

Subject:	Boundary amendment to the article 4 direction on Houses in Multiple Occupation		
Date of Meeting:	19 April 2012		
Report of:	Strategic Director, Place		
Lead Cabinet Member:	Cabinet Member for Planning, Employment, Economy & Regeneration		
Contact Officer:	Name:	Hamish Walke	Tel: 29-2382
	Email:	hamish.walke@brighton-hove.gov.uk	
Key Decision:	No	Forward Plan No:	
Ward(s) affected:	Hollingdean and Stanmer and Moulsecoomb and Bevendean		

FOR GENERAL RELEASE/ EXEMPTIONS**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The report asks Cabinet to note the amendment made to the boundary of the area covered by the previously agreed article 4 direction to remove permitted development rights for changes of use from dwellinghouses (use class C3) to small Houses in Multiple Occupation (use class C4). The amended boundary excludes land within the South Downs National Park and is shown on the map in Appendix 1.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet notes the amendment to the boundary of the area to be covered by the article 4 direction agreed at the Cabinet meeting on 15 March 2012. The amendment excludes land within the South Downs National Park.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 At the Cabinet meeting on 15 March 2012 it was agreed to make an article 4 direction to remove permitted development rights for changes of use from a dwellinghouse (use class C3) to a small House in Multiple Occupation (use class C4). The article 4 direction was proposed to cover five wards within the city. These wards are Hanover and Elm Grove, Hollingdean and Stanmer, Moulsecoomb and Bevendean, Queen's Park and St Peter's and North Laine.
- 3.2 Parts of Moulsecoomb and Bevendean and Hollingdean and Stanmer electoral wards lie within the South Downs National Park ("the SDNP"). The South Downs National Park Authority is the Local Planning Authority for those areas. Brighton and Hove City Council does not have powers under planning legislation to make an article 4 direction on land within the National Park and, accordingly, the plan to be attached to the Article 4 Direction must exclude land within the SDNP.

- 3.3 The National Park's Core Strategy will be the document setting out planning policy for the parts of those two wards that lie within the National Park. Any policy on Houses in Multiple Occupation within Brighton and Hove City Council's forthcoming City Plan would not cover land within the National Park.
- 3.4 Since the National Park was set up, Brighton and Hove City Council had an agency arrangement under which we have determined planning applications on behalf of the National Park Authority. It has been agreed that this arrangement will cease in the near future.
- 3.5 The public consultation authorised by Cabinet is about to commence and it was therefore considered expedient to use the Council's urgency procedure to allow the Head of Planning and Public Protection to authorise the amendment to the plan, following consultation with the Leader, to enable the consultation to proceed. The plan has now been redrawn with the effect that the article 4 direction area covers the five wards as previously agreed, but excludes the National Park land within Hollingdean and Stanmer and Moulsecoomb and Bevendean wards.
- 3.6 This change would have little or no impact upon the effectiveness of the article 4 direction. There are few dwellings within this part of the National Park (primarily those within Stanmer Village).

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Public consultation will be carried out in accordance with the legislation as set out in the Cabinet report of 15 March 2012.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications arising from the amendment to the boundary as recommended.

Finance Officer Consulted: Karen Brookshaw Date: 28/3/12

Legal Implications:

- 5.2 Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) allows local planning authorities to make Directions withdrawing permitted development rights where the authority considers it expedient that development should not be carried out unless express planning permission has been obtained for the same. Insofar as the Council is not the local planning authority for land within the SDNP, and is not authorised to act as agent on behalf of the South Downs National Park Authority in connection with Article 4 Directions, the Direction, the subject of this Report, must be amended to exclude land within the SDNP area.
- 5.3 Part A 7.2 paragraph 7(2) of the Constitution provides an urgency procedure for officer authorisation where it is not reasonably practicable to obtain Member approval prior to a decision being made. Any action taken using the urgency procedure must be reported to the appropriate Member Meeting.

5.4 No adverse human rights implications are considered to arise from the Report.

Lawyer Consulted:

Hilary Woodward

Date: 27/03/12

Equalities Implications:

5.3 None arising from the boundary change.

Sustainability Implications:

5.4 None arising from the boundary change.

Crime & Disorder Implications:

5.5 None arising from the boundary change.

Risk and Opportunity Management Implications:

5.6 None arising from the boundary change.

Public Health Implications:

5.7 None arising from the boundary change.

Corporate / Citywide Implications:

5.8 A policy on student housing/Houses in Multiple Occupation will be included within the forthcoming City Plan. This policy would set out the framework by which any planning applications arising from an article 4 direction would be assessed. The policy would only apply within the amended boundary of the article 4 direction.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 None.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 To ensure that the boundary of the article 4 direction area reflects the geographical area over which Brighton and Hove City Council is the Local Planning Authority.

SUPPORTING DOCUMENTATION

Appendices:

1. Amended article 4 direction map

Documents in Members' Rooms

None

Background Documents

1. Guidance Note on planning legislation for Houses in Multiple Occupation (http://www.brighton-hove.gov.uk/downloads/bhcc/Website_HMO_guidance_-_October_2010.pdf)
2. Student Housing Options Paper – October 2011 (http://www.brighton-hove.gov.uk/downloads/bhcc/planning_strategy/City_Plan_Student_Housing_Option_Paper.pdf)
3. Student Housing and Houses in Multiple Occupation Concentration Assessment – December 2011 (http://www.brighton-hove.gov.uk/downloads/bhcc/ldf/Student_Hsg_Study-Draft_for_CMM_with_maps_12-01-12.pdf)
4. Student Housing Strategy 2009-2014 (http://www.brighton-hove.gov.uk/downloads/bhcc/Brighton_and_Hove_Student_Housing_Strategy_Jan_2010.pdf)

APPENDIX 1 – Amended article 4 direction map

