


Agenda Item No:	14	
Committee:	Cabinet	
Date:	24 February 2025	
Report Title:	Article 4 Direction – Houses of Multiple Occupation in Wisbech	

This item comprises EXEMPT INFORMATION contained in SCHEDULE 5 which is not for publication by virtue of Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act, 1972 (as amended).

1 Purpose / Summary

- 1.1 Cabinet to consider and recommend to Council the making of Immediate and Non-Immediate Article 4 Directions in Wisbech which will give the Local Planning Authority (LPA) the ability to properly consider the implications of all new HMOs that are created, avoid excessive concentrations of HMOs in particular areas and continue to monitor their distribution and effects on the wider area.

2 Key Issues

- 2.1 HMOs play an important role in the local housing market in Fenland, offering a flexible form of accommodation that is often cheaper than self-contained housing within the same area. However, it is important that when HMOs do come forward the Council can strike the right balance between facilitating new homes but also ensuring they are in the right places and designed appropriately.
- 2.2 Small Houses in Multiple Occupation (HMOs) are those HMOs of up to 6, unrelated residents. This use is classed as C4 within the Town and Country Planning (Use Classes) Order 1987 (as amended). Conversion of houses to small HMOs do not normally require a planning application to be submitted to the District Council. Whereas Houses in Multiple Occupation which have more than 6 occupants are a Sui Generis use class and planning permission for this use is required, HMOs need to be licensed when 5 or more occupants form 2 or more households (a household are members of the same family living together).
- 2.3 The Council has reviewed a range of information relating to housing pressures, anti-social behaviour, local heritage assets and infrastructure pressures and concluded that the overconcentration of HMOs in Wisbech Riverside and Wisbech South is having a detrimental effect on the amenity of the area.
- 2.4 Several different options have been considered and it was determined that introducing an Immediate Article 4 Direction for central Wisbech (Wisbech Riverside and Wisbech South) and a Non-Immediate Article 4 for the remaining wards in Wisbech would be the most appropriate route forward.

This will help to protect the character and amenity of Wisbech, ensure that HMOs are still able to come forward where they are designed well and do not negatively impact upon character and amenity and fulfil the legal requirements for introducing Article 4 Directions specifically the points regarding proportionality.

- 2.5 Introducing an Immediate Article 4 Direction for central Wisbech does pose additional financial risks compared with a Non-Immediate Article 4 Direction. Potential developers can make compensation claims as the 12 months' notice for a Non-Immediate Article 4 would remove the right to make a claim. It should however be noted that the London Borough of Merton, the London Borough of Bromley and Trafford all introduced Immediate Article 4 Directions to control small HMOs and did not receive a single compensation claim. These points are explored more in the financial implications section of this report.
- 2.6 Implications relating to equality and diversity matters are inconclusive at this point as there is no statistical data indicating the profile of HMO residents by age, sex or ethnicity. However, the demographic make-up of the wards within Wisbech indicates a younger and more ethnically diverse population. We will be preparing an Equality Impact Assessment after the consultation period has ended and this will be considered alongside any representations received during the consultation to determine if the Immediate and Non-Immediate Article 4 Directions should be confirmed.

3 Recommendations

- 3.1 That Cabinet recommend to Council that they:
- Approve the making of a direction under article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) having non-immediate effect for Wisbech Town apart from the excluded areas (the excluded areas being Wisbech Riverside and Wisbech South wards) withdrawing the permitted development right to change use from a dwelling house (Class C3) to a small HMO (Class C4) use as set out in Schedule 1.
 - Approve the making of a direction under article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) having immediate effect for the area of Wisbech Riverside and Wisbech South wards withdrawing the permitted development right to change use from a dwelling house (Class C3) to a small HMO (Class C4) use as set out in Schedule 2.
 - Delegate the implementation of the consultation process and final approval of the Immediate and Non-Immediate Article 4 Directions to the Corporate Director & Monitoring Officer in consultation with the Portfolio Holder for Housing & Licensing and the Portfolio Holder for Planning & Flooding
- 3.2 Endorse the production of additional guidance to ensure the planning policy approach for assessing planning applications from Class C3 to C4 is clearly set out.

Wards Affected	Wisbech Town, including: Wisbech North; Wisbech Riverside; Wisbech Walsoken and Waterlees; Wisbech South; and Leverington and Wisbech Rural.
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor Samantha Hoy – Portfolio Holder for Housing & Licensing Councillor Dee Laws - Portfolio Holder for Planning & Flooding
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Background Papers	None.

1 REASONS FOR EXEMPTION

- 1.1 Schedule 5 of this Report is NOT FOR PUBLICATION in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972 in that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. The public interest test has been applied to the information contained within this exempt report and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it.**

2 BACKGROUND AND INTENDED OUTCOMES

- 2.1 A HMO, is defined as a property rented to at least three people who are not from one 'household' (e.g. a family) but share facilities such as a bathroom and kitchen. Examples include bedsits, shared houses, lodgings, accommodation for workers/ employees and refuges. Planning use classes distinguish between 'small' HMOs of up to six people (C4 use class), and 'large' HMOs of seven or more occupants which are sui generis.
- 2.2 The national planning system contains a range of nationally prescribed 'permitted development rights', which are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Current permitted development rights mean that, a dwelling house (use class C3) can be changed to a small house in multiple occupation (HMO) for 3 to 6 residents (use class C4) without the need for planning permission.
- 2.3 Where a Council considers it necessary, it can make an Article 4 Direction to override national permitted development allowances, so that a planning application must be made and approved for certain types of development. The introduction of an Article 4 Direction does not mean that planning applications for the type(s) of development would be refused. It simply establishes a need to apply for planning permission.
- 2.4 This paper seeks approval to introduce an Immediate Article 4 Direction for central Wisbech (Wisbech Riverside and Wisbech South) and a Non-Immediate Article 4 for the remaining wards. Approving the making/implementation of these Directions would help protect the character and amenity of Wisbech, as all proposals for all new HMOs regardless of scale would be required to obtain planning permission prior to conversion. The Article 4 Direction would not apply retrospectively, therefore existing HMOs falling within use class C4 would be unaffected by this proposal.
- 2.5 Alongside these Directions there will be a need to produce additional planning guidance to help support the assessment of planning applications and provide much needed guidance to landlords looking to convert a dwelling house into an HMO – ensuring that new HMOs are of a high quality and do not impact negatively on existing communities and the character/amenity of the area. Schedule 3 sets out a short interim guidance note that will be made available initially. Additional more prescriptive guidance looking at design/development standards will be produced in the coming months.

3 REASONS FOR RECOMMENDATIONS

- 3.1 HMOs play an important role in the local housing market in Fenland, offering a flexible form of accommodation that is often cheaper than self-contained housing within the same area, so the Council considers there is a place for HMOs in district to help meet the diverse needs of residents. However, it is important that when HMOs do come forward the Council can strike the right balance between facilitating new homes but also ensuring they are in the right places and designed appropriately.
- 3.2 However, high concentrations of HMOs can cause negative impacts on local communities, for example more frequent noise nuisance, increased pressure on parking due to higher population densities, increased pressure on community and health facilities, and higher levels of population transience leading to a possible longer-term breakdown of community cohesion.
- 3.3 Larger HMOs are likely to have a proportionately greater impacts on surrounding occupants and neighbourhoods as each additional resident will increase the level of activity, for example through more frequent comings and goings, different patterns of behaviour and consequential noise and disturbance. A property occupied by a group of unconnected adults is likely to have a greater impact than a typical family home with a similar number of occupants as lifestyles and movement patterns will be less connected. It is also considered that individual unconnected occupants are more likely to generate additional refuse and parking pressures than a typical family home.
- 3.4 Equally, the cumulative effect of incremental intensification in an area caused by numerous changes of use from family housing to small HMOs can be significant, affecting both immediate neighbours and the wider area.
- 3.5 Increasingly there has been concern about the number of both large and small HMOs in the district – specifically within central Wisbech. Concerns are centred around the loss of family sized housing, pressure on existing infrastructure, and the potential impact on the character and feel of an area – bins, car parking, etc.
- 3.6 The Council has reviewed a range of information relating to housing pressures, anti-social behaviour, local heritage assets and infrastructure pressures and concluded that the overconcentration of HMOs in Wisbech Riverside and Wisbech South is having a detrimental effect on the amenity of the area. The information used to assess the impact of HMOs within Wisbech is set out in Schedule 4.
- 3.7 Planning officers have also expressed concern that tightening the planning powers for these Wards may result in increased pressure within other wards in Wisbech which is why this report recommends introducing two Article 4 Directions – one Immediate and one Non-Immediate.
- 3.8 Introducing an Immediate Article 4 Direction for central Wisbech and a Non-Immediate Article 4 for the remaining wards would help protect the character and amenity of Wisbech, by requiring all proposals for all new HMOs to obtain planning permission. The Article 4 Direction would not apply retrospectively, therefore existing HMOs falling within use class C4 would be unaffected by this proposal.

4 CONSULTATION

- 4.1 The procedures for the making of an Article 4 Direction are set out in Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 4.2 If Full Council accept the recommendations of this report, then the Council will seek to commence a consultation on the Directions within 5 working days. We will use site notices, and a local press notice to advertise the consultation. Social media will also be utilised, and any other means that can be identified to advertise the notice.
- 4.3 Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 states under paragraph 2(b) that individual notice to property owners and occupiers is not necessary where “the number of owners or occupiers within the area to which the direction relates makes individual service impractical.” Data from the Local Land and Property Gazetteer demonstrates that the number of residential notifications across the proposed area would total approximately 11,450 making a mail out to all residential dwellings impractical and cost prohibitive.
- 4.4 Representations to the notice must be invited for a minimum of 21 days. Following the end of the notification period, officers will review any representations received and report these to the Corporate Director & Monitoring Officer, the Portfolio Holder for Housing & Licensing and the Portfolio Holder for Planning & Flooding
- 4.5 The Corporate Director & Monitoring Officer in consultation with the Portfolio Holder for Housing & Licensing and the Portfolio Holder for Planning & Flooding must then decide whether to confirm the Immediate and Non-Immediate Article 4 Directions.

5 ALTERNATIVE OPTIONS CONSIDERED

Alternative Option 1 - Do-nothing

- 5.1 As mentioned previously, the Council has reviewed a range of information relating to housing pressures, anti-social behaviour, local heritage assets and infrastructure pressures and concluded that the overconcentration of HMOs in Wisbech Riverside and Wisbech South is having a detrimental effect on the character and amenity of the area. A do-nothing approach would result in further erosion of the historic character and amenity of the area to an unacceptable level. As such, this option is not considered to be an appropriate way forward.

Alternative Option 2 - Non-Immediate Article 4 Direction for Wisbech Town

- 5.2 As with the do-nothing approach there is a concern that delaying the implementation of the Direction in Wisbech Riverside and Wisbech South for a period of 12 months would result in further erosion of the historic character

and amenity of the area to unacceptable level. As such, this option is not considered to be an appropriate way forward.

Alternative Option 3 - Immediate Article 4 Direction for Wisbech Riverside and Wisbech South without the introduction of a Non-Immediate Article 4 Direction in the remaining wards of Wisbech

- 5.3 The evidence collated thus far indicates that there is a substantial number of HMOs across Wisbech – with the largest concentration found within the wards of Wisbech Riverside and Wisbech South. If the Council only serves an Immediate Article 4 Direction for Wisbech Riverside and Wisbech South without the introduction of a Non-Immediate Article 4 Direction in the remaining wards of Wisbech there is a high risk that the remaining wards within Wisbech specifically the parts directly adjacent to Wisbech Riverside and Wisbech South will see a dramatic increase in permitted development conversions from a dwelling house to a small house in multiple occupation. A Non-Immediate Article 4 Direction gives the Council time to monitor and manage the situation during the notice period and if required implement the Direction at the end of the notice period. If the Council chooses not to endorse a Non-Immediate Direction and there is an issue in the short/medium term, then we could end up needing to issue a further Immediate Direction in the future which would increase the risk of compensation claims. As such, this option is not considered to be an appropriate way forward.

Variation with regards to starting points

- 5.4 There are options to set the Article 4 Directions at a different starting point, for example houses or flats with four people (e.g. two couples; a couple and two friends; two single parents and children etc) not to require planning permission but require five people or more sharing to require planning permission, i.e. setting the Article 4 Directions at 5 people or more.
- 5.5 This option has not been taken forward at this time as it is considered more effective to include all potential HMOs in the Article 4 Directions to improve the wellbeing of the area as part of the public consultation. There is not clear evidence that setting the Article 4 Directions at a different level of occupancy would address the harm to local amenity or improve the wellbeing of the area.

6 IMPLICATIONS

Legal Implications

- 6.1 An Article 4 Direction is a direction under Article 4 of the General Permitted Development Order which enables local planning authorities to withdraw specified permitted development rights across a defined area.
- 6.2 The statutory procedure for making Article 4(1) Directions is set out in Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Once the direction has been proposed to be made by the Local Planning Authority, it shall give notice of the Article 4 Direction:
- by local advertisement in at least one newspaper in the local area (as defined in article 1(2) of the GPDO)

- by site display at no fewer than two locations on site for a period of at least 21 days.
 - on the same day that the notice of an Article 4 Direction is first published or displayed locally, the local planning authority shall notify the Secretary of State.
 - specify the date on which the proposed direction comes into force (which must be at least 28 days from the end of the specified date of consultation period but no longer than 2 years from the end of that specified date)
- 6.3 The local planning authority cannot confirm the direction until after the expiration of either a period of at least 28 days following the latest date on which any notice relating to the direction was served or published, and no longer than 2 years or such longer period as may be specified by the Secretary of State (after having been notified by the local planning authority of making a direction). The approval of the Secretary of State is not required.
- 6.4 The Secretary of State has the power to modify or cancel an Article 4 Direction at any time before or after it is made. The Secretary of State will not exercise this power unless there are clear reasons why intervention is necessary, such as non-compliance with the National Planning Policy Framework.
- 6.5 Paragraph 54 of the 2024 National Planning Policy Framework states that:
- The use of Article 4 directions to remove national permitted development rights should...
 - 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...
 - c) in all cases, be based on robust evidence, and apply to the smallest geographical area possible.

Approval of an Article 4 Direction

- 6.6 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 states that approval to make an Article 4 Direction is not a Cabinet function and therefore should be made by resolution of full Council.
- 6.7 A confidential schedule 5 sets out the legal advice the Council has received in relation to the proposal

Financial Implications

Liability for Compensation Claims

- 6.8 Immediate Article 4 Directions forego the usual 12-month notice period of commencement and as such they give rise to the authority being liable for claims for compensation where someone can show they incurred abortive expenditure or otherwise suffered loss or damage because of the Direction (i.e., conversion costs, business losses etc).
- 6.9 Claims could cover such matters as:

- Expenditure in carrying out work which is rendered abortive i.e., costs of then seeking permission
 - Loss/damage attributable to removal of Permitted Development (PD) rights i.e., difference between price paid for building with existing use compared with open market value of building with prior approval
 - Reduction in profit in carrying out 'lesser' development where permission refused
 - Cost of complying with Conditions
- 6.10 Claims would be made to Council and if not agreed, would be determined by the Upper Tribunal of the Land Chamber. It is important to note that the claimant would need to show a loss which needs to crystallise i.e., by sale or redevelopment.
- 6.11 To qualify for compensation there needs to be a refusal of a planning application for development that would have been PD but for the Direction. The refusal also needs to be not more than 12 months from the date that the Direction comes into operation (in effect when the Notice is published).
- 6.12 It is not possible to quantify the claims that the Council might receive. The typical cost of converting a family home to a small HMO could be anywhere between £10,000 to £30,000. All works undertaken and their cost would have to be fully evidenced. Only the work undertaken by the time the Notice is given is likely to be able to be claimed, as work once the Notice is served (at the start of the consultation) it could be argued is undertaken at risk.
- 6.13 The number of small HMOs that are set up per annum in each of the priority wards is not known.
- 6.14 Claims could also potentially be made for the loss of value of a property should it not gain planning consent; and it then be sold as a family home instead of an HMO. It has not been possible to identify the difference in value between a small 6 person HMO as opposed to a family home.
- 6.15 Any compensation claims that may be submitted because of introducing an Immediate Article 4 Direction are deemed to be capital expenditure and no provision exists in the capital programme for these.
- 6.16 It is important to note that most local authorities introduce a Non-Immediate Article 4 – so giving 12 months' notice of its intention. This means that no claims can be made. There are, however, some exceptions to this – for instance the London Borough of Merton, the London Borough of Bromley and Trafford all introduced Immediate Article 4 Directions to control small HMOs and did not receive a single compensation claim.
- 6.17 The introduction of an Article 4 Direction to remove permitted development rights for the change of use from dwelling houses (Use Class C3) to smaller Houses in Multiple Occupation (HMOs) (Use Class C4) will have significant implications for the Local Planning Authority (LPA) in terms of resource allocation and operational capacity.
- 6.18 Requiring planning permission for smaller HMOs will introduce a formal application process for property owners, which includes a mandatory planning fee. While these fees contribute to the operational costs of processing applications, it is widely acknowledged that planning fees are insufficient to

cover the full cost of officer time required for thorough assessment and determination. Consequently, there will be an additional financial burden on the Council to absorb the shortfall.

- 6.19 The introduction of this requirement may lead to instances where new small HMOs operate without the necessary planning permission, resulting in a breach of planning control. When such breaches are reported or identified, the Council will need to investigate these cases. Currently, the Planning Enforcement Team operates with limited resources and is already managing a significant caseload. The additional workload created by an Article 4 Direction is likely to exacerbate the pressure on this finite resource, potentially delaying resolution times and straining the team's capacity to handle other planning enforcement matters.
- 6.20 Where planning permission for a small HMO is refused or an enforcement notice is served on an unauthorised HMO, the property owner has the right to appeal. Appeals can be time-consuming and resource-intensive for the LPA, requiring officers to prepare detailed submissions and potentially engage in hearings or inquiries. The additional workload associated with defending Council decisions in such cases represents another source of pressure on the LPA's resources.
- 6.21 While the Article 4 Direction seeks to provide greater control over the proliferation of small HMOs, its implementation will require the Council to address the associated administrative and enforcement burdens. Adequate resourcing of planning and enforcement teams will be critical to effectively manage the anticipated increase in applications, investigations, and appeals.

Equality Implications

- 6.22 For an Article 4 Direction, whilst there is no statistical data indicating the profile of HMO residents by age, sex or ethnicity, there may be a potential adverse impact towards people of specific ages, genders or ethnicities if the future growth of HMOs is restricted. The demographic make-up of the wards within Wisbech indicates a younger and more ethnically diverse population. Dialogue with council officers indicates that in officer's experience more men live in HMOs, although we don't have robust statistical data on this.
- 6.23 Whilst this adverse impact is not proven, it also cannot be wholly discounted due to an absence of accurate equality profiling data. We will continue to keep this under review.
- 6.24 Consulting on an Article 4 Direction to require HMOs (shared homes of more than two people) to require planning permission would improve equality of opportunity, resulting in higher standards of HMO accommodation within the area as new HMOs will be determined against planning policies and potentially reduce overcrowding in below standard HMOs. It should also improve and foster good relations between people who will occupy HMOs and those who occupy properties close to them, especially as the latter will have opportunity to engage with and enjoy rights of representation within the statutory planning process to improve the quality of accommodation.

- 6.25 We will be preparing an Equality Impact Assessment after the consultation period has ended and this will be considered alongside any representations received by the Corporate Director & Monitoring Officer in consultation with the Portfolio Holder for Housing & Licensing and the Portfolio Holder for Planning & Flooding to determine if the Immediate and Non-Immediate Article 4 Directions should be confirmed.

Any Other Relevant Implications

Crime and Disorder

- 6.26 There are no direct crime and disorder implications in relation to the introduction of an Article 4 Direction although the requirement to seek planning consent could lead to an improvement through greater awareness and controls.
- 6.27 The area for the Immediate Article 4 Direction has been subject to Safer Streets Funding recognising the crime and disorder profile for the area. Only one other area in Peterborough was able to secure such funding.

Heritage Assets

- 6.28 There are two conservation areas within the proposed area for the Immediate Article 4 - Bowthorpe Conservation Areas and Wisbech Conservation Area.
- 6.29 Wisbech Conservation Area (Wisbech CA) was designated in March 1971. Within Wisbech CA there are 227 listed buildings. The whole of the Wisbech CA is listed on the Heritage at Risk Register.
- 6.30 Over the last few years several buildings with Wisbech CA have been turned into HMOs. Many of these buildings are sold at auction and are quickly stripped out inside/carved up and turned into HMO's. Specifically in relation to listed buildings, this is often carried out without lawful consent, and this often happens without our knowledge and comes to light after a protracted timescale. The requirement for planning permission under the direction of the Article 4 would not entirely solve this issue of unauthorised works occurring by landlords, but it would provide a second tier of restriction for which is likely to reduce unlawful works to listed buildings.

7 SCHEDULES

Schedule 1 - Non-Immediate Article 4 Direction - HMO Wisbech

Schedule 2 - Immediate Article 4 Direction - HMO Wisbech Central

Schedule 3 - Small HMOs Article 4 Direction - Interim Guidance Note (Draft)

Schedule 4 - Technical Evidence Paper - Houses of Multiple Occupation in Wisbech

Schedule 5 – CONFIDENTIAL – Legal advice for Cabinet

FENLAND DISTRICT COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (as amended)**

HOUSES IN MULTIPLE OCCUPATION ARTICLE 4(1) DIRECTION 2025

**DIRECTION MADE UNDER ARTICLE 4 (1) TO WHICH PARAGRAPH 1 OF SCHEDULE 3 APPLIES
(DIRECTION WITHOUT IMMEDIATE EFFECT)**

WHEREAS Fenland District Council being the appropriate local planning authority within the meaning of Article 4 (5) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), are satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on the land shown in red on the attached plan and known as the wards of Wisbech North, Wisbech Walsoken and Waterlees, and Leverington and Wisbech Rural, in Fenland District Council, unless planning person is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, hereby direct that the permission granted by article 3 of the said Order shall not now apply to development on the said land of the description set out in the Schedule below.

SCHEDULE

Class L. Development consisting of a change of use of a building –

- (a) from a use falling within Class C3 (dwellinghouses) of the schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.
- (b) from a use falling within Class C4 (houses in multiple occupation) of the schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

This Direction shall come into effect on 25 February 2026.

Made under the Common Seal of Fenland District Council

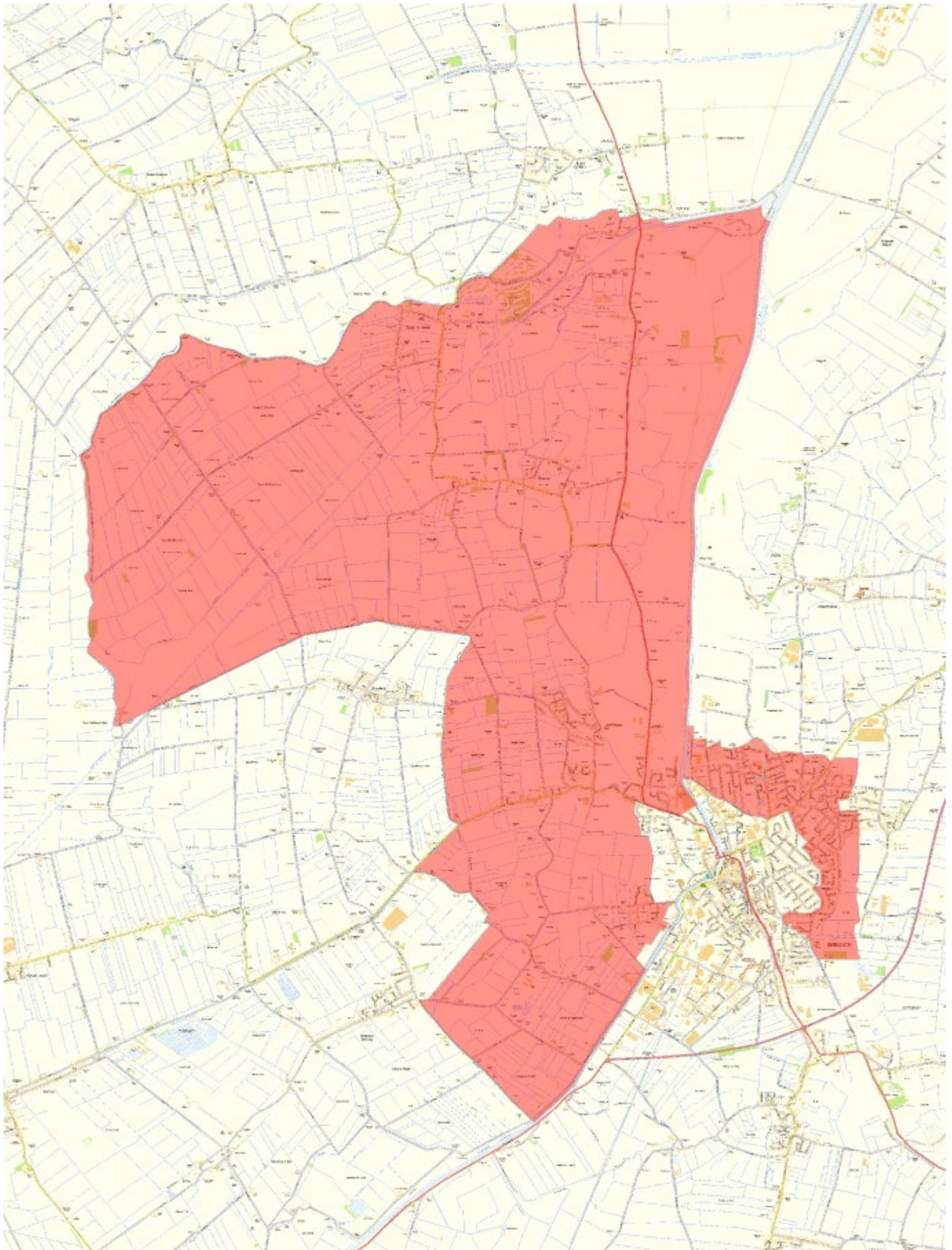
25 February 2025

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Confirmed under the Common Seal of Fenland District Council

25 February 2026

HOUSES IN MULTIPLE OCCUPATION ARTICLE 4(1) DIRECTION 2025 (DIRECTION WITHOUT IMMEDIATE EFFECT) - Wards of Wisbech North, Wisbech Walsoken and Waterlees, and Leverington and Wisbech Rural, in Fenland District Council



IMMEDIATE ORDER

25 /03 /2025

FENLAND DISTRICT COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (as amended)**

HOUSES IN MULTIPLE OCCUPATION ARTICLE 4(1) DIRECTION 2025

DIRECTION MADE UNDER ARTICLE 4 (1)

WHEREAS Fenland District Council being the appropriate local planning authority within the meaning of Article 4 (5) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), are satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on the land shown in red on the attached plan and known as the wards of Wisbech Riverside and Wisbech South, in Fenland District Council, unless planning person is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, hereby direct that the permission granted by article 3 of the said Order shall not now apply to development on the said land of the description set out in the Schedule below.

THIS DIRECTION is made under article 4(1) of the said Order and shall remain in force until 25 August 2025 (being six months from the date of this direction) and shall expire unless it has been confirmed by the appropriate local planning authority before the end of the six-month period.

SCHEDULE

Class L. Development consisting of a change of use of a building –

- (a) from a use falling within Class C3 (dwellinghouses) of the schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.
- (b) from a use falling within Class C4 (houses in multiple occupation) of the schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

Given under the Common Seal of Fenland District Council

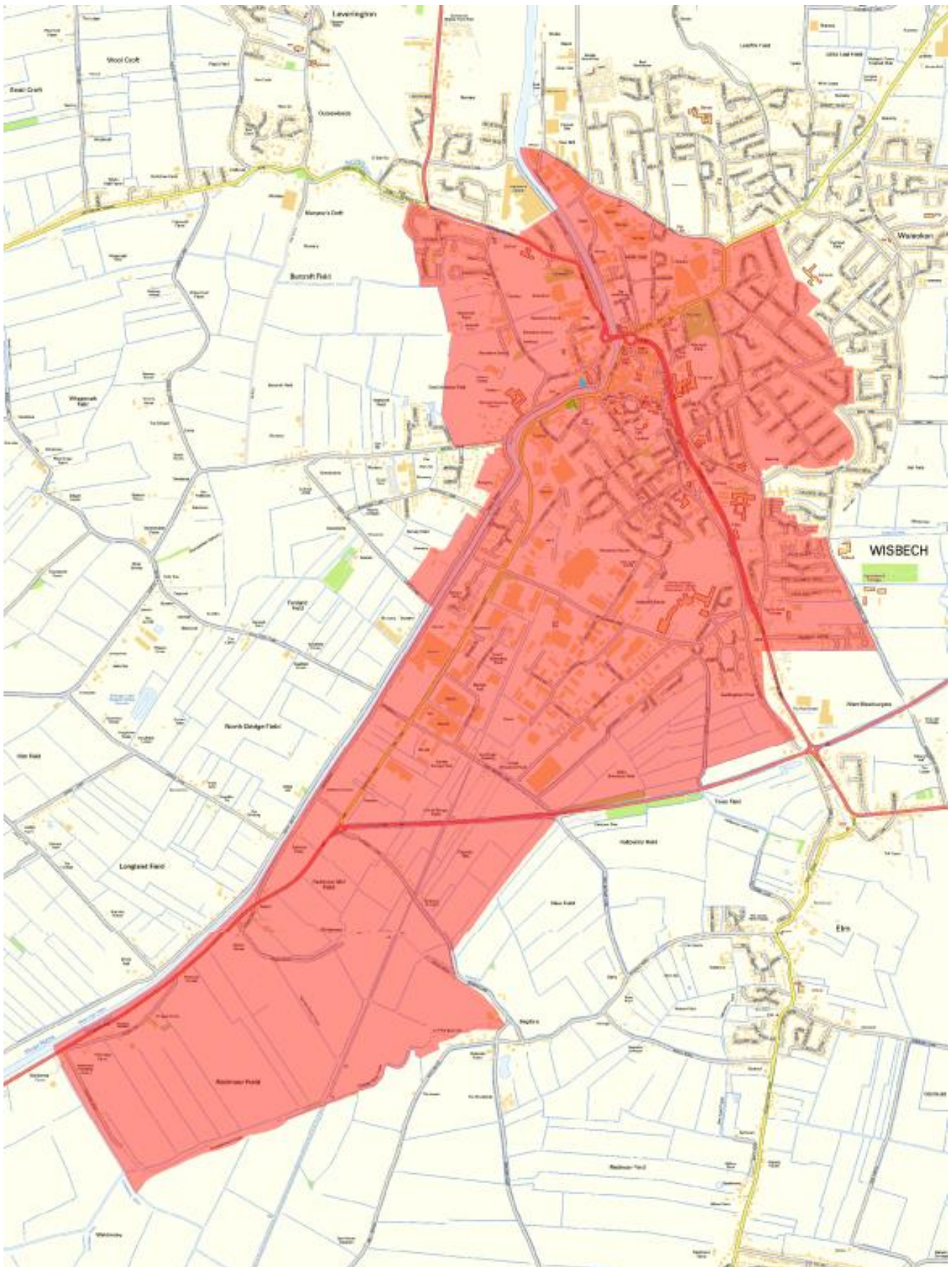
25 February 2025

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Confirmed under the Common Seal of Fenland District Council

25 August 2025

HOUSES IN MULTIPLE OCCUPATION ARTICLE 4(1) DIRECTION 2025 (IMMEDIATE EFFECT) - Wards of Wisbech Riverside and Wisbech South, in Fenland District Council



Small HMOs Article 4 Direction: Interim Guidance Note

What is happening?

The Council is introducing a new planning tool called an 'Article 4 Direction' affecting small Homes in Multiple Occupation in Wisbech.

Homes in Multiple Occupation (HMOs) are properties that are occupied by three or more unrelated people, who have shared amenities at the property. Small HMOs are properties which are occupied by between 3 and 6 separate households – if the property is occupied by more than 6 separate households, it is classed as a Large HMO.

What does this mean?

Currently, family-sized houses can be converted into small Homes in Multiple Occupation (HMOs) without planning permission, if they are intended to be for between 3 and 6 separate households.

What about conversions for more than six separate households?

Conversions for more than six separate households already require planning permission, and this situation is not changing.

When is this happening?

The wards of Wisbech Riverside and Wisbech South will be subject to this change with immediate effect, changes to planning rules in Wisbech North; Wisbech Walsoken and Waterlees; and Leverington and Wisbech Rural wards are intended to come into effect in February 2026.

Why have the Council decided to do this? What consultation has been carried out?

In January 2025, Cabinet decided to adopt both the Immediate and Non-Immediate Article 4 Directions after determining that there was evidence that the level of HMO conversions has reached the point where it is causing detrimental impact on local amenity and wellbeing. A consultation on both the Immediate and Non-Immediate Article 4 Directions was launched in early February and is due to end on Monday 24th March. The findings from this consultation will be used by the Council to determine whether it should amend and/or potentially revoke its decision on the Article 4 Directions for Wisbech.

I am a prospective landlord/property owner. Does this change mean that I will not be able to carry out a conversion to a Small HMO?

No, not necessarily – the change simply means that you will require planning permission. So, it doesn't mean that your planning application will necessarily be refused, just that it will be assessed against adopted planning policies, guidance and other material considerations.

The Council acknowledges that HMOs are an important source of affordable housing for those who may be on a low income and aren't eligible for housing by the Council. So, this decision is not about introducing a blanket ban on HMOs, but more to make sure the impact of such

conversions can be assessed against key criteria, to ensure they do not have an unacceptable impact on local amenity/character and other planning considerations.

I am in the process of having a property converted to a Small HMO. What will trigger a planning application being required on the implementation date?

Your property being newly occupied as a small HMO. In other words, when three or more households occupy your property. If there are three or more households occupying your property before the implementation date, you will not require planning permission.

However, if construction work has started before the implementation date, this does not mean that you will not require planning permission. It is only if the property is occupied by three or more households before the implementation date that you will not require planning permission. If the occupation of the property as a small HMO is taking place after the implementation date, then planning permission would be required.

I am a landlord/property owner of an existing small HMO. This hasn't received planning permission, but will I need to obtain permission or a Certificate of lawful Use now?

You can do this if you wish but there is no requirement to. Up to the implementation date, conversions of dwellinghouses to small HMOs do not require planning permission. We will not enforce against existing HMOs after the implementation date, or against HMOs that completed conversion lawfully prior to the implementation date. We will only enforce in cases where a conversion was carried out after the implementation date without planning permission.

If I, as a landlord/property owner, was to submit a lawful development certificate application prior to the implementation date, will the application require full planning permission if the decision is being issued after the implementation date?

As stated above, landlords and property owners have the option to apply for a lawful development certificate for their small HMOs. If the submission for the certificate takes place before the implementation date, the decision will be made based on this date (rather than the date the decision on the certificate is made).

What information will I need to provide as part of my planning application? How much will it cost, and how long will it take to decide on the application?

There is a range of information which all planning applications are required to submit, including site plans and application forms. This list can be viewed on our website, via the following link: www.fenland.gov.uk/planningforms

There is also a list setting out the range of information which all applications for certificates of lawfulness are required to submit, including site plans and application forms. This list is also on our website, via the same link.

In relation to applications for HMO conversions, a management statement should be submitted setting out how the property will be managed to address the various criteria. This statement is also required for the HMO license application.

The cost of submitting a planning application is currently £578. The Council will aim to make a decision on planning applications for Small HMOs within 8 weeks.

Should I get pre-application advice from the Council?

The Council offers a formal application advice service where we will give you site-specific advice about the proposal and the likelihood of you being successful. There is a fee for this advice.

Applicants are strongly encouraged to take advantage of this service to establish areas of concern prior to the submission of a scheme. Failure to obtain advice prior to the submission of an application increases the chance of refusal and often results in frustration and an unnecessary waste of time and expense for an applicant.

If the Council refuses my application, what can I do?

As with any other refused planning application, you would be able to appeal to the Planning Inspectorate. One of their planning inspectors would then look at the case again and issue a determination.

What happens if, on the date of implementation, the conversion works have already started at my property, but I haven't had any occupiers yet?

You will need to apply for planning permission once three or more households are occupying the property. As stated above, if there are three or more households occupying your property before the implementation date, you will not require planning permission.

Will I still have to apply for a HMO licence, as well as applying for planning permission?

Potentially – In Fenland Anyone who owns or manages a HMO (including landlords and letting agents) in the Fenland district **must** have a licence from us if:

- their property is occupied by 5 or more people
- occupants form 2 or more households (a household are members of the same family living together)
- occupants share 'basic amenities' (e.g. kitchen, bathroom)

On what basis will a HMO licence be granted? What criteria will my application be assessed against?

An HMO licence will be granted if:

- the HMO is reasonably suitable for occupation by the number of people allowed under the licence
- the proposed licence holder is a "fit and proper person"
- the licence holder is 18 years or older
- the proposed licence holder is the most appropriate person to hold the licence
- the proposed manager (if there is one) is a "fit and proper person"
- the proposed management arrangements are satisfactory
- the person involved in the management of the HMO is competent

On what basis will a planning application be granted? What criteria will my application be assessed against?

The application will be assessed against a range of criteria, including:

- Accessibility of location
- Floor area of original dwelling and sizes of rooms
- Impact on amenity, including:
 - Impact on vehicle and cycle parking
 - Provision of appropriate facilities for residents
- Layout, design and condition of property
- Layout of the property
- Impact on neighbour amenity and on the locality, including cumulative impact
- Provision of waste/recycling facilities
- Impact on the street scene

Additional criteria would apply where your property is in a conservation area or is a listed building. Where the latter is the case, listed building consent will also be required for internal subdivision.

Conditions are likely to apply to HMO permissions to manage the impact of conversions on issues such as parking, amenity space and other facilities. A section 106 agreement may also be considered necessary to secure any measures required to mitigate the impacts of the development that are not appropriate to be secured as conditions.

If I apply for an HMO licence before the implementation date, will it still be granted even if I am intending to bring in the HMO before the implementation date (and therefore avoid the need for planning permission)?

Where planning permission is required, the Council's position is that we will expect you to have applied for planning permission before applying for a HMO licence, and that the Council will consider the planning status of the HMO as part of the licence application process. We already advise that any unauthorised use is likely to be reflected in a decision to grant a licence by either limiting the number of persons allowed to occupy, or by granting a reduced term, usually for a period of one year to enable you to regularise your planning status.

However, in situations where planning permission is not currently required (or not yet required), the fact that you are planning to introduce the HMO before the implementation date, thus avoiding the need for planning permission, will not of itself have a bearing either way on your application for a HMO licence. However, where the planning status of the property (i.e. its lack of permission for an HMO) affects consideration of the criteria against which HMO licences are assessed (such as whether the house can be made suitable for multiple occupation, or whether the management arrangements are satisfactory), this may be a relevant consideration.

I have an HMO established near my home which I believe is causing harm to local amenity. Will this change mean that the planning department will start enforcement procedures against this HMO from the implementation date?

Provided the HMO has been established prior to the implementation date and does not exceed 6 persons it would be lawful and not require formal planning permission.

What should I do if am worried about an HMO near my home which I believe is causing harm to local amenity?

In the first instance residents should provide details of the HMO to privatesectorhousing@fenland.gov.uk

Will there be a threshold put in place above which new HMOs will not be permitted in a certain area?

The cumulative impact of the proposal together with other similar developments in the surrounding area upon residential amenity and character is a material consideration. The Council will consider any known issues within an area which a HMO is proposed, such as enforcement cases or known cases of disturbance in an area. We will monitor the number and location of HMOs and will consider introducing a threshold for a locality above which the number of such uses cannot exceed to prevent over-concentrations from occurring through the emerging Local Plan, if felt necessary.

As a tenant, I am worried that I will be displaced from the HMO I currently live in, due to this new policy coming in. What can the Council do to protect me from eviction?

Your landlord must follow strict procedures if they want you to leave their property, depending on the type of tenancy agreement you have and the terms of it. If they do not, they may be guilty of illegally evicting or harassing you. See link to the government's website for guidance <https://www.gov.uk/private-renting-evictions>.

If your landlord is not following the correct procedure or you are at risk of becoming homeless the council may be able to offer:

- assistance with keeping your home. For example, we can help mediate with your landlord or your family members
- help to prevent you from becoming homeless
- support to help you move into privately rented home
- advice to help you if you need supported housing
- advice to help you join the Housing Register help to move you into a new home

Technical Evidence Paper
Houses of Multiple Occupation in Wisbech

BACKGROUND

The purpose of this paper is to provide supporting evidence to determine whether the Council should introduce an Article 4 direction to remove permitted development rights for the conversion of family homes into small houses in multiple occupation (HMO).

The paper also considers whether a district-wide or a more localised Article 4 direction would be the most appropriate course of action, considering the provision of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

What is a House in Multiple Occupation?

The definition of an HMO is set out in the Housing Act 2004 (as amended) and can summarised as:

- a house (or flat) which is let to three or more people, who form two or more households, and who share a basic amenity, such as a bathroom, toilet, or cooking facilities.
- a building which has been converted entirely into bedsits, or other non-self-contained accommodation, and is let to three, or more, people who form two, or more, households and who share a basic amenity e.g. a bathroom, toilet, or cooking facilities.
- a converted house which contains one, or more flats, which are not self-contained (i.e. the flat does not contain within it a kitchen, bathroom, or toilet and which is occupied by three or more tenants who form 2 or more households.
- a building which is converted entirely into self-contained flats and the standard conversion does not meet the standards of the 1991 Building Regulations, and more than one third of the flats are let on short-term tenancies.

This definition is separate to the planning definition of an HMO and is used to grant and manage licences for HMOs. This legislation forms part of the control of an HMO once it is established and does not provide permission for the conversion of a dwellinghouse to a small HMO.

In addition, since October 2018, HMOs now have minimum room size requirements of 4.64sqm and sizes based on a person's age:

- 6.51 square metres for rooms used to sleep one person over 10 years.
- 10.22 square metres for rooms used to sleep two persons over 10 years.

Planning Definition of an HMO

The planning definition of HMOs differs from the Housing Act definition set out above. In town planning terms, distinct types of properties are identified as different Use Classes. These are defined in the Planning Use Class Order (2010), which identify two distinct types of HMO.

Firstly, there are HMOs that fall within the Use Class 'C4'. These are generally 'smaller' HMOs and are defined as the use of "a single-family dwelling by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom." Currently changes of use between single-family dwelling houses (Planning Use Class C3) and 'small' HMOs (Planning Use Class C4) do not need planning permission as this is 'permitted development'. This does not cover properties of up to six people living together as a single household and receiving care (e.g. supported housing schemes such as those for people with learning disabilities or mental health challenges), which falls within the Planning Use Class C3(b).

Secondly, there are larger HMOs that fall within the Use Class 'Sui Generis' (SG). These are properties where there are seven or more occupants. However, changes of use from single family dwelling houses (Planning Use Class C3) to a 'large' HMO's (Planning Use Class Sui Generis) do need planning permission.

Other HMO Agencies

The legislation above sets out the statutory definition, however in practical terms HMO can come about by the way in which a landowner manages a property. For example, a landlord may purchase a large family home and let it to individuals on a single room letting basis, and if there are three or more unrelated people, the dwelling is classed as an HMO. There is no planning control over the conversion of the property as this is allowed as permitted development.

HMOs, once established, are recognised, and regulated through both formal regulation and informal means by the Council to meet their obligations as a statutory part of its role as a local authority. HMOs with five or more occupants, through the Housing Act 2004, require licences and regular monitoring which is a role undertaken through the Council's Private Sector Housing Team. Additional ways in which HMOs are controlled is through Planning Enforcement and Environmental Nuisance legislation.

HMOs in Fenland

HMOs are an important part of the private rental sector (PRS), providing accommodation for groups that cannot afford to buy or rent their own home. Nationally they make up sizeable proportion of the private rental economy and can provide a good standard of affordable accommodation for people, such as those on low incomes, students and those seeking temporary accommodation.

However, HMOs can also have a negative impact on the community and the local environment where they are not controlled or properly managed. The Communities and Local Government Report on 'Evidence Gathering - Houses in Multiple Occupation and Possible Planning Responses' identified several negative impacts of HMOs, which include:

- anti-social behaviour
- noise
- litter and management of refuse.
- excessive parking
- cramped living conditions
- unkempt premises
- overcrowding

The Government has given local authorities the power to remove permitted development rights for small HMOs using Article 4 directions, where there is sufficient evidence to support it. A sound evidence base must be submitted to Secretary of State detailing why the removal of permitted development rights is required. It should be noted that although the Secretary of State does not approve an Article 4 direction, they do have the right to modify or cancel one.

IMPACT ON THE SUPPLY OF FAMILY SIZED HOUSING

The information collected below shows that the housing/population profile of Wisbech is notably different from Fenland as a whole. It indicates that the reduced availability of affordable family sized housing is resulting in less families staying within or moving to the area - this reduction fundamentally changes a places character and may result in social infrastructure such as schools, nurseries, play groups receiving reduced patronage which could in turn result in them closing which would make the area even less suitable to families in the future.

Census Data (ONS – Census 2021)

	Fenland	Wisbech Town	Wisbech Riverside	Wisbech South
Population	102,500	24,800	4,600	8,800
Number of households	44,100	10,500	2,000	3,900
Household size (1)	29%	30.6%	33.3%	34.4%
Household size (2)	38.2%	34%	31.8%	33.2%
Household size (3+)	32.7%	35.4%	34.8%	32.4%
Household composition (single person)	29%	30.6%	33.5%	34.4%
Household composition (single family)	64.8%	60.2%	56.3%	56.4%
Household composition (other)	6.2%	9.3%	10.2%	9.2%
Tenure (owns outright or with mortgage)	67.3%	52.2%	43%	50.6%
Tenure (social rented)	12.7%	19.4%	20.3%	17.7%
Tenure (private rented)	20%	28.4%	36.7%	31.7%

Number of people waiting for family accommodation in Wisbech (2021-2025) – data from Clarion Housing

Date	Total	Two beds	Three beds	4+beds
January 2021	406	212	158	36
January 2022	482 (+76)	252	182	48
January 2023	557 (+75)	293	208	56
January 2024	616 (+59)	345	209	62
January 2025	568 (-48)	300	207	61

Since 2021 there are an extra 162 households on the waiting list looking for family sized housing in Wisbech.

Number of lets of family accommodation in Wisbech (2019/20 – 2023/24) – data from Clarion Housing

Year	Total	Two beds	Three beds	4+beds
2019/20	49	38	10	1
2020/21	41	34	17	0
2021/22	49	43	14	1
2022/23	44	31	12	1
2023/24	41	27	13	1

Since 2019 the number of homes being let within the area has consistently fallen short of meeting our need for family sized housing within the area.

Properties to Rent Data (www.zoopla.com 29/1/2025)

Wisbech

- Seventeen homes available to rent that have two or more bedrooms.
- Thirteen homes available to rent that have less than 2 bedrooms.
- Sixteen rooms available to rent in HMOs/House Shares
- 1 HMO (9 bedrooms) available as a single let.

March

- Twenty-eight homes available to rent that have two or more bedrooms.
- Eight homes available to rent that have less than 2 bedrooms.
- Zero rooms available to rent in HMOs/House Shares

Whittlesey

- Eight homes available to rent that have two or more bedrooms.
- One homes available to rent that have less than 2 bedrooms.
- One rooms available to rent in HMOs/House Shares

IMPACT ON SINGLE PERSON HOUSEHOLDS

As mentioned previously HMOs are an important part of the private rental sector (PRS), providing accommodation for groups that cannot afford to buy or rent their own home – specifically single people who are seeking to form their own household.

The demand for shared accommodation within Wisbech has significantly increased since 2011, due to the influx of the migrant population moving to the area to work in the food production industry and who are seeking affordable accommodation. Within the Riverside and Wisbech South wards the PRS accounts for 36.7% and 31.8%, respectively of all tenures; a third more than the national average of 20% and more than double that of the district figure of 18%.

Census Data 2021- Tenure

	Social Housing	Private Rented Sector
Wisbech Riverside	20.4%	36.7%
Wisbech South	17.6%	31.8%
England	17.1%	20.5%

Despite the 2021 Census showing the majority of household sizes being between 1-3 persons (see table above), it cannot be assumed that these properties are occupied by small families; in fact, the recorded data from the Private Sector Housing team evidences the highest number of reported and investigated HMOs are located within the 2 constituent wards of Riverside and Wisbech South.

HMO service request and enforcement case data

Area	Service Requests Received (% of total cases) (% of Wisbech cases)	Enforcement Cases (% of total cases) (% of Wisbech cases)
All Fenland DC area	657	254
Wisbech	306 (46.6%)	189 (74.4%)
2 Wards (Riverside & Wisbech South)	180 (27.4%) (58.8%)	157 (61.8%) (83%)

In addition to these two wards being subject to a higher number of complaints relating to HMO activity, 79% of licensed HMO's (those occupied by five or more occupants and sharing facilities) are in these areas. This may be due to investors being attracted by lower house prices, making them ripe for conversion.

Information from the Homelessness Team

Over the last few years Fenland's Homeless Team have had to respond to 184 requests from people who were living in HMOs within Wisbech that have been made homeless –

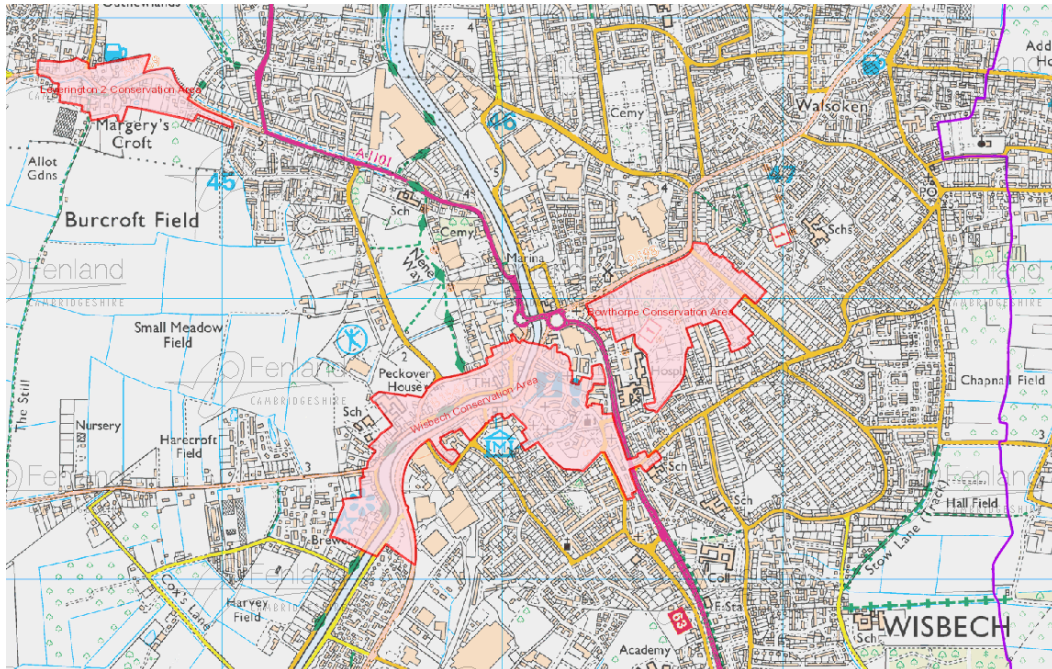
almost two thirds of these requests were within the wards of Wisbech Riverside and Wisbech South. There are a number of reasons for people losing their settled home including property disrepair and risk of violence/harassment but the largest reason was end of private tenancy (not assured shorthold tenancy).

Having an Article 4 Direction in place would help ensure that all HMOs including Small HMOs are appropriately designed and managed which will in turn provide better more secure living conditions for people who rely on HMOs to access the housing market.

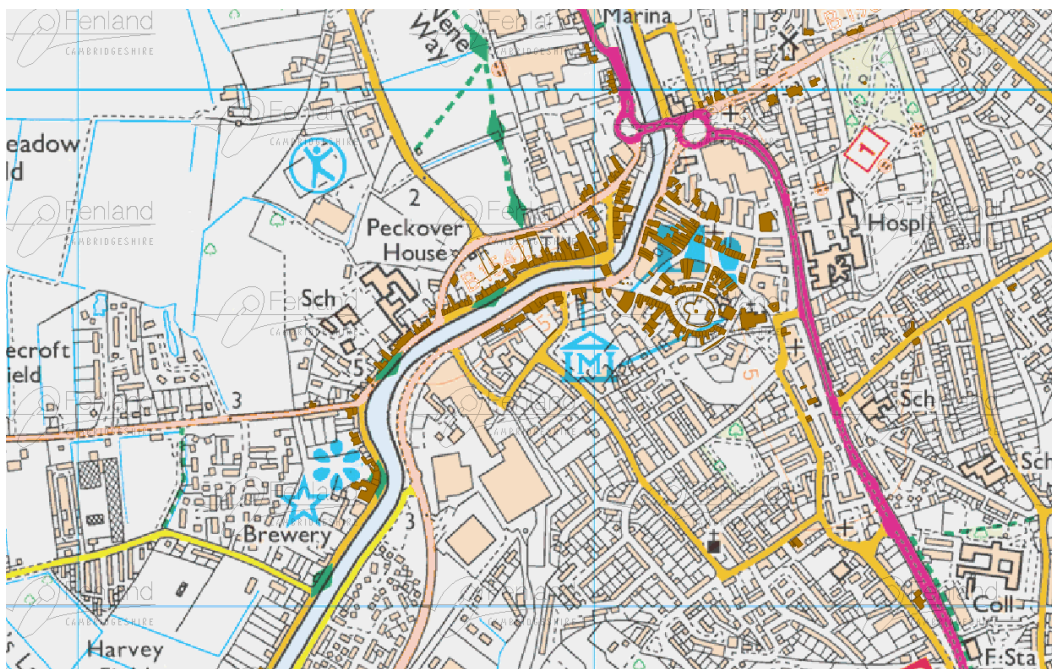
IMPACT ON HISTORIC CHARACTER

Comments from FDC's Principal Conservation Officer

There are two conservation areas within the proposed area for the Immediate Article 4 - Bowthorpe Conservation Area and Wisbech Conservation Area.



Wisbech Conservation Area (Wisbech CA) was designated in March 1971. Within Wisbech CA there are 227 listed buildings.



The whole of the Wisbech CA is listed on the Heritage at Risk Register. Historic England note in their assessment that the condition of Wisbech CA is “very bad” and that the trend is “deteriorating.”

Over the last few years several buildings with Wisbech CA have been turned into HMOs. Many of these buildings are sold at auction and are quickly stripped out inside/carved up and turned into HMO’s. Specifically in relation to listed buildings, this is often carried out without lawful consent, and this often happens without our knowledge and comes to light after a protracted timescale. The requirement for planning permission under the direction of the Article 4 would not entirely solve this issue of unauthorised works occurring by landlords, but it would provide a second tier of restriction for which it is likely to reduce unlawful works to listed buildings.

IMPACT ON AMENITY

Domestic Noise Service Requests (information from FDC Environmental Health)

279 Domestic Noise Complaints over last 5 years across Fenland - 19% were within Wisbech South and Wisbech Riverside

Although the data does not breakdown to HMO or not HMO when you compare the Census data for household composition and tenure it is reasonable to assume that the higher concentration of private rented properties and 'other' household composition types are likely to be a contributing factor.

When looking at the other wards in Wisbech: Wisbech Walsoken; and Waterlees and Leverington South Wisbech (the area for a non-immediate Article 4 direction) the total of all Domestic Noise service requests to environmental health is 37% of the total complaints.

Nuisance Reporting (information from FDC Environmental Health)

Since October 2019 there have been thirty complaints raised against licensed HMOs in the District - 29 of them were in Wisbech.

The nature and amount of the incidents indicate that the overconcentration of HMOs in Wisbech (specifically Wisbech Riverside and Wisbech South) is having a negative impact on residential and visitor amenity within the area.

Refuse Considerations

The refuse team have reviewed records for the 153 registered HMOs in Wisbech for 2024. Looking at the records they have been able to establish that:

- Sixty percent (92 properties) of HMOs in Wisbech had no incidents of contamination
- Thirty percent (46 properties) had 1 or 2 incidents of contamination
- Ten percent (15 properties) had three or more incidents of contamination, I would classify this group as problematic with 3% (5 properties) having seven or more incidents,

We do not hold address data for Small HMOs but refuse officers working within the area have noted that the amount of waste has increased in recent years, and this is potentially because of properties being over occupied – i.e. no longer occupied by families.

INFORMATION ON OPERATION PHEASANT AND CONTROLLING MIGRATION FUND - MIGRANT EXPLOITATION IN THE PRIVATE RENTED SECTOR OF WISBECH

The Council has been working in partnership on a multi-agency project called Operation Pheasant since September 2012. The purpose of the project is to tackle migrant exploitation within the private rented sector.

The project was formed between Cambs Police and FDC in response to increases in rough sleeping and theft of food. The link was migrant workers being exploited in the private rented sector by rogue landlords and unlicensed gangmasters.

A task force was formed in January 2013 Gangmaster Licensing Authority, Cambs Fire and Rescue, HM Revenues & Customs & Immigration Enforcement

Wisbech is a hub for agricultural work which in turn provides opportunities for migrant workers to gain work here. Unfortunately, exploitation of vulnerable people is commonplace, we have seen 105 cases of human trafficking since Operation Pheasant started in September 2012.

The partnership approach is so vital because of the extent of the issues locally. Issues including sham marriage, prostitution, overcrowded properties, squalid and unsafe private rented accommodation are common. The partnership approach is vital to ensure that we take a no-nonsense approach to tackling the issues together to increase the impact and outcomes.

The Operation Pheasant Task Force group met monthly (between 2013-2020) and works to a task log which is jointly owned by the Task Force. The meeting is attended by both local and national statutory agencies. Key highlights from first 2 years:

- More than 180 people were rescued from illegal housing and 51 were helped to return home.
- Five buildings were prohibited from occupation and one outbuilding was demolished as a result of the operation.
- The number of cases of gangmaster activity linked to the private rented addresses was 206 and the operation has also raised awareness of tenants' rights by helping 1,083 people understand landlords' responsibilities.
- The Council secured £178,600 of government funding from the Rogue Landlord Fund run by the Department for Communities and Local Government for the on-going operation in January this year, the funding is over two years and ran until March 2015
- The Council then secured Controlling Migration Funding to continue the work of enforcement in Wisbech Private Rented Housing.

- Subsequently since April 2020 the Council embedded the approach as a core service utilising new powers with the vast majority of enforcement work centred in Wisbech as set out earlier in this report
- The work of Operation Pheasant has been recognised nationally and has influenced the Modern Day Slavery Act now in operation.
- A spin off Operation Endeavour took place in 2013. The Council in partnership with the Police team led the running of the reception centre which looked after and assisted 82 vulnerable migrant workers for 3 days. This took significant planning and effective partnership work to ensure that the complex needs of the individuals were met. 39 were referred into the National Referral Mechanism for modern day slavery

Since the launch of Operation Pheasant in 2012, much has been achieved to tackle rogue landlord activity linked to HMO's, with a number of agencies and landlords no longer operational. The landscape in Wisbech and more broadly across Fenland has improved significantly. However, issues remain, and the work of Operation Pheasant continues to this day as a partnership with the Private Sector Housing team working in Wisbech HMOs - sharing intelligence and acting with Police and other statutory agencies on a day-to-day basis. The Council regularly speak with other local authorities about our approach to tackling modern slavery and exploitation, most recently in January 2025.

INFORMATION ON ARTICLE 4 DIRECTIONS

Policy Requirements and Guidance

An Article 4 direction is made under article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and in accordance with Schedule 3 of that order to restrict Class L(b), dwelling house to HMO. The making of an order must be in accord with the NPPF and Departmental guidance.

Paragraph 54 of the NPPF states that the use of Article 4 directions to remove national permitted development rights should...

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...

c) in all cases, be based on robust evidence, and apply to the smallest geographical area possible.

The terms 'local amenity' and the 'well-being' as referred to above are not defined in the NPPF and can have different meanings depending on context. For example, visual amenity could be used in the context of appearance of an area, whilst residential amenity may refer to living conditions within a property. The Planning Portal defines amenity as 'a positive element or elements that contribute to the overall character or enjoyment of an area.'

The local planning authority must notify the Secretary of State when introducing an Article 4 Direction. Whilst the Secretary of State is not required to approve it, they can revoke or amend it, so it is imperative that the evidence supporting the making of an Article 4 Direction is robust.

When introducing an Article 4 Direction, there are two types of Direction under the GPDO: non-immediate directions and directions with immediate effect. An immediate direction can withdraw permitted development rights straight away; however, they must be confirmed by the local planning authority within 6 months of coming into effect to remain in force. A non-immediate direction does not take effect until consultation and subsequent confirmation by the Local Planning Authority, giving usually at 12 months' notice of the direction taking effect.

In accordance with Sections 107 and 108 of the Town and Country Planning Act 1990 and The Town and Country Planning (Compensation) (England) Regulations 2015 (as amended), compensation provisions apply to directions with immediate effect, whereas non-immediate directions may be served, giving at least 12 months' notice (and not more than 2 years) of the intent to enforce a direction, without the need to grant any subsequent compensation.