

Immediate Article 4 Direction affecting Small Houses in Multiple Occupation (HMOs)

Frequently Asked Questions

What is an Article 4 Direction?

An Article 4 Direction is a legal mechanism used by local authorities that removes permitted development rights. This means that planning permission will now be needed for conversion of all properties into Houses in Multiple Occupation (HMO).

What are the current challenges and why is Rossendale Council proposing to introduce an Article 4 Direction relating to small HMOs?

Prior to introducing an Article 4 Direction, any home can be converted into a small HMO, for up to six unrelated residents that share facilities such as a kitchen, without planning permission. This is known as 'permitted development'.

Larger HMOs (with 7 or more inhabitants) already require planning permission and will continue to do so once the Article 4 Direction takes effect.

Rossendale Council has gathered evidence that the ability to convert a property into a small HMO, without planning permission, is having a negative impact on residents and stakeholders throughout the borough and has therefore introduced an immediate Article 4 Direction to address this.

What is an immediate Article 4 Direction?

An immediate Article 4 Direction is used by an authority when it considers the development to which the direction relates would be prejudicial to the proper planning of the area or constitutes a threat to the amenities of the area. An immediate Article 4 Direction comes into force prior to a public consultation. However, consultation is still required and comments must be considered prior to confirming the Direction within 6 months from when it comes into force.

It is important to note that the Article 4 Direction does not mean that planning permission will not be granted for HMOs. Therefore the immediate Article 4 Direction will not have the effect of preventing all conversions of dwellings to HMOs.

When will the Article 4 Direction come into effect?

The Article 4 Direction comes into effect on 19 September 2025. Therefore, conversions from a dwelling to a small HMO now require planning permission.

Any conversions which took place prior to the date the Article 4 Direction was introduced will not retrospectively require planning permission and can continue to operate.

Where will this apply?

Throughout the entire Borough of Rossendale.

I am an HMO landlord, how will these proposals affect me?

If you are a landlord of an existing HMO of up to six residents which was converted from a dwelling using permitted development rights prior to the date the Article 4 Direction was introduced, you will not be affected by this decision. An Article 4 Direction does not apply retrospectively.

Owners of small HMOs created prior to the introduction of the Article 4 Direction may apply for a Lawful Development Certificate to confirm that the HMO use is lawful and did not require planning permission. You will need to submit evidence that the property was in use as a small HMO prior to Friday 19 September 2025. Please see <https://www.gov.uk/guidance/lawful-development-certificates>

This Article 4 Direction does not affect landlords who have already, or plan to, convert dwellings to large HMOs or other types of buildings to HMOs. The rules in these cases remain identical to how they were prior to the introduction of an immediate Article 4 Direction, and planning permission is required.

If you are a landlord who is intending to convert a dwelling into a small HMO for three to six residents, you will need to apply for planning permission.

Do I still need an HMO licence for existing or new HMOs?

Rossendale Borough Council currently operates a mandatory licensing scheme under the Housing Act 2004, which requires an HMO licence for any property with 5 or more unrelated occupiers living as separate households and sharing amenities. Operating a licensable HMO without a licence is a criminal offence and there can be serious

consequences arising. Please see <https://www.rossendale.gov.uk/housing-homelessness/shared-houses-flats-multiple-occupation>

Does this change mean that I will be able to carry out a conversion to a small HMO?

Only with planning permission. An Article 4 Direction does not prevent the development to which it applies from taking place, nor does it mean that any planning application for such development would be automatically refused. It does, however, give the local planning authority an opportunity to consider a proposal in more detail and apply policies and planning conditions in the determination of the application.

HMOs play a key role in the local housing market, and the Article 4 Direction will allow such conversions to be assessed against planning policy to ensure they do not have an unacceptable impact.

What happens now?

The Council must consult on the Article 4 direction.

How can I comment on these proposals?

The Council is inviting representations on the Immediate Article 4 Direction proposals from 19 September 2025 to 31 October 2025.

A copy of the Direction and a plan to which it relates can be inspected at the Customer Service Hub at Futures Park, Bacup, and any representation must be submitted in writing to Forward Planning, The Business Centre, Futures Park, Bacup, OL13 0BB or via email to forwardplanning@rossendalebc.gov.uk or via a survey available at www.rossendale.gov.uk/article4.

Further Information is available at www.rossendale.gov.uk/article4.