

Case for an Immediate Article 4 Direction in Sefton Borough -

C3 (dwellinghouses) to C4 (Houses in Multiple Occupation)

An Article 4 Direction (A4D) is a planning tool used by local authorities to remove certain permitted development rights, which typically allow for minor alterations or changes of use without needing planning permission.

The Council are issuing an Immediate Article 4 Direction in Sefton as follows:

Change of use from a use falling within Class C3 (dwellinghouse) of the Schedule to Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C4 (Houses in Multiple Occupation), being development comprised with Class L of Part 3 of Schedule 2 to the said Order and not being development comprised with any other Class.

Policy background

In April 2010, the Government introduced a new Use Class C4 (C4) to the Use Classes Order, relating to Houses of Multiple Occupation (HMOs) covering small, shared houses or flats; defined as being occupied by 3 to 6 unrelated individuals who share basic amenities.

In October 2010, the Government then introduced legislation, under ‘permitted development rights’ to allow the change of use of a dwellinghouse to a C4 use without the need to apply for planning permission. This legislation was The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010, which has since been both amended and then superseded by orders in 2013 and 2015. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or GPDO for short, now takes precedent, and gives permission to conduct certain works under ‘permitted development rights’, subject to certain conditions.

The GPDO (2015) (Part 3, Class L, (part b)) grants permitted development rights to allow the conversion from a use falling within Use Class C3 (dwellinghouses) to a use falling within Class C4 (houses in multiple occupation). (Conversely, Part (a) allows the change of use from C4 (HMO) to C3 (dwellinghouses).) In both cases, this relates only to dwellinghouses of not more than 6 residents.

Proposals for houses of multiple occupation containing 7 or more residents already require planning permission to be sought.

In usual circumstances, the conversion of a dwellinghouse to a HMO, for 3 to 6 persons, does not therefore require planning permission to be sought. However, the Government recognise that sometimes local circumstances will mean that greater control needs to be given to local powers to manage such types of development. Consequently, Article 4



of the GPDO (2015) allows Local Planning Authorities (LPAs) to remove permitted development rights from specified areas under their management, thereby requiring applicants to apply for planning permission and enabling the LPA the opportunity to consider a proposal in more detail. These are called Article 4 Directions.

Paragraph 54 of the National Planning Policy Framework (The Framework) sets out that Article 4 Directions can only be used under the following circumstances:

54. The use of Article 4 directions to remove national permitted development rights should: a) where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre) b) in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities) c) in all cases, be based on robust evidence, and apply to the smallest geographical area possible.

Part a) does not apply as the proposal is from a residential use.

Parts b) and c) do apply and the case for the article 4 is considered to meet these requirements as set out below.

Background

Sefton borough is a mixed borough extending from the Mersey Estuary in the south to the Ribble estuary in the north. The south end of the borough, Bootle, Netherton, Waterloo and Crosby all have their own distinct identities and character but also in practice form the northern end of the Liverpool Conurbation. Bootle contains much of the borough's industry.

To the east is the town of Maghull, the villages of Lydiate, Aintree, Sefton and Melling, each with their own character.

The centre of Sefton includes the towns of Formby and Hightown, and the villages of Ince Blundell, Little Crosby, Lunt and Homer Green. This area is predominantly rural with large areas of farmland as well as the coastal beaches.

To the north of Sefton is the tourist resort of Southport which collectively with Ainsdale, Churchtown and Birkdale forms the largest settlement in the borough.

Housing in Multiple Occupation (HMOs) are shared accommodation where the residents share at least one amenity. They typically consist of single room bedsits with a shared kitchen and lounge and sometimes shared bathrooms. HMOs are versatile



accommodation that are typically used by single person households as they are relatively cheap to rent compared with self-contained flats and dwellinghouses.

The Council has a “[Conversions to HMOs and Flats Supplementary Planning Document](#)”. The SPD sets out standards to make HMOs high-quality and avoid damaging the character of an area or impacting negatively upon the amenity of neighbouring properties or on the living conditions of future occupiers.

The borough has over the years attracted an increasing number of conversions to HMOs. The reasons why vary due to the diverse nature of the borough.

HMOs were at first mostly in and near to the centres of the larger settlements of Bootle, Southport and Waterloo. It was recognised that proliferation in the numbers of HMOs was starting to impact upon those communities. The Sefton Local Plan (2017) reflected that there were growing issues with HMOs and policy HC4 ‘House extensions, Houses in multiple occupation and flats’, set out a policy basis for assessing applications, in order to protect the amenity and living conditions of future occupants, neighbours and protect the character of the area.

However, it was become increasingly clear that there were a growing number of C4 HMOs in those areas, and these were starting to cause issues. To address these issues, an article 4 direction was first put into place in 2018. This covered parts of central Southport, Waterloo, Seaforth and parts of Bootle. To accompany the Article 4 direction a HMOs and Flats SPD was published to ensure that HMOs were both of an adequate quality for future residents and that the character and living conditions of the wider areas were not adversely impacted by an over-proliferation of HMOs. The Article 4 direction has been successful in improving the standard of HMOs in the areas they cover and have had some success in preventing an over-proliferation of HMOs.

More recently, interest in HMOs in Aintree village and the impact that inappropriate conversions could have upon a family community, resulted in an article 4 direction being issued in Aintree village.

It has now become apparent that the issues evident with the lack of control and oversight of conversions to HMOs in these areas are just as applicable to other parts of Sefton. In recent months there have been a number of HMOs opening in Sefton (outside the direction areas) and this has caused issues and tensions within the local communities.

The distribution of approved HMOs within Sefton can be seen in Appendix A.

However this may not take into account all HMOs within Sefton. The Sefton Local Authority Housing Statistics return 2024/25 provided the following statistics on HMOs within Sefton:

	Number of HMO in Sefton
Estimate of the total number of HMOs	500
Estimate of mandatory Licensable HMOs	250
Actual number of properties with mandatory HMO licences	185

It should be noted that records do not exist for some HMOs because they, may not need a License or Planning Permission and some HMOs that exist, are not picked up through the records because they are unauthorised.

Sefton Council have reached the point where it is considered that an article 4 direction covering the rest of the borough is needed. The reasons for the Article 4 direction can be summarised as follows:

- Preponderance of house types in the borough that would lend themselves to conversions to small HMOs under the permitted development rights.
- Potential loss of family housing to HMOs in area that is in high demand for local families.
- Undermining the Council achieving its housing mix policies
- Area dominated by families and family housing that could conflict with smaller housing accommodation that would attract a transient population.
- Well established communities that could be troubled if the character of the area is allowed to change without having opportunity to comment on proposals.
- High car ownership levels that cause existing issues with on street parking which could be exacerbated by increasing density of homes.
- Many parts of Sefton less accessible than other areas and have fewer services and facilities found in larger towns such as Bootle and Southport
- Having an Article 4 Direction in place in only parts of the borough could direct HMO conversions to other parts of the borough if they can be done under permitted development rights.
- Local environmental issues (such as problems with refuse storage and noise) that would be introduced by increasing the local population by the conversion of too many HMOs.

The Character of the Sefton



Sefton is hugely varied in physical character and demographics and has a large variety of housing stock.

Unplanned HMOs can also have an adverse impact the streetscape and character of the area. Aintree typically has front gardens with driveways. It is common with unplanned HMO conversions across the country for front gardens to be removed and replaced with the whole of the frontage of properties being covered by car parking. If a number of these happen in a street, it starts to alter the character and appearance of an area and give a harder more urban feel rather than a softer suburban village feel. It is accepted that conversions of front gardens into driveways can happen anyway, as has happened in some cases in Aintree, but they tend to be more prevalent with conversions to HMOs due to the need for more car parking where there are multiple, unrelated residents in one household.

Many parts of the borough outside of the centres of Bootle, and Southport are typified by family housing of 3 or more bedrooms. The borough has overall 68.9% of its housing stock as properties of 3 or more bedrooms. This is greater than the northwest average of 63% and a national average of 61.1%. When the fact that a higher proportion of housing in Seaforth and Bootle are two-bedroom terraced properties, the numbers of 3+ bedroom properties in the rest of the borough are likely to be higher than the average stated above. These larger properties might be more attractive for use as houses in multiple occupation due to the number of rooms. They are often of a size that may fall into the smaller HMO category (C4 use class) for no more than six residents that do not require planning permission.

Within both Sefton and the wider Liverpool city region, single young adults, often the typical occupants of HMOs, tend to live in and around the centres of Liverpool, Bootle and Southport. However, within Sefton, the function of the rest of Sefton's communities are typified by family housing as illustrated above with the house sizes. Much of Southport (outside the older central areas), Ainsdale, Formby, Hightown, Crosby, Thornton, Netherton, Maghull and Melling are all on the whole characterised this way. These communities tend to consist of older people (of which Sefton has a high proportion), and families. These communities tend to be very stable communities with a low turnover in occupants of housing stock.

HMOs tend to have more transient, short-term occupants. The properties will also be used more intensively than a single family home, with more "comings" and "goings" and often at antisocial hours. This can have an impact upon the character and peace of a neighbourhood. Significant concern has been expressed by Sefton residents over some recent HMOs and there has been a lot of people writing to the Council articulating their worries and that they are unsettled by changes to their communities. There have also been some public disturbances relating to them as well due to concerns about some of



the potential residents. These concerns have included requesting that the Council introduce Article 4 directions on HMOs in these communities. Introducing an article 4 direction would mean that C4 smaller HMOs would require planning permission and would therefore mean that people had the opportunity to comment on applications on how they think it may impact their communities. This may also help avoid future disturbances and help keep both existing residents and future residents of HMOs safe.

The existing article 4 directions have helped the Council monitor and manage HMOs in these areas, but there is some emerging evidence that HMOs are being displaced to areas outside the existing article 4 directions areas.

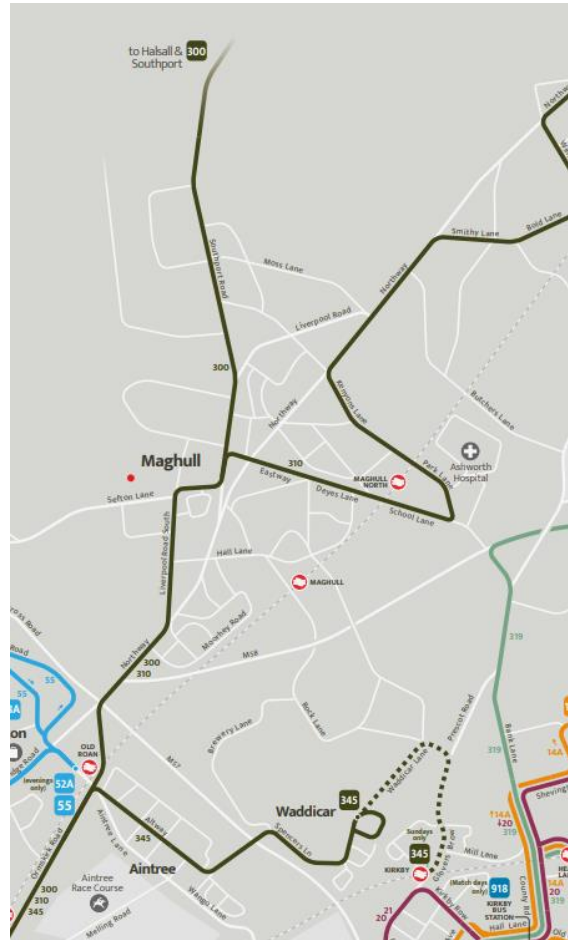
Sefton has a shortage of family and affordable homes in the borough, with the new Government housing figure doubling the Borough's previous housing requirement. Therefore, the Council need to manage and limit the loss of family housing and needs the ability to do this.

Due to declining birth rates, there are likely to be pressures on a number of schools due to fewer numbers of children coming through to take places. A loss of family housing will weaken the Council's ability to attract and retain families in the area. Having control over where HMOs are developed in the borough will again help these issues in local services to be considered.

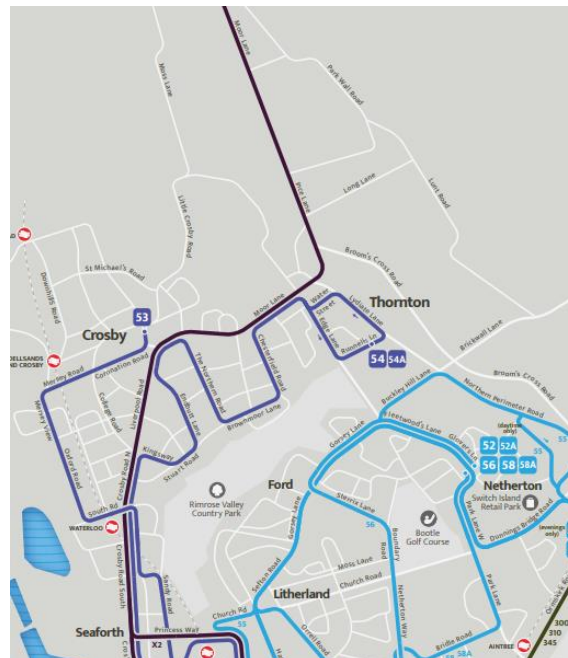
Accessibility

Much of Sefton covered by existing article 4 directions have good access to main public transport links, employment opportunities, shops, and services.

The rest of the borough is typified by some areas that are close to railway stations and bus routes that provide good accessibility. However, outside of these areas there are large communities with limited access to public transport. HMOs residents typically have far lower car ownership and so accessibility to public transport is important. The figures below show Merseytravel bus routes and railway stations across the borough. They show that large residential areas do not have access to frequent public transport services.



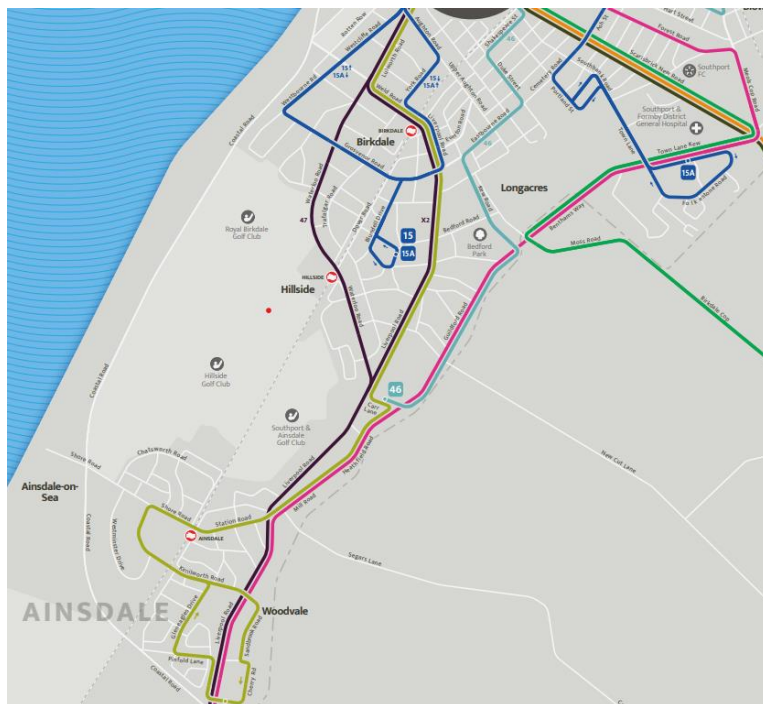
Bus Network in East Sefton (Merseytravel maps) [Merseytravel Bus Routes](#)



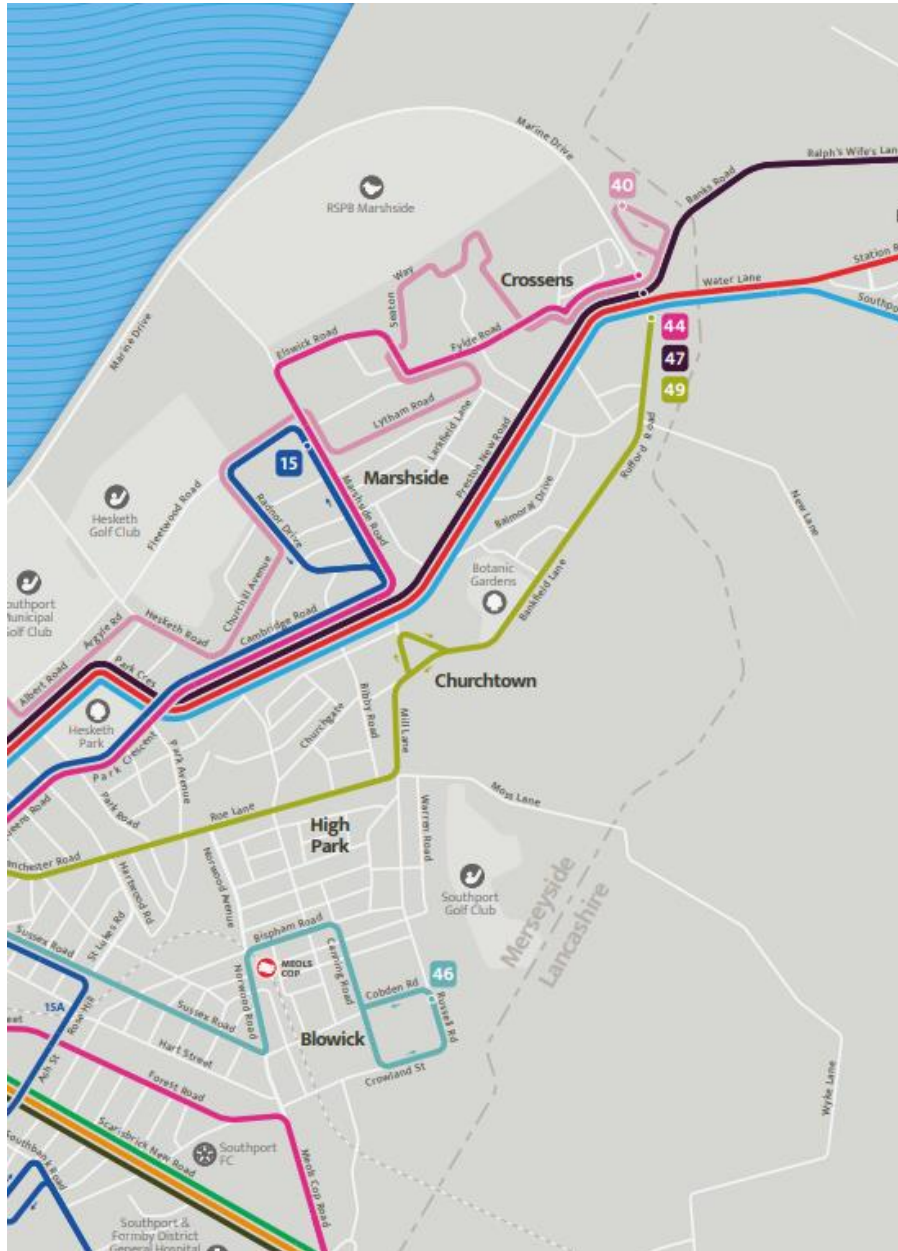
Bus network around Crosby and Netherton (Merseytravel maps)



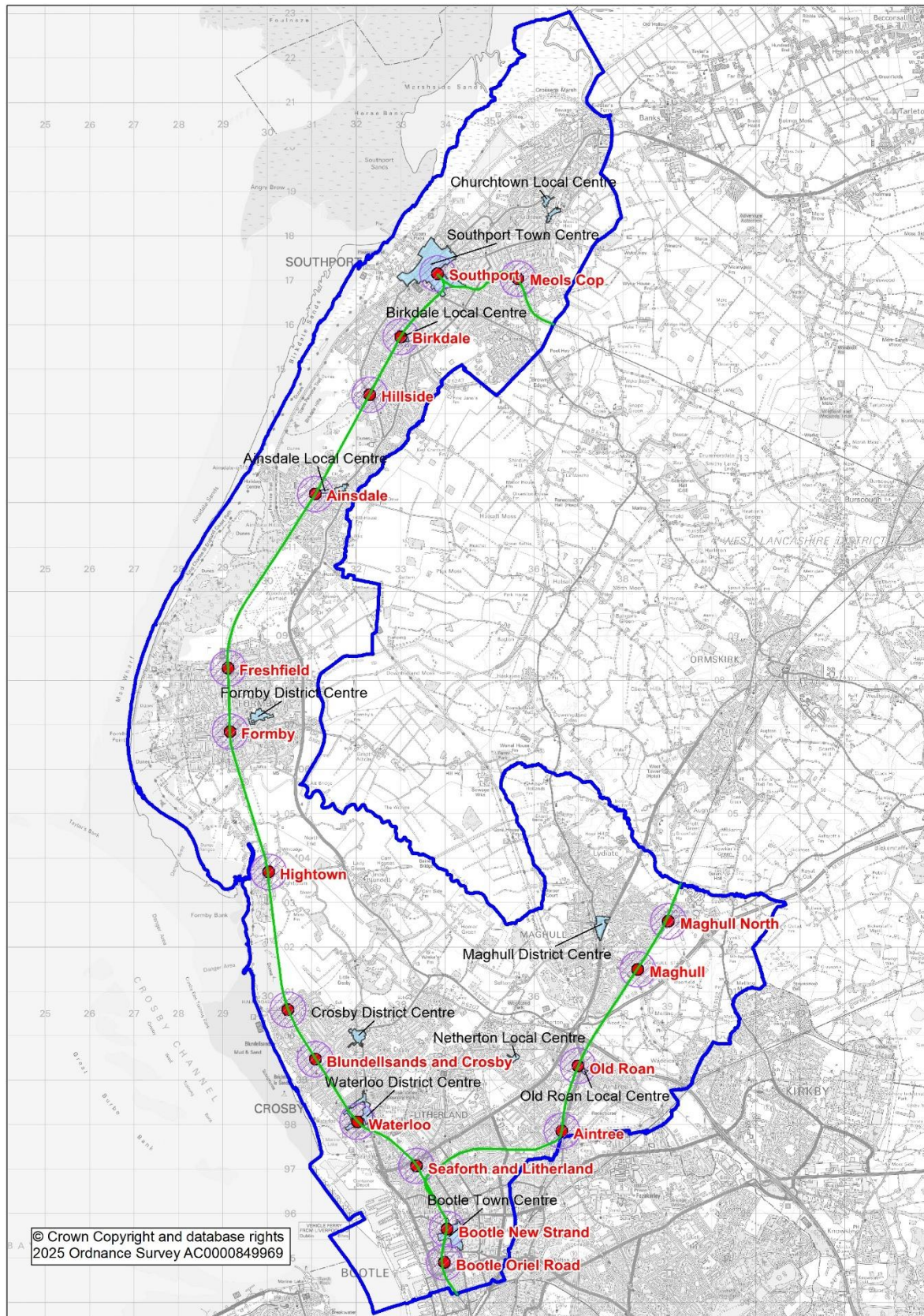
Formby bus network (Merseytravel maps)



South Southport and Ainsdale bus network (Merseytravel maps)



North Southport and Churchtown bus network (Merseytravel maps)



The Merseyrail network in Sefton (including town centres)



Other issues

HMOs can cause environmental issues. These can include refuse and waste. HMOs often need more bins to cope with the increased number of occupants. Having an adequate amount of space for bin storage is essential or it can be unsightly and even worse, can undermine public health and the appearance and character of an area. The SPD sets out standards for bin storage and having an article 4 direction will help ensure these are managed correctly.

Noise and disturbance can be a real issue with HMOs, especially where there is a proliferation of HMOs.

Role of an Article 4 direction in managing HMOs in Sefton

Given the concern of residents and current interest from developers, it is considered that an immediate article 4 direction is required rather than non-immediate one that would take one year to come into force.

The Article 4 direction would allow the Council to consider planning applications on their merit and assess any future HMO against the criteria set out in the SPD.

Importantly, the Article 4 Direction is not intended to prevent HMOs, but to ensure they are high quality, properly managed and in the right location. This would mean that HMOs are only approved where they will not harm the character of the neighbourhood in which they are proposed. An Article 4 Direction would also allow the Council to adequately assess the impact of any schemes upon the amenity of existing residents and also that they would provide adequate living conditions of future occupants of the HMO. By introducing an article 4 direction, it would also mean that local residents would get an opportunity to comment on any future planning application in their area and allow an informed decision.

Geographical Scope

The area covered by the Article 4 direction is the area set out below. The whole borough, (minus the parts already covered by article 4 directions), is considered to be appropriate for the reasons set out above.

Whilst the most desirable properties for conversions might be in the towns and larger villages, it is not considered appropriate to exclude the smaller villages and rural areas because occupants of HMOs often have lower car ownership per adult and as such are more reliant on good access to public transport and local jobs and services. Also, if we left some areas outside the Article 4 direction area, we could divert HMOs to these areas.



Figure X - Area to be included in the Immediate Article 4 Direction



It is considered that setting out a smaller area is not appropriate to achieve appropriate sustainable development, achieve sustainable development and retain confidence of Sefton's communities and show that appropriate democratic oversight is retained in assessing the appropriateness of HMO applications.

Conclusions

It is considered that an article 4 direction is necessary for the whole of Sefton so that HMOs will require planning permission and are approved where they:

- Protect the physical character and appearance of the neighbourhood,
- Protect the residential amenity, well-being and safety of residents,
- Are appropriate in location for accessibility,
- Protect the living conditions of future occupants of the HMOs.
- Ensure there is appropriate democratic oversight of future applications.
- Prevent an over-concentration of HMOs in any one community.
- Ensure HMOs are managed correctly.

It is considered that the article 4 direction covers the smallest possible geographical area required and it is considered that it is needed immediately to protect communities from inappropriate HMOs due to current interest from developers.



Appendix 1 - Map of HMOs in the Borough

