




Ein cyf/Our ref: Housing/HMOs

To: Heads of Planning  
(CC: PINS)

 February 2018

Dear Colleague,

I wish to remind Local Authorities of the extensive powers they possess to manage Houses in Multiple Occupation (HMOs).

The Welsh Government appreciates large concentrations of HMOs can bring problems to local areas. In February 2016, we took action to enable Local Authorities to address this issue from a planning perspective and changes were made to the Town and Country Planning (Use Classes) Order 1987. The changes mean planning permission may be required for a change of use from a 'family' home to an HMO occupied by not more than six residents.

The position regarding large HMOs with seven or more unrelated occupiers remained unchanged. These large HMOs are considered 'sui generis', therefore, a planning application will be required for a change of use to a large HMO where a material change of use is considered to have taken place. The decision maker, whether this is Local Planning Authorities (LPAs) or the Planning Inspectorate, will need to assess the proposal against local policies.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

To give full effect to these changes to the Use Classes Order, LPAs need to consider whether any concentrations of HMOs in their local area are causing problems and, if so, to put in place robust local evidence based policies in their Local Development Plan against which planning applications for HMOs can be assessed. Further detail on the policies can be set out in Supplementary Planning Guidance (SPG). However, only the policies in the development plan have legal status under section 38(6) of the Planning and Compulsory Purchase Act 2004 in deciding planning applications, SPG may be taken into account as a material consideration. LDPs must not delegate the criteria for decisions on planning applications to SPG which should only contain guidance and advice. Nor should SPG be used to avoid subjecting policies and proposals to public scrutiny and independent examination in accordance with statutory LDP procedures. In making decisions on matters which come before them, LPAs, the Planning Inspectorate and Welsh Government should give substantial weight to approved SPG which derives from and is consistent with the development plan, and has been the subject of consultation.

To assist Local Authorities the Welsh Government has also published guidance on managing HMOs. This guidance highlights good practice in the management and control of HMOs from across the UK and summarises the relevant legislation, with the aim of enabling Local Authorities to make informed decisions on what is best suited to their area, taking into account local circumstances. This guidance is available on the Welsh Government's website at the following link:

<http://gov.wales/topics/planning/policy/guidanceandleaflets/houses-in-multiple-occupation-practice-guidance/?lang=en>.

The Welsh Government has made the necessary legislative changes and published good practice guidance to assist Local Authorities in managing HMOs. It is for Local Authorities to address the issues robustly at the local level based on their assessment of local circumstances.

*Yours sincerely*

A handwritten signature in blue ink that reads "Lesley Griffiths". The signature is written in a cursive, flowing style.

**Lesley Griffiths AC/AM**

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig  
Cabinet Secretary for Energy, Planning and Rural Affairs