now 5 -6 % considered good return – in parts of Cardiff can be as low as 2-3%.
- 5.99 LL1 said that he did not object in principle to the C4 class and accepted that if the use of a property was being changed in a reasonably substantial way, then there should be checks and balances but there should be flexibility [changing from Class C4 to Class C3 and back again].
- 5.100 In terms of enforcement, LL2 said that authorities varied. Cardiff was reasonably pragmatic, probably because of the substantial volume of properties, and contrasted that approach with that taken in Rhondda Cynon Taf. Both landlords said that authorities should focus their attention on issues of serious non-compliance with difficult (“cowboy”) landlords.
- 5.101 They both raised concerns about a range of issues with recent legislation in particular notice periods with the Renting Homes (Wales) Act 2016. LL2 said *““lack of supply is the worst I have seen it since I started in this business over thirty years ago and if I spoke to ... landlords who have been doing it for 50 years, I think they will say the same. This is the worst its ever been, its virtually crisis point”*.
- 5.102 The issue of Airbnbs was raised. LL1 said that there could be possibility of people claiming properties are Airbnbs but in fact renting them out as an HMO. One prominent landlords association has been campaigning for a long time for standards around properties changed to Airbnb. A submarket was being created that is completely unregulated, taking lots of property from the average rental stock, and its taxed much more efficiently from a landlord’s point of view. LL2 said that Airbnbs was now starting to infiltrate very market.
- 5.103 When looking at HMOs in Cardiff, LL2 said that they beyond just Cathays and Plasnewydd. Ultimately there is not enough property. Young people are looking at the difference in rentals and many opt to pay for a room in a good quality HMO rather than the full rent on a one-bedroom flat.
- 5.104 With regard to the issue of HMOs housing vulnerable groups, both representatives said that they both avoided this (even if offered financial incentives) because of the potentially substantial management involvement.
- 5.105 On the question of parking, LL1 said that this is a policy issue. Is parking a genuine concern or should “... we accept that we are living in a modern world where we are encouraging people to use alternatives to cars. We won’t own cars in 30 years, it will not be an issue.” Waste is a significant issue, and local authorities should allocate more resources to it. Anti-social behaviour in HMOs arises from the people in them and landlords lack the ability to take enforcement action against difficult tenants because of the Renting Homes (Wales) Act 2016. *““The landlord needs to be appropriate powers to deal with antisocial behaviour on a primary level, and those powers are simply not there. The only real power the landlord has is to end up evicting, and that was difficult enough beforehand, and it’s even more difficult now.”*

^{5.106} A final point made by LL2 related to the planning process itself. *“The planning system is broken and takes too long. There are so many empty buildings that could be converted...”* for example from former commercial to residential use. *“It’s the process of consent, the way that a case is looked at before submission, then the process itself, s106 contributions, district valuer etc. This breaks most schemes to the point that they are no longer financially viable. Many schemes don’t happen because of this.”*

Key Messages from Stakeholder Consultation

- There are very high concentrations of HMOs in both Cathays and Plasnewydd.
- Cathays has had student HMO for decades but the growth in higher education from the 1990s onwards has increased the numbers substantially (and also in Plasnewydd).
- HMOs are starting to spread into neighbouring wards (Gabalfa, Riverside, Grangetown, Adamsdown, Penylan, Splott).
- Cathays remains predominantly a student area whilst Plasnewydd still has significant numbers of non-student residents.
- The character of both Cathays and Plasnewydd has changed very substantially because of the growth of HMOs especially in Cathays – residents feel that Cathays was an ideal family neighbourhood because of its proximity to the city and the number of attractions. Anti-social behaviour, noise complaints, rubbish (with associated pests) and littering especially associated with HMO concentrations have been (and in particular student HMOs) have been a substantial concern for residents in both wards.
- There appears to have been some reduction in anti-social behaviour post Covid (partly as a result of the cost-of-living issues), but residents indicate that this is starting to increase again.
- Student numbers have fluctuated to a degree but in general terms are still rising.
- There has been a substantial increase in the numbers of foreign students and the visa changes which allowed foreign student to bring family members (including children) as placed additional pressure on housing resources - recent changes to visa rules may well affect this.
- A substantial amount of purpose-built student accommodation has been provided over recent years but there are signs that this is not being fully occupied predominantly apparently because of cost – there are signs that the owners of such properties may seek change of use, and this is causing some concern.
- A number of appeals against refusal of change of use to HMO have been allowed and it appears clear that the LDP (which predates the C4 change in 2016) needs to be strengthened also with revisions to supplementary planning guidance.
- It would appear in particular that there is a trend of PEDW allowing appeals against refusals of change of use to HMO where there is a high concentration in the immediate locality (65% - 70%) as they take the view the character has essentially changed to an HMO area – this is notwithstanding the 20% threshold set out in the HMO SPG.
- Both elected members and residents expressed significant concern about decisions made by PEDW, in particular the apparent trend of allowing appeals in high concentration areas.
- Officers feel that the additional licensing schemes have proved successful, but residents feel that licensing issues are not pursued sufficiently robustly.
- Residents refer to instances of properties being built in rear gardens with the approach being from a back lane⁸⁶.

⁸⁶ This APP/Z6815/A/18/3212396 and related cases.

- The lettings boards direction has proved very effective.

Relevant policies in existing LDP and SPG

^{5.107} Cardiff LDP which covers the period from 2016 to 2026 was adopted in January 2016. The Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance was adopted in October 2016. The Managing Transportation Impacts (Incorporating Parking Standards) Supplementary Planning Guidance was adopted in July 2018 and the Flat Conversions SPG was adopted in March 2019

^{5.108} As with both the other two authorities, the Cardiff LDP was adopted before the 2016 Use Classes Order changes (albeit only marginally so) and therefore the policies were formulated at a time when planning permission was required only for change of use to a large “sui generis” HMO. Accordingly, the LDP policies do not contain any explicit references to small HMOs, and this is reflected in the SPG.

^{5.109} In terms of planning policy context, the SPG starts by referring to Planning Policy Wales then Edition 8 (January 2016). As with the LDPs of the other two authorities, the first reference is to paragraph 3.1.7 which states:

“The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on amenity and existing use of land and buildings in the public interest. The courts have ruled that the individual interest is an aspect of the public interest, and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties. However, such consideration should be based on general principle, reflecting the wider public interest (for example a standard of ‘good neighbourliness’, rather than the concerns of the individual).”

^{5.110} It then goes on to refer to paragraph 9.3.3:

“Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion or adaptation, should not be allowed to damage an area’s character or amenity. This includes any such impact neighbouring dwellings, such as serious loss of privacy or overshadowing.”

^{5.111} With regard to local planning policies in the LDP, the SPG first refers to:

PolicyH5: Sub-Division or conversion of residential properties

Proposals for any conversion to flats or Houses in Multiple Occupation will be permitted where:

- i) The property is of a size, whereby the layout, room sizes, range of facilities and external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers.*
- ii) There would be no material harm to the amenity of existing nearby residents by virtue of general disturbance, noise, or overlooking.*
- iii) The cumulative impact of such conversions will not adversely affect the amenity and/or character of the area.*
- iv) Does not have an adverse effect on local parking provision.*

^{5.112} The SPG then refers to supporting text in the LDP:

5.18: *The subdivision of a residential building into smaller residential units can be an important source of housing. It can take different forms such as: -Subdivision of existing houses into flats and HMOs -Conversion of HMOs to flats.*

5.19: *The council requires all flat conversions and HMOs to be of a high quality and to be well designed.*

5.20: *The objectives of the policy are: -To support the creation of attractive sustainable development for self-contained flats and HMOs; -To promote good design and layout.*

5.21: *The subdivision of a building into smaller residential units is a sustainable form of development as it gives a new lease of life to buildings which might be redundant or economically unviable in their current use.*

5.22: *With sympathetic alterations to the exterior of a building, conversion has a lower visual impact on the street scene by preserving the existing frontage and respecting the character of an area.*

5.23: *However, unsatisfactory conversion work can result in accommodation which is an over-intensification form of development resulting in inadequate and poor-quality accommodation. Occupants may be exposed to problems, such as overlooking, poor outlook, overcrowding, and lack of amenity space, noise and disturbance from neighbouring premises, and inconvenient and unsafe access.*

^{5.113}Section 4.0 of the SPG then considers the impact of HMOs on communities:

4.1 *In accordance with KP5 of the LDP, the Cardiff Council requires all new HMOs to be high quality, well designed and fit to afford a good quality of life to inhabitants and the surrounding community.*

4.2 *As stated in 3.2.2, it is recognised that HMOs can provide an important source of housing, and it is recognised that demographic change has driven many of the changes that have seen traditional family homes become HMOs. HMOs are popular accommodation source for many groups, including students, young professionals, migrant workers and often people on lower incomes.*

4.3 *In spite of the above, concentrations of HMOs, clustered in small geographical areas can detract from the character of the area and actively contribute towards a number of perceived problems, including, but not limited to, those listed below. It is considered that this may conflict with policy KP13 of the LDP which aims to improve the quality of life for all.*

- *Increased population density, leading to greater demand for infrastructure, such as waste collections and on-street parking.*
- *Higher proportion of transient residents, potentially leading to less community cohesion, undermining existing community facilities*
- *Areas of higher HMO concentrations becoming less popular with local residents, with many properties taken out of the owner-occupier market.*
- *A proliferation of properties vacant at certain points of the year*
- *Subsequent impact on crime, local centre viability, as a result of the number of properties temporarily vacant for long periods.*

^{5.114}The SPG goes on to refer to negative issues commonly associated with HMOs. It refers to notable demographics in respect of household size and ages and then refers to the significantly higher rate of reported incidents regarding street cleaning, waste enforcement requests and litter/street cleaning. There

is also reference to elevated levels of anti-social behaviour and burglary in HMO areas, significantly so in terms of anti-social behaviour in concentration areas.

5.115 Several Appendices produce detailed evidence with statistics to support these statements.

5.116 The SPG acknowledges that HMOs are lived in by lots of people other than students; nonetheless in the concentration areas the great majority are students and there are significant amounts of time when properties are vacant outside term time. This can have an adverse impact on the viability of businesses in the area.

5.117 *“Collectively, the above issues point to a conclusion that the concentration of HMOs as exists in parts of the city does not come without social or amenity costs. While any individual new HMO may not directly impact upon this, collectively, their concentration is something that the Council can justifiably feel may need management for the benefit of the community at large. In this respect, a concentration of HMOs may conflict with parts of policy KP13.” [KP13 relates to Responding to Evidence Social Needs and includes references to both supporting the vitality, viability and attractiveness of existing district and local centres and also Designing out crime and creating communities which are safer and feel safer”.*

5.118 But despite the issues associated with concentrations, the SPG does reiterate the important role HMOs play in providing accommodation to low-income residents/households.

5.119 The SPG then sets out measures to manage HMO concentrations. Having regard to the to clear evidence that there are large numbers of HMOs in the city, that they are not evenly distributed and that, irrespective of the positives and negatives HMOs bring to communities, the disparity in distribution it is necessary to identify the threshold at which HMOs may cause harm to a local area. At paragraph 5.6 and 5.7, the SPG sets that a two-tier threshold will be applied.

“5.6...This threshold will resist further HMOs in communities that already have a concentration above this limit, while also controlling the growth of HMOs in communities below this threshold.”

5.7 A two-tier threshold will be applied to determine when an area has reached the point at which further HMOs would cause harm:

- 1) In Cathays and Plasnewydd the figure of 20%*
- 2) In all other wards, the figure of 10%”*

5.120 This approach is justified on the basis that Cathays and Plasnewydd are home to a vastly greater number of HMOs than other parts of the city and are designated as additional licensing areas. The 10% threshold is intended to allow growth in other areas with proportions of HMOs. In considering the concentration, the SPG again uses the 50m radius. The SPG notes that other authorities use distances varying between 40m and 200m. However, larger areas (such as a 100m radius, or entire street length) would firstly cause less impact in terms of amenity, and secondly would not notably alter the outcome in terms of assessing concentrations, and if it did, it would be through the consideration of properties further away from the proposed HMO at the expense of those closer by.

5.121 The guidance also makes it clear that there may be circumstances where it is appropriate to consider whether dwelling houses immediately adjoining a property are already HMOs. This does not mean that the core threshold principle should be overridden but it is a key consideration – for example a property may be surrounded on all sides by HMOs.

5.122 The SPG also sets out guidelines to clarify several other related issues:

5.123 An existing C4 HMO will not automatically be permitted to become a sui generis HMO; if the concentration in the area is already high, then the creation of the larger HMO will only serve to heighten issue attributable to HMOs.

- HMOs in existing before the creation of the C4 class on the 25th of February 2016 may be required to submit evidence to prove their pre-existing status via tenancy agreements or similar documentation. If this cannot be done, they will be viewed as a C3 dwelling and treated accordingly.
- Development of HMOs on brownfield sites, or where there is not loss of an existing C3 property will be considered more favourably as this results in an addition to the existing housing stock and does not result in the loss of family housing.

5.124 The application of the 50m radius is illustrated by diagrams as with the other authorities. In the first example, the concentration is 47% and therefore the application would be opposed.

Figure 45: An example of the 50m HMO threshold in Cardiff with many HMO properties.



- 5.125 In the second example, with only one HMO property within the radius the concentration is clearly below the 10% threshold and would not be opposed subject to satisfactory compliance with the criteria on Policy H5.

Figure 46: An example of the 50m HMO threshold in Cardiff, with only one HMO property.



Design Standards

- 5.126 The SPG sets out clear guidance on design standards. It refers to the Council's HMO licensing standards which cover amenity, space standards and facilities and says that compliance with these is the minimum that would be expected in an application for change of use.

Recycling and Refuse Storage

- 5.127 The guidance refers to Policy W2 of the LDP which says that *"Where appropriate, provision will be sought in all new development for facilities for the storage, recycling and other management of waste."* In particular, it sets out clear principles for storage on frontages. There is specific guidance in respect of waste storage facilities for HMOs dependent on the number of occupants. *"Planning applications that cannot demonstrate suitable, ideally covered, storage space, for recycling and waste will be refused. External storage must be provided to accommodate recycling and waste for a 14-day period"*.

Vehicle Parking and Cycle Storage

- 5.128 Policy H5(v) of the LDP says, amongst other things, that conversion to flat to HMO will be permitted it does not have an adverse effect on local parking provision. Reference is then made to the Managing Transport Impacts and Parking Standards SPG. This notes that sub division of properties to create additional units can result in an increased demand for car parking. In areas where there is a high concentration of HMOs, on street parking may already be oversubscribed – in such areas any proposals for further subdivision of existing dwellings must be carefully considered in view of the likely impact of any intensification upon existing parking pressures. *“In exceptional circumstances, the likely parking impacts of a proposal may warrant a flexible application of the standards in this SPG with the effect that permission may not be granted unless additional off-street parking space can be provided within the curtilage of the building.”*
- 5.129 Table P9 of the Managing Transport Impacts and Parking Standards SPG says that whether central or non-central areas the *maximum* car parking spaces per unit are one space per unit and one cycle parking space per bedroom.

Noise

- 5.130 The SPG refers to the potential for additional noise both within HMOs themselves and affecting adjoining properties. It says that whilst this is essentially a matter for the Building Regulations, it is something that those submitting applications should bear in mind and also makes it clear that planning conditions may be attached in respect of noise.

Appeals to Planning and Environment Decisions Wales

- 5.131 As with the previous authorities, it is noted here that from the 1st of October 2021 organisation responsible for dealing with planning appeals, formerly known as the Planning Inspectorate, is Planning and Environment Decisions Wales (PEDW)
- 5.132 Eleven planning appeal decisions that predate the October 2016 adoption of the supplementary planning guidance (SPG) were considered along with twenty-one after that date. These are all listed at Appendix F. NB APP/Z6815/A/15/3140589 deals with three properties in close proximity to each other.
- 5.133 Five of the appeals decided before the adoption of the SPG were also before the change in the Use Classes Order which created C4 smaller HMOs; they also predated the adoption of the LDP 2006 – 2026. All of these five decisions therefore related to proposals for larger sui generis HMOs. Of the later cases, most related to applications where there was a pre-existing HMO with retained status (so within the new Class C4) and the appellant was seeking change of use to a larger sui generis HMO.
- 5.134 Only two of the appeals during this period were dismissed, and in both cases this was because of extremely limited rear amenity in particular, where additional cycle storage/refuse storage was required. Consistent themes were apparent throughout.
- 5.135 The general argument of the Council was that high HMO concentrations were detrimental to the character and amenity of the area, in particular concerns in respect of noise, anti-social behaviour, rubbish accumulations/litter, parking, letting boards, etc. In some cases, evidence of complaints to the Council and/or police was used to support arguments in this respect. Even prior to the adoption of the SPG HMO actual concentrations were cited (in excess of 50% in most cases). As indicated at paragraphs 5.111, the only strictly relevant policy in the LDP is H5 (which refers to adequate residential amenity for future occupiers, no material harm to the amenity of existing residents by virtue of disturbance, noise or overlooking, the

cumulative impact of not adversely affecting the amenity or character of the area and no adverse effect on parking provision).

^{5.136} Policy KP5 also that the Council requires all new HMOs to be high quality, well designed and fit to afford a good quality of life to inhabitants and the surrounding community. Policy KP13 refers to developing sustainable neighbourhoods and improving the quality of life for all, including “designing out crime and creating communities which are safer and feel safer”.

^{5.137} The statements made by Inspectors in their reasons commonly referred to the following:

- HMO concentrations in the area are already very high and so in most cases the character of the area is not being altered/adversely affected as in effect it is already an HMO area
- The local authority had offered little direct evidence of the actual impact of concentrations. Where empirical evidence was offered this was commonly given little weight as the Inspector viewed it as not sufficiently specific to the appeal property or locality. Appeals were upheld on occasions where the Inspector had actually acknowledged evidence of concentration issues (litter, additional refuse bins in front gardens, letting boards, signs in windows, etc) during their inspection.
- Where the appeal concerned an HMO with established C4 use and the appellant was seeking to create a larger sui generis HMO, it was commonly states that an additional 2 or 3 people would make little significant change.
- It was stated several times that significant levels of noise and traffic are typical of dense urban areas.
- If noise/anti-social behaviour/refuse/traffic problems do occur local authority/police have powers to deal with it.
- In a few cases conditions were imposed for example in respect of the number of occupants, cycle storage, obscured glazing and/or restriction on use of part of property.

^{5.138} Post SPG, of the 19 appeals considered 5 were dismissed (in respect of change of use) and 14 allowed. Of the five dismissed one was dismissed because it in was in a C3 flood zone⁸⁷. The reasons for dismissal in the other four will be considered shortly.

^{5.139} When looking at the decisions where appeals were allowed, the distinction between policy set out on in LDP and guidance in SPG and the different weight accorded to each is clearly apparent; the guidance is not prescriptive. In a number of decisions Inspector say that the recognise that the SPG affords a context in which to interpret and that they will afford it weight, but nonetheless allow appeals notwithstanding the HMO concentration in some cases significantly exceeding the relevant threshold set out in the SPG. There are relevant polices in the existing LDP, reflecting the fact that they preceded the changes in the Use Classes Order, but they could not be drafted with C4 HMOs in mind as necessary they did not exist and the policies at that time clearly could not make reference to threshold percentages.

^{5.140} Obviously the SPG was adopted after the 2016 changes. It does set out the background to concerns over HMO concentration in the light of the Use Classes Order changes and the content of the 2015 Welsh Government report on HMOs. It also sets explicit guidance on how the Council interprets policies aimed at

⁸⁷ CAS-01597-M9L4N1

controlling harm to character and amenity of neighbourhoods, damage to community cohesion, impact on parking, etc through the application of threshold limits and other measures. The issue of course is that new policy cannot be created in supplementary planning guidance, it can only give guidance on existing policy notwithstanding the fact significant legislative changes have occurred since the LDP was adopted and that the Council is responding to these changes in the way that the SPG was drafted. It was emphasised in a 27 February 2018 letter from the Cabinet Secretary to Energy, Planning and Rural Affairs⁸⁸ that only policies in an LDP have legal status⁸⁹ and this has been cited in a number of appeal decision

- ^{5.141} In the four cases where appeals were dismissed and reasons did include factors relating to the impact of HMO concentration, it may be noted that, whilst Inspectors did acknowledge the status of the SPG as opposed to the LDP, they did afford it significant weight (“substantial” in one case⁹⁰). In two of the cases the threshold in the SPG had been exceeded but by a relatively limited margin⁹¹ (with one in Plasnewydd); the areas had not been dominated by HMOs. In the one decision⁹² relating to a retrospective application the Inspector accepted direct evidence from residents as to anti-social behaviour, noise and refuse from the subject property and gave weight to these matters in their deliberations. “...the representations from local residents tangibly and persuasively evince the very types of harms to living conditions and to the balance and cohesiveness of communities that CLDP policy H5 and the SPG seek to avoid. In both of these cases, the Inspector found that the potential benefits of HMO use (including occupation by young professionals or low-income households) did not outweigh the cumulative impact of the appeal development in harming the character or amenity of the surrounding area.
- ^{5.142} In the other two decisions, there were high existing HMO concentrations (57% and 79% within the 50m radius). In the one decision⁹³, the Inspector noted the likely impact of a high percentage of young people with many absent in the summer on community provision. In addition, the Inspector had noted the number of negative characteristics associated with high concentrations of HMOs. “Nevertheless, their cumulative impact has resulted in negative perceptions of the area among longer term residents as well as those who may wish to move into the area.”
- ^{5.143} In the other decision⁹⁴ (which related to change of use from C3 to C4 which did appear to have a bearing on the outcome in response to arguments that the effect of an individual HMO would not be significant) the Inspector observed “...whilst the individual effect of the appeal proposal would not necessarily be significant, the cumulative impact of such proposals, particularly when the thresholds are so high, is likely to have an adverse effect upon the character and amenity of the area.) This would conflict with Policy H5(iii).
- ^{5.144} The reasons in the fourteen cases where appeals were allowed in many respects mirror the reasons given in the cases that predated the SPG, in particular that in concentrations had reached the point where the character of the area had changed to such a degree that in reality the area had become dominated by HMOs. A common theme was that the local authority had not produced specific tangible evidence “....to directly link

⁸⁸ <https://www.gov.wales/sites/default/files/publications/2018-11/local-authority-powers-houses-in-multiple-occupation.pdf>

⁸⁹ Section 38(6) Planning and Compulsory Purchase Act 2004

⁹⁰ APP/Z6815/A/18/3201806

⁹¹ APP/Z6815/A/21/3274153, APP/Z6815/A/21/3273492

⁹² APP/Z6815/A/21/3274153

⁹³ APP/Z6815/A/18/3213113

⁹⁴ APP/Z6815/A/18/3201806

the proposals with any significant loss of community cohesion or character, which is already largely determined by the existing concentrations of HMOs in this particular location”⁹⁵.

- ^{5.145} The commonly applied principle was clearly stated in APP/Z6815/A/18/3214589. “The SPG does not have the same status as the policies set out in the LDP and the thresholds identified are not prescriptive. Instead, in order to assess whether a given proposal is in accordance with LDP Policy H5, it is necessary to assess the actual impact of the proposed change of use and judge whether there would be any material harm.” In that particular case the South Wales Police had objected to the application for change of use on the basis of crime and anti-social behaviour in the vicinity but “there is nothing which would indicate that these are related to an oversaturation of HMO’s (sic) or that this particular property has in any way contributed to any increase. Very similar arguments were relied on in decision such as APP/Z6815/A/20/3262361, APP/Z6815/A/17/3190232 and CAS-02186-T4X0Y5.
- ^{5.146} This argument was particularly cited in cases where the refused application was for change of use from Class 4 (typically six residents already) to a sui generis HMO housing (say) eight or nine residents (usually coupled with rear and/or dormer extensions/loft conversion). In essence, the decisions are saying that where there is an existing high concentration of HMOs, then the character of what was originally an area of family housing has changed (potentially irrevocably) to an area of predominantly HMOs with all the changes in character and amenity that that change entails in terms of community cohesion, potentially higher rates of anti-social behaviour, crime, parking problems, refuse/litter, etc. Alternatively, the argument can be recast as saying that the area already has a large proportion of HMOs; one more, or a C4 use going to sui generis is not going to make any substantial difference. “From my observations and the available evidence, it is clear that the area’s character has changed. In these circumstances, a further HMO would be unlikely to have a material impact, either individually or cumulatively⁹⁶.”
- ^{5.147} A further way of looking at such cases is to say that such changes do not increase the actual number of HMOs in the area as both Class C4 and sui generis properties are both HMOs although the number of residents does increase.
- ^{5.148} In CAS-02529-M8K9W4, the Inspector set out arguments by the ward member for Cathays (and Cabinet Member for Education) that “further increases of HMOs in areas of already high concentration will continue to have adverse cumulative effects as the community becomes increasingly skewed towards short-term residents, leading to a continued loss of community cohesion, accelerating the ‘flight’ of longer-term residents, and risking the viability of long-standing community infrastructure, such as schools, which tend to rely on a more settled demographic. This was acknowledged by the Inspector as “... a persuasive and logical argument which recognises that retaining diversity in the local residential offer may assist in securing cohesive communities, which is a well-being goal and aim of Planning Policy Wales.” However, the appeal was allowed as the fall-back position was that the appellant already had planning permission for two flats and HMO use would not make any significant difference.
- ^{5.149} In APP/Z6815/A/17/3180663, the HMO concentration in the 50m circle was 82%. The inspector acknowledged the existence of refuse bins in front gardens, litter and notices in windows. The appeal was allowed on the basis that there was no substantiated evidence to link the proposal (change of use to Class C4) with “any significant loss of community cohesion or character, which is already largely determined by the

⁹⁵ APP/Z6815/A/17/3180663

⁹⁶ CAS-02186-T4X0Y5

existing concentrations of HMOs in this particular location”; it would not materially affect the number of transient residents or the infrastructure.

^{5.150} However, the Inspector did make interesting comments about the question of homogeneity in the area. Whilst the subject property was in a particularly dense pocket of HMOs (at 82%) the percentage in the Cathays ward was 28%. This suggested that there was a more balanced mix across the Cathays ward as a whole. “In other parts of the Cathays Ward or the City, it would be open to the Council to demonstrate in the particular circumstances of an individual case that harm would be caused”. This does suggest that a more finely grained approach to the application of thresholds would be appropriate, and the approaches adopted by other authorities in this regard will be considered in the next section.

^{5.151} As an additional point, in one decision⁹⁷, the issue was complicated by argument over the actual concentration. The subject property is in the Gabalfa ward which is not a designated additional licensing area. Counting only properties subject to mandatory licensing, the proportion within the 50m circle was only 2.9% and therefore within the 10% threshold. The Council argued this rose to 15% if unlicensed HMOs were included but did not produce evidence to substantiate this. The Inspector observed that the Council does have planning enforcement powers in respect of any breach of planning control and considered that “unregistered” HMOs should not be included in the threshold concentration calculations. This is on the basis that only information in the public domain should be used to be fair to applicants but does beg the question of fairness to residents in that that concerns which are commonly associated with HMOs may arise irrespective of whether an HMO is formally acknowledged by licensing or existing planning status.

^{5.152} A general point may be made about the stance apparently taken by the Inspectorate in respect of high concentrations. In the stakeholder comments, both Councillors and planning officers both indicated that a concentration of 65% - 70% recognised as tipping point by Inspectors. This clearly seems to be borne out by appeal decisions, with the exception of the decisions in APP/Z6815/A/18/3213113 and APP/Z6815/A/18/3201806. Planning officers appear to have accepted this as de facto policy and, in their own words, are reluctantly recommending approval of applications in high concentration areas as they consider the risk of successful appeal (with the further risk of attendant costs) too high. The potential costs awards act as a particular deterrent. This issue will be commented upon in the next section.

⁹⁷ APP/Z6815/A/21/3268205

6. Examination of Best Practice & Recommendations

Introduction

- 6.1 This section will look first at practice adopted in a sample of authorities with significant HMO concentrations predominantly associated with higher education establishments and student populations. Four authorities were considered in Wales (Swansea, Wrexham, Gwynedd and Ceredigion) and two in England (Leeds and Nottingham). With the Welsh authorities, only practice in Swansea was considered in any detail. It will then consider general findings, findings for each of the three Councils and then make outline recommendations for each of the three authorities.
- 6.2 The policies and practice in Swansea appear particularly relevant to this study overall and are looked in substantial detail. Obviously as a Welsh authority the legal framework is the same; furthermore it has areas of high HMO concentrations associated with universities and other educational establishments. With all other areas, essentially only broad issues and any specific points that are particularly relevant are set out.
- 6.3 With each authority, principally the LDP and supplementary planning guidance (and English equivalents) were considered along with relevant sections in any other guidance. In addition, a limited number of appeals decisions were looked at to consider how robust the policies and guidance proved to be when challenged at appeal.
- 6.4 Policies and practice in Leeds and Nottingham do offer an alternative approach to the common practice of using thresholds across an area with, as a starting point for assessing concentration in the immediate vicinity of the subject property, a radius (generally 50m) to calculate HMO concentration.

Wales

Swansea

- 6.5 The LDP was adopted 28 February 2019 and the SPG: Houses in Multiple Occupation and Purpose-Built Student Accommodation was adopted December 2019. Both were developed and adopted after the 2016 Use Classes Order change to include the new Class C4 and their content specifically reflects this.
- 6.6 The 2021 Census gives the resident population of the City and County of Swansea as 238,500 in some 105,000 households. It is the second largest city in Wales. HMO concentrations are located in particular in the Castle, Uplands, Waterfront and St Thomas wards and additional licensing schemes apply in these areas (they were extended for a further five years in 2021). The Council estimates the total number of HMOs in the district as around 2,000; the register of licensed properties (mandatory and additional) states there are 1,785 such properties.

Local Development Plan

- 6.7 The main policy that is relevant in the LDP is H9: Houses in Multiple Occupation. This is detailed and very clearly drafted. The summary of the content is as follows:

H9: Houses in Multiple Occupation

Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where:

- i. Within the HMO Management Area, it would not lead to more than 25% of all residential properties within a 50m radius of the proposal being HMOs;*
- ii. Outside of the HMO Management Area, it would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs;*
- iii. The development would not result in a Class C3 dwelling being ‘sandwiched’ between adjoining HMO properties;*
- iv. The property is suited for use as a HMO, and will provide satisfactory private amenity space, dedicated areas for refuse storage and appropriate room sizes; and*
- v. There would be no unacceptable adverse impacts caused by noise nuisance and general disturbance.*

HMO proposals within small streets that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street.

HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification.

- 6.8 In essence it adopts an initial threshold test with a two-tier approach; a maximum concentration of 25% in the HMO Management area (i.e. those wards) and 10% elsewhere. Applications above these thresholds will be resisted. The LDP makes it plain that this is a restrictive policy. It does acknowledge the need for more HMOs over the life of the plan to respond to factors such as welfare reform. However, the aim is to restrict the growth of HMOs where thresholds are exceeded to prevent damage to community cohesion and balance and residential amenity. A 50m radius test is used to determine HMO concentrations.
- 6.9 The threshold policy does allow for change of use where there are exceptional circumstances or overriding material considerations. In practice, this is aimed at situations where a very high HMO concentration in effect sterilises the potential sale of a property; family households would be put off by the HMO density and only investors would be prepared to buy and then only if consent for change of use to Class 4 or sui generis (unique use) HMO was going to be possible. However, the exception is not easily invoked; applicants have to produce cogent evidence of the property being difficult to sell including a minimum period of it being on the market and failing to sell.
- 6.10 The policy stated clearly that irrespective of thresholds, “sandwiching” of a Class C3 property between two HMOs will be resisted. Again, irrespective of thresholds, the policy offers specific protection to certain “small streets” where simply applying the 50m radius test could mean a relatively low number of HMOs causing a disproportionate harmful effect. These are typically 11- 34 properties but there is a specific policy for streets with ten or fewer properties. The effectiveness of the 50m radius test in certain circumstances as it applied in their own authorities was questioned by stakeholders in all three Councils.
- 6.11 Irrespective of thresholds, sandwiching etc, the LDP also applies criteria in respect of suitability of use in particular private amenity for future residents of the dwelling, external amenity space, dedicated space for

external refuse storage and local amenity in terms of noise and disturbance. These issues are also covered in licensing standards but not all properties are subject to licensing and additional licensing schemes do expire after a five-year period; they can be extended but not probably indefinitely.

Supplementary Planning Guidance

6.12 The SPG, adopted in December 2019, covers both HMOs and purpose-built student accommodation. It is extremely detailed and very thorough. Policies were clearly stated in the LDP and are explained in more detail in the SPG. It starts by referring to the main policies relating to HMOs (H9 as above) and purpose-built student accommodation (H11). It also sets out other LDP policies to which the SPG provided supporting guidance:

- Policy PS 2 'Placemaking and Place Management'
- Policy T2 'Active Travel'
- Policy T6 'Parking'
- Policy SI 8 'Community Safety'
- Policy EU 2 'Renewable and Low Carbon Energy'
- Policy RP 10 'Sustainable Waste Management'

6.13 The SPG sets out in detail the three "concentration tests" aimed at preventing unacceptable concentrations of HMOs. It does make clear that where a development proposal relates to a lawful HMO (i.e. that has established use in land use planning terms having regard to Use Classes) then the three concentration tests will not apply as in effect the HMO concentration will not be increased.

Radius Test

6.14 As stated above, the radius test provides thresholds of 25% in the HMO Management Area and 10% elsewhere. Various elements of this test are clearly defined by the SPG.

- (i) It is only when the threshold is exceeded, not equalled, that the application would be deemed unacceptable.
- (ii) The HMO% concentration is the number of HMOs (the numerator) divided by the number of residential units (the denominator) multiplied by 100.
- (iii) For the denominator, all Class C3, C4 and sui generis (unique use) HMOs are relevant properties. For the avoidance of doubt the SPG states that this includes social rented homes, each individual flat in a block, and flats above shops. Residential institutions, hostels, halls of residence and commercial properties are not included.
- (iv) The radius is drawn from the centre point of the frontage to the subject property (where the curtilage meets the highway (defined in relation to the principal elevation – in practice the street facing elevation irrespective of where the entrance door is – see figure 43 below).
- (v) Where the radius line cuts across a property, properties counted are those where the majority (more than 50%) of the street facing elevation is within the radius (again see figure 43)
- (vi) To determine the numerator, the register of licensed HMOs is first referred to (excluding Section 257 HMOs i.e. self-contained flats that do not comply with earlier Building Regulations). Outside the additional licensing areas, reference is also made to planning records to show properties that have obtained consent to become HMOs since the changes to the Use Classes Order. Properties with a lawful use as an HMO are counted even for example if a consent has not been implemented. The

authority has regard to information in the public domain and/or any submitted evidence, subject to compliance with GDPR requirements

Figure 47: The 50m HMO threshold policy in Swansea illustrating the method of measurement from the centre of the frontage



- 6.15 The SPG reinforces the restrictive nature of the policy: *“The two-tier approach ... is specifically intended to impose a restrictive regime for any further concentration or intensification of HMOs within the defined HMO Management Area to the existing general limit of 25% HMOs that has become established. This approach will serve to restrict HMO growth within the areas where there are already existing high concentrations of HMOs”.*
- 6.16 It further emphasises the part of Policy H9 which says that proposals that would lead to a breach of the threshold will only be permitted *“... where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification.”*⁹⁸

Small Streets Test

- 6.17 This test is only applied when the radius threshold is not exceeded. It reflects the fact in certain streets the layout means that the radius test may not properly reflect a disproportionate concentration in the street.
- (i) Street with 11 – 34 properties (not considered “small street” above that). This reflects the grid pattern layout in certain parts of Swansea.

⁹⁸ See paragraph 6.7 above.

- (ii) A disproportionate concentration is a matter of judgment taking into account the numbers of properties on a street (HMOs and non-HMOs) and also their relative locations. A general guide is given in the LDP that where the ratio is less than 1:8 the application will normally be resisted. Equally a situation may arise where there is no over concentration with properties at either end of a long street and where appropriate a pragmatic approach should be adopted having regard to all material considerations.
- (iii) With fewer than 11 properties, only two HMOs are permitted in a street in the HMO Management Area and just one outside the area. Examples in Appendix 2 of the SPG illustrate application of the small streets policy.

Non-sandwiching Test

^{6.18} This is a policy commonly adopted by authorities because of the potential negative impact on a family home with HMO neighbours on both sides. It is not a maximum threshold test.

- (i) Applications that would lead to sandwiching would not normally be supported in the absence of an overriding material consideration.
- (ii) Where there is an existing property that is already sandwiched, a proposal for HMO may be considered favourably even if it leads to the threshold being exceeded (an exceptional circumstance).
- (iii) Sandwiching is only deemed to occur if the properties share the same street frontage.
- (iv) Will not occur if the properties are separated by an intersecting classified road or are “back-to-back”.

^{6.19} Again examples to clarify are given in Appendix 2.

Property Suitability for HMO Use

^{6.20} The SPG makes it clear that irrespective of concentration matters, the issue of property suitability is a key concern. Many matters (in particular room sizes) may obviously also be dealt with by the licensing regime but only 3 storey properties with a minimum of 5 residents and 2 households are subject to mandatory licensing which means licence conditions will always apply. Many HMOs fall outside this definition. Some may be covered by additional licensing, but such schemes have a limited time span, and extension cannot be guaranteed.

- (i) **Room sizes** – developers are referred to the minimum room sizes in the licensing provisions and also to Policy PS2 which states “...that the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment.”
- (ii) **Communal Space** - appropriate communal space for occupiers to congregate is “...an important aspect of providing satisfactory private amenity space for HMO occupiers to ensure suitable living conditions... ...sufficient areas for seating, socialising and where relevant dining”.
- (iii) **Securing Satisfactory Living Conditions** – the SPG states that the Council may apply a planning condition to limit the number of persons occupying the property. This is to remove the temptation to reduce bedroom sizes or remove communal facilities. The Council may also apply a condition which removes permitted development rights for extension to remove the risk of unacceptable intensification without the opportunity of management control.

- (iv) **Satisfactory Outdoor Private Amenity Space** - Occupants should have access to usable, private outdoor amenity space, which includes 'functional' areas necessary for refuse storage, bicycle and car parking, as well as more generally to provide satisfactory living conditions "... *gardening areas, a place for drying clothes, and areas for sitting out and relaxing in a private setting*". The SPG makes clear that "Areas to the front of a building visible to the public highway will not be considered to fulfil the requirement for satisfactory outdoor private amenity space.
- (v) **Noise, General Disturbance and Privacy** – LDP requires that HMO proposals do not lead to noise or disturbance with unacceptably adverse impact. There is a particular focus in the SPG on measures to mitigate noise and states that it may be necessary to attach planning conditions in respect of noise for example soft closing fire doors and noise insulation. The spatial arrangement with neighbouring properties is considered carefully, for example rear staircases as a main access are not acceptable because of the lack of privacy. In terms of conditions for occupiers, all rooms are required to have windows as a means of outlook, light and ventilation.
- (vi) **Refuse Storage** – Policy H9 requires dedicated areas for the storage, recycling and other sustainable management of waste with bins provided by the landlord. Should be in dedicated, covered refuse store preferably at the rear of the property. If rear storage is not possible, this has to be justified, and any front storage must be "...well integrated into the street scene. "... *Planning applications that cannot demonstrate suitable dedicated areas for refuse storage will not be permitted.*"
- (vii) **Vehicle Parking and Bicycle Storage** - LDP policies T 2 and T 6 require the provision of appropriate vehicle and cycle parking and PS2 requires development to create and enhance opportunities for active travel. The SPG Parking Standards is material to decisions.

Small HMOs (Class C4) Proposals for conversion to Class C4 or creation by new build are subject to the same maximum parking standards as Class C3 houses.

Large HMOs (sui generis/unique use)

- (a) Conversions to this use are subject to the parking standard for HMOs in the Parking SPG, taking into account the parking requirements for the existing dwelling (i.e. 3 spaces for up to six in a C3 dwelling and one space per additional bedroom thereafter.
- (b) If new build, in the central area then the same parking standards as for purpose-built student accommodation, elsewhere as above.

Regard is also to be had to for example accident rates. If application show less provision, then will need to justify this having regard to the Sustainability Matrix in the Parking SPG. if there is any evidence of a parking issue, then planning conditions may be applied which remove the opportunity to apply for a parking permit.

With cycles, the level of provision is to be the same as for purpose-built student accommodation i.e. one stand per two bedrooms, under cover and secure. Must not be internal. Should be to the rear of the property where access arrangements allow. Any stands visible from the public realm must be visually unobtrusive.

Purpose built student accommodation

- 6.21 Because the supply of purpose-built student accommodation obviously has implications for the student HMO market and because it itself has implications in terms of potential disturbance, parking, community balance etc the supplementary planning guidance also covers the provision of this type of accommodation.
- 6.22 This issue will not be considered in any detail as outside the scope of the project brief but clearly the interrelationship between the two forms of provision must be considered carefully as replacement LDPs are formulated; reference has already been made to apparent evidence of oversupply of PBSA in Cardiff⁹⁹. There is also the question of potential disruption from concentrated student populations.
- 6.23 The Swansea SPG recognises the different sizes of PBSA (it puts the lower limit as 9 or fewer) and that they can be capable of providing accommodation in the many hundreds and can be large scale dense developments.
- 6.24 Policy H11 first says that any proposals for PBSA must be in the central area of Swansea unless it is located within a campus, is in accordance with the approved masterplan for the site and give rise to an overall benefit to the vitality and viability of the Swansea Centre Area.
- 6.25 A useful statement of intent is given at paragraph 2.5.86. The last sentence in particular is noteworthy.
- “It is preferable that student needs are met as far as possible by modern purpose built and managed schemes with the space and facilities more suited to students’ needs in appropriate Swansea Central Area locations where there is good access to services, facilities and public transport to the University buildings. Such development accords with City Centre living aims and would increase footfall, and so contribute towards enhancement of City Centre vitality and viability. It may also lead to a reduction in HMOs and promote the reinstatement of dwellings to family use.”*
- 6.26 The SPG expands the policies with guidance on site suitability, design and amenity, impact on neighbouring uses, refuse and recycling storage, and car and bicycle parking. With cars, the SPG calls for 1 space per 25 beds for residents and 1 space per 10 beds for visitors (none in the central area).
- 6.27 A final useful point is that a management plan has to be submitted – to deal with safe and positive environment for students and reducing the risk of negative impact on neighbours.

Appeal Decisions

- 6.28 A key indicator of the effectiveness of LDP policies and supplementary planning guidance is how well they stand up when appeals are made to PEDW against determinations made by decision makers following the policies and guidance.
- 6.29 Eight decisions since the adoption of the LDP were considered. In three cases before the SPG was adopted¹⁰⁰, Inspectors allowed the appeal. In five cases after the adoption of the SPG in December 2019 the appeals were dismissed¹⁰¹.
- 6.30 One of the first three decision revolved around the sandwiching policy¹⁰². The planning status of the central property was disputed, but the Inspector accepted it had lawful Class C3 status. Nonetheless, the appeal was

⁹⁹ See paragraphs 5.82 onwards

¹⁰⁰ APP/B6855/A/19/3229841, APP/B6855/A/19/3235337, APP/B6855/A/19/3235551

¹⁰¹ CAS-01528-GOK5M5, CAS-01631-R4S6H3, CAS-01903-CAS-R7J8Z6, CAS-02462-T5Z1D4, CAS-02807-K1X2D5

¹⁰² APP/B6855/A/19/3229841

allowed because of exceptional circumstances – the property was in disrepair and could stand empty for a significant period.

- 6.31 In the other two cases, the threshold was exceeded by only a small margin (11.1% as opposed to 10%) in one case¹⁰³ and in the other by a significant margin (47.6% as opposed to 25%)¹⁰⁴. In both cases, the approach of an Inspector applying their own value judgment as to the actual impact of HMOs in the area was used to allow both appeals. The inspector stated that as the SPG had not been adopted (it was adopted the following month) she accorded it little weight.
- 6.32 With cases after the adoption of the SPG, the tenor of the decisions changes. In CAS-01528-GOK5M5¹⁰⁵, the proposal concerned an application for change of use from Class C3 to Class C4. If approved, the HMO concentration would have increased to 11.6%, just above the 10% threshold. The Inspector said that despite the breach being marginal, the LDP was sound and based on a robust evidence base and there was no reason to depart from the threshold here. The proposal was for an HMO of modest scale but “... it would clearly have potential to intensify the use of the property, to the detriment of the character and amenity of the area”.
- 6.33 In CAS-01631-R4S6H3¹⁰⁶ again this concerned a proposed change of use from Class C3 to Class C4. The Inspector determined that approval would have resulted in an HMO concentration of 29.4%. Whilst the impact of the proposal on an individual basis might be very limited and notwithstanding the fact that properties is inherently suitable as an HMO “... the local planning framework seeks to tackle the erosive impact of incremental intensification, rather than focusing only on the effects of one proposal in isolation. That is the approach I have taken, noting that there are no particular circumstances that justify treating it as an exception to the general approach set out by policy H 9” and the appeal was dismissed.
- 6.34 Similar comments were made in CAS-01903-CAS-R7J8Z6107, where the proposal would have caused an HMO concentration of 43.5%. “...I consider that a further HMO in this location would begin to upset the balance in housing tenure to the detriment of social cohesion and residential amenity. I accept that the proposal by itself might not have an appreciable impact, but this is an argument that could be repeated many times with cumulative adverse effects over time.” It would also lead to sandwiching. The Inspector was the same as in APP/B6855/A/19/3235337 and APP/B6855/A/19/3235551, where appeals were allowed with little weight being given to the SPG as not formally adopted at that time
- 6.35 In CAS-02462-T5Z1D4¹⁰⁷, an appeal regarding conversion of a former club into two HMOs was dismissed as it would have given rise to accommodation of a “oppressive and gloomy character counter to policies PS 2 and H9 of the [LDP] which seek to avoid significant adverse impacts on people’s amenity and provide satisfactory private amenity space in HMOs... and for the same reasons counter to the [SPG]”.
- 6.36 In CAS-02807-K1X2D5¹⁰⁸, an application for change of use from Class C3 to an eight-person sui generis (unique use) HMO was refused. The HMO concentration would have been raised to 35%. The appeal was dismissed in part because of living conditions (the attic room windows would only permit a view of the sky) and

¹⁰³ APP/B6855/A/19/3235337

¹⁰⁴ APP/B6855/A/19/3235551

¹⁰⁵ 29/04/2022

¹⁰⁶ 07/09/2022

¹⁰⁷ 23/11/2022

¹⁰⁸ 28/09/2023

¹⁰⁹ 26/10/2023

inadequate parking provision: “I visited the site mid-morning and parking space was limited, including resident only spaces. I expect conditions are much worse at the end of the working day and weekends.”

- 6.37 However, of particular note was, whilst the Inspector did not take the view that HMOs dominate, he did note some signs of deterioration in the neighbourhood conditions. He noted “... *the incidents cited by local residents which illustrates the adverse impacts found in the research cited above and which are likely to be exacerbated if this appeal were allowed. I conclude that the proposed development would have an adverse impact on community cohesion and conflicts with Policy H9 of the LDP.*”

Comments on Swansea Policies and Decision Outcomes

- 6.38 Prior to the adoption of the replacement LDP and the new SPG, from reading Committee reports it does appear there had been political pressure to be able to resist more effectively the growth of HMOs in particular areas. Looking at the relevant policies in the LDP, SPG and related planning documents, and from the readily available PEDW appeals, it does appear that the revised policies are generally proving successful.
- 6.39 The policies relating to HMOs in the LDP are set out very clearly and are explicit in what they are seeking to achieve. They are very well supported by additional detail in the supplementary planning guidance which again is clear and unambiguous. Of particular note is the manner in which the two-tier threshold approach is set out; both LDP and SPG make it plain that the “*The two-tier approach set out above in respect of different threshold levels is specifically intended to impose a restrictive regime for any further concentration or intensification of HMOs...*”
- 6.40 The clearly stated restrictive approach is important. Looking back at cases with the three Councils, there are a number of cases where Inspectors in effect have made statements in decisions to that effect of “There is already a high concentration of HMOs; one more won’t make any significant difference”. The problem is that it appears local authorities are seeking to constrain the growth of HMOs with a view to preventing further intensification with the attendant negative consequences and also potentially fostering a climate where reversion of HMOs to family homes might occur.
- 6.41 The Swansea policy is clearly along those lines, and it was positive to see that, once the SPG had been adopted, Inspectors were supportive of the restrictive policy in particular recognising that whilst an individual HMO of itself could have only a limited potential impact on the neighbourhood (albeit potentially much more so to neighbouring properties close by) the continued impact of individual approvals would have a cumulative effect. The issue was well put by the Inspector in CAS-01631-R4S6H3: “... *the local planning framework seeks to tackle the erosive impact of incremental intensification, rather than focusing only on the effects of one proposal in isolation.*”
- 6.42 It sets out clearly policies in respect of small streets and sandwiching. Both of these reflect the potentially disproportionate impact of HMOs in discrete pockets.
- 6.43 Crucially the LDP and SPG provide for flexibility in recognising that there may be specific material considerations and/or exceptional circumstances that may warrant policies being overridden in individual cases – and then gives examples of this. One example might be the individual house in an area of very high HMO concentration where an owner occupier might wish to sell up (see paragraph 6.8 to 6.10). Applicants seeking to take advantage of such circumstances have to provide support evidence; for example that a property has been unsuccessfully marketed at a reasonable asking price for a period of at least six months.
- 6.44 The SPG gives very clear guidance on the application of the LDP policies, in particular setting out definitions and methodology for example in the way that the 50m radius is measured (an approach favoured over that

of the appellant in one appeal¹¹⁰ – “... the Council’s approach follows the specific advice in paragraph 2.5.72 of the supporting text to policy H 9 and for that reason I favour it”). The definitions of the properties are set are clearly set out, along with the ways the Council will identify HMOs. The small streets and sandwiching policies are clearly explained and illustrated.

- ^{6.45} The SPG also gives very clear guidance on amenity standards internally and externally, noise, refuse storage, vehicle and cycle parking. All of these can have a major bearing on the quality of potential occupiers of HMOs, immediate neighbours and, especially with parking, the wider neighbourhood. Again, expectations are clearly spelt out and have been referred to in appeal decisions.

England

- ^{6.46} As discussed at paragraphs 2.45 onwards, the planning framework in England changed with amendments to the Town and Country (Use Classes) Order 1987. Firstly in April 2010 the order was amended to create the new Class C4 which meant planning permission was required for change to a smaller HMO (previously only sui generis HMOs with seven occupiers or over required consent). However, the situation in October 2010 changed again when a further amendment order gave permitted development rights to move from Class C3 to Class C4.
- ^{6.47} However, it is possible for a local authority to remove permitted development rights after a consultation procedure. Because of difficulties encountered with HMO concentrations in particular HMOs housing students the many English authorities elected to do so. As mentioned at paragraph 2.51, there is no national register of such authorities, but research indicates there are around sixty at the time of writing, all but one with a higher education establishment of some form. The three authorities considered below all have done so.

Leeds

- ^{6.48} Leeds is a large city in West Yorkshire; the City of Leeds Metropolitan Borough is the second largest local authority in England by population. It has a long industrial history starting as a mill town during the industrial Revolution. Covering an area of 111.6 km² (43.1 sq. mi), the 2021 Census gives its resident population as 536,280. The city has four universities and two higher education establishments and a total student population of 68,560, with the majority attending either the University of Leeds (35,180) or Leeds Beckett University (19,830).
- ^{6.49} There have been concentrations of student HMOs in certain areas for decades, notably Headingley, Hyde Park and Woodhouse, with the concerns were expressed by residents about the negative consequences typically assessed with HMO concentrations. After the changes in the Use Classes Order, Leeds moved quickly to make an Article 4 direction which came into effect on the 25 August 2011. This covered essentially the city centre areas and surrounding suburbs.
- ^{6.50} In the Leeds Consolidated Core Strategy, which was adopted in November 2014 and revised in September 2019, Policy H6 is the main policy relevant to development management of HMOs in the Article 4 area. It also covers [purpose built] student and flat conversions. At H6A it covers the following matters to be determined:

- (i) To ensure that a sufficient supply of HMOs is maintained in Leeds,

¹¹⁰ CAS-01631-R4S6H3

- (ii) To ensure that HMOs are distributed in areas well connected to employment and educational destinations associated with HMO occupants,
- (iii) To avoid detrimental impacts through high concentrations of HMOs, which would undermine the balance and health of communities,
- (iv) To ensure that proposals for new HMOs address relevant amenity and parking concerns,
- (v) To avoid the loss of existing housing suitable for family occupation in areas of existing high concentrations of HMOs.

- 6.51 With regard to purpose-built student accommodation, it says that development proposals will be controlled in respect of matters including helping to prevent private housing being used for student housing, to avoid the loss of existing suitable for family accommodation and to avoid excessive concentrations of student housing which would undermine the balance and wellbeing of communities. The part of the Policy dealing with flat conversions refers to “The impact on neighbouring dwellings is not likely to be detrimental to the amenity of their occupants by virtue of the conversion alone or cumulatively with a concentration of converted dwellings, HMOs, or residential institutions.”
- 6.52 Paragraph 5.2.25 of the LDP contains the following provision in respect of flexible Class C3/Class C4 permissions:
- “In order to encourage landlords to experiment with lettings of HMOs to non-HMO occupants, the Council will consider granting flexible C3/C4 permissions for new and existing C4 HMOs. This will enable a C4 HMO to convert to a C3 dwelling house without losing the potential to revert back to C4 use within a fixed period (normally 10 years). If a property has a lawful C4 use when applying for a flexible permission this will then be a material consideration when the Council considers the planning application. The permission will enable flexibility to let a property between C3 and C4 uses during the specified period. On expiry of the dual use period, the use of the property at that time would become the permitted use of the property.”*
- 6.53 During the online meeting with landlords on the 19 December 2022, as mentioned at paragraph 5.96 one landlord representative (who is a prominent member of landlord organisations) mentioned this issue and said that it prevented landlords offering student HMOs that were vacant because of the pandemic to families as landlords were concerned about losing their existing use class.
- 6.54 The LDP also contains two exception tests. Exception Test 1 relates to situations where the lack of any significant localised harm to a street or part of a street would be reason to allow a new HMO even though this could lead to harm in the wider community area. The Council acknowledged in the preparation of the LDP that policy H6 could penalise owners of houses in streets where the battle had already been lost and where there was little point in blocking the conversion of the last ‘family’ house in a street.
- 6.55 Exception Test 2 essentially asks whether a property is so unappealing as a potential C3 use that this would serve as a reason to allow its conversion to an HMO. *“Where a property is effectively unsaleable with a C3 use, and this can be reasonably demonstrated, this would serve as reason to outweigh the wider harm created by the addition of a further HMO in a high concentration area. ... In order to demonstrate that a property is effectively unsaleable with a C3 use the Council would require evidence to demonstrate this is the case. The Council advises applicants that at the very least, evidence of sustained marketing for a reasonable period. In*

practice, this is used, as in Swansea, where there are HMO concentrations are very high realistically the only likely buyer of a property will be an investor who will seek HMO use".¹¹¹

- 6.56 The Council has not issued a formal Supplementary Planning Document as such, instead it has issued a Development Management Practice Note¹¹² which is used to both guide officers when making planning decision and also to assist Inspectors at appeals to understand Council policy. Although this does not hold the status of policy or adopted guidance, it is a material consideration. It may be noted that in one case¹¹³ the Inspector said, "*Whilst relevant, its commentary is therefore a matter of limited weight in my consideration of the appeal.*".
- 6.57 NB there is a draft Supplementary Planning Document (SPD) Houses in Multiple Occupation, Purpose-Built Student Accommodation and Co-Living Amenity Standard (2020)¹¹⁴ but this deals essentially with internal amenity standards and does not appear to have been adopted yet.
- 6.58 The Council does not adopt the threshold approach to determine whether concentrations are excessive and should be resisted. Instead, it sets out in the Practice Note guidance as to how the Policy H6A should be interpreted. It discusses the various criteria and issues to be considered including weighting to be given.
- 6.59 The starting point is to consider the criteria at a 'community' level, i.e. to define the 'community area' in which an application site falls in and use this as the area of study. "It is recognised that a community area is often difficult to define geographically but this would generally be considered to go beyond an existing street or the immediate locality surrounding an application site. Indeed in order to assess harmful impacts on a 'community' for the purposes of interpreting the policy, whether in terms of housing/population balance or those other impacts identified at para 4.4 above, it is immediately apparent that a wider search area would be appropriate.
- 6.60 In some parts of the city the local community have looked to define their own 'community' boundary through Neighbourhood Plans/Forums and/or Neighbourhood/Village Design Statements. These self-identified boundaries form a useful starting point for development management case officers. In the absence of the above sub areas of well recognised districts (i.e. Headingley, Beeston, Harehills) or Council wards can form a sensible starting point to identifying an appropriate study area
- 6.61 As stated, there are specified threshold limits – the guidance says that what might be thought to be a "high" concentration "...may be different in different areas and/or circumstances". Officers should look for evidence that harmful impacts are occurring (whether the concentration be 20% or 90% or whatever), harmful impacts including the usual issues:
1. Adding to existing identified housing/ population imbalance which harmfully impacts on the Council's objectives to foster sustainable and mixed communities which cater for all parts of the population;
 2. Anti-social behaviour, noise and nuisance;
 3. Imbalanced and unsustainable communities;
 4. Negative impacts on the physical environment and streetscape;

¹¹¹ <https://www.leeds.gov.uk/planning/planning-permission/how-we-decide-on-planning-permission-for-hmos>

¹¹² How we decide on planning permission for HMOs – link as footnote 81

¹¹³ APP/N4720/W/21/3283332

¹¹⁴ <https://www.leeds.gov.uk/docs/Draft%20HMO%20PBSA%20and%20Co-Living%20SPD%20-%20Consultation%20Version.pdf>

5. Pressures upon parking provision;
6. Increased crime;
7. Growth in private sector at the expenses of owner-occupation;
8. Pressure upon local community facilities; and
9. Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population.

^{6.62} Notwithstanding the comments described at 6.57 above, the guidance does say that *“the Council has already identified a number of areas within the city where concentrations of HMOs are considered to be high as a consequence of the resulting harmful impacts through previous planning related exercises. The supporting evidence used in demonstrating harm in these exercises can therefore be used for the purposes of current development management decisions.”* There are, however, no areas specifically identified although the reports used as the evidence base for the Article 4 can be used. Interestingly, *“Recent assessments indicate these areas, already identified through the Direction making process, have not seen any significant reduction in HMO numbers since 2011, and indeed many HMO numbers in these areas have either stayed constant or grown since this time”*; this rather does beg the question of the effectiveness of the overall strategy.

Appeal Decisions

- ^{6.63} Twenty-nine decisions were considered (from 2016 onwards). Of these, eleven were allowed and eighteen were dismissed. It is interesting to note that of those allowed, seven were in the period 2016 – 2019. Of these, two related to an existing lawful HMO use with minor extension of numbers sought and in one case again just an increase of one. In two cases the HMO concentrations were relatively low.
- ^{6.64} Post 2019 (with the revised Practice Note being used) there were just three appeals allowed and in two cases the main issue related to internal amenities. As mentioned, the Leeds approach differs to the majority of authorities in that it does not specify any thresholds, instead opting for the “community area” approach. Also it does not actually specify what it considers to be a high concentration. It might be thought that this very flexible approach might prove problematic, but it does appear to have been supported by Inspectors provided that the local authority defines the community area giving reasons and give support evidence of HMO numbers – across the area and not just in the immediate vicinity of the appeal property. There were criticisms when the local authority failed to support their community area/concentration argument properly,

Comments on Leeds Policies and Decision Outcomes

- ^{6.65} One benefit of the community area approach as opposed to thresholds in defined areas is that it does allow for a significant measure of flexibility provided the authority gives appropriate supporting evidence in respect of the views of organised community groups to be given more weight when they have formally adopted neighbourhood plans as for example the Headingley Neighbourhood Plan¹¹⁵. As the Plan itself states this *“...now form part of the statutory Development Plan for Leeds and the Neighbourhood Plan’s planning policies will be used by Leeds City Council, along with other development plan documents, to guide decisions on planning applications within the Headingley Neighbourhood Area. As such it gives added weight to the views of Headingley people.”*
- ^{6.66} A consistent theme in the later decisions where appeals were dismissed is the support of Inspectors for the local authority aim to achieve balance in the housing mix and dismissing appeals because properties were clearly still suitable as family homes and the loss of such properties should avoided. Another theme was the

¹¹⁵ <https://www.leeds.gov.uk/docs/Headingley%20Neighbourhood%20Plan.pdf>

general (not universal) acceptance of the argument that change of use to HMO would inevitably mean more movements within the property and to and from the property over an extended time period as residents would commonly be living independent lives – an issue in all three of the household types commonly associated with HMOs.

- 6.67 The use of the Practice Note, as opposed to a formally adopted Supplementary Planning Document, is again a different approach by Leeds. Inspectors differed in their views on the Practice Note:

“Although this does not hold the status of policy or adopted guidance, it is a material consideration.”¹¹⁶

“The Note is not a statement of policy and does not change the wording or primacy of the development plan. It is not referred to in the Council’s Decision Notice. Although supplementary planning documents are capable of being a material consideration in planning decisions, there is little evidence that the document has been subject to any external consultation or ratified otherwise. Whilst relevant, its commentary is therefore a matter of limited weight in my consideration of the appeal.”¹¹⁷

“I afford great weight to the Practice Note in the absence of substantive evidence which challenges the reasonableness of its approach in the context of Policy H6 of the Core Strategy.”¹¹⁸

- 6.68 The contrasting responses of the Inspectors to the Practice Note do beg the question as why Leeds adopt that approach. Clearly the fact that it has not been consulted on or formally adopted inevitably do mean that it will be given less weight (significantly so by some Inspectors), but it does have the advantage that it can be changed much more rapidly to respond to changing circumstances.

Nottingham

- 6.69 The policies in Nottingham offer another alternative approach to be considered. As the majority of HMO concentrations are in the City Centre, the relevant policies are generally set out in the Land and Planning Policies Document¹¹⁹ (LAPP) adopted in January 2020 rather than the Nottingham City Aligned Core Strategy¹²⁰ adopted in separate 2014.
- 6.70 A large city and unitary authority in the ceremonial country of Nottinghamshire, Nottingham covers 74.61 km² (28.81 sq. mi) and the 2021 Census gives its resident population as 299,790. There are two universities with HESA figures showing a total of 71,920 students (35,240 at the University of Nottingham and 36,680 at Nottingham Trent University).
- 6.71 Because of concerns over HMO concentrations, Nottingham made an Article 4 direction on the 8 December 2011. This covers the central area and surrounding districts.
- 6.72 **Policy 8** of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (2014) (ACS) states that residential development should maintain, provide and contribute to a mix of housing tenure, types and sizes in order to create sustainable, inclusive and mixed communities. It puts a particular emphasis on providing family accommodation, including larger family homes.
- 6.73 **Policies HO1 and HO2** of the Council’s Local Plan Part 2 – Land and Planning Policies (LAPP) adopted in January 2020 also places significant importance on family housing as part of the housing mix. The supporting

¹¹⁶ APP/N4720/W/23/3317844

¹¹⁷ APP/N4720/W/21/3283332

¹¹⁸ APP/N4720/W/20/3257198

¹¹⁹ <https://www.nottinghamcity.gov.uk/media/vzxjnxaa/land-and-planning-policies-document-lapp-2020.pdf>

¹²⁰ <https://www.nottinghamcity.gov.uk/media/kyhhfdx4/the-nottingham-city-aligned-core-strategy-ac.pdf>

text to Policy HO1 also refers to the evidence that justifies such an approach, including for larger families. The use of family homes as HMOs is said to have exacerbated the low provision. Policy HO2 sets out a presumption against the loss of dwellinghouses (Use Class C3) for family accommodation, including conversion to Use Class C4.

6.74 **Policy HO6** states:

“Planning permission for the following development will only be granted where it does not conflict with Policies HO1 and HO2 [Policy HO1 is Housing Mix. Policy HO2: Protecting Dwellinghouses (Use Class C3) suitable for Family Occupation] and does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities:

- a) changes of use and / or the erection of buildings to create new Houses in Multiple Occupation (HMOs);*
- b) extension / alteration of existing HMOs including development that facilitates an increase in the number of occupiers / bedspaces;*
- c) changes of use and the erection of buildings which include the creation of residential accommodation for exclusive occupation by students (e.g. purpose-built student accommodation);*
- d) extension / alteration of purpose-built student accommodation resulting in an overall increase in the number of student bed spaces.*

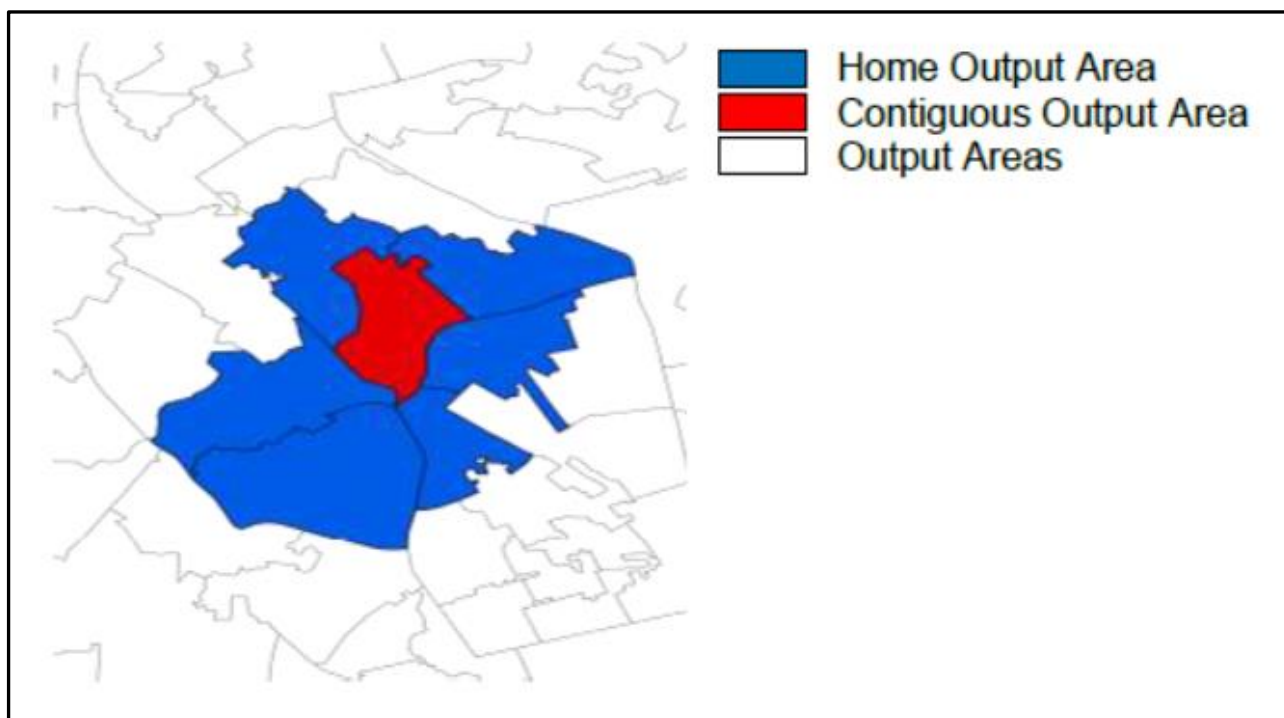
2. In assessing the development’s impact on local objectives to create or maintain sustainable, inclusive and mixed-use communities, regard will be given to the following criteria:

- a) the existing proportion of HMOs and / or other Student Households in the area and whether this proportion amounts or will amount to a ‘Significant Concentration’ (calculated using the methodology shown in Appendix 6) apart from PBSA within areas identified in Policy HO5 where new PBSA is encouraged;*
- b) the individual characteristics of the building or site and immediate locality;*
- c) any evidence of existing HMO and purpose-built accommodation provision within the immediate vicinity of the site that already impacts on local character and amenity;*
- d) the impact the proposed development would have on the character and amenity of the area or site having particular regard to the criteria set out in Policies DE1 and DE2 [Policy DE2 - Design and Place Making and Policy DE1: Building Design and Use];*
- e) whether the proposal would incorporate adequate management arrangements, and an appropriate level of car and cycle parking having regard to the location, scale and nature of the development;*
- f) whether the proposal would result in the positive re-use of an existing vacant building or site that would have wider regeneration benefits;*
- g) whether adequate evidence of the need for new purpose-built student accommodation of the type proposed has been provided;*
- h) whether new purpose-built student accommodation is designed in such a way that it can be capable of being re-configured through internal alterations to meet general housing needs in the future; and*

i) whether the proposal in respect of purpose-built accommodation includes appropriate room sizes and provides adequate communal space/ facilities, and student drop off/ collection arrangements.”

- 6.75 The methodology for calculating “significant concentrations” is set out in Appendix 6 to the LAPP. It essentially uses the Output Areas employed in Census statistics (an area typically containing between 40 to 250 households with a usual resident population of between 100 and 625 persons). “Significant concentration” is defined as 10% or more. Such areas are identified using council tax exemption data and Council HMO records (for example licensing). The concentration relates to a combined total for both HMOs and student households (including purpose-built student accommodation and halls of residence).
- 6.76 A weighting factor is applied to Council Tax exemption data in respect of Halls of Residence / Purpose Built Student Accommodation of similar formats, based on the application of an average student household size of 5 persons (the City Council’s HMO Licensing database gives the average occupancy of an HMO as 5.19 persons in 2016). Therefore a 100-bed space Hall of Residence would equate to 20 student households.
- 6.77 Having identified “Home” Output Areas, all contiguous Output Areas are then added to form a cluster which is used to determine whether the HMO proportion amounts to a significant concentration or not – a percentage of 10% or more determines that it does.

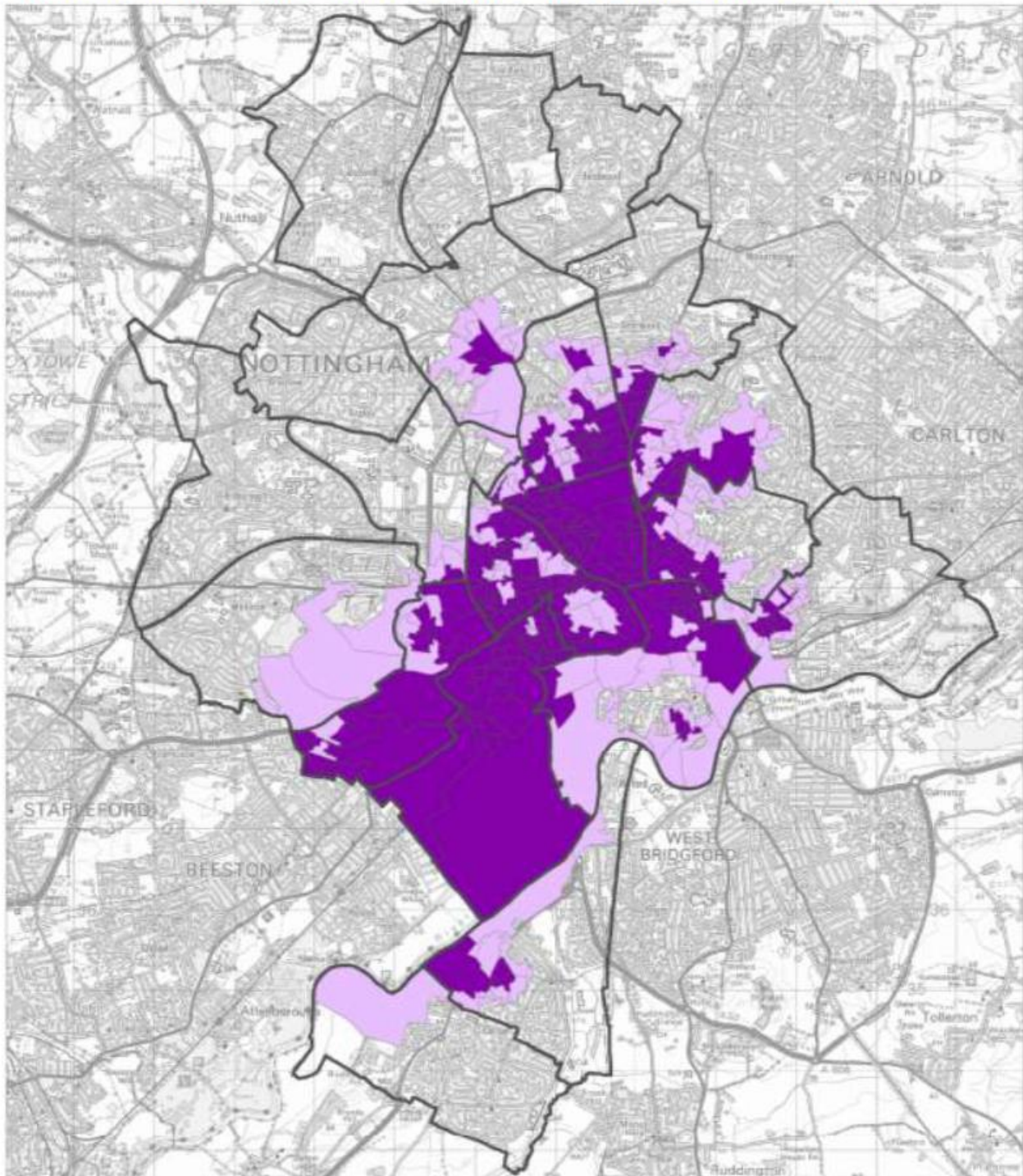
Figure 48: HMO cluster illustration – taken from paragraph A6.7 of Appendix 6 LAPP – Note: the colours appear to be reversed



- 6.78 If the calculations show there is a significant concentration, then this is a factor in assessing whether a proposed development would have an impact on local objectives to create or maintain sustainable, inclusive and mixed-use communities.
- 6.79 Figure 49 below shows Output Areas across Nottingham which have a significant concentrations or contiguous areas.

Figure 49: Overall distribution of Output Areas with significant concentrations – paragraph A6.7 of Appendix 6 LAPP

Proportion of households which are either student households or HMOs



Appeal Decisions

^{6.80} A total of 43 decisions made after the Article 4 direction came into effect on the 8 December were considered. Of these, a number related to technical decisions on certificates of lawfulness and so 36 decisions in which the policies relevant to management of HMO development were applicable have been considered. The Land and Planning Policies document (LAPP) was adopted in January 2020. Of the 13 appeals since that date, 10

were dismissed and 3 allowed. Prior to the adoption of LAPP, there were 23 appeals of which 12 were dismissed and 11 allowed.

- 6.81 The Output Area approach was in use before the adoption of LAPP but with a 25% threshold. Where appeals were allowed, a notable feature was that the existing HMO concentration was low. Even prior to LAPP Council policies focussed on the retention of family housing of which there is a shortage and seeking to achieve a sustainable community balance. In some cases, appeals were allowed where Inspectors took the view that the nature of the property was such that it was not reasonably suitable as a family home. In some cases, the view was taken that either one more HMO or a limited intensification through change of use from a Class C4 to a sui generis HMO would not make a significant difference. With retrospective applicants for existing HMOs, it was general considered that the impact on community balance would be neutral and in the absence of any evidence of specific issues such as anti-social behaviour, parking problems, etc at the subject property appeals were generally allowed.
- 6.82 Where appeals were dismissed, Inspectors did give particular weight to the loss of family housing (a clear presumption against this was a feature of policies pre and post LAPP) and the aim to achieve sustainable balanced communities with a mix of housing. The comments in one case dating back to 2013 (change of use from Class C4 to sui generis with roof conversion to allow two extra bedrooms) were of note¹²¹: *“However, given that the student concentration in the area is very significantly over the SPD 25% threshold [71%], I consider any further intensification of the student population would be in direct conflict with the aims of local policy and would exacerbate existing problems created by such a high density student population. I also share the Council’s concerns that the increase in bedrooms accommodation may prejudice the ability of the property to convert back into a family house. Furthermore, I consider the intensification of student accommodation over and above the existing level has the potential to create problems for local residents as a result of additional noise and other disturbance.”*
- 6.83 In the cases post LAPP, the presumption against the loss of actual and potential family homes and the emphasis on the preservation of sustainable communities with a balanced housing mix were clear themes, even where Inspectors considered that the likelihood of harmful impacts on the neighbourhood were low. A notable example was in APP/Q3060/W/21/3268703 *“Not granting permission may not in itself lead directly to family occupation; but permitting an HMO use would make it less likely. I also note the appellant’s concerns over the restrictive nature of planning policy, but this is a consequence of the housing mix which is being sought against a backdrop of low provision of family housing and the number of HMOs. It is not a position without justification, not least as it is development plan based... The effect on the housing mix of the area is unacceptable and is decisive.”* mix of the area is unacceptable and is decisive.”
- 6.84 In APP/Q3060/W/20/3257101 (Class C4 to sui generis), although the Inspector considered that the two additional bed spaces would not detract from the living conditions in an area where the HMO concentration was 70%, given the high concentration the *“I consider that the provision of 2 additional bed spaces within the property would exacerbate the already skewed housing mix skewed housing mix.”*
- 6.85 The method of calculating HMO concentration using core and contiguous Output Areas was commented on in only a very limited number of cases both pre and post LAPP and no criticism of the methodology was noted.

¹²¹ APP/Q3060/A/12/2185502

Comments on Nottingham Policies and Decision Outcomes

- 6.86 As mentioned at the outset of this section, the use of the cluster of core and contiguous Output Areas as a geographical boundary for calculating threshold is an interesting approach and does not appear to be used by other authorities. It does not appear to have attracted any adverse comment in appeal decisions and given the limited size of Output Areas, it may be thought of value in offering a more fine-grained approach than say ward boundaries.
- 6.87 The policies dealing with promoting sustainable, inclusive communities with a balanced housing mix and in particular the presumption against the loss of dwelling houses (Class C3) for family housing have featured prominently in appeal decisions. Nottingham has demonstrated a shortage of family housing and the reasoning in appeal decisions has generally been very supportive of this presumption. Even in cases where Inspectors have felt that permitting a proposed change of use would not have any significant deleterious impact on neighbouring dwellings or the wider area, appeals have been dismissed because of the effect on the community mix and/or the possibility of a dwelling returning to Class C3 family use.
- 6.88 Inspectors have in some cases¹²² accepted that that the very change to HMO use can of itself lead to negative impacts on neighbouring properties (especially where student use) simply through the different patterns of usage “... comings and goings from the building can not only be increased but also fragmented and disjointed. In addition, activity and general busyness within and without the building can occur such as in accepting deliveries, socialising and more intensive use of shared indoor and outdoor spaces, particularly during the summer months. The increased level of activity in these respects can therefore give rise to disturbance to neighbours through noise.” In other cases, Inspectors have been reluctant to accept this assumption especially where properties are of limited size and/or the properties is located in a very busy urban location¹²³.

Other English Authorities – Concentration Thresholds

- 6.89 The table below shows a variety of threshold approaches used in other English authorities:

Figure 50: Concentration thresholds in a sample of other English authorities

Local Planning Authority	Threshold in Article 4 areas
Barking & Dagenham	10% of the total number of houses in the road; and no two adjacent properties, apart from dwellings that are separated by a road, should be converted.
Welwyn & Hatfield	20% within 50m
Birmingham	10% within 100m
Bath	25% within 100m
Milton Keynes	20% within 100m
Southampton	10% within 40m
Leeds	No specific threshold but Article 4 Direction in place.
Oxford	The proportion of properties within 100 metres of street length either side of the property does not exceed 20%
Exeter	25% within certain areas, no radius from individual properties.
Leicester	No specific threshold but Article 4 Direction in place.

¹²² See for example APP/Q3060/W/19/3240325

¹²³ See for example

Manchester	No quantified threshold, merely “high concentration”, however supporting text to policy states <i>“once a 20% threshold is reached problems become harder to manage, but... a tipping point would be difficult to set universally across Manchester due to varying capacities of neighbourhoods to accommodate this type of housing”</i>
Nottingham	10% within the Census Output Area within which a development proposal falls and all Contiguous Output Areas (those with a boundary adjoining the Home Output Area).
Plymouth	No specific threshold but Article 4 Direction in place.
Portsmouth	10% within 50m
Warwick	10% within 100m, and the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs; or lead to a continuous frontage of 3 or more HMOs.

General Conclusions

6.90 This study so far has looked at:

- The legislative framework applicable to HMOs;
- The reasons for the evolution of both planning and housing enforcement controls including in particular the growth in student numbers and
- Some of the practicalities and limitations involved in development management;
- The concerns with HMOs concentrations in each of the three Council areas including their numbers and distribution (including specific concentrations by street);
- The views of elected Members, local residents, local authority officers and other stakeholders such as university representatives and landlord representatives
- The policies and supplementary planning guidance adopted by each Council;
- Relevant planning appeal decisions in the three Councils
- Practice in other authorities both Welsh and English
- Relevant planning appeal decisions in other authorities

6.91 The study will conclude with conclusions and recommendations specific to each of the three authorities.

Do HMO concentrations cause concern in each of three Council areas?

6.92 It was very clear from engagement with stakeholders that, whilst the HMO concentration levels and distribution patterns varied in each of the three Council areas, there was unanimous concern among local residents and elected Members and to a lesser degree officers about some of the negative impacts of HMO especially when in localised concentrations. All are documented in the relevant parts of this study report.

6.93 It should be said at the outset that all stakeholders recognised that HMOs have a valuable role to play. The universities are a major element in local economies and student spending very important to many local businesses especially those in town/city centres. In addition to the role with students, there is also the issue of housing households with lower incomes (and also on occasions vulnerabilities) and young professionals who find HMO accommodation more affordable as they embark on their careers.

6.94 However, notwithstanding an appreciation of the potential benefits of HMOs, all residents and most elected Members made their views very plain indeed about the negative aspects that can commonly arise with HMO concentrations (especially with students occupiers) – noise, anti-social behaviour, refuse problems, litter, traffic and parking problems, etc. Council officers also expressed concern about some of the practical issues involved in dealing with the concerns raised by residents.

6.95 The concerns in Rhondda Cynon Taf and Cardiff arise from heavy concentrations in limited areas – Treforest in Rhondda Cynon Taf and Cathays and Plasnewydd in Cardiff. In both cases the concentrations are long standing and arose from proximity to universities and in both cases HMO growth has tended to spread out from the core concentration areas, with not all growth associated with student housing. Whilst student numbers have fluctuated in Cardiff and fallen in RCT in cases, the growth of foreign students in recent years has had an impact. Parking is a very serious concern in RCT. There is evidence in both cases, albeit limited, of some reversion of HMOs to family housing. In recent consultation it was suggested that one issue that Councils may wish to consider is the use of flexible Class C3/Class C4 permissions (of limited time span) to potentially facilitate this; this was an issue raised by landlords. However, none of the three Councils indicated that they thought this appropriate.

^{6.96} In Newport, the patterns are different with no substantial student concentrations (some students are present and recently foreign students, some with families). However, the major driver of HMO growth has been the demand for accommodation for hospital staff. Parking is again a substantial problem in parts and the treatment of appeals by Inspectors against refusals because of parking concerns has been a major source of resentment among stakeholders.

LDP Policies and Supplementary Planning Guidance – Appeal Outcomes

^{6.97} In all three cases the LDPs were adopted before the new Class C4 came into existence and therefore only larger sui generis (or unique use) HMOs required consent. Obviously, policies in LDPs reflect that. In all three cases supplementary planning guidance has been adopted after the Use Classes Order changes but there is of course the issue that, as emphasised by the Cabinet Secretary for Energy, Planning and Rural Affairs in her 27 February 2018 letter¹²⁴, only policies in an LDP have legal status¹²⁵. Supplementary planning guidance is a material consideration but is there to explain and give guidance on the policies in the LDP; the purpose of the SPG does not include policy creation. This creates a fundamental problem; SPGs cannot be used to repair or correct gaps in an LDP that arose because the LDP was adopted prior to a significant legislative change. Examination of planning appeal decisions also tends to show the variable weight accorded to supplementary planning guidance by different Inspectors, although the Councils should bear in mind that LDP policies frequently set out to control the potential of sui generis HMOs (the only type of HMO subject then to planning control) and these are generally as applicable to Class C4 HMOs – and the policies generally use the generic phrase HMO – see the arguments set out at paragraph 327(i).

^{6.98} In the supplementary planning guidance adopted after the change in the Use Classes Order, all three councils introduced a two-tier threshold approach; a higher figure in areas where HMO density was greater (20% in Rhondda Cynon Taf and Cardiff and 15% in Newport) with 10% in all other areas. Where allowing a proposed change of use would take the HMO concentration above the appropriate threshold, the application would be resisted. Provision was also generally made to avoid “sandwiching”, and all had exception policies so that there was an opportunity for allow consent as not to sterilise the potential sale of a property where high concentrations were clearly limiting sale to investors only. Determination of concentration in the vicinity of an appeal property in all three Councils was carried out applying a circle of 50 m radius and counting HMOs and non-HMO properties although the detail of the methodology varied.

^{6.99} Although all three Councils had additional licensing areas where standards would be applied through a parallel legislative framework, the supplementary planning guidance in all three cases set out amenity standards in respect of internal and external space and facilities, refuse and recycling storage, vehicle and cycle parking etc. in Rhondda Cynon Taf and Newport the additional licensing areas cover the whole district but only two wards in Cardiff. In any event only mandatory licensing (of certain three storey higher risk HMOs) is permanent. In all three Councils a number of appeals have been defended successfully on the basis of breaching amenity standards.

^{6.100} It is not strictly within the remit of this study report to comment on the role of the former Planning Inspectorate, now PEDW. However, it was abundantly plain that there was widespread disquiet among residents, elected Members and local authority officers about decisions that were commonly perceived as undermining the role of an authority seeking to restrict the growth of HMO concentrations and/or to avoid adding to existing traffic/parking problems. A review of relevant cases for each Council has been undertaken

¹²⁴ <https://www.gov.wales/sites/default/files/publications/2018-11/local-authority-powers-houses-in-multiple-occupation.pdf>

¹²⁵ Section 38(6) Planning & Compulsory Purchase Act 2004

and reported upon as a separate section in the Part for each Council. An issue that caused considerable concern among residents, elected Members and in particular local authority officers was Inspectors citing factors without any or very limited supporting evidence (for example from a site inspection on a non-term time afternoon) whilst in the same decision referring to lack of supporting evidence from local authority officers and residents. There was also a perception that where competing evidence from a local authority/residents and an appellant was provided, in particular with parking surveys, that Inspectors tended to prefer the evidence of the appellant.

- ^{6.101} An assumption that was quoted in a number of cases was that HMO residents tend not to have cars. This was not universal; in some cases Inspectors rejected arguments to this effect from appellants on the basis there was no direct evidence to support this. However, it was an assertion made by Inspectors themselves in a number of cases in particular those dealing with traffic/parking concerns. Analysis of car ownership in high HMO concentration areas using 2021 Census data (see Appendix D) does suggest that car ownership is in fact slightly higher in HMOs than in non-HMOs.
- ^{6.102} Parking in Newport seemed particularly problematic in this regard; CAS-01786-S4X0Y7 is an illustration of this (see paragraphs 4.113 onwards). It was common ground that in reality there was virtually no available and of the six potentially available spaces three were some distance away on sloping ground across the B4237. Residents had referred to congestion and other problems from illegal parking, but, as commonly stated in decisions, the Inspector said that, whilst such illegal parking was regrettable, there were powers available to deal with it – a similar point has frequently been made in respect of anti-social behaviour, noise, refuse, etc). In essence, the decision said that parking in dense urban areas is invariably inconvenient because of competition and such inconvenience may well encourage residents to use more sustainable forms of transport. The stakeholder meeting with the Newport planning officers had preceded the appeal decision; the officers had mentioned this case and predicted the decision and reasons for it and their prediction proved correct.
- ^{6.103} It has to be emphasised that the Inspectors obviously have to follow planning law, and they have to have to make decisions having regard to the adopted policies of an authority. If the policies fall short in that they were formulated in time before a very significant legislative change, that cannot be put at the door of the Inspectorate. However, looking at the cases does suggest that there is a difference on occasions in the rigour that the principles are applied in particular the weight given to supplementary planning guidance. In Rhondda Cynon Taf, it was notable that prior to the adoption of the new SPG, in the majority of decisions, appeals were upheld. Once the new SPG was adopted, Inspectors acknowledged that it did not create policy but said on occasions said they did give significant weight to it and appeals were commonly dismissed.
- ^{6.104} A situation which did cause significant concern to elected Members and residents in Cardiff especially was the issue of decisions in high concentration areas. There appeared to be a consensus among Members, residents and officers that Inspectors would be strongly inclined to uphold appeals against change of use where the existing concentration was high – the figure was considered to be 65% - 75% and above. Here decisions had Inspectors saying that, in essence the character of the area has changed irrevocably, it used to be family housing but is not any longer – it has become an HMO area. Accordingly, a change of use of one property to HMO (or perhaps increasing numbers through becoming a large sui generis (unique use) HMO is not considered to make any significant difference. Cardiff officers did say that they had to be realistic and unwillingly recommend approval because an appeal was likely to be successful and they would then potentially run the risk of a significant costs award against the authority.

6.105 Perhaps in reality it is the case that one more HMO or two more residents might not make any tangible difference. However, if properties in an area (or a ward) are, say, 70% HMO, then that also means that 30% are single household dwellings with residents who, it might be said, should have a legitimate expectation of protection against further intensification of HMO use. Furthermore, a ward may have very variable concentrations – even if there are high concentrations, they are not homogenous across the geographical area and the maps clearly show this. It does seem as if Inspectorate decisions have created a de facto “policy” that in certain areas “the battle has been lost” and applications for change of use should not be resisted. It is respectfully suggested that it is the role of an elected local authority to make planning policy in their district. If a policy is flawed or applied in a manner that is erroneous then adjudicating on that is indeed a matter for the Inspectorate but making policy is a matter for a local authority.

6.106 This study was commissioned because all three Councils are in the process of replacing their existing LDPS and supplementary planning guidance. What is absolutely plain is that to be effective, policies must be clearly set out in the LDP itself with further explanation, clarification and guidance in SPGs. Inspectors will then have proper regard to detail in both.

Potential ways forward

6.107 It might be worth reflecting for a moment on the reasons HMO concentrations exist. In reality, in many cases they arose in areas that are close to universities or other institutions of higher education; such concentrations have been present in areas traditionally associated with student housing but not on the overwhelming scale encountered in some locations now. It might be said the present concentrations are a result of bad planning in the broader sense; Governments from the 1990s onwards have sought to increase substantially the numbers in higher education without apparently thinking through how the enormously increased numbers of residential students would be housed. As the private sector was much slower in being able to respond with purpose-built student accommodation (and the institutions themselves equally could not respond quickly) the shortfall was made by landlords acquiring large numbers of family homes and converting them to HMOs with a potential yield of 10-15% or more.

6.108 This was all predictable. At paragraph 3.57 onwards, reference is made to the Treforest Impact Study (TIS) carried out in the 1990s in response to public anger about the problems being created by student housing. The TIS report was strangely prescient. A few of its comments are set out at paragraph 3.57 but below a few of its recommendations are set out again:

- *A joint approach be adopted to monitor and control standards of student accommodation;*
- *Central Government be requested to review the Use Class Order (sp. Class C3) to bring shared houses under planning control;*
- *Where on-street parking exceeds 70%, any further planning applications for HMO type developments be refused.*

6.109 Many might consider it a great shame that common sense recommendations made then (albeit in one local authority but of broad application) were not taken heed of. The reality is that HMO concentrations did develop and still exist, and it is now for local authorities to decide what are the best policies to apply to concentration areas. Should they just accept that continued growth of HMOs is difficult to control by planning means or should they seek to adopt an obviously restrictive regime which makes it clear that it intended to curb further growth or intensification of HMOs – and to put a brake on the cumulative effect. This has happened in Swansea and appears to be being supported at planning appeals. If there is to be any

- hope of undoing some of the negative changes that have happened in affected areas over past decades, then it would seem logical to seek to actively restrict growth now.
- 6.110 Policies aimed at doing so also have to take into account the impact of purpose-built student accommodation and the policies aimed at management of that to best effect.
- 6.111 It was instructive to look at HMO policies adopted elsewhere – in Wales post the change in the Use Classes Order and in England post making an Article 4 direction. A notable feature of the Swansea LDP and SPG (the authority adopts a two-tier threshold system – 25% in the HMO Management Area and 10% elsewhere) is that both state explicitly that the aim of the planning policies is *“specifically intended to impose a restrictive regime for any further concentration or intensification of HMOs...”* The intention is to both prevent harmful concentrations getting any worse and also to seek to foster a return, if possible, to single household dwellings.
- 6.112 Examination of cases showed that Inspectors have generally been supportive of a clearly expounded restrictive approach. As mentioned at paragraph 6.41, the issue was well put by the Inspector in CAS-01631-R4S6H3: *“... the local planning framework seeks to tackle the erosive impact of incremental intensification, rather than focusing only on the effects of one proposal in isolation.”* One application is a one off, but the drip, drip, drip of continued one off allowed appeals will only exacerbate an unsatisfactory situation.
- 6.113 Whilst considering the Swansea planning documents, it is worth noting that they set out clearly how avoiding sandwiching and avoiding incongruous results in small streets is to be avoided. It is worth commenting in particular on the clarity in the Swansea SPG in explaining the methodology to be adopted in determining whether thresholds have been breached, whether an exception was applicable or not, how amenity standards etc were to be applied and so on. Whilst there have only a limited number of cases post SPG, they do show how valuable detail is in helping to resist appeals against refusals.
- 6.114 The issue of the non-homogeneity of areas has to be considered. The use of a radius of whatever size (there are examples of authorities using a 100m radius) does focus on the immediate vicinity of the subject property and both the non-sandwiching and small streets allow a micro focus where appropriate. Authorities that use thresholds tend to do so over wards. The difference in approach by both Leeds and Nottingham is noteworthy.
- 6.115 With Leeds, no fixed areas are used, nor are any concentrations specified as harmful. Instead, any HMO applications are assessed against HMO levels in “community areas “. No typical boundaries are specified in the LDP; it is to be assessed on an individual basis looking at local circumstances. The issue is simpler if there is an adopted Local Neighbourhood Plan (for example the Headingley Neighbourhood Plan) when the boundaries and relevant policies in the plan can be used. Otherwise it is for the decision maker to look at local circumstances in the light of criteria relating to harmful impacts set out in the LDP. Examination of decisions shows this approach has proved reasonably successful in resisting appeals.
- 6.116 A further policy innovation in Leeds is the use of the Practice Note. There is no adopted Supplementary Planning Document or similar just a Practice Note issued to planning officers as guidance on the interpretation of policy. This is not formally adopted in the same way as supplementary planning guidance. It is made available to Inspectors to assist in their decision making. Inspectors have varied in the weight given to the Practice Note as discussed in paragraph 6.67. It does have the advantage of being capable of being adapted to reflect changing circumstances without having to undergo extensive public consultation. All three Councils indicated that they preferred to retain the conventional supplementary planning guidance approach.

- 6.117 The approach in Nottingham is again different. Here, rather than the large geographical area of an electoral ward, the assessment of concentrations is based on the Census geography of Output Areas (which typically contains between 40 to 250 households with a usual resident population of between 100 and 625 persons). A “significant concentration” is 10% or above and is based on an assessment of both HMOs and students in purpose-built student accommodation and university halls of residence. “Home” Output Areas are identified with then contiguous Output Areas being added to form a cluster before the concentration is calculated using usual methods.
- 6.118 Being above the 10% significant concentration does not automatically mean that an application is resisted, it is just a factor to be considered. This approach is obviously meant to be more sensitive to local circumstances (and has been supported by Inspectors) but it does beg the question of whether it is more effective or not than a carefully applied threshold test (with small streets, non-sandwiching, exceptions, etc).
- 6.119 The use of the Output Area geography in defining areas subject to threshold restrictions might be of particular value in Newport where concentrations looking across a ward are frequently low but high significant higher in restricted areas. Alternatively the Leeds community area approach might be more suitable or perhaps a carefully thought-out variant of the small streets approach
- 6.120 Relationship between HMO SPG and parking SPG and other policies to be considered next then issues associated with anti-social behaviour, noise, refuse etc and licensing and other controls. NB all are dealt with in summary for each Council.

Rhondda Cynon Taf

- 6.121 As was made clear in Part 3 of this study, there are significant HMO concentrations in Rhondda Cynon Taf located almost exclusively in the Treforest ward which contains just over 92% of all licensed HMOs in the Borough. HMOs comprise just under a third of all properties in the Treforest ward. The concerns of stakeholders especially local residents, elected members and local authority officers in respect of the impact of the high numbers of HMOs are set out at paragraph 3.15 onwards. HMO concentration can be up to 90% in some streets; 11% of all HMOs are in streets where over two thirds of dwellings are HMOs and 46% of all HMOs are in streets where over half of dwellings are HMOs. There was a significant growth of student HMOs in the 1980s and this accelerated post 2000.
- 6.122 An early response to the problems associated with HMO concentration was the introduction of a Borough wide Registration Scheme in 2002; this was followed by a Borough wide additional licensing scheme under the Housing Act 2004 in 2009, which is about to be renewed with effect from April 2024.
- 6.123 Of the usual negative issues generally associated with HMO concentrations, car parking and refuse in gardens and blowing in the street cause notable concern in Treforest. Both of these matters were raised by landlords¹²⁶ as well as the other stakeholders. In addition, there was concern over the proliferation of lettings boards and the appearance of transience they convey.
- 6.124 Looking at Census data there appears to have been a reduction in student occupiers and an increase in non-student multi person households since 2011. The number of students in HMOs has declined in recent years because of improved transport links and other factors but the great majority of HMOs are still let to students. The number of overseas students has grown in recent years and in very recent times a number of such students have brought dependent relatives including children. This report used multi person households as

¹²⁶ Paragraph 3.77

a proxy for HMOs in Census data; it does appear that the 2021 Census under reported the number of HMOs; there are in fact 624 licensed HMOs in Rhondda Cynon Taf with, as stated above, over 92% in Treforest.

- 6.125 There is some evidence that HMO use is starting to extend beyond Treforest.
- 6.126 Two emerging trends are causing concern to residents, elected members and local authority officers: firstly with applications for flat conversions subsequently occupied as HMOs and secondly with growing use of properties as Airbnbs.
- 6.127 Obviously, as with the two other authorities, the LDP was adopted prior to the change in the Use Classes Order in 2016 and accordingly policies relate only to sui generis (unique use) HMOs. As discussed at paragraph 3.91 onwards, examination of appeal decisions showed that prior to the adoption of the SPG “Houses in multiple occupation (HMOs)” in May 2018, appeals against refusal of change of use to Class C4 were generally allowed. The absence of specific policy or adopted guidance in relation to what constitutes acceptable levels of HMOs, or criteria against which to consider applications for planning permission, was a major factor in this.
- 6.128 However, as set out at paragraph 3.95, this changed after the adoption of the SPG. Inspectors were prepared to acknowledge the relevance of some of the policies in the LDP to the new situation (in particular Policy AW5). Whilst they were clear that the new SPG did not create policy, they accepted that it did give context to existing policies rather than attempting to introduce new policy, and a number of decisions afforded it “considerable weight”.
- 6.129 The SPG uses a threshold approach; in the Treforest 20% Threshold Area (which largely corresponds with the ward boundary) any application which would lead to a concentration in excess of 20% within a 50m radius of the application address is considered unacceptable in principle with permission being refused. In all other remaining areas of Rhondda Cynon Taf the threshold figure is 10%, with the same methodology being applied.
- 6.130 Stakeholders did say that there is evidence, albeit limited, of some reversion to family homes in Treforest and this would be welcomed by residents in particular.

Policy recommendations for inclusion in replacement LDP

- 6.131 It should be noted at the outset that, in making following policy recommendations, it is not intended to present text to be inserted directly in the replacement LDP. Drafting of such text will clearly need to be done in the overall context of the whole replacement LDP with references to other policies; for example general policies on new development, design and place making, housing generally and flats in particular, development of sustainable communities, transport, parking etc.
- 6.132 It is clear that the major issue that causing concern in respect of HMOs in Rhondda Cynon Taf is the high concentration that has developed in Treforest. In order to formulate policies in respect of HMOs, clearly the first step for Rhondda Cynon Taf is decide what their overall aims are in respect of HMOs in general and in Treforest in particular.
- 6.133 Treforest is very clearly an area now dominated by HMOs after extensive demand for student housing over many years. Should the authority just accept the “the battle is lost” view or alternatively seek to adopt an overtly and very clearly stated restrictive approach which seeks to limit further HMO growth and intensification of use and promote a more balanced community. The latter could be coupled with an objective of protecting family housing and indeed fostering a change to more affordable single

household/family homes. The most recent Housing Market Assessment¹²⁷ showed significant need in particular for two and three-bedroom properties.

^{6.134} Obviously, policy of this nature is firstly a matter for elected members and will then be subject to very extensive consultation, but representations from Rhondda Cynon Taf officers indicate that they would seek to retain a two-tier threshold system with a higher 20% threshold in the Treforest area and a lower 10% threshold elsewhere in the Borough. There appears to be no reason why the boundaries of the existing 20% threshold area should not be retained, with perhaps the area being renamed (as in Swansea: e.g. “the Treforest HMO Management Area” or similar) to reinforce the overall aim of the Council.

^{6.135} Having regard to relevant legal framework and Welsh Government policies (as described in Part 2 in particular paragraph 2.72 onwards), other relevant Council planning policies, the findings in this study and examples of good practice elsewhere, it is recommended that the LDP makes plain the overall aim to adopt a restrictive policy with the intention of:

- (i) Restricting the growth of future HMOs where the proportion of such properties is above the concentration thresholds by:
 - (a) Refusing change of use from Class C3 to Class C4 or sui generis (unique use) where this would take the HMO concentration in a defined area (50m radius of the application property) above the threshold of 20% in the Treforest HMO Management Area and 10% elsewhere,
 - (b) Refusing applications that would lead to the intensification of use of existing HMOs through additional rooms/numbers of residents where existing HMO concentrations are above the thresholds set out in sub paragraph (a) above.

The policy should make plain that the Council seeks to put a brake on the potential for a damaging effect due to incremental increase in HMO numbers or intensification of existing HMOs, notwithstanding the fact that an application may be in area where the threshold is exceeded by a significant margin.

- (ii) Promoting sustainable, inclusive communities with a balanced housing mix and in particular to refuse any development which would lead to the loss of family homes including change of use of dwellings/buildings capable of use as single household/family homes;
- (iii) Promoting the conversion of larger properties to low-cost self-contained flats, as opposed to HMOs where this is appropriate and possible, having due regard to access and external amenity space.¹²⁸

^{6.136} The policy should make clear that the value of HMOs is well recognised by the Council. They are a valuable source of low-cost housing and also make a significant contribution to the local economy. The overall aim of the policy is not to prevent the development of HMOs as such but to ensure that, where permitted, development does not give rise to problems, in particular problems arising out of HMO concentrations. Such development should also be consistent with the maintenance of sustainable communities with a balanced housing mix. The differential thresholds are intended to permit the development of HMOs in a more sustainable pattern dispersed across the Borough.

¹²⁷ <https://www.rctcbc.gov.uk/EN/Resident/Housing/RelatedDocuments/LocalHousingMarketAssessmentRCT20.07.2022.pdf>

¹²⁸ The Local Housing Market Assessment highlights a particular need for affordable one-bedroom dwellings.

6.137 The replacement LDP should also make it clear that, irrespective of the HMO concentration, applications will only be permitted if:

- (v) The property is in all respects suitable for use as an HMO with adequate internal communal space and external amenity space, room sizes that meet specified standards and have an outlook through windows, and appropriately located and adequately sized facilities for the storage and recycling of refuse. There should be appropriate provision for parking and/or cycle storage consistent with the local authority policy and supplementary planning guidance on highways and parking.
- (vi) The proposed development would not lead to an unacceptable detrimental impact on other properties because of noise or other disturbance.
- (vii) The change of use does not lead to an existing Class C3 dwelling being situated between two HMOs (to avoid “sandwiching”)

Note: no reference to a “small streets” exception is made as Officers consider that this is not particularly relevant to RCT. It might be possible to consider a modified approach in parts of Treforest, but this would involve further research. This type of test is applied by Swansea where the total number of properties within the 50m radius is below ten.

6.138 As with most authorities, the policy should include exceptions where exceptional circumstances or overriding material considerations clearly outweigh the potential for harm arising from increased concentration or intensification. In particular, it is recommended that the policy makes provision for existing owner occupiers in high concentration areas who wish to sell but feel that they may be “marooned”. Such property may be unattractive to both single household potential purchasers because of the negative impact of HMO concentrations on local amenity and to potential investors because they will seek the higher yield from HMO letting and recognise the HMO policy is likely to prevent this.

6.139 The Rhondda Cynon Taf supplementary planning guidance allows for such an exception, but it is a rather blunt instrument which permits development in principle where the existing concentration is above 80%. Other authorities seek actual evidence of the inability to sell, with the properties having been on the market at a reasonable price for a specified time and confirmation that no reasonable offers have been made. It is recommended that the replacement LDP should amplify the test relating to exceptional circumstances etc by stating clearly that any applicant seeking to rely on this should have to prove cogent evidence of the property having been on the market for a significant period (possibly a minimum of six months) with no reasonably acceptable offers having been made. Leeds adopts a similar approach.

6.140 The Swansea policy gives a further example of factors which could support permitting an application including reasons (with evidence) to substantiate the property not being viable for continuing Class C3 use (for example cost of renovation, lack of demand for single household housing) and issues such as unusual layout, scale of the property, etc. Rhondda Cynon Taf may wish to include examples such as this when drafting the section of the policy relating to exceptional circumstances.

6.141 There is no reference in the existing LDP in respect of purpose-built student accommodation. In Cardiff there has been a very significant growth in such accommodation in recent years but to a lesser degree in Rhondda Cynon Taf. This most probably reflects the large provision of accommodation on campus and the fact that many of the students elect to live at home with parents as they are local to the university campus. Whilst there is no reference to purpose-built student accommodation in the current LDP (and indeed nor is there in the LDPs for Cardiff and Newport) there is in the local plans of all three of the local authorities looked at in

- respect of best practice elsewhere. Purpose built student accommodation is referred to in the supplementary planning guidance which notes the potential change in the profile of HMO residents.
- 6.142 Notwithstanding the relatively low existing provision of purpose-built student accommodation in Rhondda Cynon Taf, the Council should consider the inclusion of policies to cover the siting and potential impact of any future such developments as this type of accommodation can lead to the same negative impacts on the amenity of the local area as student HMO concentrations. It may also be a factor relevant to the potential rebalancing of the housing mix in terms of reduction in demand for student HMOs.
- 6.143 Relevant policies could cover locality (in particular proximity to university teaching facilities and the sustainability of travel), the potential for noise/disturbance (given that it will be high density student accommodation) and the contribution to the built environment as well as practicalities such as refuse/recycling, parking and cycle storage.
- 6.144 The brief for this study was to specifically survey policies relating to HMOs. However, as part of the process to develop the replacement LDP, a number of related policies will also be reviewed by the authority in particular those relating to flats (both new build and by conversion) and transport/parking. Issues raised throughout this report should be borne in mind when reviewing such policies for example the perceived abuse where applicants refused permission for HMO use at a property resubmit with minimal changes for flats. The law relating to the imposition of conditions is complex, but the authority may wish to consider this where it appears that there may be future HMO occupation contrary to the prevailing HMO policies.
- 6.145 Another concern raised was the increasing prevalence of Airbnb properties. This is related in the sense that Airbnb use can give rise to significant noise and disturbance. Recent changes to the Use Classes Order have included the introduction of a new Class C6 aimed at holiday lets. Change to Class C6 is currently permitted development unless an Article 4 direction is made. Given the concerns expressed by stakeholders, the authority may wish to consider this as a separate issue before the LDP review.
- 6.146 Parking was described as extremely difficult in the Treforest area by a number of stakeholders notwithstanding the existing of parking permit schemes. Residents are adamant that car ownership among students is significant. It is clear from a number of appeal decisions generally that Inspectors commonly take the view that car ownership among students is low, and in any case if reasonably accessible public transport facilities and/or pedestrian access exist, then the absence of adequate car parking facilities for HMO residents will not necessarily override strong evidence as to severe local parking problems.
- 6.147 One clear (non-planning) change that could take place promptly would be a review of the policy on the allocation of parking permits with, at maximum, a number only equivalent to the number available to single households being allowed, not one per occupant.
- 6.148 In the broader sense, the authority should consider how its transport/parking policies should deal with parking in the concentration areas. The overall aim of PPW is a “modal shift” towards only walking, cycling and public transport. The authority could take this on fully or perhaps it would be preferable instead to recognise that realistically car use (however powered) will continue for the foreseeable future, that realistically some students do have cars¹²⁹, and revise the transport/parking policies to ameliorate the very significant parking problems in Treforest. It must be borne in mind of course that the Welsh Government states that local authorities should develop an integrated strategy on parking to support the overall transport

¹²⁹ See statistics in Appendix D

and locational policies of the development plan. Local authorities should consider parking issues on a joint basis with neighbouring authorities.¹³⁰

Recommendations for inclusion in supplementary planning guidance

^{6.149} As discussed earlier¹³¹, Rhondda Cynon Taf has been relatively successful in defending appeals relating to HMO development after the adoption of the updated supplementary planning guidance in May 2018. Appeal decisions tended to acknowledge the reality that the LDP did not contain policies specifically relating to small HMOs, but did acknowledge the relevance of some of the policies that predated the Use Classes Order change, in particular Policy AW5 which seeks to support new development where the development would be compatible with other uses in the locality, would avoid crime and anti-social behaviour and would have no significant impact upon the amenities of neighbouring occupiers.

^{6.150} The existing LDP makes not reference to purpose-built student accommodation; although there is a limited reference to such accommodation in the supplementary planning guidance which acknowledges the effect of a potential reduction in demand for student HMOs. Privately built purpose-built student accommodation in Treforest has hitherto been on a very small scale but it is understood that the University of South Wales will be going ahead with a new academic building for the teaching of computing, maths, engineering, and presumably this may stimulate some demand for accommodation.

^{6.151} As indicated at paragraph 6.142 above, it is recommended that the LDP does include policies in respect of purpose-built student accommodation and accordingly there should be relevant supplementary planning guidance to reinforce the policies suggested at paragraph 6.142. The definition should include both new build and accommodation arising from conversion of buildings. Swansea has a document which gives supplementary planning guidance relating to both student HMOs and purpose-built student accommodation; this appears a logical approach and is recommended.

^{6.152} The adoption of new HMO policies in the replacement LDP does of course give the opportunity to set out new supplementary planning guidance to clarify and reinforce those policies. The supplementary planning guidance should start with a summary of the key provisions of the HMO policy in the LDP:

- (i) Restricting future growth of HMOs through a two-tier threshold system and general refusal of intensification of use in existing HMOs where the threshold has been exceeded.
- (ii) HMO concentrations to be assessed using a 50m radius test.
- (iii) General refusal of developments which would lead to loss of family/single household homes or properties suitable as family/single household homes.
- (iv) New development which would lead to “sandwiching” of existing Class C3 properties between HMOs not to be permitted.
- (v) All proposals for development which will be evaluated against standards to ensure HMOs are suitable for use.
- (vi) Developments will be assessed against criteria to ensure they do not lead to unacceptable detrimental impacts on neighbouring properties through noise and disturbance.
- (vii) There is provision to grant permission where exceptional circumstances or material considerations warrant this and the exceptional circumstances/material considerations outweigh the potential harmful effects of the development/intensification.

¹³⁰ PPW Edition 12 paragraph 4.1.53 and TAN 18 paragraph 4.2

¹³¹ See paragraph 3.92 onwards

Radius Test

- 6.153 Key to the overall aim of restricting future growth through the two-tier threshold policy (using a 50m radius test) is the methodology of calculating the existing HMO concentration in the 50m radius. With the other two Councils, there were adverse comments about some aspects of the way in which the radius test worked but this was not the case with RCT.
- 6.154 The starting point is obviously to set out the methodology for determining the 50m radius circle. The existing supplementary planning guidance appears to use the midpoint of the actual dwelling which appears logical. An alternative approach (used by Swansea) is to use the centre point of the application property frontage (the principal elevation). It is a matter for the authority to choose, along with the rule to be adopted where the radius line cuts through the curtilage of a property. Swansea count properties partially encircled where the majority of the street facing radius is within the line. Wrexham County Borough Council counts HMOs where any part of the building or its curtilage lies within the 50-metre radius, which does seem a reasonable approach given that, if noise or disturbance does arise from any particular HMO then such noise or disturbance could arise from any part of the curtilage, and it is recommended that the Wrexham approach be adopted.
- 6.155 The existing guidance sets out the formula which is essentially standard for authorities adopting the radius test – the number of HMOs (numerator) divided by the number of residential units (denominator) multiplied by 100 to give the relevant percentage.
- 6.156 To be fair to all parties, the supplementary planning guidance should set out clearly what HMOs are counted, what residential units are counted, and the sources of the information. As a preliminary point, S257 HMOs¹³² (converted self-contained flats which do not meet earlier Building Regulations) are not considered as HMOs in this regard. As the whole of the Borough is covered by an additional licensing designation, the Register of Licensed HMOs (which is in the public domain) is clearly the prime source of information for the number of HMOs. In addition, this information could be supplemented by searches of planning decision records. It is usual practice to count lawful HMOs only; in one Cardiff decision¹³³ where the actual number of HMOs was disputed, the Planning Inspector declined to take into account unlicensed HMOs (where the local authority did not evidence this) saying that only information in the public domain should be used. RCT may wish to consider including a statement that it will include in the count HMOs which may not be licensed or have appropriate planning consent where there is cogent evidence they are being used as HMOs.
- 6.157 With regard to the denominator properties, the guidance should state that all residential units that are in Class C3, Class C4 or unique use (sui generis) use classes will be included. Where there are flats (including those above commercial premises) they are counted individually (not as a building). Commercial premises, care homes, hostels, hotels and halls of residence are not counted. Clearly the same criterion for properties partially within the circle should be included i.e. if there is any part of the curtilage then they should be counted. With flats, if part of the building containing one or more flats is outside the circle and is clearly severable then it is suggested that those properties outside the circle should be excluded.
- 6.158 The threshold is only exceeded when the result of the calculation gives a number greater than the relevant percentage figure. The supplementary planning guidance should emphasise that in the high concentration HMO management area of Treforest that the approach is intended to restrict further growth/intensification notwithstanding existing high concentration levels.

¹³² See paragraph 2.27

¹³³ APP/Z6815/A/21/3268205

Non-Sandwiching

6.159 The non “sandwiching” policy seeks to protect existing single household dwellings from the potentially negative impact of having a dwelling with a transient population on both sides. The supplementary planning guidance should make clear that applications which would lead to sandwiching of a Class C3 property will be applied unless the application can demonstrate a very clear material consideration to outweigh the potential harm. One example might be a proposal for change of use where a Class C3 property is already sandwiched between two existing HMOs even if this does lead to the threshold being exceeded (the sandwiching may have occurred prior to the non-sandwiching policy). The Swansea guidance says that sandwiching only occurs where the properties share the same road frontage. The authority may wish to consider this but if adopted they should consider the issue of contiguous boundaries; the potential for negative impacts may still be present even if front elevations do not face in the same direction.

Suitability for Use

6.160 It is clear from a number of appeal decisions involving different authorities (referred to earlier in this study) that it is important for the authority to have a clear policy on factors it considers necessary for a property to be suitable for use as an HMO. Appeals have been dismissed because of concerns because of suitability issues for example lack of outlook, inadequate space, etc. The suggested key areas for inclusion in the LDP have been set out at paragraph 6.137(v). It is important that the guidance amplifies this to ensure clarity. The comments below set out key points only; the section is a not a draft for direct inclusion in the future revised supplementary planning guidance.

6.161 Rooms sizes and communal space are very important in HMOs where residents have exclusive use of only a very limited space and irrespective of the type of occupation (shared household or bedsit) the opportunity to have shared recreational space is essential. As there is a Borough wide additional licensing scheme, the Council will have adopted standards for room sizes against which applications for both mandatory and additional licensing applications are assessed, and these should be incorporated in the supplementary planning guidance. There are in fact statutory minimum room sizes for licensable properties in England¹³⁴ but not in Wales. Room sizes adopted by individual local authorities in their licensing policies are commonly above the minima dependent on the room function and the supplementary planning guidance stipulations on room sizes (kitchens and bathrooms as well as bedrooms) should reflect RCT licensing policy as a minimum.

6.162 The issue of outlook has arisen in appeals and is important in respect of the quality of life for residents. The guidance should make it clear that every bedroom must have a window and that roof lights only in attic rooms are not acceptable where they are at a level which does not permit any view out. Rooms should not overlook other properties or simply face high boundary walls.

6.163 The guidance should stipulate that a planning condition may be applied to ensure that the number of persons actually resident does not exceed the number considered appropriate having regard to the approved floor plans. It may also refer to the imposition of a condition removing permitted development rights to extend the property so that additional persons cannot be accommodated without further scrutiny.

6.164 Private amenity space outside an HMO is also extremely important, both “functional” (refuse storage and recycling, parking of cars and cycles, clothes drying) and for sitting out and relaxing. Swansea stipulates that

¹³⁴ The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018

areas to the front of the building which are visible from the public highway are not suitable as private amenity space.

Refuse and Recycling

- 6.165 The 2015 Welsh Government HMO Study found that storage and recycling of refuse was often a concern with student HMOs¹³⁵ and that there was evidence of higher costs for dealing with refuse on HMO concentration areas. Concerns over the prevalence of rubbish in streets were made very clearly during stakeholder consultations. Obviously, the supplementary planning guidance should state that the potential concerns are recognised and set out requirements which seek to prevent problems arising. Some authorities set out requirements for minimum provision of bins for general refuse and then for recycling of different materials. An example of this approach is shown by Wrexham County Borough Council¹³⁶. The supplementary planning guidance should stipulate a requirement for application scale plans to show the provisions for storage and recycling and the access for collection by the authority vehicles.
- 6.166 The guidance should make it clear that applications which do not show adequate provision for dealing with refuse and recycling will be refused.
- 6.167 The authority may wish to consider including a requirement for composting in purpose-built student accommodation where this is appropriate and reasonably practicable.

Car and Cycle Parking

- 6.168 Obviously, the authority will be reviewing its transport and parking policies and the relevant supplementary planning guidance as part of the replacement process. It must be borne in mind that Welsh Government policy is clear that Government policy requires local authorities to consider parking issues on a joint basis with neighbouring authorities¹³⁷. It has already been recommended that the authority carefully consider the direction of future policy; should it embrace fully the “modal shift” toward walking, cycling and public transport or take a more pragmatic view, if possible, that car use will continue for the foreseeable future and make appropriate provision for parking¹³⁸. It may well be that a more pragmatic approach is the most appropriate in concentration areas such as Treforest where parking was raised as a serious concern by stakeholders.
- 6.169 Realistically the replacement supplementary planning guidance on transport and parking will stipulate guidelines for parking provision for new build and other development and it would be appropriate for the authority to bear in mind the parking problems in Treforest when doing so. It is recommended that the replacement HMO supplementary planning guidance will say that HMO applications will be assessed against the requirements for parking provision set out in the transport and parking supplementary planning guidance.
- 6.170 Provision for cycle storage is relatively straightforward to achieve (although security has to be carefully considered) and it is recommended that that such provision should be made for every proposed resident in the replacement guidance for both transport and parking and also in that for HMOs. Many of the HMO residents are young and the use of bicycles should be facilitated wherever possible.

¹³⁵ <https://www.gov.wales/sites/default/files/publications/2018-11/houses-in-multiple-occupation-hmos-review-report-on-findings.pdf> see paragraph 4.70 and in particular paragraph 4.70 onwards

¹³⁶ <https://www.wrexham.gov.uk/sites/default/files/2023-04/lpg-5e.pdf> at page 5.

¹³⁷ PPW Edition 12 paragraph 4.1.53 and TAN 18 paragraph 4.2

¹³⁸ Paragraph 6.148

Noise and Disturbance

- 6.171 The inclusion of a specific policy on noise and disturbance in the replacement LDP was recommended at paragraph 6.137(vi) and it is important that the supplementary planning guidance builds on this. The nature of occupation in HMOs does tend to increase the potential for noise and disturbance as even in shared houses residents are more likely to lead lives that are independent in varying degrees compared with people in a single household. This can lead to more movements both within the property and to and from it. It can also lead to more sources of noise within the dwelling as individual residents/households may well have their own televisions, sound systems, etc. This factor has been acknowledged in a number of planning appeal decisions.
- 6.172 It is recommended that the replacement supplementary planning guidance make explicit reference to noise issues; the existing supplementary planning guidance does not do so unlike that for Newport. The general arrangement of rooms and access to the property (for example in the latter case avoiding rear or side entrances) will be a factor that will be assessed and in some cases sound insulation will be stipulated – between adjoining properties and where appropriate between floors and between lettings in properties.

Letting Boards

- 6.173 Stakeholders raised this issue because of the untidy appearance and impression of transience a proliferation of letting boards can give. The Town and Country Planning (Control of Advertisements) Regulations 1992 do permit advertising boards to be displayed without local authority consent subject to some limitations and conditions (Use Classes 3A). If there is a significant issue with such boards, the authority can apply to the Secretary of State for approval to make a direction under Regulation 7 for the deemed consent to be withdrawn. All boards would then require express consent, and any unauthorised boards would be removed using enforcement procedures. Any direction will cover a specified area and for a limited time period.
- 6.174 A local authority has to submit a reasoned statement showing the unsatisfactory environmental impact, explaining the measures already taken to control such advertising (including any prosecutions) and demonstrating why there is no other way to effectively control such advertising. Consultation has to be undertaken. A number of English authorities have secured such directions; some Welsh authorities have adopted voluntary codes of practice. Cardiff does have an approved direction, and this has proved very successful. Given the level of concern expressed by stakeholders about the situation in Treforest, it is recommended that RCT consider whether a voluntary code of practice would be appropriate or whether to make an application for an article & direction after the necessary consultation.

Exceptional Circumstances and Material Considerations

- 6.175 The replacement LDP will refer to exceptional circumstances and material considerations¹³⁹ and the replacement supplementary planning guidance should explain how these are interpreted for example the question of exception to avoid “marooning” owner occupiers who want to leave high concentration areas. Equally, it may set out circumstances where even though an application does not fail the radius test, it will still be resisted because of material considerations.
- 6.176 These could include:

- Highway safety;
- Adding to parking problems;

¹³⁹ See paragraph 6.138

- Significant impact on neighbouring properties through noise, loss of privacy, overshadowing etc.;
- Impact on conservation areas or individual listed buildings;
- Demonstrable need for affordable housing;
- Regard to new Government policy;
- Regard to recent planning appeal decisions.

Recommendations for Possible Action Prior To Adoption of The Replacement LDP and SPG

Planning Appeals

- 6.177 It should be said at the outset that only general comments are made here. Clearly when considering the decision in respect of an application that could well lead to an appeal or the response to an appeal and the arguments to be presented the authority may wish to seek case specific professional/legal advice.
- 6.178 Obviously, it is not possible to amend the LDP and supplementary planning guidance in any significant way until their replacements have been adopted. However, as discussed at paragraph 3.91 onwards, following the adoption of the replacement supplementary planning guidance in May 2018, the majority of appeals have been dismissed. Post adoption of the supplementary planning guidance, Inspectors did recognise the relevance of some policies that predated the change in the Use Classes Order, in particular Policy AW5; this referred to the compatibility of new development with other uses in the locality, the avoidance of crime and anti-social behaviour and ensuring that there is no significant impact on the amenities of neighbouring properties.
- 6.179 Whilst acknowledging that the guidance could not create new policy, Inspectors did say in a number of cases that it did give context, and they accorded it “considerable weight”. Both APP/L6940/A/18/3215492 and APP/L6940/A/18/3214282 illustrate the approach well and, subject to legal advice of course, officers may find it helpful to look at the wording of the decisions in these cases when drafting their appeal statements. Reference to the overall objectives of the Well Being of Future Generations (Wales) Act 2015 and in particular the achievement of the Welsh Ministers’ well-being objective of supporting safe, cohesive and resilient communities may also be of value.
- 6.180 Holding of an existing HMO licence may be argued by appellants as a reason to support an appeal but officers will not doubt bear in mind the separate but parallel existence of the planning and HMO licensing systems; and that appeals have been dismissed even though the property had been licensed for some time¹⁴⁰. The Council may wish to cite these decisions in any case where the existing licence argument arises.
- 6.181 When making a case to any legal or quasi legal body (Planning Inspectors are an example of the latter) it is always very helpful to have empirical evidence to support any arguments. Planning Inspectors can be critical of the lack of such evidence especially when an authority is arguing potential adverse effects on neighbouring properties. RCT did in fact produce very detailed evidence to support the production of the revised supplementary planning guidance looking at parking offences, waste and litter issues, increase in A3 uses (although hot food takeaways apparently were not considered), poor property condition and community impacts. Whilst there would be resource implications, the authority may wish to consider obtaining detailed evidence of such issues in the high concentration localities to respond to appeals. Interestingly, the 2015 research did not identify parking as a general problem, but it was raised by all stakeholders as significant issue.

¹⁴⁰ APP/L6940/A/18/3215492, APP/L6940/A/18/3214282 are examples of this

6.182 The obligations under Section 3 (obligation to carry out sustainable development) and Section 5 (obligation to ensure the needs of the present generation are met without compromising the ability of future generations to meet their own needs) of the Well-being of Future Generations (Wales) Act 2015¹⁴¹ should be borne in mind when preparing the local authority case as these two obligations will be referred to in the appeal decision.

Issues other than planning appeals

6.183 When parking is a concern, evidence of parking problems where there are no restrictions may be very useful, as would evidence on penalty charge notices. It is understood that RCT do not currently require applicants to provide parking surveys in areas where parking is a concern. Officers may wish to consider this. It would be prudent to consider a change of parking permit policy to limit the number of permits per HMO for example to a maximum of two (allowing a grace period until the start of the new academic year).

6.184 In addition to parking, refuse and litter were raised as major concerns in Treforest by stakeholders. The authority could consider greater use of the penalty notice powers under the Environmental Protection Act 1990 and/or prosecutions for breach of licence conditions; it is the case that RCT HMO licences contain a discretionary licence condition relating to household waste and keeping properties from accumulations of refuse¹⁴².

6.185 There are also the HMO Management Regulations to consider¹⁴³. Regulation 7 requires a manager to ensure that yards and forecourts are maintained in repair, clean condition and good order and also that any garden is kept in a safe and tidy condition. Regulation 9 imposes a duty on a manager to provide sufficient storage for refuse pending its disposal and to make further such arrangements for the disposal of refuse and litter as may be necessary. Breaches of both licence conditions and HMO regulations are summary offences punishable with fines at Level 5 (potentially unlimited).

6.186 With letting boards, the authority may wish to start negotiations with local letting agents over a voluntary code of practice and/or start consultation with relevant stakeholders in particular residents over a possible application for a Regulation 7 Direction in respect of letting boards.

Newport

6.187 The distribution of HMOs in Newport is significantly different from that in Rhondda Cynon Taf and Cardiff in that, whilst there are localised concentrations there are not the heavy concentrations associated with student properties. There are wards with higher concentrations of HMOs albeit with HMOs tending to be concentrated in particular LSOAs (often closer to the city centre) or along main roads. Rather than higher education establishments being the driver of HMO growth (the former Caerleon campus was sold off although there is one new university campus on the banks of the River Usk), it is the hospitals, in particular the Royal Gwent General and the St Woolas Hospital, that increase demand for HMO accommodation. Officers now feel many of the students live in Cardiff and commute to Newport.

6.188 Newport has shown the largest increase in population of any authority in Wales in the decade between the 2011 and 2021 Censuses.

¹⁴¹ See paragraphs 2.11 and 2.12

¹⁴² <https://www.rctcbc.gov.uk/EN/Business/LandlordGuidance/Housesinmultipleoccupation/Relateddocs/LicensingofHousesinMultipleOccupationAlandlordsguidetostandardsinHMOs2019.pdf> - see condition 8

¹⁴³ The Management of Houses in Multiple Occupation (Wales) Regulations 2006

- ^{6.189} The River Usk divides the city into west and east areas and each area has a distinct character especially in terms of the type and density of HMOs. The eastern side does not include the city centre nor the university campus which is on the western side as is the purpose-built student accommodation and in the eastern area HMO landlords tend to target young professionals.
- ^{6.190} Because of problems associated with HMOs, Newport has had a whole district additional licensing scheme in place since December 2008. The schemes have covered all smaller HMOs and also S257 HMOs (self-contained flat conversions not compliant with 1992 Building Regulations). The scheme was renewed again on the 1 July 2019 and will expire on the 30 June 2024. At the present time, the Council is reviewing the additional licensing scheme to determine the scheme should be extended for a further five years and consultation on this has recently closed.
- ^{6.191} It does appear that there may be more licensable HMOs than are currently licensed (as discussed at paragraph 4.12). This view was repeated by a number of elected members (for example see paragraph 4.97).
- ^{6.192} As described in Part 4, the Council operates a two-tier threshold system; 15% in the central area and 10% elsewhere. The supplementary planning guidance sets out the boundary in an HMO threshold map. The usual radius test with a 50m diameter is used in calculating thresholds. Figures 23 and 24 in Part 4 show how the threshold boundary corresponds fairly closely to the actual distribution of HMOs. For ease of reference, when making recommendations this area will be referred as the Central HMO Management area.
- ^{6.193} Whilst there are no concentration areas equivalent to those in RCT and Cardiff, there are very localised concentrations, and the stakeholder consultation showed that these cause considerable concern to local residents and elected members. Parking in particular is a major issue (followed by refuse problems); new developments are often in densely populated areas where parking provision is already overloaded.
- ^{6.194} What was abundantly clear from stakeholder consultation was the disenchantment felt by residents, elected members and officers about decisions made by the Planning Inspectors especially in respect of parking. In practice where thresholds were exceeded it was often by a small margin only and even where there were high concentrations Inspectors would generally support the appeal unless there was clear evidence of negative impact in the area.
- ^{6.195} Concern was expressed by some stakeholders at the operation of the 50m radius test. Some felt that a larger radius should be used, and some that a radius test was wrong in principle and that, because of the typical street layouts a street-based test would be preferable. There was also support expressed by some elected members for the more fine-grained approach using Output Areas.
- ^{6.196} Appeals where parking was a major issue were especially problematic. The Council requires an applicant to carry out a parking survey using an approved methodology. Officers stated that even where they had carried out their own detailed, out of hours surveys following the Lambeth methodology, Inspectors had still preferred the evidence of the applicant. There is also the issue of PPW seeking to achieve a “modal shift” towards sustainable transport such as public transport, cycling and walking. They cited in particular the case reference CAS-01786-S4X0Y7 where even the applicant’s own parking survey showed that 96% of space were occupied and three of the six spaces available were a significant distance away and on the other side of a main road.
- ^{6.197} Parts of Newport close to the River Usk are in a defined flood risk zone where Welsh Government technical guidance advises that development should be directed away. There was concern in particular over one

case¹⁴⁴ where an appeal was supported by the Inspectorate because a first-floor landing could be used as a refuge.

6.198 As with Rhondda Cynon Taf, concern was expressed about increasing numbers of properties used for Airbnb.

6.199 Officers stated that, in practice, they were approving applications that they felt went against policy because they felt that any appeal would be supported by Pedw, and they would they face the possibility of costs (which can be significant) being awarded against them. Elected members said it was difficult explaining to residents, who perceive the thresholds as clear, binding limits, why applications were being approved in circumstances where the limits are already exceeded.

6.200 Neither the existing LDP nor the supplementary planning guidance make any reference to purpose-built student accommodation. As discussed at paragraph 4.29, the demand for student HMOs has dropped reflecting the fact that many students commute from Cardiff or live at home. The University of South Wales campus on the River Usk is relatively new and the only new educational facilities planned is understood to be the new Coleg Gwent Campus but as this is for further education it is unlikely to prompt demand for student accommodation. The authority may wish to consider the inclusion of policies relating to purpose built student accommodation as any replacement LDP/supplementary planning guidance will cover a long time period and it is possible that at some stage in the future additional higher education facilities may be provided although given the challenges facing higher education this is probably unlikely in the foreseeable future.

6.201 If policies relating to purpose-built student accommodation are included, then they should recognise that purpose-built student accommodation can have a similar adverse impact on neighbouring properties and policies should deal with location, potential for noise disturbance, parking for cars and cycles, refuse storage and recycling etc.

6.202 As with the two other authorities, the LDP was adopted prior to the change in the Use Classes Order in 2016 and accordingly policies relate only to sui generis (unique use) HMOs. Revised supplementary planning guidance was adopted after the change in January 2017. However, unlike as in RCT, the Council has not generally been successful in defending appeals even after the revised supplementary planning guidance, to the point where, as stated above, in practice planning officers have been tending to approve applications they thought inappropriate and against policy because of the risk of losing at appeal and the possibility of a subsequent award of costs.

6.203 They have considered the possibility of seeking judicial review where particularly concerned about the outcome of an appeal, but the cost is considered prohibitive and the criteria involved in the process do militate against the prospect of a successful application. Furthermore, even if successful, the outcome will generally be to quash the actual decision but then to remit the matter back to the original decision maker to remake the decision but avoiding the errors that led to the decision being quashed.

Recommendations for inclusion in the replacement LDP

6.204 As with the other two authorities, it should be noted at the outset that, in making following policy recommendations, it is not intended to present text to be inserted directly in the replacement LDP. Drafting of such text will clearly need to be done in the overall context of the whole replacement LDP with references to other policies; for example general policies on new development, design and place making, housing generally and flats in particular, development of sustainable communities, transport, parking etc.

¹⁴⁴ APP/G6935/A/19/3233724

- 6.205 In making recommendations, it is clear that the distribution of HMOs in Newport is a key factor. It is very different from the other two Councils in not having significant areas with substantial HMO concentrations due to studentification. It does, however, have localised areas of concentration that do cause concern in particular with regard to parking. Stakeholder comments clearly indicate that residents and elected members are in favour of control to prevent the number of HMOs rising to the point where problems typically associated with HMOs become significant concerns. In addition, they also want to be able to control development which is likely to impose further parking pressure in locations where there is already substantial parking stress.
- 6.206 Perhaps a first point is to consider the distribution pattern. Concentrations are not even across wards but tend to be focused in particular LSOAs (generally closer to the city centre) and/or along main roads. This distribution pattern is reflected fairly accurately in the existing threshold boundary, with the higher 15% threshold applying within the boundary and 10% elsewhere. However, the fact that concentrations may be limited in geographical extent of itself does not mean that problems arising from an increased proportion of HMOs are any less significant to those affected. In particular, there is very major concern over any increase in the demand for parking.
- 6.207 The distribution pattern does suggest that perhaps the radius test is not the most appropriate way to calculate and assess HMO concentrations and, of the alternative approaches adopted in Nottingham and Leeds, officers have indicated that they consider the Nottingham approach the most relevant. This involves assessing concentration levels in the relevant Output Area (i.e. where the property subject to the application is located – the “home” output area) together with the contiguous Output Areas. The aggregated areas are referred to as a cluster. An Output Area is the smallest area in the geography of the Census and typically contains between 40 to 250 households with a usual resident population of between 100 and 625 persons. An approach such as this was raised by elected members during stakeholder consultation (see for example paragraph 4.97).
- 6.208 The Nottingham methodology looks at the numbers of students in both HMOs and purpose-built student accommodation including halls of residence. The calculation is carried out using the usual methods (for example flats counted as individual units) and any concentration of 10% or above is regarded as a “significant concentration”. With purpose-built student accommodation, the numbers identified by council tax data are weighted to make comparable with an HMO student household (assuming a typical household size of 5 persons so the numbers essentially are divided by five¹⁴⁵). In Nottingham a concentration of 10% or above is not automatically resisted; it is however a factor in assessing whether the proposed development would have an adverse impact on local objectives to create or maintain sustainable, inclusive and mixed-use communities.
- 6.209 As with all policy issues, the decision obviously rests with the elected members and is subject to extensive consultation but taking into account all the stakeholder consultation and the particular circumstances of the HMO distribution pattern there does seem to be appreciable merit in adopting the Nottingham Output Area approach. Whilst Nottingham do not make the presence of a significant concentration an automatic reason to oppose an application, for the purposes of clarity Newport may wish to do so; and retain the existing percentage thresholds inside and outside the existing boundary which does reflect existing HMO distribution accurately.
- 6.210 The issue of distinct local areas where the existing radius test did not work effectively was raised by both elected members and officers (although it is likely that the proposed Output Area approach will limit such

¹⁴⁵ See paragraph 6.76

instances). The existing supplementary planning guidance does contain at paragraph 5.5.6 an option to select the nearest 10 dwellings from the application site which are on the same side of the street as the proposed HMO. The Newport officers have suggested that the Swansea small streets test could be appropriate for use in such locations. This is used where a relatively low number of HMOs could lead to a disproportionately adverse effect¹⁴⁶. Details of the methodology used by Swansea are given at paragraph 6.17.

^{6.211} It may well be that there needs to be a modified “small streets” test for Newport to reflect the fact that their HMOs tend to be distributed along main roads with not necessarily many HMOs in the streets behind. The Swansea supplementary planning guidance states at paragraph 6.17(ii) to “Equally a situation may arise where there is no over concentration with properties at either end of a long street and where appropriate a pragmatic approach should be adopted having regard to all material considerations.” It may well be that a linear rather than a radius test including a specified minimum number of properties could be applied as a form of pragmatic approach. Newport officers will obviously be very familiar with conditions in their district and no doubt could define the methodology of such an approach in practical but clear terms.

^{6.212} The stakeholder consultation did indicate opposition to the loss of family homes and the negative impact of in respect of community cohesion of growing numbers of HMOs even though this is clearly not on the scale found in Rhondda Cynon Taf and Cardiff and it is recommended that that these concerns be reflected in the replacement LDP. Stakeholder consultation indicated that along main roads HMOs often were in larger properties.

^{6.213} There was considerable concern expressed by the officers over the issue of development in flood risk area.

^{6.214} Having regard to relevant legal framework and Welsh Government policies (as described in Part 2 in particular paragraph 2.72 onwards), other relevant Council planning policies, the findings in this study and examples of good practice elsewhere, it is recommended that the LDP makes plain the overall aim to adopt a policy which recognises the value and positive contribution made by HMOs to a city with growing population and economy and allows HMO development where this is not incompatible with the maintenance of sustainable, inclusive communities with a balanced housing mix. However, the LDP should make it clear that it also recognises the disproportionate harm that can arise where there are significant numbers of HMO conversions, especially in small, concentrated areas.

^{6.215} Note: In setting out some recommendations, inevitably some of these will replicate recommendations made in respect of the other two Councils. Rather than simply refer to earlier paragraphs, the recommendations are still set out in full so that the section relating to Newport can be read in its entirety without reference to recommendations made elsewhere.

^{6.216} In particular, the LDP will:

- (i) Restrict the growth of future HMOs where the proportion of such properties is at or above the concentration thresholds by:
 - (a) Refusing change of use from Class C3 to Class C4 or sui generis (unique use) where this would take the HMO concentration in a defined area (the relevant Output Area cluster, or alternative area definition in appropriate cases) above the threshold of 15% in the Central HMO Management Area and 10% elsewhere,

¹⁴⁶ See paragraph 6.10

- (b) Refusing applications that would lead to the intensification of use of existing HMOs through additional rooms/numbers of residents where existing HMO concentrations are above the thresholds set out in sub paragraph (a) above.

The policy should make plain that it seeks to resist the potential for a damaging effect due to incremental increase in HMO numbers or intensification of existing HMOs. The concentration may be above the relevant threshold only by a small margin with the adverse impact of HMOs only evidence to a limited degree at the time of the application, but successive approvals can lead to a progressive change in character of a locality as time goes in. The aim is to protect areas where increase in concentration has occurred or is taking place to protect community cohesion from potential damage whilst permitting HMO development dispersed across the city at concentrations which are unlikely to have a significant adverse impact.

- (ii) Promote sustainable, inclusive communities with a balanced housing mix and in particular to refuse any development which would lead to the loss of family homes including change of use of dwellings/buildings capable of use as single household/family homes;
- (iii) Promote the conversion of larger properties to low-cost self-contained flats, as opposed to HMOs where this is appropriate and possible, having due regard to access and external amenity space

^{6.217} The replacement LDP should also make it clear that, irrespective of the HMO concentration, applications will only be permitted if:

- (viii) The property is in all respects suitable for use as an HMO with adequate internal communal space and external amenity space, room sizes that meet specified standards and have an outlook through windows, and appropriately located and adequately sized facilities for the storage and recycling of refuse. There should be appropriate provision for parking and/or cycle storage consistent with the local authority policy and supplementary planning guidance on highways and parking.
- (ix) The proposed development would not lead to an unacceptable detrimental impact on other properties because of noise or other disturbance.
- (x) The change of use does not lead to an existing Class C3 dwelling being situated between two HMOs (to avoid “sandwiching”)
- (xi) An alternative approach to the Output Area cluster to determine the geographical area will be used when appropriate in the case of ribbon type groups of HMOs along main roads or when the geography is such that small groups of HMOs could have a disproportionate adverse effect.

^{6.218} It is common for authorities to include an exception to the restriction on HMO development to deal with the risk of owner occupiers wishing to leave being “marooned”. Because the low incidence of very high HMO concentrations, this is not particularly relevant to Newport, and officers were happy for there to be no such exception in the replacement LDP. Similarly it would appear that a specific policy to deal with an exception for a property not being viable for continued Class C3 use would appear not be relevant and odd individual cases could be dealt with by use of discretion.

^{6.219} The brief for this study was to specifically survey policies relating to HMOs. However, as part of the process to develop the replacement LDP, a number of related policies will also be reviewed by the authority in

particular those relating to flats (both new build and by conversion) and transport/parking. Issues raised throughout this report should be borne in mind when reviewing such policies. A key issue is that of transport and in particular parking.

- 6.220 A number of applicants have been refused because of concern over parking. Applicants are frequently in areas of high-density housing with substantial parking stress. In all cases where the applicant has appealed officers state that Planning Inspectors have allowed the appeal¹⁴⁷. Officers stated that they require the applicant to provide a parking survey using a methodology approved by the Council (typically with a 200m radius). Where the officers themselves have undertaken a parking survey at times when parking stress is high (including photographs of illegal parking at junctions and on double yellow lines) Inspectors have preferred the evidence of the applicant.
- 6.221 In respect of parking, as set out at paragraphs 4.109, the supplementary planning guidance refers to the Council's parking standard supplementary planning guidance. In the urban zone, although the guidance allows "discounts" to be applied in the sense of sustainability points where public transport, cycle routes, facilities in close walking distance, etc, the standards are quite prescriptive – one space per bedroom and one space for visitors per five units. This is at odds with the clear aim of national policy for a "modal shift" towards sustainable transport – public transport, cycling, walking etc. National policy is also saying the parking standards should be maxima not minima. It is this clash which has led to the appeals where parking is a key issue being almost exclusively upheld. Irrespective of the policy clash, as described at paragraph 4.32 onwards officers have expressed concern at references by Inspectors to a view that the occupants of an HMO are less likely to have cars without evidence to support this¹⁴⁸, that parking stress was not particularly apparent during a site visit and that there are legal remedies to deal with parking infringements.
- 6.222 There is no simple revision to the replacement LDP that can be suggested. On the one hand for perfectly understandable environmental reasons the Welsh Government is seeking to promote sustainable transport that minimises the damaging output of CO₂; on the other hand residents, elected members and officers want to protect people in densely built areas from development that is likely to add to parking stress that is already severe in many cases. In any event, PPW is clear that an authority must develop parking policy on a joint basis with neighbouring authorities. Realistically it is reasonable to suppose that car use is not going to suddenly diminish and that the parking stress experienced in many Newport areas will suddenly ease; an electric vehicle will still need the same size parking space. It is recommended that that when a new approach is developed jointly with other authorities then, whilst the importance of moving towards sustainable transport is clearly crucial, it is also very important policies do permit the control of development which realistically may contribute significantly to existing parking problems in dense housing areas.
- 6.223 Because of Newport's coastal and riverside location, along with its complex reen system, the existing LDP addresses the question of flood risk in substantial detail. In spite of this, in one case¹⁴⁹ an appeal against a refusal for change of use as Class C3 because of the demonstrable flood risk (Zone C1) was allowed on the basis that tidal nature of the flooding meant it could be predicted and there was a generous landing on the first floor which the occupier of the ground floor room could use as a temporary refuge. A number of valid arguments as to why that decision could be considered flawed are set out at paragraph 4.142. The existing policy is obviously very detailed, and it is beyond the scope of this study to suggest any modifications to what is a very specialised area, other than to suggest that the LDP should be explicit in saying that any development

¹⁴⁷ One early case, APP/G6935/A/14/2214123, an appeal was dismissed because of the potential harm in terms of highway safety.

¹⁴⁸ Research shown at Appendix D using Census data indicates that car ownership in HMOs is in fact slightly higher.

¹⁴⁹ APP/G6935/A/19/3233724

in an area subject to a significant risk of flooding will be refused. It should state that the use of part of a dwelling as a temporary refuge is not an acceptable option for the reasons set out at paragraph 4.142.

6.224 The issue of Airbnb growth was raised during stakeholder consultation. Recent changes to the Use Classes Order have included the introduction of a new Class C6 aimed at holiday lets. Change to Class C6 is currently permitted development unless an Article 4 direction is made. Given the concerns expressed by stakeholders, the authority may wish to consider this as a separate issue before the LDP review.

Recommendations for inclusion in supplementary planning guidance

6.225 Note: In setting out some recommendations, as with those relating to the LDP inevitably some of these will replicate recommendations made in respect of the other two Councils. Rather than simply refer to earlier paragraphs, the recommendations are still set out in full so that the section relating to Newport can be read in its entirety without reference elsewhere.

6.226 As discussed earlier, notwithstanding the adoption of revised supplementary planning guidance in January 2017 Newport has not generally been successful in defending planning appeals in respect of HMO development applications. In reality these have hinged mainly on the issue of parking.

6.227 As indicated at paragraph 6.200 above, it is suggested that the replacement LDP does include policies in respect of purpose-built student accommodation and accordingly there should be relevant supplementary planning guidance to reinforce the policies suggested at paragraph 6.216. The definition should include both new build and accommodation arising from conversion of buildings. Swansea has a document which gives supplementary planning guidance relating to both student HMOs and purpose-built student accommodation; this appears a logical approach and is recommended.

6.228 The adoption of new HMO policies in the replacement LDP does of course give the opportunity to set out new supplementary planning guidance to clarify and reinforce those policies. The supplementary planning guidance should start with a summary of the key provisions of the HMO policy in the LDP:

- (i) It is accepted that HMOs play a valuable role and HMO development will not be restricted where they are in a sustainable pattern dispersed across the city.
- (ii) Future growth of HMOs is to be controlled through a restrictive two-tier threshold system and general refusal of intensification of use in existing HMOs where the threshold has been exceeded.
- (iii) HMO concentrations to be assessed on an Output Area cluster
- (iv) An alternative approach to the Output Area cluster will be adopted in the case of long ribbon type groups of HMOs along main road or in other circumstances where small groups of HMOs could have a disproportionate adverse effect.
- (v) General refusal of developments which would lead to loss of family/single household homes or properties suitable as family/single household homes.
- (vi) New development which would lead to "sandwiching" of existing Class C3 properties between HMOs is not permitted.
- (vii) All proposals for development which will be evaluated against standards to ensure HMOs are suitable for use.
- (viii) Developments will be assessed against criteria to ensure they do not lead to unacceptable detrimental impacts on neighbouring properties through noise and disturbance.
- (ix) Permission will not be granted for development in flood risk areas.

- (x) There is provision to grant permission where exceptional circumstances or material considerations warrant this and the exceptional circumstances/material considerations outweigh the potential harmful effects of the development/intensification.

Output Area cluster test

- ^{6.229} Key to the overall aim of restricting future growth through the two-tier threshold policy (using an Output Area cluster test) is the methodology of calculating the existing HMO concentration within the cluster. Considering both the pattern of HMO distribution in Newport, and comments made during stakeholder consultation, it does appear that use of the Output Area approach as used in Nottingham is more suitable to Newport than the existing radius test.
- ^{6.230} Output Areas are defined by the Office of National Statistics and their boundaries are clearly set. They typically contain between 40 to 250 households with a usual resident population of between 100 and 625 persons. The Home Output Area is the one containing the property subject to the application. All contiguous Output Areas (i.e. adjoining the boundary of the Home Output Area) are then added to create the Output Area cluster, and it is this area that is used as the basis for assessment of the concentration.
- ^{6.231} The above assumes that after consultation the authority wishes to adopt the Nottingham methodology. The authority may wish to consider using the Home Output Area only which will contain a number of properties probably more comparable with the 50m radius test presently used.
- ^{6.232} The existing guidance sets out the formula which is essentially standard for authorities adopting the radius test – the number of HMOs (numerator) divided by the number of residential units (denominator) multiplied by 100 to give the relevant percentage.
- ^{6.233} To be fair to all parties, the supplementary planning guidance should set out clearly what HMOs are counted, what residential units are counted, and the sources of the information. As a preliminary point, S257 HMOs¹⁵⁰ (poorly converted self-contained flats) are not considered as HMOs in this regard. As the whole of the city is covered by an additional licensing designation, the Register of Licensed HMOs (which is in the public domain) is clearly the prime source of information for the number of HMOs. In addition, this information could be supplemented by searches of planning decision records. It is usual practice to count lawful HMOs only; in one Cardiff decision¹⁵¹ where the actual number of HMOs was disputed, the Planning Inspector declined to take into account unlicensed HMOs (where the local authority did not evidence this) saying that only information in the public domain should be used. Newport may wish to consider including a statement that it will include in the count HMOs which may not be licensed or have appropriate planning consent where there is cogent evidence they are being used as HMOs.
- ^{6.234} With regard to the denominator properties, the guidance should state that all residential units that are in Class C3, Class C4 or unique use (sui generis) use classes will be included. Where there are flats (including those above commercial premises) they are counted individually (not as a building). Commercial premises, care homes, hostels, hotels and halls of residence are not counted. Where purpose-built student accommodation is present, the Nottingham model divides the number of units by five to represent a typical student household¹⁵².

¹⁵⁰ See paragraph 2.27

¹⁵¹ APP/Z6815/A/21/3268205

¹⁵² See paragraph 6.208

- 6.235 The threshold is only exceeded when the result of the calculation gives a number greater than the relevant percentage figure. The supplementary planning guidance should emphasise that the approach is intended to restrict further growth/intensification even though existing concentration levels may be relatively low compared with areas affected by studentification as the overall aim of the LDP is prevent the community cohesion and the amenity of a neighbourhood being slowly eroded by incremental permissions leading to gradual increase in HMO concentration.
- 6.236 Mention was made a number of times in the stakeholder consultation about ribbon type development along main roads and also very localised concentrations hence the inclusion of the suggestion 6.215(viii). It is difficult to frame a form of words without having first-hand knowledge of the local circumstances in particular road layouts, but Newport officers can use their local knowledge to draft this. The drafting of the Swansea small streets test may prove helpful even if not directly applicable¹⁵³.

Non-Sandwiching

- 6.237 The non “sandwiching” policy seeks to protect existing single household dwellings from the potentially negative impact of having a dwelling with a transient population on both sides. The supplementary planning guidance should make clear that applications which would lead to sandwiching of a Class C3 property will be refused unless the application can demonstrate a very clear material consideration to outweigh the potential harm. One example might be a proposal for change of use where a Class C3 property is already sandwiched between two existing HMOs (this having occurred before the non-sandwiching policy was applied) even if this does lead to the threshold being exceeded. The Swansea guidance says that sandwiching only occurs where the properties share the same road frontage. The authority may wish to consider this but if adopted they should consider the issue of contiguous boundaries; the potential for negative impacts may still be present even if front elevations do not face in the same direction.

Suitability for Use

- 6.238 It is clear from a number of appeal decisions involving different authorities (referred to earlier in this study) that it is important for the authority to have a clear policy on factors it considers necessary for a property to be suitable for use as an HMO. The existing supplementary planning guidance does set this out but possibly could be expanded. Appeals have been dismissed because of concerns because of suitability issues for example lack of outlook, inadequate space, etc. The suggested key areas for inclusion in the LDP have been set out at paragraph 6.135 and following. It is important that the guidance amplifies this to ensure clarity. The comments below set out key points only; the section is a not a draft for direct inclusion in the future revised supplementary planning guidance.
- 6.239 Rooms sizes and communal space are very important in HMOs where residents have exclusive use of only a very limited space and irrespective of the type of occupation (shared household or bedsit) the opportunity to have access to recreational space is essential. As there is a Borough wide additional licensing scheme, the Council will have adopted standards for room sizes against which applications for both mandatory and additional licensing applications are assessed, and these should be incorporated in the supplementary planning guidance. There are in fact statutory minimum room sizes for licensable properties in England¹⁵⁴ but not in Wales. Room sizes adopted by individual local authorities in their licensing policies are commonly above the minima dependent on the room function and the supplementary planning guidance stipulations

¹⁵³ see paragraph 6.17

¹⁵⁴ The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018

on room sizes (kitchens and bathrooms as well as bedrooms) should reflect Newport licensing policy as a minimum.

6.240 The issue of outlook has arisen in appeals and is important in respect of the quality of life for residents. The guidance should make it clear that every bedroom must have a window and that roof lights only in attic rooms are not acceptable where they are at a level which does not permit any view out. Rooms should not overlook other properties or simply face high boundary walls.

6.241 The guidance should stipulate that a planning condition may be applied to ensure that the number of persons actually resident does not exceed the number considered appropriate having regard to the approved floor plans. It may also refer to the imposition of a condition removing permitted development rights to extend the property so that additional persons cannot be accommodated without further scrutiny.

6.242 Private amenity space outside an HMO is also extremely important, both “functional” (refuse storage and recycling, parking of cars and cycles, clothes drying) and for sitting out and relaxing. Swansea stipulates that areas to the front of the building which are visible from the public highway are not suitable as private amenity space.

Refuse and Recycling

6.243 The 2015 Welsh Government HMO Study found that storage and recycling of refuse was often a concern with student HMOs¹⁵⁵ and that there was evidence of higher costs for dealing with refuse in HMO concentration areas. Concerns over the prevalence of rubbish in streets were made very clearly during stakeholder consultations. Obviously, the supplementary planning guidance should state that the potential concerns are recognised and set out requirements which seek to prevent problems arising. Some authorities set out requirements for minimum provision of bins for general refuse and then for recycling of different materials. An example of this approach is shown by Wrexham County Borough Council¹⁵⁶. The supplementary planning guidance should stipulate a requirement for application scale plans to show the provisions for storage and recycling and the access for collection by the authority vehicles.

6.244 The guidance should make it clear that applications which do not show adequate provision for dealing with refuse and recycling will be refused.

6.245 The authority may wish to consider including a requirement for composting in purpose-built student accommodation where this is appropriate and reasonably practicable.

Car and Cycle Parking

6.246 This issue has been considered earlier at paragraphs 6.220 onwards. Obviously, the authority will be reviewing its transport and parking policies and the relevant supplementary planning guidance as part of the replacement process. It must be borne in mind that Welsh Government policy is clear that Government policy requires local authorities to consider parking issues on a joint basis with neighbouring authorities¹⁵⁷. It has already been recommended that the authority carefully consider the direction of future policy; should it embrace fully the “modal shift” toward walking, cycling and public transport or take a more pragmatic view, if possible, that car use will continue for the foreseeable future and make appropriate provision for parking¹⁵⁸.

¹⁵⁵ <https://www.gov.wales/sites/default/files/publications/2018-11/houses-in-multiple-occupation-hmos-review-report-on-findings.pdf> see paragraph 4.70 and in particular paragraph 4.70 onwards

¹⁵⁶ <https://www.wrexham.gov.uk/sites/default/files/2023-04/lpg-5e.pdf> at page 5.

¹⁵⁷ PPW Edition 12 paragraph 4.1.53 and TAN 18 paragraph 4.2

¹⁵⁸ Paragraph 6.147

It may well be that a more pragmatic approach is the most appropriate in densely populated areas where parking stress is already a substantial concern.

6.247 Realistically the replacement supplementary planning guidance on transport and parking (developed in consultation with other authorities as required by national policy) will stipulate guidelines and the replacement HMO supplementary planning guidance will say that HMO applications will be assessed against the requirements for parking provision set out in the transport and parking supplementary planning guidance.

6.248 Provision for cycle storage is relatively straightforward to achieve (although security has to be carefully considered) and it is recommended that that such provision should be made for every proposed resident in the replacement guidance for both transport and parking and also in that for HMOs. Many of the HMO residents are young and the use of bicycles should be facilitated wherever possible.

Noise and Disturbance

6.249 The inclusion of a specific policy on noise and disturbance in the replacement LDP was recommended at paragraph 6.215(vi) and it is important that the supplementary planning guidance builds on this. The nature of occupation in HMOs does tend to increase the potential for noise and disturbance as even in shared houses residents are more likely to lead lives that are independent to varying degrees compared with people in a single household. This can lead to more movements both within the property and to and from it. It can also lead to more sources of noise within the dwelling as individual residents/households may well have their own televisions, sound systems, etc. This factor has been acknowledged in a number of planning appeal decisions.

6.250 It is recommended that the replacement supplementary planning guidance make explicit reference to noise issues; the existing supplementary planning guidance does so but not in great detail. The general arrangement of rooms and access to the property (for example in the latter case avoiding rear or side entrances) will be a factor that will be assessed and in some cases sound insulation will be stipulated – between adjoining properties and where appropriate between floors and between lettings in properties.

Letting Boards

6.251 Stakeholder consultation indicated that this was not a significant issue.

Flood Risk Areas

6.252 The supplementary planning guidance should make it clear that development in flood risk areas (*local authority officers are familiar with the relevant zones and should specify these*) will not be permitted. The guidance should make it clear that supporting arguments about the availability of space for temporary refuge will not be accepted as substantial flooding may make the ground floor of a property uninhabitable for a significant period of time, the occupier of the room might be away for example on holiday at the time of any flooding and there are generally shared facilities in particular the kitchen on the ground floor.

Exceptional Circumstances and Material Considerations

6.253 The replacement LDP will refer to exceptional circumstances and material considerations (for example where small concentrations may lead to disproportionate adverse impact¹⁵⁹) and the replacement supplementary planning guidance should explain how these are interpreted: equally, it may set out circumstances where

¹⁵⁹ See paragraph 6.215(viii)

even though an application does not fail the Output Area cluster test it will still be resisted because of material considerations.

6.254 These could include:

- Highway safety;
- Adding to parking problems;
- Significant impact on neighbouring properties through noise, loss of privacy, overshadowing etc.;
- Impact on conservation areas or individual listed buildings;
- Demonstrable need for affordable housing;
- Regard to new Government policy;
- Regard to recent planning appeal decisions.

Recommendations for Possible Action Prior to Adoption of The Replacement LDP and SPG

Planning Appeals

6.255 It should be said at the outset that only general comments are made here. Clearly when considering the decision in respect of an application that could well lead to an appeal or the response to an appeal and the arguments to be presented the authority may wish to seek case specific professional/legal advice.

6.256 Obviously, it is not possible to amend the LDP and supplementary planning guidance in any significant way before the process to replace them has been completed but the Council may wish to consider ways in which a modified approach to decisions and appeals until that process is finalised.

6.257 The major issue in Newport has clearly been parking. This issue has been discussed at some length previously¹⁶⁰. Planning Inspectors have repeatedly referred to the national “modal shift” policy aim of moving towards sustainable transport (public transport, cycling, walking) whilst paying scant regard to the real difficulties experienced by local residents in high density housing areas who may have to walk long distances in order to park; laden perhaps with shopping on a return journey. Arguments from Planning Inspectors have included saying that inconvenience in heavily built-up areas is inevitable, that HMO occupiers are less likely to have cars (with no supporting evidence) and that, in face of direct evidence of the significant incidence of serious parking offences, that such matter can be dealt with by enforcement action.

6.258 When making a case to any legal or quasi legal body (Planning Inspectors are an example of the latter) it is always very helpful to have empirical evidence to support any arguments. When parking is a concern, evidence of parking problems where there are no restrictions may be very useful, as would evidence on penalty charge notices. The authority requires applicants to conduct their own parking surveys. The requirements for such surveys should be spelled out explicitly including the hours when they should be undertaken to ensure peak hours are included. The authority should continue to carry out its own surveys and make it clear that the methodology has followed nationally recognised such as the Lambeth methodology. Photographic evidence of all illegal parking in the relevant area (usually a 200m radius) should be taken and produced. General evidence from Census data that can be provided to counter assertions that the occupiers of HMOs are less likely to have cars is given at Appendix D. The authority may wish to obtain primary evidence from its own survey of residents in a particular area as to car ownership, although it is accepted that gathering such evidence would be labour intensive.

¹⁶⁰ See paragraphs 4.124 onwards, 6.148, 6.168 onwards, 6.196, 6.219 onwards & 6.246 onwards

^{6.259} The decision as to whether a case is determined on the basis of written representations or informal hearing is made the Inspector. The great majority of cases in Wales and England are made on the basis of written representations. Hearings do permit greater freedom to make out and, whilst an inquisitorial process, contest arguments in more complicated or potentially contentious situations. Seeking accompanied site inspections may also be of value in appropriate cases.

^{6.260} The obligations under Section 3 (obligation to carry out sustainable development) and Section 5 (obligation to ensure the needs of the present generation are met without compromising the ability of future generations to meet their own needs) of the Well-being of Future Generations (Wales) Act 2015¹⁶¹ should be borne in mind when preparing the local authority case as these two obligations will be referred to in the appeal decision.

Issues other than planning appeals

^{6.261} The parking permit policy should also limit the number of permits per HMO for example to a maximum of two (or indeed none or one).

^{6.262} The number of HMOs in Newport appears significantly under reported. Officers will no doubt already be aware but there are a variety of measures the authority could adopt to trace unlicensed HMOs:

- Council tax – multiple surnames at one address (plus obvious council tax exemption for students)
- University – list of rental properties
- Scan of local letting agents
- Street walking for bins
- Requests for car parking permits
- Complaints about anti-social behaviour, noise, etc.
- Land registry data base for an area cross referenced with Experian
- Television licence data

^{6.263} Holding of an existing HMO licence may be argued by appellants as a reason to support an appeal but officers will not doubt bear in mind the separate but parallel existence of the planning and HMO licensing systems; and that appeals have been dismissed even though the property had been licensed for some time¹⁶². The authority may wish to cite these decisions in any case where the existing licence argument arises.

^{6.264} There are also the HMO Management Regulations to consider¹⁶³. Regulation 7 requires a manager to ensure that yards and forecourts are maintained in repair, clean condition and good order and also that any garden is kept in a safe and tidy condition. Regulation 9 imposes a duty on a manager to provide sufficient storage for refuse pending its disposal and to make further such arrangements for the disposal of refuse and litter as may be necessary. Breaches of both licence conditions and HMO regulations are summary offences punishable with fines at Level 5 (potentially unlimited).

¹⁶¹ See paragraphs 2.11 and 2.12

¹⁶² APP/L6940/A/18/3215492, APP/L6940/A/18/3214282 are examples of this

¹⁶³ The Management of Houses in Multiple Occupation (Wales) Regulations 2006

Cardiff Council

- ^{6.265} As set out in Part 5 of this study, there are large numbers of HMOs in Cardiff. The Census 2021 showed there to be 8,871 multi person households across the city and these are commonly used as a proxy for HMOs. Interestingly this was a fall of 13.7% from the 9,808 identified in the 2011 Census although the fall was much less marked with student multi person households; just 1% from 3,219 to 3,186. HMOs are present in all wards but by far the greatest concentration is found in the Cathays ward (multi person households 43.1% of all dwellings) followed by Gabalfa (18.8%) and Plasnewydd (18.7%). It should be borne in mind that the number of households is significantly greater in Plasnewydd than Gabalfa (7,721 compared with 2,511). In practice, the major HMO concentrations that have given rise to concern are Cathays and Plasnewydd and in both cases the concentrations have been largely driven by demand for student accommodation.
- ^{6.266} Cathays has been a traditional student area for decades but the growth in higher education from the 1990s onwards increased the numbers of student HMOs substantially (and also in Plasnewydd). Cathays remains a predominantly student area whilst Plasnewydd still has significant numbers of non-student residents. There are indications that HMOs are starting to spread into neighbouring wards (Gabalfa, Riverside, Grangetown, Adamsdown, Penylan, Splott)
- ^{6.267} Because of the very high density of HMOs and the problems associated with them Cardiff introduced additional licensing firstly in Cathays in July 2010 and then Plasnewydd in November 2014. Both schemes have been extended, twice for Cathays and once for Plasnewydd and additional licensing applies in both wards at the present time.
- ^{6.268} When considering HMO data for Cardiff, it is necessary to bear in mind that the additional licensing schemes apply in two wards only, not across the city. It is easier to count HMOs more accurately with additional licensing as all types of HMO are included. Outside these wards, the only properties that are licensed are those subject to mandatory licensing and in Wales only properties with three or more storeys (and two households and five residents) are included in the definition. Mandatory licensing in England has included two storey properties since 2018. Section 257 HMOs are also not included.
- ^{6.269} In three small streets the HMO concentration reaches 100%. Figure 44 shows concentration by street across Cardiff; there are 181 streets where the HMO concentration is 20% or above and 94 where the concentration is 50% or above.
- ^{6.270} As might be expected given the high student concentrations, stakeholder consultation showed considerable concern over issues commonly associated with student HMO concentration – anti social behaviour, noise, rubbish and littering. Stakeholders thought that additional licensing had proved beneficial in terms of property condition but residents in particular thought that enforcement should be more robust.
- ^{6.271} In recent years student numbers have been bolstered by overseas students and in the very recent past visa changes have allowed some overseas students to bring dependent relatives which has further added to pressure on housing resources. It is understood those visa changes are being reversed.
- ^{6.272} Stakeholder consultation indicated some people thought there have limited signs of a return of some family housing in Plasnewydd but not to any noticeable degree in Cathays. Older residents did indicate that Cathays was an area of family homes years ago and was considered an attractive place to live because of its proximity to the city and attractions such as a lake and velodrome.
- ^{6.273} As elsewhere, the development of purpose-built student accommodation was slow to start but has accelerated greatly in recent years. There are indications that there is now oversupply in the market for

this¹⁶⁴ and indeed there have some applications to change to other use for example service accommodation and managed accommodation for homeless persons¹⁶⁵. The supplementary planning guidance on purpose-built student accommodation does in fact recognise this possibility and invites developers to submit an adaptability statement which could look at possible conversion in the future to Class C3 or indeed Class C1 (hotel).

6.274 The growing use of properties as Airbnbs was highlighted as an issue of concern during the stakeholder consultation.

6.275 Obviously, as with the two other authorities, the LDP was adopted prior to the change in the Use Classes Order in 2016 and accordingly policies relate only to sui generis (unique use) HMOs. The LDP was actually adopted only in January 2016. As discussed at paragraph 5.133 onwards, examination of appeal decisions showed that prior to the adoption of the SPG "Houses in multiple occupation (HMOs)" in October 2016, appeals against refusal of change of use (generally to the larger sui generis) were generally allowed (some predated the new Policy H5 in the LDP). Only two appeals were dismissed, and this was because of very limited rear amenity space.

6.276 Even after adoption of the supplementary planning guidance, which set in place a two-tier threshold system with a 50m radius test with maximum HMO percentages of 20% in Cathays and Plasnewydd and 10% elsewhere, of 19 appeals looked at only 5 were dismissed and 14 allowed. One dismissal was because a property was in a flood zone, the other 4 were because Inspectors recognised that the potential damage to the character and amenity of the area caused by the cumulative impact of HMO development.

6.277 The reasons in the 14 cases where appeals were allowed in many respects mirror the reasons given in the cases that predated the SPG, in particular that in concentrations had reached the point where the character of the area had changed to such a degree that in reality the area had become dominated by HMOs. A common theme was that the local authority had not produced specific tangible evidence to directly link the proposals with any significant loss of community cohesion or character which is already largely determined by the existing high concentrations of HMOs. In essence, Inspectors are saying that "the battle is lost". In essence, the argument is that although the proposed development takes the HMO percentage even further above the 20% threshold set by the authority, an additional HMO or increase in size of an existing HMO will not make any significant difference.

6.278 It appeared from the stakeholder consultation that in practice a de facto "policy" now exists where, as a result of Planning Inspectorate decisions, if there is an appeal against the refusal in a location where the existing concentration in the relevant 50m radius is 65% - 70%, then the appeal will be allowed. As a consequence of this, officers are saying that they will generally now reluctantly grant permission for change of use/intensification where the existing concentrations are above those levels even though this is counter to the supplementary planning guidance¹⁶⁶. As might be expected, this is extremely unpopular with both elected members and especially residents.

6.279 Firstly, if interpretation is correct (the cases certainly indicate that this is a common view among Inspectors even if the specific tipping point has not been spelled out) then it must be borne in mind that, as pointed out by officers, if the figure is, say, 70%, that means that there are non-HMO residents in the other 30% of properties. The stakeholder consultation clearly indicated that many of the non-HMO residents want to see

¹⁶⁴ See paragraph 5.35

¹⁶⁵ See paragraph 5.85

¹⁶⁶ See paragraph 5.152

the growth of HMOs stopped. A continuous increase of HMO usage even if only slow will have a cumulative adverse impact on the quality of life in and amenity of the area.

^{6.280} Secondly, even if it were appropriate to apply a tipping point (and clearly arguments can be made out against that), it is reasonable to say that that would be a matter of policy for a local authority accountable to residents not as an indirect result of appeal decisions.

Policy recommendations for inclusion in replacement LDP

^{6.281} It should be noted at the outset that, in making following policy recommendations, it is not intended to present text to be inserted directly in the replacement LDP. Drafting of such text will clearly need to be done in the overall context of the whole replacement LDP with references to other policies; for example general policies on new development, design and place making, housing generally and flats in particular, development of sustainable communities, transport, parking etc. It is understood that drafting of the replacement LDP is well advanced.

^{6.282} It must be stated that stakeholder consultation did fully recognise the value of HMOs; the universities are crucial to the economy of the city, and HMOs are also a valuable source of low-cost housing, both for low-income people/households and for young professionals in the early years of their career. However, equally the concerns associated with high concentrations must be considered in the replacement LDP and in particular the very high concentrations in Cathays and to a lesser degree in Plasnewydd.

^{6.283} A starting point is to determine what the authority sees as the most appropriate approach in these two wards. There are very genuine concerns among residents about the negative impacts of, in particular, student HMOs and they state very clearly their wish to see the growth of HMOs restricted because of the continuing negative impact on their quality of life and the character/amenity of their neighbourhood. The existing percentages are very high in many parts of Cathays in particular. Should the authority just accept “the battle is lost” view (which appears to be being applied by Pedw regardless in cases where concentrations are above 65% - 70%) or should it seek to adopt an openly and very clearly stated restrictive approach which seeks to limit further HMO growth and intensification of use and promote a more sustainable community with better balanced housing mix? The latter could be coupled with an objective of protecting family housing and indeed fostering a change to more affordable single household/family homes.

^{6.284} Whilst both wards have HMO concentrations substantially elevated above the 20% threshold; they retain essential differences in character. Cathays remains very much a student area whilst Plasnewydd retains more family/non student housing. However, it should not be supposed that Cathays itself is a homogenous area. In one case¹⁶⁷, where the subject property was in a particularly dense pocket of HMOs, the Inspector commented that, having regard to the to the overall concentration in Cathays, there would be other places in Cathays where it would be open to the Council to demonstrate that harm would be caused by an additional HMO. Looking the maps showing HMO distribution (Figures 38, 39, 41 & 42), it does that the distribution has elements of a “mosaic” layout rather a uniform, homogenous distribution especially in the southern section of Plasnewydd and to a lesser degree in the northern section of Cathays.

^{6.285} The issue of how high concentrations arose and the alternative approaches that might be taken in particular in the light of planning appeal decisions is discussed at some length as paragraphs 6.92 – 6.120. It is obviously impossible to predict what pressures and forces could have an impact on the HMO market in concentration areas in the future but what can be said is that student demand is likely to lessen (as one example as a

¹⁶⁷ APP/Z6815/A/17/3180663 – see paragraph 5.150.

consequence of purpose-built student accommodation) or not continue to grow as it has previously. What also may be said is that the non-HMO residents and elected members in both wards have indicated very clearly that they wish future HMO growth stopped, or at least restricted, and, if at all possible, some restoration of family/single household housing.

^{6.286} Obviously, policy of this nature is firstly a matter for elected members and will then be subject to very extensive consultation, but representations from Cardiff officers indicate that they would seek to retain a two-tier threshold system with a higher 20% threshold in the Cathays and Plasnewydd wards with a lower 10% threshold elsewhere in the City. Clearly the existing threshold 20% threshold is generally exceeded, on occasions by a significant margin, when the 50m radius test is applied but 20% is commonly accepted as an appropriate threshold limit in higher concentration areas and, considering the “mosaic” issue in paragraph 6.284 above, in many cases the percentage concentration may be relatively low in respect of the ward as a whole.

^{6.287} In any event, it is recommended that the Council adopt a clearly stated restrictive policy to restrict the development of further HMOs and the intensification of existing HMOs. Officers have indicated that they prefer to retain the existing 50m radius test rather than look at for example the Output Area approach.

^{6.288} Note: In setting out some recommendations, inevitably some of these will replicate recommendations made in respect of the other two Councils. Rather than simply refer to earlier paragraphs, the recommendations are still set out in full so that the section relating to Cardiff can be read in its entirety without reference to recommendations made elsewhere.

^{6.289} Having regard to relevant legal framework and Welsh Government policies (as described in Part 2 in particular paragraph 2.72 onwards), other relevant Council planning policies, the findings in this study and examples of good practice elsewhere, it is recommended that the LDP makes plain the overall aim to adopt a restrictive policy with the intention of:

- (i) Restricting the growth of future HMOs where the proportion of such properties is above the concentration thresholds by:
 - (a) Refusing change of use from Class C3 to Class C4 or sui generis (unique use) where this would take the HMO concentration in a defined area (50m radius of the application property) above the threshold of 20% in the Treforest HMO Management Area and 10% elsewhere,
 - (b) Refusing applications that would lead to the intensification of use of existing HMOs through additional rooms/numbers of residents where existing HMO concentrations are above the thresholds set out in sub paragraph (a) above.

The policy should make plain that the Council seeks to put a brake on the potential for a damaging effect due to incremental increase in HMO numbers or intensification of existing HMOs, notwithstanding the fact that an application may be in area where the threshold is exceeded by a significant margin.

- (ii) Promoting sustainable, inclusive communities with a balanced housing mix and in particular to refuse any development which would lead to the loss of family homes including change of use of dwellings/buildings capable of use as single household/family homes;

- (iii) Promoting the conversion of larger properties to low-cost self-contained flats, as opposed to HMOs where this is appropriate and possible, having due regard to access and external amenity space¹⁶⁸

^{6.290}The policy should make clear that the value of HMOs is well recognised by the Council. They are a valuable source of low-cost housing for low-income households and young professionals embarking on their career. They make an invaluable contribution to the local economy. The overall aim of the policy is not to prevent the development of HMOs as such but to ensure that, where permitted, development does not give rise to problems, in particular problems arising out of HMO concentrations. Such development should also be consistent with the maintenance of sustainable communities with a balanced housing mix. The differential thresholds are intended to permit the development of HMOs in a more sustainable pattern dispersed across the city.

^{6.291}The replacement LDP should also make it clear that, irrespective of the HMO concentration, applications will only be permitted if:

- (i) The property is in all respects suitable for use as an HMO with adequate internal communal space and external amenity space, room sizes that meet specified standards and have an outlook through windows, and appropriately located and adequately sized facilities for the storage and recycling of refuse. There should be provision for parking and/or cycle storage that is consistent with the local authority policy and supplementary planning guidance on highways and parking.
- (ii) The proposed development would not lead to an unacceptable detrimental impact on other properties because of noise or other disturbance.
- (iii) The change of use does not lead to an existing Class C3 dwelling being situated between two HMOs (to avoid “sandwiching”)
Note: no reference to a “small streets” exception is made as Officers consider that this is not particularly relevant to Cardiff

^{6.292}As with most authorities, the policy should include exceptions where exceptional circumstances or overriding material considerations clearly outweigh the potential for harm arising from increased concentration or intensification. In particular, it is recommended that the policy makes provision for existing owner occupiers in high concentration areas who wish to sell but feel that they may be “marooned”. Such property may be unattractive to both single household potential purchasers because of the negative impact of HMO concentrations on local amenity and to potential investors because they will seek the higher yield from HMO letting and recognise the HMO policy is likely to prevent this.

^{6.293}It is common practice to seek actual evidence of the inability to sell, with the properties having been on the market at a reasonable price for a specified time and confirmation that no reasonable offers have been made. It is recommended that that the replacement LDP should amplify the test relating to exceptional circumstances etc. by stating clearly that any applicant seeking to rely on this should have to prove cogent evidence of the property having been on the market for a significant period (possibly a minimum of six months) with no reasonably acceptable offers having been made. Swansea policy refers to further factors including reasons (with evidence) to substantiate the property not being viable for continuing Class C3 use

¹⁶⁸ The most recent Local Housing Market Assessment dates back to September 2008 but it is understood that a more recent, unpublished assessment (2022) showed that there is a clear need for affordable rented homes and in particular 1-bed properties, followed by 2-bedroom and 3-bedroom in that order. There is a particular market need too for 2 and 3-bedroom (family) homes.

(for example cost of renovation, lack of demand for single household housing) and issues such as unusual layout, scale of the property, etc

- ^{6.294} There is only very limited reference to purpose-built student accommodation in the LDP although Cardiff adopted very comprehensive supplementary planning guidance in March 2019. In addition to scale, height appearance etc it covers issues such as location, design, parking, amenity and accommodation standards. No doubt the replacement LDP currently being drafted will contain the policies necessary to resist challenge at appeals. It does envisage the possibility of alternative use in the future (residential C3 or hotel C1) and invites developers to submit an adaptability statement to explain how this might be done.
- ^{6.295} Policy H5 in the existing LDP deals with the provision of flats by conversion but there does not any policy covering the creation of flats by new build. In neither case does there to be any supplementary planning guidance. Presumably the replacement LDP will include policy relating to new build flats as well as those from conversion. One issue that may be worth considering is the matter of control of future use so that flats do not provide an opportunity to evade restrictions on HMOs.
- ^{6.296} Another concern raised was the increasing prevalence of Airbnb properties. This is related in the sense that Airbnb use can give rise to significant noise and disturbance. Recent changes to the Use Classes Order have included the introduction of a new Class C6 aimed at holiday lets. Change to Class C6 is currently permitted development unless an Article 4 direction is made. Given the concerns expressed by stakeholders, the authority may wish to consider this as a separate issue before the LDP review.
- ^{6.297} With regard to parking, this issue appears to have been less of a concern in Cardiff than the other two authorities. There is a Managing Transport SPG that focuses very much on sustainability in line with national policy and says that in effect, if cycle parking is provided, then car parking need not be. Officers expressed the view that there is little difference between single household and HMO use and should not be a determining factor in applications provided that it does not impact upon permits.

Recommendations for inclusion in supplementary planning guidance

- ^{6.298} Note: In setting out some recommendations, as with those relating to the LDP inevitably some of these will replicate recommendations made in respect of the other two Councils. Rather than simply refer to earlier paragraphs, the recommendations are still set out in full so that the section relating to Newport can be read in its entirety without reference elsewhere.
- ^{6.299} As discussed extensively above number of planning appeals have been allowed since the adoption of the revised supplementary planning guidance in October 2016 with one consistent theme being Inspectors allowing appeals where, in spite of specific evidence on the potential harm resulting from the proposed development, the Inspectors have taken the view that the existing HMO concentration is so high that the character of the area has changed to such a degree that in reality the area had become dominated by HMOs. The recommendations above for changes in the LDP are aimed at the Council adopting a clearly restrictive overall policy limiting HMO growth.
- ^{6.300} The adoption of new HMO policies in the replacement LDP does of course give the opportunity to set out new supplementary planning guidance to clarify and reinforce the new policies. The existing supplementary planning guidance does already include guidance on the issues below, but comments are made to be considered by the authority; and included if they do decide to adopt revised supplementary planning guidance. The brief for this study specifies that the content below should be included.

6.301 The supplementary planning guidance should start with a summary of the key provisions of the HMO policy in the LDP:

- (i) Restricting future growth of HMOs through a two-tier threshold system and general refusal of intensification of use in existing HMOs where the threshold has been exceeded.
- (ii) HMO concentrations to be assessed using a 50m radius test.
- (iii) General refusal of developments which would lead to loss of family/single household homes or properties suitable as family/single household homes.
- (iv) New development which would lead to “sandwiching” of existing Class C3 properties between HMOs not to be permitted.
- (v) All proposals for development which will be evaluated against standards to ensure HMOs are suitable for use.
- (vi) Developments will be assessed against criteria to ensure they do not lead to unacceptable detrimental impacts on neighbouring properties through noise and disturbance.
- (vii) There is provision to grant permission where exceptional circumstances or material considerations warrant this and the exceptional circumstances/material considerations outweigh the potential harmful effects of the development/intensification.

Radius test

6.302 There was very limited comment on the methodology of the existing 50m radius test during the stakeholder consultation. Officers were happy to retain the radius test and to continue using 50m.

6.303 The starting point is obviously to set out the methodology for determining the 50m radius circle. The existing supplementary planning guidance appears to use the midpoint of the actual dwelling which appears logical. An alternative approach (used by Swansea) is to use the centre point of the application property frontage (the principal elevation). It is a matter for the authority to choose, along with the rule to be adopted where the radius line cuts through the curtilage of a property. Swansea count properties partially encircled where the majority of the street facing radius is within the line. Wrexham County Borough Council counts HMOs where any part of the building or its curtilage lies within the 50-metre radius, which does seem a reasonable approach given that, if noise or disturbance does arise from any particular HMO then such noise or disturbance could arise from any part of the curtilage, and it is recommended that the Wrexham approach be adopted.

6.304 The existing guidance sets out the formula which is essentially standard for authorities adopting the radius test – the number of HMOs (numerator) divided by the number of residential units (denominator) multiplied by 100 to give the relevant percentage.

6.305 To be fair to all parties, the supplementary planning guidance should set out clearly what HMOs are counted, what residential units are counted, and the sources of the information. As a preliminary point, S257 HMOs¹⁶⁹ (poorly converted self-contained flats) are not considered as HMOs in this regard. In the two wards subject to additional licensing, the Register of Licensed HMOs (which is in the public domain) is clearly the prime source of information for the number of HMOs. In addition, this information could be supplemented by searches of planning decision records. It is usual practice to count lawful HMOs only; in one Cardiff decision¹⁷⁰ where the actual number of HMOs was disputed, the Planning Inspector declined to take into account unlicensed HMOs (where the local authority did not evidence this) saying that only information in

¹⁶⁹ See paragraph 2.27

¹⁷⁰ APP/Z6815/A/21/3268205

the public domain should be used. Cardiff may wish to consider including a statement that it will include in the count HMOs which may not be licensed or have appropriate planning consent where there is cogent evidence they are being used as HMOs. In the remainder of the city where mandatory licensing only is applicable, the information will need to be supplemented by planning records, Council tax information and information held by the environmental health team.

^{6.306} With regard to the denominator properties, the guidance should state that all residential units that are in Class C3, Class C4 or unique use (sui generis) use classes will be included. Where there are flats (including those above commercial premises) they are counted individually (not as a building). Commercial premises, care homes, hostels, hotels and halls of residence are not counted. Clearly the same criterion for properties partially within the circle should be included i.e. if there is any part of the curtilage then they should be counted. With flats, if part of the building containing one or more flats is outside the circle and is clearly severable then it is suggested that those properties outside the circle should be excluded. The Council may think it appropriate to use the approach used by Nottingham for purpose-built student accommodation (total units divided by five¹⁷¹)

^{6.307} The threshold is only exceeded when the result of the calculation gives a number greater than the relevant percentage figure. The supplementary planning guidance should emphasise that in the high concentration areas of Cathays and Plasnewydd that the approach is intended to restrict further growth/intensification notwithstanding existing high concentration levels.

Non-Sandwiching

^{6.308} The non “sandwiching” policy seeks to protect existing single household dwellings from the potentially negative impact of having a dwelling with a transient population on both sides. The supplementary planning guidance should make clear that applications which would lead to sandwiching of a Class C3 property will be applied unless the application can demonstrate a very clear material consideration to outweigh the potential harm. One example might be a proposal for change of use where a Class C3 property is already sandwiched between two existing HMOs (the sandwiching having occurred before the non-sandwiching policy was applied) even if this does lead to the threshold being exceeded. The Swansea guidance says that sandwiching only occurs where the properties share the same road frontage. The authority may wish to consider this but if adopted they should consider the issue of contiguous boundaries; the potential for negative impacts may still be present even if front elevations do not face in the same direction.

Suitability for Use

^{6.309} It is clear from a number of appeal decisions involving different authorities (referred to earlier in this study) that it is important for the authority to have a clear policy on factors it considers necessary for a property to be suitable for use as an HMO. Appeals have been dismissed because of concerns because of suitability issues for example lack of outlook, inadequate space, etc. The suggested key areas for inclusion in the LDP have been set out at paragraph 6.137(i). It is important that the guidance amplifies this to ensure clarity. The comments below set out key points only; the section is a not a draft for direct inclusion in the future revised supplementary planning guidance.

^{6.310} Rooms sizes and communal space are very important in HMOs where residents have exclusive use of only a very limited space and irrespective of the type of occupation (shared household or bedsit) the opportunity to have shared recreational space is essential. As there is a city-wide additional licensing scheme, the Council

¹⁷¹ See paragraph 6.208

will have adopted standards for room sizes against which applications for both mandatory and additional licensing applications are assessed, and these should be incorporated in the supplementary planning guidance. There are in fact statutory minimum room sizes for licensable properties in England¹⁷² but not in Wales. Room sizes adopted by individual local authorities in their licensing policies are commonly above the minima dependent on the room function and the supplementary planning guidance stipulations on room sizes (kitchens and bathrooms as well as bedrooms) should reflect Cardiff licensing policy as a minimum.

6.311 The issue of outlook has arisen in appeals and is important in respect of the quality of life for residents. The guidance should make it clear that every bedroom must have a window and that roof lights only in attic rooms are not acceptable where they are at a level which does not permit any view out. Rooms should not overlook other properties or simply face high boundary walls.

6.312 The guidance should stipulate that a planning condition may be applied to ensure that the number of persons actually resident does not exceed the number considered appropriate having regard to the approved floor plans. It may also refer to the imposition of a condition removing permitted development rights to extend the property so that additional persons cannot be accommodated without further scrutiny.

6.313 Private amenity space outside an HMO is also extremely important, both “functional” (refuse storage and recycling, parking of cars and cycles, clothes drying) and for sitting out and relaxing. Swansea stipulates that areas to the front of the building which are visible from the public highway are not suitable as private amenity space.

6.314 The 2015 Welsh Government HMO Study found that storage and recycling of refuse was often a concern with student HMOs¹⁷³ and that there was evidence of higher costs for dealing with refuse in HMO concentration areas. Concerns over the prevalence of rubbish in streets were made very clearly during stakeholder consultations. Obviously, the supplementary planning guidance should state that the potential concerns are recognised and set out requirements which seek to prevent problems arising. Some authorities set out requirements for minimum provision of bins for general refuse and then for recycling of different materials. An example of this approach is shown by Wrexham County Borough Council¹⁷⁴. The supplementary planning guidance should stipulate a requirement for application scale plans to show the provisions for storage and recycling and the access for collection by the authority vehicles.

6.315 The guidance should make it clear that applications which do not show adequate provision for dealing with refuse and recycling will be refused.

6.316 The authority may wish to consider including a requirement for composting in purpose-built student accommodation where this is appropriate and reasonably practicable.

Car and Cycle Parking

6.317 Obviously, the authority will be reviewing its transport and parking policies and the relevant supplementary planning guidance as part of the replacement process. It must be borne in mind that Welsh Government policy is clear that Government policy requires local authorities to consider parking issues on a joint basis with neighbouring authorities¹⁷⁵. It appears that Cardiff has already embraced the “modal shift” toward

¹⁷² The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018

¹⁷³ <https://www.gov.wales/sites/default/files/publications/2018-11/houses-in-multiple-occupation-hmos-review-report-on-findings.pdf> see paragraph 4.70 and in particular paragraph 4.70 onwards

¹⁷⁴ <https://www.wrexham.gov.uk/sites/default/files/2023-04/lpg-5e.pdf> at page 5.

¹⁷⁵ PPW Edition 12 paragraph 4.1.53 and TAN 18 paragraph 4.2

walking, cycling and public transport. As discussed at paragraph 6.297, if cycle parking is provided, then car parking need not be.

6.318 Realistically the replacement supplementary planning guidance on transport and parking will stipulate guidelines for parking provision for new build and other development and it would be appropriate for the authority to bear in mind the parking problems in Treforest when doing so. It is recommended that the replacement HMO supplementary planning guidance will say that HMO applications will be assessed against the requirements for parking provision set out in the transport and parking supplementary planning guidance.

6.319 Provision for cycle storage is relatively straightforward to achieve (although security has to be carefully considered) and it is recommended that that such provision should be made for every proposed resident in the replacement guidance for both transport and parking and also in that for HMOs. Many of the HMO residents are young and the use of bicycles should be facilitated wherever possible.

Noise and Disturbance

6.320 The inclusion of a specific policy on noise and disturbance in the replacement LDP was recommended at paragraph 6.137(ii) and it is important that the supplementary planning guidance builds on this. The nature of occupation in HMOs does tend to increase the potential for noise and disturbance as even in shared houses residents are more likely to lead lives that are independent in varying degrees compared with people in a single household. This can lead to more movements both within the property and to and from it. It can also lead to more sources of noise within the dwelling as individual residents/households may well have their own televisions, sound systems, etc. This factor has been acknowledged in a number of planning appeal decisions.

6.321 It is recommended that any replacement supplementary planning guidance continues to make explicit reference to noise issues. The general arrangement of rooms and access to the property (for example in the latter case avoiding rear or side entrances) will be a factor that will be assessed and in some cases sound insulation will be stipulated – between adjoining properties and where appropriate between floors and between lettings in properties.

Letting Boards

6.322 These are no longer an issue with the Regulations 7 direction in force. The Council may seek to renew this when it expires although possibly the prevalent online marketing of properties may well be embedded to such a degree that renewal of the direction may not be necessary.

Exceptional Circumstances and Material Considerations

6.323 The replacement LDP will refer to exceptional circumstances and material considerations¹⁷⁶ and the replacement supplementary planning guidance should explain how these are interpreted for example the question of exception to avoid “marooning” owner occupiers who want to leave high concentration areas. Equally, it may set out circumstances where even though an application does not fail the radius test, it will still be resisted because of material considerations.

6.324 These could include:

- Highway safety;

¹⁷⁶ See paragraph 6.137

- Adding to parking problems;
- Significant impact on neighbouring properties through noise, loss of privacy, overshadowing etc.;
- Impact on conservation areas or individual listed buildings;
- Demonstrable need for affordable housing;
- Regard to new Government policy;
- Regard to recent planning appeal decisions.

Recommendations for Possible Action Prior To Adoption of The Replacement LDP and SPG

- 6.325 It should be said at the outset that only general comments are made here. Clearly when considering the decision in respect of an application that could well lead to an appeal or the response to an appeal and the arguments to be presented the authority may wish to seek case specific professional/legal advice.
- 6.326 Obviously, it is not possible to amend the LDP and supplementary planning guidance in any significant way before the process to replace them has been completed but the Council may wish to consider ways in which a modified approach to decisions and appeals until that process is finalised.
- 6.327 The decision as to whether a case is determined on the basis of written representations or informal hearing is made the Inspector. The great majority of cases in Wales and England are made on the basis of written representations. Hearings do permit greater freedom and, whilst an inquisitorial process, contest arguments in more complicated or potentially contentious situations. Seeking accompanied site inspections may also be of value.
- 6.328 The major issue in Cardiff has been and will remain the high HMO concentrations in Cathays and to a lesser degree Plasnewydd. The outcome of a number of planning appeals was considered at paragraphs 5.131 onwards. As discussed, whilst the Council has made out arguments stating that the high concentrations were detrimental to the character and amenity of the area because of noise, anti-social behaviour, refuse, litter, parking etc, in a number of cases Inspectors have not been persuaded by these arguments and have, in essence, said that the existing concentration of HMOs is so high that the character of the area has changed to such a degree that the impact of further HMOs would make no practical difference.
- 6.329 As discussed at paragraphs 6.105, in practice a de facto policy appears to have been created by decisions where applications where the concentration in the 50m radius test is 65% - 70% or higher will not be resisted; officers reluctantly grant permission to avoid the risk of an appeal and potential costs. It is respectfully suggested that the Council may wish to challenge this at future appeals and may wish to consider the following points:
- (i) Whilst the LDP obviously makes no explicit reference to Class 4 HMOs as it predated the change in the Use Classes Order, Policy H5 sets to very clear policy in respect of sub division of residential properties which includes HMOs. At that time, the policy could have referred only to sui generis HMOs, but the actual wording is the generic "HMOs". Whilst sui generis HMOs are obviously larger than Class C4, the problems that can arise from both are similar in nature and Policy H5 makes clear reference to preventing harm to the character and/or amenity of the area and harm to nearby residents. In planning decisions after adoption of the May 2018 revised supplementary planning guidance in RCT, Inspectors did acknowledge the relevance of policies that predated the change in the Use Classes Order and accorded the revised supplementary planning guidance "considerable weight" as it gave context to existing policy rather than introducing policy. The Council could consider referring to relevant RCT decisions (see paragraph 3.96 onwards). There are also several Cardiff decisions

where the supplementary planning guidance has been accorded “significant” or “substantial” weight (see paragraph 5.141)

- (ii) Inspectors have been critical on occasion of the lack of tangible evidence to support arguments in respect of noise, anti-social behaviour, etc. Even if Inspectors do accord weight to the supplementary planning guidance, it is likely that they may still say the threshold percentages are not prescriptive, and the authority should adduce specific evidence of instances of problems from their own enforcement officers and also third parties such as the South Wales Police. The authority should consider the detail of decisions such as those described in paragraph 5.144 – 5.150. They might consider also introducing evidence of resident concerns from the stakeholder consultation with residents and elected members coupled with the argument in respect of homogeneity at (iv) below.
- (iii) It has been recommended that avoiding the damage from the slow cumulative effect is set out as a clear policy aim in the replacement LDP. At future appeals, the Council may wish to emphasise this issue, in particular referring to the decision in CAS-02529-M8K9W4¹⁷⁷ where the Inspector recognised the damage to community cohesion even in high concentration areas from the cumulative growth of HMOs. Policy H5(iii) does refer explicitly to “cumulative impact”.
- (iv) One issue that the Council should consider at appeals is that the two wards are not homogenous areas of high concentration, especially in Plasnewydd which remains very much a mix of both student and family/single household properties. In APP/Z6815/A/17/3180663, whilst an appeal in a radius with 82% was allowed, the Inspector did say “In other parts of the Cathays Ward or the City, it would be open to the Council to demonstrate in the particular circumstances of an individual case that harm would be caused”. See paragraph 6.284 for reference to the “mosaic” layout.
- (v) The existing supplementary planning guidance does not set out explicit rules for counting both HMOs and other residential properties for the purposes of the radius test. It is recommended above that any replacement supplementary planning guidance does include very clear guidance on these issues¹⁷⁸. For the present time, it is recommended that the Council check very carefully the status of all HMOs within the radius and have evidence to support the contention that a particular property is, or is not, an HMO. The decision in APP/Z6815/A/21/3268205¹⁷⁹ should be borne in mind in this regard.
- (vi) The obligations under Section 3 (obligation to carry out sustainable development) and Section 5 (obligation to ensure the needs of the present generation are met without compromising the ability of future generations to meet their own needs) of the Well-being of Future Generations (Wales) Act 2015¹⁸⁰ should be borne in mind when preparing the local authority case as these two obligations will be referred to in the appeal decision.

¹⁷⁷ See paragraph 5.148

¹⁷⁸ See paragraph 6.302 onwards

¹⁷⁹ See paragraph 5.151

¹⁸⁰ See paragraphs 2.11 and 2.12

Issues other than planning appeals

- ^{6.330} Whilst the stakeholder consultation did indicate that the effectiveness of licensing had been recognised in terms of driving up HMO standards, there remained very substantial and serious concern amongst residents and elected members about the level of anti-social behaviour, noise, rubbish and vermin in particular. Residents felt strongly that more enforcement action should be taken to deal with these concerns. The authority could consider greater use of the penalty notice powers under the Environmental Protection Act 1990 and/or prosecutions for breach of licence conditions/management regulations; both of the latter contain provisions relating to storage of refuse and keeping previous years free of accumulations of refuse. The HMO Regulations¹⁸¹ also require yards and forecourts are maintained in repair, clean condition and good order.
- ^{6.331} It is well recognised that there many demands on very limited Council resources and recommendations as to further actions are easily made in a report of this type, but residents and elected members made their concerns over the very negative impact of noise, anti-social behaviour, refuse and vermin on their quality of life and the amenity of the area very plain indeed during the stakeholder consultation.

¹⁸¹ The Management of Houses in Multiple Occupation (Wales) Regulations 2006 – regulations 7 & 9.

Appendix A

HMO Concentration by Street – RCT

RCT				
STREET	Census Output Area	Number of HMOs	Number of Dwellings	Density
Hilda Street	W00009894	11	14	0.786
Forest Road	W00006627	3	4	0.75
Brook Street	W00006630	36	50	0.72
John Street	W00006631	10	15	0.667
Collins Terrace	W00006623	6	9	0.667
Rees Terrace	W00006631	4	6	0.667
Bertha Street	W00009904	9	14	0.643
Queen Street	W00006628	31	51	0.608
Queen Street	W00006629	37	61	0.607
Heathfield Villas	W00006626	4	7	0.571
Birchwood Avenue	W00009904	9	16	0.563
Lewis Street	W00006624	10	18	0.556
Gwyn Street	W00009894	5	9	0.556
New Park Terrace	W00006623	22	41	0.537
Meadow Street	W00006631	44	85	0.518
King Street	W00006629	41	82	0.5
Windsor Road	W00006624	8	16	0.5
John Place	W00006631	1	2	0.5
Broadway	W00006633	30	64	0.469
Oliver Terrace	W00006630	4	9	0.444
Park Crescent	W00006628	3	7	0.429
Stow Hill	W00006628	13	31	0.419
Kingsland Terrace	W00006628	25	61	0.41
Cambrian Place	W00006624	2	5	0.4
Cliff Terrace	W00006625	9	23	0.391
Wood Road	W00006625	19	49	0.388
Park Street	W00006623	12	31	0.387
Llantwit Road	W00009894	9	24	0.375
St Michael's Avenue	W00006625	7	20	0.35
Wood Road	W00006232	17	49	0.347
Belle Vue Terrace	W00006623	7	21	0.333
River Street	W00006627	2	6	0.333

Oxford Street	W00006630	14	46	0.304
Tower Street	W00006625	20	67	0.299
Wood Road	W00006626	26	88	0.295
Princess Street	W00006628	5	17	0.294
Llantwit Road	W00009904	10	35	0.286
Castle Street	W00006627	2	7	0.286
Bridge Street	W00006626	2	7	0.286
Raymond Terrace	W00006627	9	34	0.265
Laura Street	W00006232	10	39	0.256
Francis Terrace	W00009906	2	8	0.25
Oakwood Street	W00009904	3	13	0.231
Lawn Terrace	W00006624	5	22	0.227
Court House Street	W00006230	2	12	0.167
River Street	W00006626	1	6	0.167
Coedcae Lane	W00006268	1	6	0.167
Saron Street	W00006623	3	20	0.15
Park Street	W00006626	4	28	0.143
Mitchell Terrace	W00006231	1	7	0.143
Dare Villas	W00006067	1	7	0.143
Long Row	W00006627	4	30	0.133
Broadway	W00006624	8	61	0.131
Egypt Street	W00006633	3	24	0.125
Gelliwastad Road	W00006448	1	8	0.125
Niagara Street	W00006633	2	18	0.111
Cardiff Road	W00006627	4	41	0.098
Stuart Terrace	W00006532	2	21	0.095
James Street	W00006624	1	11	0.091
Mill Street	W00006077	1	11	0.091
Greenhill Drive	W00005996	1	12	0.083
Llantrisant Road	W00006303	1	13	0.077
Graig Crescent	W00006017	1	13	0.077
Glyn Street	W00006734	1	14	0.071
Graig Fach	W00006622	1	14	0.071
Old Park Terrace	W00006623	2	30	0.067
Ystrad Road	W00006388	2	30	0.067
Mill Street	W00006451	1	16	0.063
Library Road	W00006451	1	16	0.063
Waunrhydd Road	W00006575	1	16	0.063
Alexandra Road	W00006633	1	17	0.059

Park Close	W00006630	1	17	0.059
Fothergill Street	W00006626	1	17	0.059
Cemetery Road	W00006472	1	17	0.059
Office Street	W00006174	1	17	0.059
Penrhiwceiber Road	W00006363	1	17	0.059
Pryce Street	W00006361	1	19	0.053
Newbridge Road	W00006289	1	24	0.042
Ferndale Road	W00006692	1	27	0.037
Oakland Terrace	W00006198	1	28	0.036
Gwilym Street	W00006241	1	29	0.034
Park Road	W00006664	1	32	0.031
Cardiff Road	W00006516	1	38	0.026
Pwllgwaun Road	W00006495	1	41	0.024
Williams Place	W00006248	1	41	0.024
Rickards Street	W00006231	2	87	0.023
East Road	W00006687	1	44	0.023
Aberllechau Road	W00006716	1	45	0.022
Lanpark Road	W00006448	1	61	0.016
Merthyr Road	W00006606	1	63	0.016
Coedpenmaen Road	W00006599	1	65	0.015
Llantrisant Road	W00006443	1	75	0.013
High Street	W00006185	1	81	0.012
Cardiff Road	W00006518	1	83	0.012
East Road	W00006683	1	91	0.011
Ynyshir Road	W00006718	1	103	0.01

Appendix B

HMO Concentration by Street – Newport

Newport				
STREET	Census Output Area	Number of HMOs	Number of Dwellings	Density
St. Vincent Lane	W00010632	2	3	0.667
Tredegar Street	W00008615	2	3	0.667
Wesley Place	W00010547	1	2	0.5
Stow Hill	W00008737	5	15	0.333
Albert Street	W00008615	1	3	0.333
Mill Street	W00008345	1	3	0.333
Powells Place	W00008741	2	8	0.25
Palmyra Place	W00008742	1	4	0.25
Caerleon Road	W00008696	3	14	0.214
Cardiff Road	W00008618	4	19	0.211
Caerleon Road	W00008690	6	30	0.2
Essex Street	W00008770	1	5	0.2
Devon Place	W00008349	6	31	0.194
Cardiff Road	W00008622	4	21	0.19
Risca Road	W00008331	8	43	0.186
Tunnel Terrace	W00008734	5	28	0.179
Clytha Crescent	W00008618	3	18	0.167
Park Square	W00008742	2	12	0.167
Belle Vue Terrace	W00008624	1	6	0.167
Clyffard Crescent	W00008736	5	32	0.156
Caerau Road	W00008734	5	36	0.139
York Place	W00008740	12	90	0.133
Crindau Road	W00008722	2	15	0.133
Watch House Parade	W00008608	2	15	0.133
Queens Hill	W00008345	6	46	0.13
Clytha Square	W00008745	10	77	0.13
Chepstow Road	W00010632	4	31	0.129
Chepstow Road	W00008402	2	16	0.125
Caerleon Road	W00008692	5	41	0.122
Batchelor Road	W00008396	3	25	0.12
Clifton Place	W00008731	4	34	0.118
Morden Road	W00008688	3	26	0.115

Chepstow Road	W00008765	7	63	0.111
Commercial Street	W00008742	2	18	0.111
Rodney Road	W00010625	1	9	0.111
Jeddo Street	W00008611	3	28	0.107
Lower Dock Street	W00008741	3	28	0.107
Halstead Street	W00008770	3	30	0.1
Commercial Road	W00008623	4	43	0.093
Victoria Avenue	W00008763	5	55	0.091
Risca Road	W00008329	4	44	0.091
Pugsley Street	W00008713	3	33	0.091
Chepstow Road	W00008403	5	58	0.086
Maindee Parade	W00008760	4	48	0.083
Livingstone Place	W00008768	4	49	0.082
Caerleon Road	W00008698	6	74	0.081
Stow Hill	W00010593	3	37	0.081
Godfrey Road	W00008355	2	25	0.08
Chepstow Road	W00008768	3	38	0.079
Portskewett Street	W00009857	3	38	0.079
London Street	W00008759	5	64	0.078
Liverpool Street	W00008759	1	13	0.077
Lodge Road	W00008459	1	13	0.077
Commercial Road	W00008620	6	82	0.073
Commercial Road	W00008615	2	28	0.071
Harrow Road	W00008764	2	28	0.071
Hoskins Street	W00008725	2	29	0.069
Bryngwyn Road	W00008355	3	45	0.067
Pottery Terrace	W00008611	1	15	0.067
Rothesay Road	W00008401	2	31	0.065
Cardiff Road	W00008741	2	32	0.063
Ebenezer Terrace	W00008741	2	32	0.063
Annesley Road	W00008696	1	16	0.063
Wharf Road	W00008769	1	16	0.063
Duckpool Road	W00008696	4	65	0.062
Milman Street	W00008614	2	33	0.061
Ombersley Road	W00008330	2	33	0.061
Station Road	W00008459	2	33	0.061
Alicia Crescent	W00009879	4	67	0.06
Lower Dock Street	W00009873	2	34	0.059
Hopefield	W00008728	1	17	0.059

Ruperra Street	W00009873	1	17	0.059
Lucas Street	W00008345	2	35	0.057
Victoria Avenue	W00008768	3	53	0.057
Cambrian Road	W00008732	1	18	0.056
Corporation Road	W00008771	2	37	0.054
Clytha Park Road	W00008355	2	40	0.05
St. Woolos Road	W00008738	2	40	0.05
West Street	W00008732	2	40	0.05
Eveswell Park Road	W00008397	1	20	0.05
Corporation Road	W00008767	2	41	0.049
Stow Hill	W00008731	3	62	0.048
Llanthewy Road	W00008355	1	21	0.048
Llanwern Street	W00010515	2	43	0.047
Caerleon Road	W00008711	4	87	0.046
Phillip Street	W00008761	1	22	0.045
Windsor Terrace	W00008736	1	22	0.045
Church Road	W00008775	3	67	0.045
Oakfield Road	W00008349	2	46	0.043
Adelaide Street	W00008725	1	23	0.043
Chepstow Road	W00008400	1	23	0.043
Witham Street	W00008773	3	70	0.043
Fields Park Road	W00008350	2	48	0.042
Benbow Road	W00008636	1	24	0.042
Alexandra Road	W00008608	2	49	0.041
Fairoak Avenue	W00008763	2	49	0.041
Stow Park Avenue	W00008743	2	49	0.041
Commercial Street	W00008741	2	50	0.04
Church Street	W00009860	1	25	0.04
Harrow Road	W00008767	1	25	0.04
Kensington Place	W00008384	1	25	0.04
Marion Place	W00008612	1	26	0.038
Woodland Road	W00008384	2	54	0.037
Constance Street	W00008683	1	27	0.037
Morris Street	W00008771	1	27	0.037
Locke Street	W00008345	1	28	0.036
Dolphin Street	W00008615	2	58	0.034
Caerau Road	W00008355	1	29	0.034
Fields Road	W00008349	1	29	0.034
Mellon Street	W00008741	1	29	0.034

Caroline Street	W00010547	1	30	0.033
Rudry Street	W00008699	1	30	0.033
Brynhyfyrd Road	W00008737	1	31	0.032
Chepstow Road	W00008767	1	31	0.032
Caerleon Road	W00008405	2	64	0.031
Grafton Road	W00010563	1	32	0.031
Morden Road	W00008695	2	65	0.031
Charles Street	W00010547	2	66	0.03
Chepstow Road	W00008636	1	33	0.03
Fairoak Terrace	W00008760	1	33	0.03
West Park Road	W00008330	1	33	0.03
Alicia Way	W00009879	1	34	0.029
Caerleon Road	W00008688	1	34	0.029
George Street	W00008615	1	34	0.029
Corporation Road	W00010632	1	35	0.029
Capel Crescent	W00008622	1	36	0.028
Upper Dock Street	W00008732	1	36	0.028
Canon Street	W00008697	1	37	0.027
Dewsland Park Road	W00008744	2	79	0.025
Chepstow Road	W00008370	1	40	0.025
Courtybella Terrace	W00008613	1	40	0.025
Lennard Street	W00008770	1	40	0.025
Redland Street	W00008723	1	40	0.025
Dolphin Street	W00009873	1	41	0.024
Coverack Road	W00009864	1	43	0.023
Marlborough Road	W00008765	1	43	0.023
Duckpool Road	W00008775	1	46	0.022
Power Street	W00008728	1	46	0.022
Albert Avenue	W00008760	1	47	0.021
Bailey Street	W00008732	1	47	0.021
East Dock Road	W00009879	1	47	0.021
Bristol Street	W00008758	1	48	0.021
Manchester Street	W00008758	1	48	0.021
Caerau Road	W00008737	1	50	0.02
Fairoak Avenue	W00008775	1	50	0.02
Church Road	W00008777	1	51	0.02
Hendre Farm Drive	W00008653	1	51	0.02
Caerleon Road	W00008703	1	52	0.019
Prince Street	W00008777	1	52	0.019

Duckpool Road	W00008760	1	56	0.018
Caerau Crescent	W00008334	1	59	0.017
Summerhill Avenue	W00008763	1	59	0.017
Somerset Road	W00008688	1	61	0.016
Albert Avenue	W00008776	1	63	0.016
Durham Road	W00008685	1	63	0.016
Corporation Road	W00010567	1	66	0.015
St. Edward Street	W00008738	1	66	0.015
Vivian Road	W00008761	1	66	0.015
Corporation Road	W00009857	1	76	0.013
Blewitt Street	W00008735	1	79	0.013
Alexandra Road	W00008613	1	84	0.012
Argosy Way	W00009864	1	90	0.011
Caerleon Road	W00008705	1	90	0.011
Commercial Street	W00010547	1	121	0.008
Gaer Vale	W00008469	1	154	0.006

Appendix C

HMO Concentration by Street – Cardiff

STREET	Census Output Area	HMO	PAF	DENSITY
Senghennydd Place	W00010115	5	5	1
Pen-y-wain Lane	W00009454	3	3	1
Plasnewydd Square	W00009428	1	1	1
Wyeverne Road	W00010633	32	34	0.941
May Street	W00010648	26	28	0.929
Harriet Street	W00008909	19	21	0.905
Coburn Street	W00008901	31	35	0.886
Harriet Street	W00008910	22	26	0.846
Glynrhondda Street	W00008915	27	32	0.844
Tewkesbury Street	W00008924	28	34	0.824
Coburn Street	W00008910	41	50	0.82
May Street	W00010500	22	27	0.815
Miskin Street	W00008915	34	42	0.81
Cranbrook Street	W00008916	33	41	0.805
Dogfield Street	W00008924	24	30	0.8
Cogan Terrace	W00010125	12	15	0.8
Thesiger Street	W00008910	54	68	0.794
Woodville Road	W00008911	19	24	0.792
Richmond Crescent	W00009448	7	9	0.778
Rhymney Street	W00008901	31	40	0.775
Miskin Street	W00010125	20	26	0.769
Wyeverne Road	W00010219	43	56	0.768
Coburn Street	W00008903	22	29	0.759
Crwys Road	W00010569	22	29	0.759
Llanbleddian Gardens	W00008913	28	37	0.757
Flora Street	W00008932	40	53	0.755
Llantrisant Street	W00008931	46	61	0.754
Rhymney Street	W00008916	59	80	0.738
Rhymney Street	W00008903	28	38	0.737
Richmond Road	W00009437	33	45	0.733
Minsky Street	W00008932	30	41	0.732
Llandough Street	W00010125	21	29	0.724
Tewkesbury Street	W00008920	25	35	0.714

Flora Street	W00010568	20	28	0.714
Llantwit Street	W00010115	17	24	0.708
Mundy Place	W00010601	24	34	0.706
Harriet Street	W00008903	52	75	0.693
Treorchy Street	W00008906	18	26	0.692
Norman Street	W00010615	11	16	0.688
Dogfield Street	W00008922	21	31	0.677
Ruthin Gardens	W00008913	21	31	0.677
Daniel Street	W00008923	20	30	0.667
Letty Street	W00008906	20	30	0.667
Letty Street Lane	W00008911	2	3	0.667
Lucas Street	W00010648	2	3	0.667
Richards Street	W00008909	51	77	0.662
Salisbury Road	W00008916	25	38	0.658
Dogfield Street	W00008918	21	32	0.656
Treherbert Street	W00008899	30	46	0.652
Rhymney Street	W00010638	31	48	0.646
Miskin Street	W00010219	18	28	0.643
May Street	W00008932	7	11	0.636
Malefant Street	W00008918	60	95	0.632
Woodville Road	W00010633	37	59	0.627
Minister Street	W00008899	15	24	0.625
Mackintosh Place	W00009454	40	65	0.615
Mackintosh Place	W00009456	32	52	0.615
Cathays Terrace	W00008933	19	31	0.613
Tewkesbury Street	W00008922	38	63	0.603
Merthyr Street	W00008899	39	65	0.6
Lisvane Street	W00008927	36	60	0.6
Hazeldene Avenue	W00008902	6	10	0.6
West Grove	W00010536	3	5	0.6
Monthermer Road	W00008922	35	59	0.593
Monthermer Road	W00008920	29	49	0.592
Wellfield Place	W00009462	10	17	0.588
Gordon Road	W00009437	17	29	0.586
Richards Street	W00010569	31	53	0.585
Dogfield Street	W00008920	14	24	0.583
Moy Road	W00009465	7	12	0.583
Whitchurch Place	W00008929	11	19	0.579
Richmond Road	W00009446	28	50	0.56

Colum Road	W00010119	19	34	0.559
Mিনny Street	W00010568	17	31	0.548
Russell Street	W00009424	25	46	0.543
Mackintosh Place	W00009465	55	102	0.539
Darran Street	W00008933	14	26	0.538
Pentyrch Street	W00008925	7	13	0.538
Wyeverne Road	W00008901	22	41	0.537
May Street	W00008929	23	43	0.535
Clun Terrace	W00008902	16	30	0.533
Mিনny Street	W00010648	17	32	0.531
Malefant Street	W00008902	45	85	0.529
Gordon Road	W00009446	9	17	0.529
Hirwain Street	W00008933	28	53	0.528
Fitzroy Street	W00008901	14	27	0.519
Daniel Street	W00008924	17	33	0.515
Woodville Road	W00010615	20	39	0.513
Colum Road	W00008912	29	57	0.509
Richmond Road	W00010630	51	102	0.5
Llantrisant Street	W00008933	10	20	0.5
Rhymney Terrace	W00010569	10	20	0.5
Senghennydd Road	W00008911	2	4	0.5
Robert Street	W00008918	1	2	0.5
Gelligaer Street	W00008919	36	73	0.493
Cathays Terrace	W00008906	34	69	0.493
Lisvane Street	W00008926	31	64	0.484
Colum Road	W00010118	28	58	0.483
Letty Street	W00010568	14	30	0.467
Alexander Street	W00010615	12	26	0.462
Talworth Street	W00009441	11	24	0.458
Woodville Road	W00010569	25	55	0.455
Strathnairn Street	W00009476	27	60	0.45
Brithdir Street	W00008931	28	63	0.444
Moy Road	W00009466	24	54	0.444
Fanny Street	W00010568	4	9	0.444
Blackweir Terrace	W00010223	12	28	0.429
Colum Place	W00010119	6	14	0.429
Violet Row	W00009468	6	14	0.429
Mackintosh Place	W00009468	11	26	0.423
Tewkesbury Place	W00008920	16	38	0.421

Bedford Street	W00009441	13	31	0.419
Cathays Terrace	W00008925	20	48	0.417
Moy Road	W00009468	16	39	0.41
Keppoch Street	W00009428	21	52	0.404
Monthermer Road	W00008924	10	25	0.4
Pen-y-wain Road	W00009452	8	20	0.4
Woodville Road	W00010568	6	15	0.4
Gladys Street	W00008932	4	10	0.4
Claude Road	W00009472	19	48	0.396
Claude Road	W00009429	26	66	0.394
Cathays Terrace	W00008911	19	50	0.38
Northcote Street	W00009434	11	29	0.379
Glenroy Street	W00009476	14	37	0.378
Glenroy Street	W00009428	12	32	0.375
Cathays Terrace	W00008932	12	33	0.364
Bedford Street	W00009424	28	78	0.359
Diana Street	W00009460	13	37	0.351
Connaught Road	W00009435	9	26	0.346
Cwmdare Street	W00008925	18	53	0.34
Claude Road	W00009435	11	33	0.333
Claude Place	W00009423	5	15	0.333
Tulloch Street	W00009467	4	12	0.333
Florentia Street	W00008923	15	46	0.326
Alfred Street	W00009467	13	40	0.325
Lochaber Street	W00009461	12	37	0.324
Connaught Road	W00009475	16	50	0.32
Alfred Street	W00009460	24	77	0.312
Talworth Street	W00009444	9	29	0.31
Diana Street	W00009463	17	55	0.309
Pen-y-wain Road	W00009457	7	24	0.292
Angus Street	W00009467	16	55	0.291
Miskin Street	W00010132	2	7	0.286
Angus Street	W00009461	11	39	0.282
Moy Road	W00009464	7	25	0.28
Maindy Road	W00008912	20	72	0.278
Arran Street	W00009443	13	49	0.265
Brithdir Street	W00008925	13	49	0.265
Senghennydd Road	W00010115	9	34	0.265
Robert Street	W00008923	19	73	0.26

Shirley Road	W00009451	20	78	0.256
Arabella Street	W00009457	10	39	0.256
Arabella Street	W00009458	11	43	0.256
Diana Street	W00009466	11	43	0.256
Kincraig Street	W00009428	11	44	0.25
Connaught Road	W00009423	5	20	0.25
Lowther Road	W00009437	1	4	0.25
Gwennyth Street	W00008921	13	53	0.245
Plasnewydd Road	W00009444	11	45	0.244
Cosmeston Street	W00008927	9	37	0.243
Donald Street	W00009463	16	66	0.242
Connaught Road	W00009432	8	33	0.242
Woodville Road	W00008909	7	29	0.241
Oakfield Street	W00009438	7	30	0.233
Pentyrch Street	W00008927	12	52	0.231
Bruce Street	W00008921	6	26	0.231
Pen-y-wain Road	W00009456	3	13	0.231
Donald Street	W00009469	12	54	0.222
Salisbury Road	W00010132	19	86	0.221
Crwys Place	W00009468	5	23	0.217
Arran Street	W00009436	11	51	0.216
Donald Street	W00009458	14	65	0.215
Crwys Road	W00010500	3	14	0.214
Keppoch Street	W00009430	10	47	0.213
Cottrell Road	W00009470	7	33	0.212
Ninian Road	W00009461	4	19	0.211
Dalton Street	W00008929	10	48	0.208
Cosmeston Street	W00008926	12	60	0.2
Fairoak Road	W00008918	3	15	0.2
Lucas Street	W00008923	2	10	0.2
Pen-y-wain Road	W00009458	1	5	0.2
City Road	W00009434	20	101	0.198
Spencer Street	W00008921	9	46	0.196
Braeval Street	W00009468	6	31	0.194
Glenroy Street	W00009473	20	104	0.192
Inverness Place	W00009426	22	115	0.191
Inverness Place	W00009465	6	32	0.188
Cottrell Road	W00009436	5	27	0.185
Boverton Street	W00009453	7	38	0.184

Arabella Street	W00009464	13	71	0.183
Crwys Road	W00008924	6	33	0.182
East Grove	W00010536	2	11	0.182
Pen-y-lan Road	W00009462	5	28	0.179
Cyfarthfa Street	W00009439	23	131	0.176
Crwys Road	W00009468	8	46	0.174
Partridge Road	W00009442	5	29	0.172
Partridge Road	W00009445	6	35	0.171
Brydges Place	W00008909	1	6	0.167
Crawshay Street	W00010541	1	6	0.167
City Road	W00010536	5	31	0.161
Fanny Street	W00010500	4	25	0.16
Plasnewydd Place	W00009431	3	19	0.158
Treharris Street	W00009431	7	45	0.156
Pearson Street	W00009444	2	13	0.154
Arabella Street	W00009469	8	56	0.143
South Luton Place	W00010206	4	28	0.143
Dispenser Gardens	W00009568	2	14	0.143
Crwys Road	W00008929	13	97	0.134
Ninian Road	W00009457	2	15	0.133
City Road	W00009476	7	53	0.132
Fairoak Road	W00009451	3	23	0.13
Partridge Road	W00009440	4	31	0.129
Arran Street	W00009431	6	47	0.128
Albany Road	W00009476	7	56	0.125
Catherine Street	W00008911	6	48	0.125
Hendy Street	W00009457	3	24	0.125
Clare Street	W00009568	2	16	0.125
City Road	W00009424	1	8	0.125
Kelvin Road	W00009453	4	33	0.121
Cottrell Road	W00009438	3	25	0.12
Pen-y-wain Place	W00009460	2	17	0.118
The Walk	W00009448	7	60	0.117
Treharris Street	W00009436	8	71	0.113
Richmond Road	W00009434	6	54	0.111
Southey Street	W00009425	2	18	0.111
Bridge Street	W00009195	1	9	0.111
City Road	W00010626	1	9	0.111
North Road	W00010223	14	127	0.11

Crwys Road	W00010648	6	55	0.109
Bangor Street	W00009462	8	74	0.108
Albany Road	W00009474	2	19	0.105
Inverness Place	W00009456	6	58	0.103
Treharris Street	W00009443	6	58	0.103
Inverness Place	W00009464	3	29	0.103
Tydfil Place	W00009452	4	39	0.103
Oakfield Street	W00009442	7	69	0.101
Newport Road	W00009433	7	70	0.1
Montgomery Street	W00009459	3	30	0.1
Clare Road	W00009575	1	10	0.1
Newport Road	W00009404	1	10	0.1
North Road	W00009081	1	10	0.1
Snipe Street	W00009440	1	10	0.1
Keppoch Street	W00009473	4	41	0.098
Tavistock Street	W00009424	1	11	0.091
Strathnairn Street	W00009470	8	89	0.09
Ninian Road	W00009459	6	69	0.087
Ninian Road	W00009451	2	24	0.083
Llanishen Street	W00009089	5	63	0.079
Adamsdown Square	W00008792	3	39	0.077
Clare Road	W00010224	2	26	0.077
Newport Road	W00008799	2	26	0.077
Clare Gardens	W00009568	1	13	0.077
Dyfrig Street	W00009580	1	13	0.077
Essich Street	W00009467	1	13	0.077
Princes Street	W00009432	4	53	0.075
Albany Road	W00009423	7	94	0.074
Crofts Street	W00009440	4	54	0.074
Wordsworth Avenue	W00009425	7	96	0.073
Gelligaer Gardens	W00010205	2	29	0.069
Whitchurch Road	W00008919	2	29	0.069
Marlborough Road	W00009398	5	73	0.068
Albany Road	W00009466	5	75	0.067
Maindy Road	W00010205	5	75	0.067
Major Road	W00008881	2	31	0.065
Elm Street	W00009447	8	125	0.064
Oakfield Street	W00009433	3	48	0.063
Allensbank Road	W00009074	2	32	0.063

Parkfield Place	W00010497	2	32	0.063
Banastre Avenue	W00009085	1	16	0.063
Clive Street	W00009112	5	82	0.061
Flaxland Avenue	W00009082	3	52	0.058
Ferry Road	W00009091	2	35	0.057
Pen-y-lan Road	W00009405	2	35	0.057
High Street	W00010584	3	53	0.057
Moira Street	W00008790	2	36	0.056
Cowbridge Road East	W00009560	1	18	0.056
Cressy Road	W00009400	1	18	0.056
Newport Road	W00009985	3	55	0.055
Albany Road	W00009403	2	37	0.054
Cyfarthfa Street	W00009438	2	37	0.054
Clare Street	W00009570	1	19	0.053
Cowper Place	W00009425	1	19	0.053
Gelligaer Street	W00010232	1	19	0.053
King George V Drive West	W00009139	1	19	0.053
Werfa Street	W00009457	1	19	0.053
Ninian Road	W00009453	2	39	0.051
City Road	W00009441	3	62	0.048
St. Peters Street	W00010626	5	105	0.048
Coldstream Terrace	W00009563	1	21	0.048
Pentrebane Street	W00009106	1	21	0.048
Neville Street	W00009568	2	43	0.047
Manor Street	W00009080	3	67	0.045
City Road	W00009443	1	23	0.043
Grosvenor Street	W00008868	1	24	0.042
Taff Embankment	W00009096	2	49	0.041
Fitzhamon Embankment	W00009572	3	75	0.04
Romilly Road	W00008896	2	50	0.04
Allensbank Road	W00009080	1	25	0.04
Australia Road	W00009088	1	25	0.04
Dinas Street	W00009135	1	25	0.04
Taff Embankment	W00009983	1	25	0.04
Victoria Park Road East	W00008859	1	25	0.04
Stacey Road	W00010122	2	52	0.038
Pen-y-lan Road	W00009390	1	26	0.038
Upper KinCraig Street	W00009430	3	81	0.037
North Clive Street	W00009097	1	27	0.037

Wyndham Crescent	W00009591	1	27	0.037
Newfoundland Road	W00009077	3	82	0.037
Penarth Road	W00009131	2	56	0.036
Court Road	W00010224	1	28	0.036
Westville Road	W00009399	1	28	0.036
Cambridge Street	W00009090	1	29	0.034
Durham Street	W00009095	1	29	0.034
Penarth Road	W00009105	1	29	0.034
Green Street	W00009563	1	30	0.033
North Luton Place	W00010206	1	31	0.032
Queen Anne Square	W00008912	1	31	0.032
Rhigos Gardens	W00010205	1	31	0.032
Cranbrook Street	W00010115	1	32	0.031
Newport Road	W00010122	1	32	0.031
Roath Court Place	W00009474	1	32	0.031
Constellation Street	W00008789	1	33	0.03
Newport Road	W00008797	1	33	0.03
Severn Road	W00009558	1	33	0.03
Dylan Place	W00009441	1	34	0.029
Ladysmith Road	W00009395	1	35	0.029
Heathfield Road	W00009086	2	71	0.028
Penarth Road	W00009132	2	71	0.028
Lily Street	W00009444	1	36	0.028
Park Avenue	W00009745	1	36	0.028
Corporation Road	W00009106	1	37	0.027
Topaz Street	W00008784	1	37	0.027
Penarth Road	W00010541	1	38	0.026
Piercefield Place	W00008781	1	38	0.026
Whitchurch Road	W00009080	2	80	0.025
Burt Street	W00010124	1	40	0.025
System Street	W00008788	1	40	0.025
Blaenclydach Street	W00009096	1	41	0.024
Llanishen Street	W00009087	1	41	0.024
De Burgh Street	W00009566	1	42	0.024
Howard Gardens	W00009982	2	85	0.024
Clarence Embankment	W00008804	1	43	0.023
Ryder Street	W00009595	1	43	0.023
Kings Road	W00009593	2	89	0.022
Wellfield Road	W00009462	2	90	0.022

Pen-y-lan Road	W00009400	1	45	0.022
North Road	W00009088	1	46	0.022
Beda Road	W00008875	1	47	0.021
Cowbridge Road East	W00008867	1	47	0.021
Tudor Street	W00009570	1	47	0.021
Clive Road	W00008889	1	48	0.021
Mardy Street	W00009129	1	48	0.021
Edington Avenue	W00009087	1	49	0.02
The Parade	W00010536	1	52	0.019
Romilly Road	W00008855	1	53	0.019
Clive Road	W00008896	1	54	0.019
Planet Street	W00008788	1	54	0.019
Plantagenet Street	W00009557	1	54	0.019
Canada Road	W00009081	1	55	0.018
Pantbach Road	W00009142	1	55	0.018
Newport Road	W00009408	3	167	0.018
Africa Gardens	W00009075	1	56	0.018
Penhill Road	W00009581	1	56	0.018
Scholars Drive	W00009386	1	56	0.018
Daviot Street	W00009455	2	113	0.018
Splott Road	W00009662	2	115	0.017
Sapphire Street	W00008779	1	58	0.017
Schooner Way	W00008813	1	60	0.017
Newport Road	W00008794	2	121	0.017
Neville Street	W00009560	1	61	0.016
Llantarnam Road	W00009073	1	62	0.016
Elm Street	W00009445	1	65	0.015
Park Place	W00010584	1	68	0.015
Kings Road	W00009597	1	69	0.014
Pencisely Road	W00008887	1	70	0.014
Llanon Road	W00009281	1	71	0.014
Severn Grove	W00009583	1	73	0.014
Craddock Street	W00009565	1	84	0.012
Watkins Square	W00010214	1	84	0.012
Lower Cathedral Road	W00009599	1	87	0.011
Ninian Park Road	W00009574	1	88	0.011
Richards Terrace	W00008795	1	90	0.011
Whitchurch Road	W00009085	1	92	0.011
Broadway	W00008799	1	93	0.011

Beaufort Square	W00010146	1	94	0.011
New Zealand Road	W00009088	1	100	0.01
Cathedral Road	W00009580	1	132	0.008
Bwlch Road	W00009056	1	135	0.007
Whitchurch Road	W00009088	1	164	0.006

Appendix D

Car Ownership in HMOs and non-HMOs

The figures below have been taken from data in the Census 2021 using multi person households as a proxy for HMOs. The explicit information in Census data in respect of HMOs is extremely limited and it is usual practice to use the multi person household as the best proxy for HMOs. The figures indicate that, whilst the difference is not great, car ownership in the multi person households is in fact slightly higher than in other households:

Other household types: Other, including all full-time students and all aged 66 years and over					
	CARDIFF		RCT		
	Cathays	Plasnewydd	Treforest	TOTAL	
0	754	494	144	1392	
1	670	456	129	1255	
2	610	314	90	1014	
3	324	135	47	506	
4	273	68	31	372	
Average no. of Cars	1.503	1.200	1.302	1.386	
Overall avg number of Cars per household					
Cardiff	1.136				
Rhondda Cyon Taff	1.256				
all Households excluding 1. Other household types: Other, including all full-time students and all aged 66 years and over and 2. One-person household: Other (65 and younger)					
	CARDIFF		RCT		
	Cathays	Plasnewydd	Treforest	TOTAL	
0	780	1225	274	2279	
1	807	1652	373	2832	
2	323	749	224	1296	
3	52	127	60	239	
4	20	32	21	73	
Average no. of Cars	0.852	0.967	1.140	0.957	

Appendix E

Crime and antisocial behaviour statistics by LSOA

RCT								
Ward	LSOA	Households	No. of HMOs	%HMOs	Recorded Crime	of which ASB	Crimes per Household	ASB per Household
Aberaman	W01001137	1104	1	0.1%	265	27	0.240	0.024
Aberaman	W01001138	640	0	0.0%	166	19	0.259	0.030
Aberaman	W01001139	597	0	0.0%	101	9	0.169	0.015
Aberaman	W01001140	641	0	0.0%	173	32	0.270	0.050
Aberaman	W01001141	673	0	0.0%	156	28	0.232	0.042
Aberaman	W01001142	835	1	0.1%	234	25	0.280	0.030
Abercynon	W01001143	634	0	0.0%	124	20	0.196	0.032
Abercynon	W01001144	702	0	0.0%	195	13	0.278	0.019
Abercynon	W01001145	777	0	0.0%	194	16	0.250	0.021
Abercynon	W01001146	633	0	0.0%	86	6	0.136	0.009
Aberdare East	W01001147	867	0	0.0%	149	17	0.172	0.020
Aberdare East	W01001148	832	1	0.1%	344	46	0.413	0.055
Aberdare East	W01001149	626	0	0.0%	135	20	0.216	0.032
Aberdare East	W01001150	871	0	0.0%	588	73	0.675	0.084
Aberdare West and Llwydcoed	W01001151	787	0	0.0%	146	10	0.186	0.013
Aberdare West and Llwydcoed	W01001152	834	0	0.0%	121	11	0.145	0.013
Aberdare West and Llwydcoed	W01001153	684	1	0.1%	182	10	0.266	0.015
Aberdare West and Llwydcoed	W01001154	687	0	0.0%	238	26	0.346	0.038
Aberdare West and Llwydcoed	W01001155	699	0	0.0%	264	18	0.378	0.026
Aberdare West and Llwydcoed	W01001156	549	0	0.0%	32	5	0.058	0.009
Beddau and Tyn-y-nant	W01001157	594	0	0.0%	39	3	0.066	0.005

Beddau and Tyn-y-nant	W01001158	639	0	0.0%	165	16	0.258	0.025
Beddau and Tyn-y-nant	W01001159	654	0	0.0%	44	3	0.067	0.005
Brynna and Llanharan	W01001160	678	0	0.0%	45	2	0.066	0.003
Church Village	W01001162	1063	0	0.0%	297	65	0.279	0.061
Cilfynydd	W01001164	672	0	0.0%	138	14	0.205	0.021
Cilfynydd	W01001165	579	0	0.0%	156	16	0.269	0.028
Cwm Clydach	W01001166	577	0	0.0%	110	8	0.191	0.014
Cwm Clydach	W01001167	627	0	0.0%	75	4	0.120	0.006
Cwmbach	W01001168	609	0	0.0%	143	22	0.235	0.036
Cwmbach	W01001169	1053	0	0.0%	361	50	0.343	0.047
Cwmbach	W01001170	529	0	0.0%	65	2	0.123	0.004
Cymer	W01001171	617	0	0.0%	73	8	0.118	0.013
Cymer	W01001172	636	1	0.2%	67	5	0.105	0.008
Cymer	W01001173	620	0	0.0%	187	10	0.302	0.016
Cymer	W01001174	628	1	0.2%	120	10	0.191	0.016
Ferndale and Maerdy	W01001175	596	0	0.0%	111	11	0.186	0.018
Ferndale and Maerdy	W01001176	620	1	0.2%	121	9	0.195	0.015
Ferndale and Maerdy	W01001177	602	0	0.0%	40	4	0.066	0.007
Gilfach-goch	W01001178	688	0	0.0%	77	3	0.112	0.004
Gilfach-goch	W01001179	736	0	0.0%	118	13	0.160	0.018
Glyn-coch	W01001180	670	0	0.0%	204	39	0.304	0.058
Glyn-coch	W01001181	630	0	0.0%	127	22	0.202	0.035
Hawthorn and Lower Rhydfelen	W01001184	946	2	0.2%	254	20	0.268	0.021
Rhydfelen Central	W01001185	981	0	0.0%	205	39	0.209	0.040
Hirwaun, Penderyn and Rhigos	W01001186	695	0	0.0%	102	13	0.147	0.019
Hirwaun, Penderyn and Rhigos	W01001187	593	0	0.0%	72	11	0.121	0.019

Hirwaun, Penderyn and Rhigos	W01001188	602	0	0.0%	218	31	0.362	0.051
Brynna and Llanharan	W01001189	680	0	0.0%	150	15	0.221	0.022
Brynna and Llanharan	W01001190	1174	2	0.2%	407	26	0.347	0.022
Llanharry	W01001192	607	0	0.0%	106	7	0.175	0.012
Llantrisant and Talbot Green	W01001193	474	0	0.0%	55	4	0.116	0.008
Llantrisant and Talbot Green	W01001194	876	0	0.0%	51	6	0.058	0.007
Llantrisant and Talbot Green	W01001195	653	1	0.2%	96	13	0.147	0.020
Llantwit Fardre	W01001196	615	1	0.2%	47	8	0.076	0.013
Llantwit Fardre	W01001197	493	0	0.0%	29	5	0.059	0.010
Llantwit Fardre	W01001198	659	0	0.0%	34	2	0.052	0.003
Llantwit Fardre	W01001199	707	0	0.0%	64	12	0.091	0.017
Ferndale and Maerdy	W01001202	821	0	0.0%	272	19	0.331	0.023
Ferndale and Maerdy	W01001203	587	0	0.0%	214	23	0.365	0.039
Mountain Ash	W01001204	681	0	0.0%	64	3	0.094	0.004
Mountain Ash	W01001205	699	0	0.0%	224	28	0.320	0.040
Mountain Ash	W01001206	635	0	0.0%	90	10	0.142	0.016
Mountain Ash	W01001207	556	0	0.0%	194	9	0.349	0.016
Mountain Ash	W01001208	734	1	0.1%	213	36	0.290	0.049
Penrhiw-ceibr	W01001209	582	0	0.0%	226	25	0.388	0.043
Penrhiw-ceibr	W01001210	640	0	0.0%	141	16	0.220	0.025
Penrhiw-ceibr	W01001211	629	0	0.0%	100	6	0.159	0.010
Penrhiw-ceibr	W01001212	585	1	0.2%	115	15	0.197	0.026
Pentre	W01001214	529	0	0.0%	44	3	0.083	0.006
Pentre	W01001216	656	0	0.0%	111	9	0.169	0.014
Pen-y-graig	W01001217	465	0	0.0%	211	35	0.454	0.075

Pen-y-graig	W01001218	639	0	0.0%	179	11	0.280	0.017
Pen-y-graig	W01001219	602	0	0.0%	114	16	0.189	0.027
Pen-y-graig	W01001220	622	0	0.0%	80	12	0.129	0.019
Pen-y-waun	W01001221	612	0	0.0%	226	27	0.369	0.044
Pen-y-waun	W01001222	640	0	0.0%	230	27	0.359	0.042
Pontyclun West	W01001223	781	0	0.0%	65	5	0.083	0.006
Pontyclun East	W01001224	766	0	0.0%	40	1	0.052	0.001
Pontyclun East	W01001225	654	0	0.0%	38	3	0.058	0.005
Pontyclun Central	W01001226	716	1	0.1%	139	9	0.194	0.013
Pontypridd Town	W01001227	550	0	0.0%	53	5	0.096	0.009
Pontypridd Town	W01001228	744	4	0.5%	758	115	1.019	0.155
Porth	W01001229	643	0	0.0%	178	12	0.277	0.019
Porth	W01001230	628	0	0.0%	137	13	0.218	0.021
Porth	W01001231	679	0	0.0%	240	16	0.353	0.024
Porth	W01001232	590	1	0.2%	230	27	0.390	0.046
Hirwaun, Penderyn and Rhigos	W01001233	782	0	0.0%	116	9	0.148	0.012
Graig and Pontypridd West	W01001234	661	0	0.0%	125	6	0.189	0.009
Graig and Pontypridd West	W01001235	748	0	0.0%	171	26	0.229	0.035
Graig and Pontypridd West	W01001236	661	0	0.0%	159	23	0.241	0.035
Rhydfelen Central	W01001237	602	0	0.0%	96	10	0.159	0.017
Upper Rhydfelen and Glyn-taf	W01001238	691	0	0.0%	196	25	0.284	0.036
Upper Rhydfelen and Glyn-taf	W01001239	626	0	0.0%	168	14	0.268	0.022
Taff's Well	W01001240	857	0	0.0%	258	60	0.301	0.070
Taff's Well	W01001241	756	0	0.0%	125	8	0.165	0.011
Llantrisant and Talbot Green	W01001242	575	0	0.0%	132	13	0.230	0.023

Llantrisant and Talbot Green	W01001243	689	2	0.3%	413	22	0.599	0.032
Ton-teg	W01001244	627	0	0.0%	153	18	0.244	0.029
Ton-teg	W01001245	515	0	0.0%	28	1	0.054	0.002
Church Village	W01001246	620	0	0.0%	104	13	0.168	0.021
Tonypandy	W01001247	719	0	0.0%	162	24	0.225	0.033
Tonypandy	W01001248	859	0	0.0%	240	37	0.279	0.043
Tonyrefail East	W01001249	700	1	0.1%	191	26	0.273	0.037
Tonyrefail East	W01001250	624	0	0.0%	73	10	0.117	0.016
Tonyrefail East	W01001251	664	0	0.0%	182	8	0.274	0.012
Tonyrefail East	W01001252	668	0	0.0%	59	1	0.088	0.001
Tonyrefail West	W01001253	605	0	0.0%	67	6	0.111	0.010
Tonyrefail West	W01001255	836	0	0.0%	206	24	0.246	0.029
Trallwng	W01001256	535	1	0.2%	91	13	0.170	0.024
Trallwng	W01001257	533	1	0.2%	108	6	0.203	0.011
Trallwng	W01001258	639	0	0.0%	247	24	0.387	0.038
Trealaw	W01001259	675	0	0.0%	136	6	0.201	0.009
Trealaw	W01001260	507	0	0.0%	166	17	0.327	0.034
Trealaw	W01001261	557	0	0.0%	72	7	0.129	0.013
Treforest	W01001262	621	36	5.8%	182	11	0.293	0.018
Treforest	W01001263	633	238	37.6%	178	19	0.281	0.030
Graig and Pontypridd West	W01001264	511	190	37.2%	141	8	0.276	0.016
Treherbert	W01001265	732	0	0.0%	97	5	0.133	0.007
Treherbert	W01001266	623	0	0.0%	161	15	0.258	0.024
Treherbert	W01001267	680	0	0.0%	90	9	0.132	0.013
Treherbert	W01001268	589	0	0.0%	87	4	0.148	0.007
Treorchy	W01001269	641	0	0.0%	159	26	0.248	0.041
Treorchy	W01001270	650	0	0.0%	132	18	0.203	0.028
Treorchy	W01001271	721	1	0.1%	124	10	0.172	0.014
Treorchy	W01001272	612	0	0.0%	107	13	0.175	0.021
Treorchy	W01001273	761	0	0.0%	127	10	0.167	0.013
Tylorstown and Ynyshir	W01001274	522	0	0.0%	201	15	0.385	0.029
Tylorstown and Ynyshir	W01001275	795	1	0.1%	190	24	0.239	0.030

Tylorstown and Ynyshir	W01001276	631	2	0.3%	135	12	0.214	0.019
Beddau and Tyn-y-nant	W01001277	459	0	0.0%	87	6	0.190	0.013
Beddau and Tyn-y-nant	W01001278	435	0	0.0%	103	10	0.237	0.023
Beddau and Tyn-y-nant	W01001279	504	0	0.0%	113	20	0.224	0.040
Tylorstown and Ynyshir	W01001280	763	2	0.3%	151	14	0.198	0.018
Tylorstown and Ynyshir	W01001281	740	0	0.0%	77	4	0.104	0.005
Ynysybwl	W01001282	890	1	0.1%	238	47	0.267	0.053
Ynysybwl	W01001283	630	0	0.0%	82	10	0.130	0.016
Ynysybwl	W01001284	436	0	0.0%	23	1	0.053	0.002
Ystrad	W01001285	598	0	0.0%	126	19	0.211	0.032
Ystrad	W01001286	622	0	0.0%	97	3	0.156	0.005
Ystrad	W01001287	647	0	0.0%	78	10	0.121	0.015
Ystrad	W01001288	670	0	0.0%	227	23	0.339	0.034
Tonyrefail West	W01001914	669	0	0.0%	46	2	0.069	0.003
Church Village	W01001915	602	0	0.0%	57	9	0.095	0.015
Church Village	W01001916	558	0	0.0%	37	4	0.066	0.007
Tonyrefail West	W01001917	622	0	0.0%	185	15	0.297	0.024
Pentre	W01001962	1182	2	0.2%	171	11	0.145	0.009
Llwyn-y-pia	W01001963	972	0	0.0%	170	15	0.175	0.015
Graig and Pontypridd West	W01001964	1072	0	0.0%	278	11	0.259	0.010
Brynna and Llanharan	W01001965	702	0	0.0%	44	4	0.063	0.006
Brynna and Llanharan	W01001966	649	0	0.0%	42	0	0.065	0.000
Pontyclun West	W01001967	634	1	0.2%	52	3	0.082	0.005
Llanharry	W01001968	604	0	0.0%	34	0	0.056	0.000

Newport								
Ward	LSOA	Households	No Of HMOs	% HMOs	Recorded Crime	of which ASB	Crimes per Household	ASB per Household
Allt-yr-yn	W01001600	767	0	0.0%	96	9	0.125	0.012
Allt-yr-yn	W01001601	653	11	1.5%	160	22	0.245	0.034
Allt-yr-yn	W01001602	686	0	0.0%	86	19	0.125	0.028
Allt-yr-yn	W01001603	608	15	3.1%	170	28	0.280	0.046
Allt-yr-yn	W01001604	614	0	0.0%	71	10	0.116	0.016
Allt-yr-yn	W01001605	660	13	2.4%	142	13	0.215	0.020
Alway	W01001606	518	0	0.0%	46	8	0.089	0.015
Alway	W01001607	501	0	0.0%	232	17	0.463	0.034
Alway	W01001608	637	0	0.0%	122	33	0.192	0.052
Alway	W01001609	711	0	0.0%	302	47	0.425	0.066
Alway	W01001610	513	0	0.0%	147	15	0.287	0.029
Alway	W01001611	519	1	0.2%	126	23	0.243	0.044
Beechwood	W01001612	673	15	1.9%	173	40	0.257	0.059
Beechwood	W01001613	595	3	0.7%	153	22	0.257	0.037
Beechwood	W01001614	767	2	0.3%	335	87	0.437	0.113
Beechwood	W01001615	607	0	0.0%	182	40	0.300	0.066
Beechwood	W01001616	632	0	0.0%	61	7	0.097	0.011
Bettws	W01001617	582	0	0.0%	261	50	0.448	0.086
Bettws	W01001618	490	0	0.0%	151	29	0.308	0.059
Bettws	W01001619	583	0	0.0%	262	61	0.449	0.105
Bettws	W01001620	690	0	0.0%	253	44	0.367	0.064
Bettws	W01001621	598	0	0.0%	233	53	0.390	0.089
Bettws	W01001622	515	0	0.0%	169	42	0.328	0.082
Caerleon	W01001623	647	2	0.5%	182	60	0.281	0.093
Caerleon	W01001624	505	0	0.0%	26	3	0.051	0.006
Caerleon	W01001625	567	0	0.0%	122	29	0.215	0.051
Caerleon	W01001626	606	0	0.0%	177	23	0.292	0.038
Caerleon	W01001627	683	1	0.1%	49	3	0.072	0.004
Caerleon	W01001628	517	0	0.0%	119	19	0.230	0.037
Gaer	W01001629	622	0	0.0%	216	27	0.347	0.043
Gaer	W01001630	815	1	0.1%	115	17	0.141	0.021
Gaer	W01001631	599	0	0.0%	141	15	0.235	0.025
Gaer	W01001632	571	0	0.0%	221	35	0.387	0.061
Gaer	W01001633	696	0	0.0%	328	55	0.471	0.079
Gaer	W01001634	629	0	0.0%	203	29	0.323	0.046
Graig	W01001635	593	0	0.0%	96	16	0.162	0.027
Graig	W01001636	739	0	0.0%	163	45	0.221	0.061

Graig	W01001637	903	0	0.0%	183	42	0.203	0.047
Graig	W01001638	472	0	0.0%	37	5	0.078	0.011
Langstone	W01001639	855	0	0.0%	132	24	0.154	0.028
Langstone	W01001640	485	0	0.0%	55	10	0.113	0.021
Langstone	W01001641	540	0	0.0%	79	11	0.146	0.020
Lliswerry	W01001642	789	0	0.0%	432	110	0.548	0.139
Lliswerry	W01001643	734	0	0.0%	229	24	0.312	0.033
Lliswerry	W01001645	509	0	0.0%	124	33	0.244	0.065
Lliswerry	W01001646	603	0	0.0%	965	262	1.600	0.434
Lliswerry	W01001648	650	0	0.0%	127	38	0.195	0.058
Llanwern	W01001650	651	0	0.0%	78	15	0.120	0.023
Malpas	W01001651	621	0	0.0%	153	10	0.246	0.016
Malpas	W01001652	724	0	0.0%	255	29	0.352	0.040
Malpas	W01001653	603	0	0.0%	63	11	0.104	0.018
Malpas	W01001654	689	0	0.0%	173	44	0.251	0.064
Malpas	W01001655	646	0	0.0%	31	10	0.048	0.015
Marshfield	W01001657	535	0	0.0%	110	23	0.206	0.043
Marshfield	W01001658	776	0	0.0%	72	13	0.093	0.017
Pillgwenlly	W01001659	677	9	1.6%	442	73	0.653	0.108
Pillgwenlly	W01001660	1011	6	0.7%	562	54	0.556	0.053
Pillgwenlly	W01001661	1106	23	2.3%	830	186	0.750	0.168
Pillgwenlly	W01001662	627	13	1.8%	931	92	1.485	0.147
Ringland	W01001663	680	1	0.3%	231	28	0.340	0.041
Ringland	W01001664	548	0	0.0%	228	46	0.416	0.084
Ringland	W01001665	743	0	0.0%	104	15	0.140	0.020
Ringland	W01001666	594	1	0.2%	243	29	0.409	0.049
Ringland	W01001667	497	0	0.0%	93	9	0.187	0.018
Ringland	W01001668	481	0	0.0%	148	33	0.308	0.069
Rogerstone	W01001669	528	0	0.0%	30	3	0.057	0.006
Rogerstone	W01001670	859	0	0.0%	92	13	0.107	0.015
Rogerstone	W01001671	1051	0	0.0%	224	31	0.213	0.029
Rogerstone	W01001673	642	0	0.0%	54	14	0.084	0.022
Rogerstone	W01001674	600	0	0.0%	128	17	0.213	0.028
St. Julians	W01001675	660	16	3.2%	111	20	0.168	0.030
St. Julians	W01001676	835	12	1.6%	548	78	0.656	0.093
St. Julians	W01001677	644	1	0.2%	150	33	0.233	0.051
St. Julians	W01001678	691	1	0.1%	146	52	0.211	0.075
St. Julians	W01001679	450	0	0.0%	51	12	0.113	0.027
St. Julians	W01001680	510	4	1.0%	173	24	0.339	0.047

Shaftesbury	W01001681	633	5	0.9%	460	81	0.727	0.128
Shaftesbury	W01001682	580	0	0.0%	88	8	0.152	0.014
Shaftesbury	W01001683	467	3	0.6%	141	9	0.302	0.019
Shaftesbury	W01001684	635	2	0.3%	80	12	0.126	0.019
Stow Hill	W01001685	858	23	2.8%	1325	264	1.544	0.308
Stow Hill	W01001686	536	11	1.9%	205	29	0.382	0.054
Stow Hill	W01001687	1087	53	4.7%	1478	199	1.360	0.183
Tredegar Park	W01001689	783	0	0.0%	261	36	0.333	0.046
Victoria	W01001690	846	11	1.8%	359	87	0.424	0.103
Victoria	W01001691	707	16	3.3%	267	45	0.378	0.064
Victoria	W01001692	833	23	3.2%	323	45	0.388	0.054
Victoria	W01001693	949	18	1.5%	417	85	0.439	0.090
Marshfield	W01001912	667	0	0.0%	103	16	0.154	0.024
Marshfield	W01001913	614	0	0.0%	266	83	0.433	0.135
Llanwern	W01002026	753	0	0.0%	159	41	0.211	0.054
Llanwern	W01002027	740	0	0.0%	181	31	0.245	0.042
Rogerstone West	W01002028	776	0	0.0%	110	16	0.142	0.021
Rogerstone West	W01002029	611	0	0.0%	102	13	0.167	0.021
Lliswerry	W01002030	595	3	0.7%	153	34	0.257	0.057
Lliswerry	W01002031	704	0	0.0%	140	55	0.199	0.078
Lliswerry	W01002032	571	0	0.0%	195	42	0.342	0.074
Lliswerry	W01002033	651	0	0.0%	137	22	0.210	0.034
Tredegar Park and Marshfield	W01002034	741	0	0.0%	121	20	0.163	0.027
Tredegar Park and Marshfield	W01002035	605	0	0.0%	292	72	0.483	0.119

Cardiff								
Ward	LSOA	Households	No of HMOs	% HMOs	Recorded Crime	of which ASB	Crimes per Household	ASB per Household
Adamsdown	W01001694	886	4	0.5%	709	125	0.800	0.141
Adamsdown	W01001695	745	5	0.7%	1122	109	1.506	0.146
Adamsdown	W01001696	667	5	0.7%	441	60	0.661	0.090
Adamsdown	W01001697	866	1	0.1%	516	36	0.596	0.042
Adamsdown	W01001698	947	7	0.7%	359	59	0.379	0.062
Adamsdown	W01001699	1031	0	0.0%	384	130	0.372	0.126
Adamsdown	W01001702	737	0	0.0%	182	18	0.247	0.024
Adamsdown	W01001703	486	0	0.0%	307	82	0.632	0.169
Adamsdown	W01001704	624	0	0.0%	328	61	0.526	0.098
Adamsdown	W01001705	784	0	0.0%	234	40	0.298	0.051
Adamsdown	W01001706	587	0	0.0%	252	39	0.429	0.066
Adamsdown	W01001707	808	0	0.0%	583	109	0.722	0.135
Adamsdown	W01001708	727	0	0.0%	268	28	0.369	0.039
Canton	W01001710	802	1	0.1%	126	14	0.157	0.017
Canton	W01001711	876	0	0.0%	390	32	0.445	0.037
Canton	W01001712	713	0	0.0%	147	9	0.206	0.013
Canton	W01001713	772	1	0.1%	207	39	0.268	0.051
Canton	W01001714	608	0	0.0%	87	16	0.143	0.026
Canton	W01001715	794	3	0.4%	94	14	0.118	0.018
Canton	W01001716	541	0	0.0%	158	10	0.292	0.018
Canton	W01001717	746	0	0.0%	136	8	0.182	0.011
Cathays	W01001718	621	140	22.5%	110	6	0.177	0.010
Cathays	W01001719	565	89	15.8%	37	1	0.065	0.002
Cathays	W01001720	646	195	30.2%	232	22	0.359	0.034
Cathays	W01001721	569	86	15.1%	255	23	0.448	0.040
Cathays	W01001722	530	167	31.5%	64	6	0.121	0.011
Cathays	W01001724	607	248	40.9%	112	8	0.185	0.013
Cathays	W01001725	520	201	38.7%	144	11	0.277	0.021
Cathays	W01001726	550	136	24.7%	227	22	0.413	0.040
Pentyrch and St Fagans	W01001727	513	0	0.0%	118	16	0.230	0.031
Pentyrch and St Fagans	W01001728	595	0	0.0%	35	0	0.059	0.000
Pentyrch and St Fagans	W01001729	1169	0	0.0%	205	44	0.175	0.038
Cyncoed	W01001730	627	0	0.0%	27	2	0.043	0.003
Cyncoed	W01001731	539	0	0.0%	34	3	0.063	0.006
Cyncoed	W01001732	670	0	0.0%	79	21	0.118	0.031

Cyncoed	W01001733	564	0	0.0%	124	36	0.220	0.064
Cyncoed	W01001734	588	0	0.0%	72	3	0.122	0.005
Cyncoed	W01001735	610	0	0.0%	142	21	0.233	0.034
Cyncoed	W01001736	593	0	0.0%	84	5	0.142	0.008
Ely	W01001737	631	0	0.0%	291	40	0.461	0.063
Ely	W01001738	518	0	0.0%	237	41	0.458	0.079
Ely	W01001739	547	0	0.0%	139	13	0.254	0.024
Ely	W01001740	679	0	0.0%	282	44	0.415	0.065
Ely	W01001741	610	0	0.0%	288	55	0.472	0.090
Ely	W01001742	643	0	0.0%	300	35	0.467	0.054
Ely	W01001743	641	0	0.0%	61	9	0.095	0.014
Ely	W01001744	758	0	0.0%	260	44	0.343	0.058
Ely	W01001745	549	0	0.0%	93	19	0.169	0.035
Ely	W01001746	656	0	0.0%	341	84	0.520	0.128
Fairwater	W01001747	828	0	0.0%	189	15	0.228	0.018
Fairwater	W01001748	646	0	0.0%	155	26	0.240	0.040
Fairwater	W01001749	671	0	0.0%	227	74	0.338	0.110
Fairwater	W01001750	827	0	0.0%	269	50	0.325	0.060
Fairwater	W01001751	819	0	0.0%	313	75	0.382	0.092
Fairwater	W01001752	660	0	0.0%	172	24	0.261	0.036
Fairwater	W01001753	634	0	0.0%	202	34	0.319	0.054
Fairwater	W01001754	794	0	0.0%	175	18	0.220	0.023
Gabalfa	W01001755	635	8	1.3%	342	35	0.539	0.055
Gabalfa	W01001756	624	1	0.2%	376	35	0.603	0.056
Gabalfa	W01001757	597	7	1.2%	179	39	0.300	0.065
Gabalfa	W01001758	656	11	1.7%	102	6	0.155	0.009
Grangetown	W01001759	695	0	0.0%	278	25	0.400	0.036
Grangetown	W01001760	679	1	0.1%	176	27	0.259	0.040
Grangetown	W01001761	686	3	0.4%	191	27	0.278	0.039
Grangetown	W01001762	711	2	0.3%	371	52	0.522	0.073
Grangetown	W01001764	595	4	0.7%	287	38	0.482	0.064
Grangetown	W01001765	519	2	0.4%	166	20	0.320	0.039
Grangetown	W01001766	697	2	0.3%	207	20	0.297	0.029
Grangetown	W01001767	740	0	0.0%	344	39	0.465	0.053
Grangetown	W01001768	521	3	0.6%	88	7	0.169	0.013
Heath	W01001769	615	0	0.0%	42	6	0.068	0.010
Heath	W01001770	488	0	0.0%	445	74	0.912	0.152
Heath	W01001771	675	0	0.0%	41	5	0.061	0.007
Heath	W01001772	589	0	0.0%	128	10	0.217	0.017

Heath	W01001773	1046	0	0.0%	196	16	0.187	0.015
Heath	W01001774	529	0	0.0%	50	6	0.095	0.011
Heath	W01001775	707	0	0.0%	137	15	0.194	0.021
Heath	W01001776	518	1	0.2%	77	21	0.149	0.041
Lisvane and Thornhill	W01001777	709	0	0.0%	89	5	0.126	0.007
Lisvane and Thornhill	W01001778	687	0	0.0%	38	6	0.055	0.009
Llandaff	W01001779	664	0	0.0%	63	8	0.095	0.012
Llandaff	W01001780	606	0	0.0%	150	8	0.248	0.013
Llandaff	W01001781	825	0	0.0%	163	10	0.198	0.012
Llandaff	W01001782	586	0	0.0%	51	2	0.087	0.003
Llandaff	W01001783	502	0	0.0%	62	6	0.124	0.012
Llandaff	W01001784	575	0	0.0%	26	8	0.045	0.014
Llandaff North	W01001785	483	0	0.0%	172	41	0.356	0.085
Llandaff North	W01001786	624	0	0.0%	143	24	0.229	0.038
Llandaff North	W01001787	539	0	0.0%	100	8	0.186	0.015
Llandaff North	W01001788	627	0	0.0%	253	52	0.404	0.083
Llandaff North	W01001789	724	0	0.0%	231	20	0.319	0.028
Llandaff North	W01001790	483	0	0.0%	74	5	0.153	0.010
Llanishen	W01001791	854	0	0.0%	321	41	0.376	0.048
Llanishen	W01001792	686	0	0.0%	200	21	0.292	0.031
Llanishen	W01001793	568	0	0.0%	26	1	0.046	0.002
Llanishen	W01001794	612	0	0.0%	37	3	0.060	0.005
Llanishen	W01001795	656	0	0.0%	32	4	0.049	0.006
Llanishen	W01001796	644	0	0.0%	59	2	0.092	0.003
Llanishen	W01001797	603	1	0.2%	65	6	0.108	0.010
Llanishen	W01001798	652	0	0.0%	55	6	0.084	0.009
Llanishen	W01001799	519	0	0.0%	39	6	0.075	0.012
Llanishen	W01001800	640	0	0.0%	124	11	0.194	0.017
Llanrumney	W01001802	742	0	0.0%	373	42	0.503	0.057
Llanrumney	W01001803	700	0	0.0%	197	62	0.281	0.089
Llanrumney	W01001804	627	0	0.0%	160	32	0.255	0.051
Llanrumney	W01001805	669	0	0.0%	190	19	0.284	0.028
Llanrumney	W01001806	811	0	0.0%	221	16	0.273	0.020
Llanrumney	W01001807	620	0	0.0%	147	7	0.237	0.011
Llanrumney	W01001808	638	0	0.0%	241	26	0.378	0.041
Pentwyn	W01001809	532	0	0.0%	57	5	0.107	0.009

Pentwyn	W01001810	634	0	0.0%	183	28	0.289	0.044
Pentwyn	W01001811	548	0	0.0%	424	49	0.774	0.089
Pentwyn	W01001812	481	0	0.0%	124	8	0.258	0.017
Pentwyn	W01001813	785	0	0.0%	241	32	0.307	0.041
Pentwyn	W01001814	687	0	0.0%	115	13	0.167	0.019
Pentwyn	W01001815	542	0	0.0%	68	7	0.125	0.013
Pentwyn	W01001816	1100	0	0.0%	285	25	0.259	0.023
Pentwyn	W01001817	583	0	0.0%	61	9	0.105	0.015
Pentwyn	W01001818	622	0	0.0%	101	13	0.162	0.021
Pentyrch and St Fagans	W01001819	965	0	0.0%	121	23	0.125	0.024
Pentyrch and St Fagans	W01001820	518	0	0.0%	73	10	0.141	0.019
Penylan	W01001821	552	0	0.0%	101	20	0.183	0.036
Penylan	W01001822	808	0	0.0%	350	41	0.433	0.051
Penylan	W01001823	514	0	0.0%	60	5	0.117	0.010
Penylan	W01001824	724	9	1.2%	133	31	0.184	0.043
Penylan	W01001825	870	3	0.3%	593	54	0.682	0.062
Penylan	W01001826	546	1	0.2%	94	5	0.172	0.009
Penylan	W01001827	632	0	0.0%	90	21	0.142	0.033
Penylan	W01001828	632	0	0.0%	110	11	0.174	0.017
Plasnewydd	W01001829	720	117	16.3%	131	19	0.182	0.026
Plasnewydd	W01001830	886	46	5.2%	207	20	0.234	0.023
Plasnewydd	W01001831	656	68	10.4%	404	85	0.616	0.130
Plasnewydd	W01001832	806	117	14.5%	193	22	0.239	0.027
Plasnewydd	W01001833	698	14	2.0%	219	38	0.314	0.054
Plasnewydd	W01001834	714	67	9.4%	255	26	0.357	0.036
Plasnewydd	W01001835	979	25	2.6%	592	82	0.605	0.084
Plasnewydd	W01001836	525	34	6.5%	183	26	0.349	0.050
Plasnewydd	W01001837	513	102	19.9%	338	34	0.659	0.066
Plasnewydd	W01001838	623	91	14.6%	209	26	0.335	0.042
Plasnewydd	W01001839	604	105	17.4%	109	14	0.180	0.023
Pontprennau and Old St Mellons	W01001840	883	0	0.0%	165	15	0.187	0.017
Pontprennau and Old St Mellons	W01001841	747	0	0.0%	67	11	0.090	0.015
Pontprennau and Old St Mellons	W01001842	728	0	0.0%	200	25	0.275	0.034
Pontprennau and Old St Mellons	W01001844	850	0	0.0%	149	16	0.175	0.019

Pontprennau and Old St Mellons	W01001846	653	0	0.0%	73	3	0.112	0.005
Radyr	W01001847	638	0	0.0%	31	1	0.049	0.002
Rhiwbina	W01001848	604	0	0.0%	60	5	0.099	0.008
Rhiwbina	W01001849	644	0	0.0%	39	5	0.061	0.008
Rhiwbina	W01001850	786	0	0.0%	50	1	0.064	0.001
Rhiwbina	W01001851	710	0	0.0%	129	22	0.182	0.031
Rhiwbina	W01001852	738	0	0.0%	52	9	0.070	0.012
Rhiwbina	W01001853	757	0	0.0%	62	2	0.082	0.003
Rhiwbina	W01001854	796	0	0.0%	55	14	0.069	0.018
Riverside	W01001855	669	2	0.3%	170	19	0.254	0.028
Riverside	W01001856	683	4	0.6%	627	94	0.918	0.138
Riverside	W01001857	905	0	0.0%	473	64	0.523	0.071
Riverside	W01001858	854	1	0.1%	267	15	0.313	0.018
Riverside	W01001859	775	1	0.1%	70	13	0.090	0.017
Riverside	W01001860	777	2	0.3%	188	8	0.242	0.010
Riverside	W01001861	750	2	0.3%	546	54	0.728	0.072
Riverside	W01001862	757	9	1.2%	425	45	0.561	0.059
Rumney	W01001863	643	0	0.0%	114	4	0.177	0.006
Rumney	W01001864	630	0	0.0%	93	4	0.148	0.006
Rumney	W01001865	520	0	0.0%	123	11	0.237	0.021
Rumney	W01001866	662	0	0.0%	218	22	0.329	0.033
Rumney	W01001867	547	0	0.0%	167	13	0.305	0.024
Rumney	W01001868	599	0	0.0%	138	11	0.230	0.018
Splott	W01001869	619	0	0.0%	143	25	0.231	0.040
Splott	W01001870	634	0	0.0%	82	9	0.129	0.014
Splott	W01001871	687	0	0.0%	272	48	0.396	0.070
Splott	W01001872	697	2	0.3%	130	9	0.187	0.013
Splott	W01001873	799	1	0.1%	426	61	0.533	0.076
Splott	W01001874	746	0	0.0%	539	84	0.723	0.113
Splott	W01001876	652	0	0.0%	277	48	0.425	0.074
Trowbridge	W01001877	816	0	0.0%	99	10	0.121	0.012
Trowbridge	W01001878	623	0	0.0%	210	14	0.337	0.022
Trowbridge	W01001879	798	0	0.0%	266	36	0.333	0.045
Trowbridge	W01001880	611	0	0.0%	222	17	0.363	0.028
Trowbridge	W01001881	656	0	0.0%	220	14	0.335	0.021
Trowbridge	W01001882	756	0	0.0%	116	14	0.153	0.019
Trowbridge	W01001883	698	0	0.0%	241	27	0.345	0.039
Trowbridge	W01001884	524	0	0.0%	152	18	0.290	0.034

Trowbridge	W01001885	998	0	0.0%	333	42	0.334	0.042
Trowbridge	W01001886	532	0	0.0%	211	14	0.397	0.026
Whitchurch and Tongwynlais	W01001887	616	0	0.0%	33	3	0.054	0.005
Whitchurch and Tongwynlais	W01001888	687	0	0.0%	89	11	0.130	0.016
Whitchurch and Tongwynlais	W01001889	700	0	0.0%	103	6	0.147	0.009
Whitchurch and Tongwynlais	W01001890	604	0	0.0%	57	5	0.094	0.008
Whitchurch and Tongwynlais	W01001891	733	0	0.0%	224	4	0.306	0.005
Whitchurch and Tongwynlais	W01001892	600	0	0.0%	64	9	0.107	0.015
Whitchurch and Tongwynlais	W01001893	803	0	0.0%	155	11	0.193	0.014
Whitchurch and Tongwynlais	W01001894	645	0	0.0%	96	8	0.149	0.012
Whitchurch and Tongwynlais	W01001895	837	0	0.0%	304	31	0.363	0.037
Whitchurch and Tongwynlais	W01001896	606	0	0.0%	54	2	0.089	0.003
Cathays	W01001922	407	96	23.6%	338	22	0.830	0.054
Butetown	W01001940	670	0	0.0%	155	22	0.231	0.033
Butetown	W01001942	775	0	0.0%	597	97	0.770	0.125
Butetown	W01001943	647	0	0.0%	800	169	1.236	0.261
Butetown	W01001944	626	0	0.0%	160	21	0.256	0.034
Butetown	W01001946	667	0	0.0%	162	30	0.243	0.045
Butetown	W01001947	948	0	0.0%	692	51	0.730	0.054
Butetown	W01001948	890	0	0.0%	104	12	0.117	0.013
Butetown	W01001949	682	0	0.0%	94	19	0.138	0.028
Butetown	W01001950	595	0	0.0%	38	2	0.064	0.003
Butetown	W01001951	500	0	0.0%	428	32	0.856	0.064
Butetown	W01001952	644	0	0.0%	938	177	1.457	0.275
Llanishen	W01001953	634	0	0.0%	194	13	0.306	0.021
Llanishen	W01001954	640	0	0.0%	56	5	0.088	0.008
Pontprennau and Old St Mellons	W01002016	537	0	0.0%	54	5	0.101	0.009

Pontprennau and Old St Mellons	W01002017	597	0	0.0%	61	7	0.102	0.012
Pontprennau and Old St Mellons	W01002018	565	0	0.0%	84	5	0.149	0.009
Cathays	W01002019	1149	3	0.3%	3721	363	3.238	0.316
Cathays	W01002020	622	0	0.0%	88	14	0.141	0.023
Cathays	W01002021	651	0	0.0%	210	12	0.323	0.018
Canton	W01002022	555	0	0.0%	72	13	0.130	0.023
Canton	W01002023	686	0	0.0%	80	3	0.117	0.004
Grangetown	W01002024	701	0	0.0%	0	0	0.000	0.000
Grangetown	W01002025	626	0	0.0%	43	4	0.069	0.006

Appendix F

Planning Appeals and Decisions

Cardiff			
Appeals	Appeal Ref	Site address	Date
1	APP/Z6815/A/12/2172867	103 Harriet Street, Cardiff, CF24 4BX	16/07/2012
2	APP/Z6815/A/12/2184354	45 Merthyr Street, Cardiff, CF24 4JL	08/01/2013
3	APP/Z6815/A/14/2213154	2 May Street, Cardiff, CF24 4EW	06/06/2014
4	APP/Z6815/A/15/3005604	52 Colum Road, Cardiff, CF10 3EH	21/05/2015
5	APP/Z6815/A/15/3028924	72, Flora Street, Cardiff, CF24 4EQ	07/08/2015
6	APP/Z6815/A/15/3138232	31 Coburn Street, Cathays, Cardiff, CF24 4BQ	07/04/2016
7	APP/Z6815/A/16/3143308	26 Wyeverne Road, Cardiff CF24 4BH	03/06/2016
8	APP/Z6815/A/16/3143310	34 Wyeverne Road, Cardiff CF24 4BH	03/06/2016
9	APP/Z6815/A/15/3140589	16 Rhymney Terrace, Cardiff CF24 4DE	22/06/2016
10	APP/Z6815/A/17/3169335	36 Wyeverne Road, Cardiff CF24 4BH	25/05/2017
11	APP/Z6815/A/17/3180663	14 Llandough Street, Cardiff CF24 4AW	14/11/2017
12	APP/Z6815/A/17/3184168	117 Richmond Road, Cardiff CF24 3BS	29/11/2017
13	APP/Z6815/A/17/3190232	74 Daniel Street, Cathays, Cardiff CF24 4NY	27/02/2018
14	APP/Z6815/A/18/3197186	70 Gelligaer Street, Cathays, Cardiff, CF24 4LB	22/06/2018
15	APP/Z6815/A/18/3199180	60 Alfred Street, Roath, Cardiff, CF24 4TZ	02/07/2018
16	APP/Z6815/A/18/3201806	51 Llantrisant Street, Cathays, Cardiff, CF24 4JD	06/09/2018
17	APP/Z6815/A/18/3204169	105 Romilly Road, Cardiff, CF5 1FN	11/09/2018
18	APP/Z6815/A/18/3213113	22 Flora Street, Cardiff CF24 4EP	14/12/2018
19	APP/Z6815/A/18/3211717	59 Cranbrook Street, Cardiff CF24 4AL	14/12/2018
20	APP/Z6815/A/18/3212396	65 Woodville Road, Cardiff, CF24 4FX	27/12/2018
21	APP/Z6815/A/18/3214589	49 May Street, Cardiff CF24 4EX	11/03/2019
22	APP/Z6815/A/18/3218171	138 Miskin Street, Cardiff, CF24 4AS	16/04/2019
23	APP/Z6815/A/20/3262361	48 Coburn Street, Cathays, Cardiff, CF24 4BS	15/02/2021
24	APP/Z6815/A/21/3267077	172 Inverness Place, Roath, Cardiff, CF24 4RX	24/03/2021
25	APP/Z6815/A/21/3268205	23 Summerfield Avenue, Gabalfa, Cardiff, CF14 3QA	30/04/2021
26	APP/Z6815/A/21/3273492	54 Bedford Street, Roath, Cardiff, CF24 3DB	02/07/2021
27	APP/Z6815/A/21/3274153	71 Robert Street, Cathays, Cardiff, CF24 4PD	21/01/2022
28	CAS-01597-M9L4N1	313 Newport Road, Roath, Cardiff CF24 1RJ	21/07/2022
29	CAS-02186-T4X0Y5	76 Maindy Road, Cathays, Cardiff, CF24 4HQ	16/05/2023
30	CAS-02529-M8K9W4	29 Hirwain Street, Cathays, Cardiff CF24 4JG	02/10/2023
31	CAS-02479-M7F4W6	88 Splott Road, Splott, Cardiff, CF24 2DB	03/10/2023

Newport			
Appeals	Appeal Ref	Site address	Date
1	APP/G6935/A/14/2214123	Kardinale House, Ponthir Road, Caerleon, Newport NP18 3NY	29/07/2014
2	APP/G6935/A/17/3168984	12 Llanthewy Road, Newport, NP20 4JR	23/05/2017
3	APP/G6935/A/18/3212158	3 York Place, Newport NP20 4GB	19/12/2018
4	APP/G6935/A/18/3216248	1 Essex Street, Newport, NP19 0EH	08/02/2019
5	APP/G6935/A/19/3219788	5 Eveswell Park Road, Newport NP19 8GS	17/04/2019
6	APP/G6935/A/19/3226311	221 Chepstow Road, Newport, NP19 8GX	18/07/2019
7	APP/G6935/A/19/3226987	66 Argosy Way, Newport, Gwent, Wales NP19 0DH	29/07/2019
8	APP/G6935/A/19/3231977	Baneswell Community Centre, Beaufort Terrace, West Street, Newport, NP20 4DH	17/10/2019
9	APP/G6935/A/19/3233372	Eveswell Surgery, 252-254 Chepstow Road, Newport, NP19 8NL	25/10/2019
10	APP/G6935/A/19/3233724	7 Pugsley Street, Newport, NP20 5JU	28/10/2019
11	APP/G6935/A/19/3237023	27 Maindee Parade, Newport NP19 8FJ	26/11/2019
12	APP/G6935/A/20/3254249	38 Brynderwen Road, Newport NP19 8LQ	28/09/2020
13	APP/G6935/A/20/3255035	12 Caerau Road, Newport, NP20 4HL	09/10/2020
14	APP/G6935/A/20/3256532	56 Fair oak Avenue, Newport, NP19 8FW	22/10/2020
15	APP/G6935/A/20/3260059	100 Caerleon Road, Newport, NP19 7GZ	11/12/2020
16	Decision on App 21/0905	14 St Johns Road, Newport, NP19 8GW	02/02/2022
17	Decision on App 21/0791	10 Clyffard Crescent, Newport, NP20 4GE	24/03/2022
18	Decision on App 22/0867	136 Flat 2, Duckpool Road, Newport, NP19 8FL	10/11/2022
19	CAS-01957-T4T0Q8	11 Coverack Road, Newport NP19 0DS	15/11/2022
20	CAS-01786-S4X0Y7	23 Arundel Road, Newport NP19 8NY	28/11/2022
21	CAS-02491-W1B6R4	1 Collier Street, Newport NP19 7AT	05/09/2023
22	Decision on App 23/0668	10 Clarence Place, Newport, South Wales, NP19 0AE	19/10/2023
23	Decision on App 23/0669	10 Clarence Place, Newport, South Wales, NP19 0AE	27/11/2023

RCT			
Appeals	Appeal Ref	Site address	Date
1	APP/L6940/A/16/3160868	115 Queen Street, Treforest, Pontypridd, CF37 1RW	07/02/2017
2	APP/L6940/A/16/3160167	27 Tower Street, Treforest, Pontypridd CF37 1NR	03/05/2017
3	APP/L6940/A/17/3167486	91 Wood Road, Treforest, Pontypridd CF37 1RJ	12/05/2017
4	APP/L6940/A/17/3173835	27 Brook Street, Treforest, Pontypridd CF37 1TW	09/08/2017
5	APP/L6940/A/17/3173966	21 New Park Terrace, Treforest, Pontypridd CF37 1TH	09/08/2017
6	APP/L6940/A/17/3174499	51 Tower Street, Treforest, Pontypridd, CF37 1NR	01/09/2017
7	APP/L6940/A/16/3160863	2 Oxford Street, Treforest, Pontypridd, CF37 1RU	10/11/2017
8	APP/L6940/A/17/3181494	67A Wood Road, Treforest, Pontypridd CF37 1RH	17/11/2017
9	APP/L6940/A/18/3205294	14 Llantwit Road, Treforest, Pontypridd, CF37 1TR	05/10/2018
10	APP/L6940/A/18/3205466	43 Tower Street, Treforest, Pontypridd, CF37 1NR	08/10/2018
11	APP/L6940/A/18/3213608	76 Queen Street, Treforest, Pontypridd CF37 1RN	14/01/2019
12	APP/L6940/A/18/3214384	53 Kingsland Terrace, Treforest, Pontypridd, CF37 1RX	22/01/2019
13	APP/L6940/A/18/3214282	30 King Street, Treforest, Pontypridd, CF37 1RP	24/01/2019
14	APP/L6940/A/18/3215492	55 King Street, Pontypridd CF37 1RP	14/02/2019
15	APP/L6940/A/19/3220779	3 Stow Hill, Treforest, Pontypridd CF37 1RZ	15/04/2019
16	APP/L6940/A/19/3221746	10 Cambrian Place, Treforest, Pontypridd CF37 1BT	20/05/2019
17	APP/L6940/A/19/3224130	20 - 21 Gelliwastad Road, Pontypridd CF37 2BW	19/06/2019
18	APP/L6940/A/19/3226298	Miskin Surgery, 215 Penrhiwceiber Road, Mountain Ash, CF45 3UN	22/07/2019
19	APP/L6940/X/20/3255268	10 Lewis Street, Treforest, Pontypridd, CF37 1BZ	25/03/2021
20	APP/L6940/A/21/3278355	67 Monk Street, Aberdâr CF44 7PA	05/01/2022
21	CAS-01351-M8F7P9	23 Wood Road, Treforest, Pontypridd, CF37 1RQ	25/05/2022
22	CAS-01418-G9M3C9	Calvary Church, Cliff Terrace, Treforest, Pontypridd, CF37 1RF	30/05/2022

Appendix G

Stakeholder meetings with University of South Wales

1. Two online meetings were attended by employees of the University of South Wales for discussions around HMOs. Both employees roles were related to student accommodation.
2. One of the employees pointed out that they felt there are many students who likely commute from family homes in Newport and the campus in Newport is mostly post graduate students and as such they are mostly commuters. The employee believed that the students for USW based in Cardiff were far more likely to reside in an HMO.
3. Furthermore, the employee voiced concerns surrounding the type of some international students the university is attracting with regards to their families. *“What we are seeing that’s a little bit challenging at the moment is our international students arriving with families, and we haven’t enough for them.” “We are not talking one child of school age or under school age, three or four children ranging in ages, up to teenagers.”*
4. The university is really struggling to cope with demand for family accommodation, *“There is a real challenge at the moment with family accommodation in and around our area... Newport and Pontypridd particularly”.*
5. The employee went on to mention that landlords are looking more to ‘young professionals’ rather than students to fill their HMOs, as such students are getting accommodation further away from campus and then commuting. *“What we are seeing is a lot of those students are then finding accommodation further afield from our campuses, and commuting, which again stretches the parameters of their visa.”*
6. *For those international students who bring families with them, they can present a safeguarding issue for USW as they may find themselves having to stay in “Dubious” hotels.*
7. *It is also important to remember that the demographics of each campus vary and as such so does the percentage of HMOs.*
8. *The employee also sets out that USW works closely with South Wales police for anti-social behaviour issues. However, it should be noted that these behavioural issues are community based and not just the students. The regulations at the university don’t cover these issues they simply don’t have authority, as such the police are in place for appropriate escalation. For USW to be able to take disciplinary action there needs to be a phase of police intervention first. There are some issues with parts of the local community who feel that USW aren’t taking enough responsibility. A consequence of this is the need to engage in community intervention, “Im working with my colleagues across the areas about proactive, early intervention, community building, lets respect our neighbours, those kinds of initiatives, bringing the community closer together so there isn’t this divide. We can operate in the space and indeed we are, we are doing more to be able to bring that community and students together... ..when it comes down to disciplinary it needs police intervention and then escalation to us, and then our disciplinary regulations kick in at that point.”*

9. With the issue of parking, there are complaints from the community regarding the USWs students parking habits, however, the USW employee did not believe this is a university problem, *“Students are parking legitimately because they’ve all got permits. If the council has given too many permits for that street... That’s not a university problem!”*
10. *The interview leads on to discussions surrounding safety buses and changes in behaviours during Covid for students. As well as the transport links in surrounding areas.*
11. *Finally, the employee made clear that they would like to see a Well Being and Safeguarding policy to be written up. “Well-being and safeguarding, I’m all for that to be written into policy. If we have a student, we can’t get hold of, which quite regularly happens for me, they are in the HMO. I want to be able to go to that landlord and say, ‘can we have access, what have you done’? There’s data sharing issues going on here, but if there’s a welfare concern, that tying up both in the prevention and in the response is absolutely where I would want to be going”*
12. The second employee was keen to touch on a view points, namely: Studentification, HMO vs Purpose build homes, USW, Security, Community involvement and the future.
13. In terms of Studentification it was raised that purpose-built student accommodation does change the character of the area *“So we work with Unite and some CRM rooms as well. In Newport we work with student community village.” “In reality, students want to have an option. And also, we have no authority over the pricing point of private providers so not all our students would be able to afford to live in the private sector so a balance of two is essential for the student body.”*
14. Students would prefer to have an option of either purpose built or private rent, *“With the cost of living going up and utilities going up now, in reality the difference in price is probably not as big as it used to be. When you go into a purpose-built building and all your bills are included, whereas if you live in an HMO you have to budget for that yourself and you don’t know what it’s going to be. It’s gone up now, it’s going up again in October, so it’s very much the unknown. From a student from a perspective though I think they like the option, the balance. Years ago, students wanted an HMO because that was seen as the student experience. I think we are getting away from that now.” “Purpose built is secure, they know if anything breaks it’ll get fixed in a certain timeframe – so there are a lot of benefits from choosing purpose built.”*
15. There are certain procedures and initiatives in place to help with the security of the local community and in relation to anti-social behaviour how the University is involving the community. *“We have a local police officer based on our campus. The process in theory is that the local community would be able to report whatever student activity they want to report and the police officer along with – I’ve gone out to a couple myself. But I know they are looking at a more formal approach as well to make sure students aren’t missed. The university will work closely with the community and the police to go into these situations that have been raised and ultimately it will go down to the university student guidelines.”*
16. *“I know that the local community do meet, and they meet with the local police officer that we have on our campus, so it gets fed back. I know we get invited to those meetings but I’m not sure who that falls to in the university, but I know those things do take place.”*

Appendix H

Stakeholder meeting with Landlords

17. An online meeting was set up for landlords of properties within Cardiff and RCT to attend. There were two attendees to discuss the issue of HMOs. Both of the landlords were portfolio landlords.
18. One of the landlords stated that the HMOs in his portfolio are predominantly for professionals but he does have some students let. There is a feeling of frustration from the landlord surrounding Use Class Orders as they reduce flexibility. On top of this there is a growing demand for HMOs this year.
19. There was a belief brought on by promises from the Welsh government that there would be at least six months to prepare for the change in regulations, but this wasn't the case, with changes still being made the day before implementation. The landlord also believes that the regulations are too ambiguous, particularly regarding the quality of homes; the only people who seem to be benefitting in their opinion are the property lawyers.
20. Landlord one went on to criticise RCT's handling of landlords and what they deem as bad landlords, they waste too much time scrutinizing legitimate agents and landlords over minor issues instead of focusing on the genuinely bad landlords. However, they hold the belief that Cardiff is more pragmatic in these instances and that RCT also have a bad situation regarding council tax.
21. It used to be the case that there would be 50-60 properties available at one time, now it only appears to be one or two. This lack of choice contributes to a decrease in quality and an increase in rent prices, they also believe that this is when "cowboy" landlords will arise.
22. RCT also suffers with serious parking issues, the landlord also tells residents to inform him of any anti-social behaviour though he doesn't get many reports. However, they do often get frustrated by the litter and the refuse in Treforest. Also, within Treforest there doesn't appear to be any demand for Air BnBs.
23. Landlord one believes that the high concentration of HMOs comes down to the cost of other properties; people see HMOs that are nice and also cheaper so go for that. In Cardiff they are also just spreading out of Cathays and Plasnewydd. However, the landlord did go on to speak on how much of a headache vulnerable group can be to house: in a meeting of landlords that they attended, not a single landlord said they would run an HMO full of vulnerable tenants. It is better to choose who goes well together in an HMO, as the legal processes associated with problematic tenants can be very difficult.
24. Finally, landlord one stated his views on the existing residents, particularly within Treforest, taking the view that times change, and the residents need to change with them. There is a need and a demand for reasonably priced housing and HMOs fill this gap. They also state that HMOs have driven the development of South Wales, even suggesting that Newport's poor economy could benefit from an increased volume of HMOs.
25. Landlord two did not raise as many points as landlord one, however they did stress their opinion that they don't believe there is a huge use of purpose-built accommodation. They also informed the interviewer that they are in the process of removing HMOs from their portfolio. This is due to the low level of profit they are seeing, as the rent per room needs to be higher to keep up with the costs of the

legislation. They believe that this legislation will drive people away from the market and will cause smaller landlords to break rules.

26. In terms of Air BnBs, landlord two was of the opinion that they will continue to expand, that eventually they will infiltrate every community, and traditional landlords will move over to Air BnBs from HMOs.
27. Finally, landlord two was concerned about the planning process, with planning consent "*grinding to a halt*" recently. They also expressed the view that there are many empty buildings that could be being used to house people, therefore converting them to HMOs is a logical option.

Table of Figures

Figure 1:	Number of students within the UK, 2000-2022.....	38
Figure 2:	Students who obtained university degrees in the UK.	39
Figure 3:	Total New Admissions to University 2017/18 to 2021/22.....	39
Figure 4:	New Admissions by UK and Non-UK 2017/18 to 2021/22.....	40
Figure 5:	Accommodation type of students within the UK 2014-2022	40
Figure 6:	Occupied Bedrooms for students, by private sector halls and provider-maintained property.....	41
Figure 7:	Occupied Bedrooms for students, by private sector halls and provider-maintained property for Cardiff University	41
Figure 8:	Occupied Bedrooms for students, by private sector halls and provider-maintained property for Cardiff Metropolitan University.....	42
Figure 9:	Occupied Bedrooms for students, by private sector halls and provider-maintained property for University of South Wales	42
Figure 10:	Number of households, the number of households privately renting and the number of multi person households by student occupiers and other occupiers in Wales, RCT and certain Wards.....	50
Figure 11:	Number of households, the number of households privately renting and the number of multi person households by student occupiers and other occupiers in Treforest in 2011.....	50
Figure 12:	HMO distribution across Rhondda Cynon Taf County Borough Council.....	51
Figure 13:	General Distribution of HMOs in Treforest	52
Figure 14:	HMO distribution Treforest (Upper).....	53
Figure 15:	HMO distribution Treforest (Mid)	53
Figure 16:	HMO distribution Treforest (Lower).....	54
Figure 17:	HMO Density by Street in RCT.....	55
Figure 18:	Example of the 50m buffer circle used within RCT.....	68
Figure 19:	Number of households privately renting and number of multi-person households by student and other occupiers according to the 2021 census.	73
Figure 20:	Number of households privately renting and number of multi-person households by student and other occupiers according to the 2011 census.	74
Figure 21:	The difference between the 2011 census and the 2021 census for Number of households privately renting and number of multi-person households by student and other occupiers	74
Figure 22:	Wider Newport area with HMOs highlighted.....	75
Figure 23:	Closer view of Central Newport with HMOs highlighted.....	76
Figure 24:	Newport SPG and the HMO boundary.	77
Figure 25:	Newport HMO density by road.	78
Figure 26:	Crimes per household vs percentage of properties that are HMOS in RCT 2022-23. Each blue dot represents one LSOA.	79
Figure 27:	Crimes per household vs percentage of properties that are HMOS in Cardiff 2022-23. Each blue dot represents one LSOA.	80
Figure 28:	Crimes per household vs percentage of properties that are HMOS in Newport 2022-23. Each blue dot represents one LSOA.	80

Figure 29: Incidents of ASB per household vs percentage of properties that are HMOS in Newport 2022-23. Each blue dot represents one LSOA.....	81
Figure 30: Number of parking spaces required per Type of Development.....	96
Figure 31: HMO boundary for Newport.....	98
Figure 32: Number of households privately renting and number of multi-person households by student and other occupiers according to the 2021 census by Country/Local Authority and Ward in Cardiff.....	106
Figure 33: Number of households privately renting and number of multi-person households by student and other occupiers according to the 2011 census by Country/Local Authority and Ward in Cardiff.....	107
Figure 34: The difference between the 2021 and 2011 census for number of households privately renting and number of multi-person households by student and other occupiers according to the 2021 census by Country/Local Authority and Ward in Cardiff.....	108
Figure 35: View of the wider Cardiff area illustrating distribution of HMOs.....	109
Figure 36: Cardiff centre with an illustration of HMOs.....	110
Figure 37: Location of HMOs within the ward of Cathays.....	111
Figure 38: Location of HMOs northern section Cathays.....	112
Figure 39: Location of HMOs southern section Cathays.....	112
Figure 40: Location of HMOs within the ward of Plasnewydd.....	113
Figure 41: Location of HMOs northern section Plasnewydd.....	114
Figure 42: Location of HMOs southern section Plasnewydd.....	114
Figure 43: Location of Mandatory Licensed HMOs in Gabalfa.....	115
Figure 44: HMO density by street in Cardiff.....	116
Figure 45: An example of the 50m HMO threshold in Cardiff with many HMO properties.....	135
Figure 46: An example of the 50m HMO threshold in Cardiff, with only one HMO property.....	136
Figure 47: The 50m HMO threshold policy in Swansea illustrating the method of measurement from the centre of the frontage.....	145
Figure 48: HMO cluster illustration – taken from paragraph A6.7 of Appendix 6 LAPP – Note: the colours appear to be reversed.....	157
Figure 49: Overall distribution of Output Areas with significant concentrations – paragraph A6.7 of Appendix 6 LAPP.....	158
Figure 50: Concentration thresholds in a sample of other English authorities.....	160