

Article 4 Direction Evidence Document

Removal of Permitted Development Rights for the Change of Use from Use Class C3 (Dwellinghouses) to Use Class C4 (Houses in Multiple Occupation)

May 2026

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1 Introduction

This document outlines the policy context, evidence base and justification for implementing an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) to restrict permitted development rights for the conversion of properties from Use Class C3 (dwellinghouses) to Use Class C4 (Houses in Multiple Occupation) across the entire Three Rivers District.

What is a House in Multiple Occupation (HMO)?

- 1.1 Section 254 of the Housing Act 2004 defines a House in Multiple Occupation as follows:

For the purposes of this Act a building or a part of a building is a “house in multiple occupation” if —

- (a) it meets the conditions in subsection (2) (“the standard test”);*
- (b) it meets the conditions in subsection (3) (“the self-contained flat test”);*
- (c) it meets the conditions in subsection (4) (“the converted building test”);*
- (d) a HMO declaration is in force in respect of it under section 255; or*
- (e) it is a converted block of flats to which section 257 applies.*

- 1.2 According to the Town and Country Planning (Use Classes) Order 1987 (as amended), Use Class C4 (Houses in Multiple Occupation) is defined as “small, shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom”. HMOs with 7 or more occupants fall under the ‘Sui Generis’ use class. Both houses and flats can be HMOs.

- 1.3 Under Part 2 of the Housing Act 2004, a HMO must be licensed if it is occupied by five or more people forming two or more separate households. This is known as mandatory HMO licensing.

- 1.4 HMOs generally do not require a license if they have less than five occupants from two or more households. However, some councils operate additional licensing schemes requiring small HMOs to be licensed. Three Rivers District Council does not operate an additional licensing scheme.

- 1.5 All HMOs in Three Rivers, whether licensed or not, must meet minimum safety, management, and amenity standards as set out on Three Rivers’ HMO webpage (<https://www.threerivers.gov.uk/services/environmental-health/houses-multiple-occupation>).

2 Policy and Local Context

General Permitted Development Order (GPDO)

- 2.1 The GPDO grants permitted development rights for the conversion of properties from Use Class C3 (dwellinghouses) to Use Class C4 (Houses in Multiple Occupation). However, this only applies to HMOs occupied by no more than six residents. Proposals for HMOs with 7 or more residents require a planning

application as permitted development rights do not exist for HMOs with more than 6 occupants.

Article 4 Directions

- 2.2 An Article 4 Direction is a planning tool used by Local Planning Authorities to remove permitted development rights for certain forms of development across a specific area or across the whole council area. Following the removal of permitted development rights, the grant of planning permission is required for the restricted form of development.
- 2.3 Immediate Article 4 Directions take effect immediately upon being made and are primarily implemented when there is an immediate threat to local amenity. The Direction must be confirmed by the council within 6 months of being made and following a consultation. Compensation claims (relating to planning fees, loss of land value etc) as a result of immediate Article 4 Directions are payable by councils if planning permission for development (previously permitted under the GPDO) is refused or granted conditionally within 12 months of the Direction taking effect.
- 2.4 A non-immediate Article 4 Direction takes effect after a notice period (usually 12 months) and is confirmed following consultation and before the specified effective date. Non-immediate Article 4 Directions are not subject to compensation claims but take a longer period to take effect.

National Planning Policy Framework (NPPF)

- 2.5 The NPPF defines an Article 4 Direction as “*a Direction made under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 which withdraws permitted development rights granted by that Order*”.
- 2.6 Paragraph 54 of the NPPF sets out that 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.

Planning Practice Guidance (PPG)

- 2.7 The PPG defines an Article 4 Direction as “*a Direction under Article 4 of the General Permitted Development Order which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area. An Article 4 Direction cannot be used to restrict changes between uses in the same use class of the Use Classes Order*” (Paragraph: 036 Reference ID: 13-036-20140306).

2.8 In terms of what an Article 4 Direction can do, the PPG sets out that “*provided that there is justification for both its purpose and extent, an Article 4 Direction can:*”

- *remove specified permitted development rights related to operational development or change of use*
- *remove permitted development rights with temporary or permanent effect”*

(Paragraph: 037 Reference ID: 13-037-20210820)

2.9 In terms of when it is appropriate to use Article 4 Directions, the PPG states that “*Article 4 Directions should be limited to situations where it is necessary to protect local amenity or the well-being of the area. The potential harm that the Article 4 Direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to:*”

- *a wide area (eg those covering a large proportion of or the entire area of a local planning authority, National Park or Area of Outstanding National Beauty)*
- *an area extending beyond the essential core of a primary shopping area*
- *agriculture and forestry development. Article 4 Directions related to agriculture and forestry will need to demonstrate that permitted development rights pose a serious threat to areas or landscapes of exceptional beauty*
- *cases where prior approval powers are available to control permitted development*
- *the installation of microgeneration equipment”*

(Paragraph: 038 Reference ID: 13-038-20210820)

2.10 The PPG also makes it clear that “*an Article 4 Direction only means that a particular development cannot be carried out under permitted development and therefore needs a planning application. This gives a local planning authority the opportunity to consider a proposal in more detail”* (Paragraph: 040 Reference ID: 13-040-20140306), rather than restricting that type of development outright.

Hertfordshire Authorities with HMO Article 4 Directions

2.11 In 2011 **Welwyn Hatfield Borough Council** made a non-immediate Article 4 Direction which removes permitted development rights for changes of use from C3 (residential) to C4 (HMO) in Hatfield (not the entire borough). The Direction came into effect on 12 January 2012. Hatfield is home to the University of Hertfordshire, where there was a proliferation of student housing which was impacting the local community.

2.12 In 2016 **Stevenage Borough Council** made a non-immediate Article 4 Direction, which removes permitted development rights for changes of use from C3 (residential) to C4 (HMO) across the entire borough. The Direction came into force on 20 September 2017. According to supporting documents, the Article 4 Direction was introduced primarily due to parking pressures increasing due to an rise in HMO numbers.

- 2.13 In April 2026 **Hertsmere Borough Council** agreed to introduce a non-immediate HMO Article 4 Direction across four wards in Potters Bar (Bentley Heath & The Royds Ward, Furzeffield Ward, Oakmere Ward and Parkfield Ward). The council is consulting on the non-immediate Article 4 Direction between 6 May 2026 and 17 June 2026. If confirmed, the Article 4 Direction will come into force on 6 May 2027. According to the Evidence Report, all 4 wards of Potters Bar are in the densest 8 wards in the borough and there is clustering apparent in this settlement (25-42 HMOs per ward). The settlement of Potters Bar was considered most vulnerable to HMO growth due to the lower amount of urban space available when compared to other settlements such as Borehamwood.

Other Semi-Rural Authorities with HMO Article 4 Directions

- 2.14 On 4 March 2026, **Chorley Council** confirmed an immediate Article 4 Direction which was made and came into force on 24 September 2025.
- 2.15 On 18 March 2026, **Rossendale Borough Council** confirmed an immediate Article 4 Direction which was made and came into force on 19 September 2025.
- 2.16 **North Warwickshire Borough Council** confirmed an immediate Article 4 Direction which was made and came into force on 2 March 2026.
- 2.17 In March 2026, **South Tyneside Council** confirmed an immediate Article 4 Direction which was made and came into force in November 2025.

Three Rivers

- 2.18 The extant Local Plan only refers to HMOs within the parking standards.
- 2.19 Similarly, the draft emerging Local Plan references HMOs within the parking standards but also includes a section on HMOs within the housing mix and type policy (HOU1). The HMO element of the policy sets out:

“Proposals for Houses in Multiple Occupation (HMOs) that require planning permission will only be supported where the balance of housing types, amenity and character of the immediate locality would not be adversely affected; where suitable living conditions would be created; and where there would be sufficient provision of amenity space and parking”.

3 Local Evidence and Justification

Number and Distribution of HMOs within the District

- 3.1 As of May 2026, council records identify 13 licensed HMOs within the district (see Figure 1 for a summary of these arranged by area and status), 4 HMO licenses are being considered and 2 HMOs are exempt from licensing. Further to this, the council is aware of at least a further 6 properties (likely more) which are intended to be used as HMO’s as well as 18 suspected HMOs which are pending investigation.

Address	Area	Status
1 Hemsley Road	Kings Langley	Licensed
14 Little Graylings	Abbots Langley	Licensed
9 Oakfield	Mill End	Licensed

Springett House, Bury Lane	Rickmansworth	Licensed
Henderson House, Northway	Rickmansworth	Licensed
3 The Mead	South Oxhey	Licensed
40 Lytham Avenue	South Oxhey	Licensed
32 The Mead	Carpenders Park	Licensed
74 Margeholes	Carpenders Park	Licensed
14 Swanston Path	South Oxhey	Licensed
148 Penrose Avenue	Carpenders Park	Licensed
26 Chapel Close	Leavesden	Licensed
50 Long Elms	Abbots Langley	Licensed
-	Leavesden	Exempt from licensing
	South Oxhey	Exempt from licensing
-	South Oxhey	License under consideration
-	South Oxhey	License under consideration
-	Carpenders Park	License under consideration
-	Rickmansworth	License under consideration

Figure 1. Council identified HMOs

- 3.2 As set out in Figure 2, of the HMOs that the council is aware of (either licensed, under consideration for a license or exempt from licensing) there is a concentration emerging within South Oxhey and Carpenders Park, closely followed by Rickmansworth. Combined, the adjoining areas of South Oxhey and Carpenders Park contain over 50% of the district's HMOs.

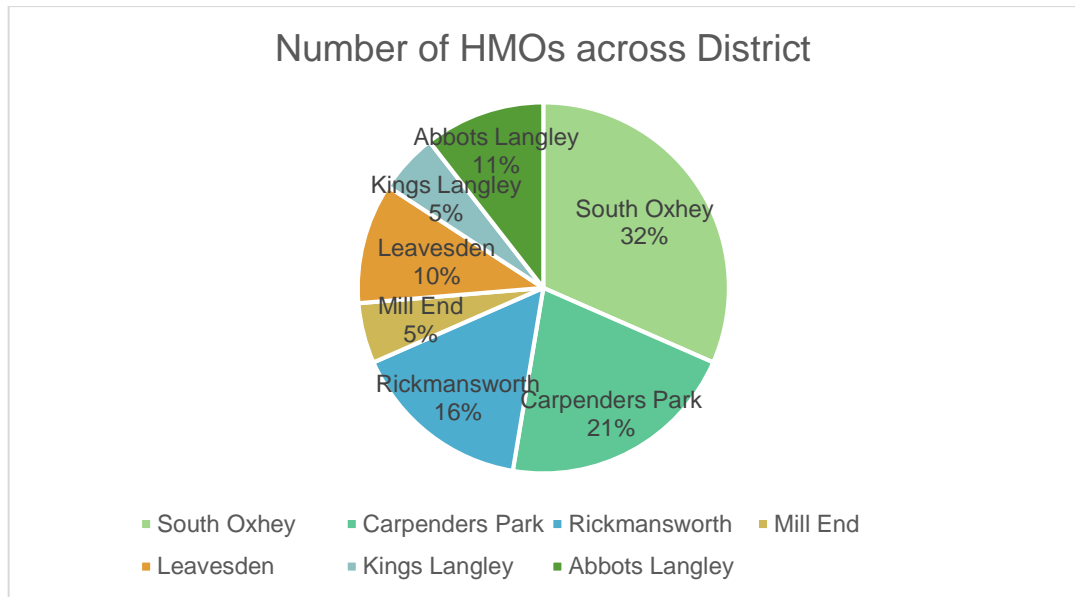


Figure 2. Distribution of HMOs across the district.

3.3 Figure 3 shows the number of HMO licenses granted from 2018 to April 2026. So far within 2026, 4 licenses are already pending consideration. Additionally, the council is aware of at least 6 more properties (likely more) that are intended to be used as HMOs and therefore will likely be submitting an application for a HMO license in the near future. Therefore at least 10 license applications could feasibly be assessed and granted by the council in 2026, a sharp increase compared to recent years.

Year	Number of HMO Licenses Granted
2018	3
2019	2
2020	0
2021	6
2022	1
2023	1
2024	0 (5 licenses renewed)
2025	0
2026 (as of April 2026)	0 (4 licenses pending consideration)

Figure 3. Number of HMO licenses granted by year

Nature of the District

- 3.4 Three Rivers is a semi-rural district and as such many areas across the district are considered to be unsustainable in terms of access to services and public transport (see Three Rivers Settlement Appraisal, December 2025), illustrating why a district-wide Article 4 Direction is appropriate. Unsustainable areas are considered inappropriate for HMOs because they lack the infrastructure and accessibility needed to support higher-density living. HMOs accommodate several unrelated individuals, which increases demand on local services such as public transport, healthcare, and retail. In unsustainable locations which are poorly connected, these services are limited or harder to access, making it difficult for occupants to meet everyday needs without heavy reliance on private cars. Additionally, given that HMO occupants are unrelated it is less likely that they would “car share”, which can result in a higher amount of cars per dwelling than traditional C3 use classes. The prevalence of private cars as a result of HMOs in unsustainable areas can result in highway safety and parking issues. The location of HMOs in unsustainable locations conflicts with broader planning principles, such as those promoted in the NPPF, which encourage development in sustainable locations, for example where public transport options and services are readily available.
- 3.5 Whilst much of the district is unsustainably located, the most sustainable areas of the district, such as Rickmansworth, Croxley Green, South Oxhey, Carpenders Park and Chorleywood have good links to London due to their train stations, making them particularly vulnerable to HMO conversions (as highlighted in Figure 2), as they combine strong transport links, established infrastructure and services and high housing demand (particularly from commuters to London). The district is served by major rail lines (including the Metropolitan Line, London Overground and Chiltern Line) as well as key road networks like the M25 and M1, making commuting into London relatively quick and convenient. This accessibility significantly increases demand for housing from London workers who seek more affordable or spacious living outside the city. The location of the district, just outside of London, offers slightly more affordable rent (compared with London) and the benefits of a semi-rural location such as access to green space, whilst still being within easy reach of London. This demand because of the desirability of Three Rivers can create a financial incentive for landlords to convert traditional C3 homes into HMOs to maximise rental income, particularly as renting individual rooms to multiple tenants often generates higher returns than letting to a single household.
- 3.6 Whilst the nature of some areas of the district are different than others, particularly relating to sustainability, the potential for and negative consequences of HMOs are felt across the district as a whole. As such, the consideration of a district-wide Article 4 Direction is considered appropriate in the case of Three Rivers District.

Character, Amenity and Local Services

- 3.7 HMOs that are not subject to planning applications can have an adverse impact on the streetscene, character and amenity of an area given they are not bound by criteria-based planning policies which are in place to protect the character and amenity of local areas.
- 3.8 In terms of character, HMOs often require a higher number of waste bins per property, contributing to cluttered front drives and footpaths, not only detracting from the overall character of a street but may also create accessibility challenges by reducing the available width of footpaths. Similarly, HMOs often result in an

increased demand for on-street parking, further contributing to the sense of a street or local area becoming overcrowded.

- 3.9 Three Rivers is primarily characterised by family housing with a relatively high proportion of detached and semi-detached houses, and a low proportion of flats compared to the rest of Hertfordshire and the national average, with 71% of residents owning their property (either outright or via a mortgage). Not only does the increasing level of HMOs detract from the family orientated character of the district and reduce family housing stock, but HMOs can detrimentally impact upon community cohesion. Given that HMOs accommodate multiple unrelated occupants, often on short-term leases, they can reduce the sense of continuity and prevent the formation of relationships and community ties that are important in creating local communities. Longstanding residents may feel less connected to their community when neighbours change frequently, weakening social networks and local character and identity.
- 3.10 HMOs can significantly affect the residential amenity of nearby neighbours, particularly when they alter the character and intensity of use within a local area. Some of the most common impacts are increased noise and activity. Because HMOs typically accommodate several unrelated occupants, often with different schedules, there can be more frequent comings and goings, late-night noise, and general disturbance compared to a single-family dwelling. This can reduce neighbours' enjoyment of their homes, especially in otherwise quiet residential areas. There have already been multiple instances across Three Rivers of individual HMOs severely impacting upon the residential amenity of nearby neighbours, which would intensify if clusters began to form.
- 3.11 Additionally, a proliferation of HMOs can further strain under pressure local services and infrastructure due to increased occupancy levels.

HMO Queries

- 3.12 Figure 4 below sets out the number of HMO related queries that the council received during different time periods. These queries included complaints about existing HMOs, reporting potentially unlawful HMOs and queries regarding setting up a HMO. It is evident that from 2024-2026 there has been a year-on-year increase in the number of HMO related queries submitted to the council, with the greatest increase being in 2026. In fact, by April of 2026, there had already been 32% more HMO queries than the entirety of 2025, highlighting how not only is interest in establishing more HMOs across the district is increasing, but the number of complaints regarding existing HMOs are also increasing.

Time Period	Number of HMO related complaints
01/01/2024- 31/12/2024	14
01/01/2025 – 31/12/2025	19
01/01/2026 – 16/04/2026	25

Figure 4. Number of HMO queries by time period.

Summary

- 3.13 It is clear that local circumstances dictate that consideration of a district-wide Article 4 Direction is appropriate, including the unsustainable areas of the district being unsuitable for HMOs and the more sustainable areas being particularly vulnerable to HMO conversions. This is already being demonstrated within the district as there is a concentration of HMOs emerging within the sustainable areas of South Oxhey and Carpenders Park, closely followed by Rickmansworth.
- 3.14 Given that 3 license applications are pending consideration already in 2026 and the council is aware of a number of properties which will likely be converted to HMOs in the near future, there has been a significant increase in HMOs in 2026 compared to recent years, with this trend likely to increase. There has also been a proliferation of HMO related complaints in 2026, where the first 4 months of the year has already seen 32% more HMO related queries than the entirety of 2025, further demonstrating the potential negative consequences of HMOs in action, such as impacts on parking, impact on character and local amenity and impacts on local services and that interest in establishing more HMOs across the district is increasing.
- 3.15 The introduction of a district-wide Article 4 Direction would also assist the council's housing team in identifying unlicensed HMOs given that landlords will not be able to covert "under the radar" using permitted development rights, helping to safeguard the standard of housing across the district.
- 3.16 The implementation of a district-wide Article 4 Direction would ensure that future HMO proposals are assessed against clear, plan-led criteria, rather than being unrestricted and piece-meal. It is important to note that the Article 4 Direction helps the council to manage the growth of HMOs rather than preventing them outright.

