

Medway Council

HMO Review & Evidence Paper

Final Report
DHA/37065
November 2025



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1 INTRODUCTION

1.1 PURPOSE OF THIS PAPER

1.1.1 This paper has been written in response to continued concern from Councillors, a Member of Parliament (MP) and local residents regarding the impact of Houses in Multiple Occupation (HMO) across Medway. This paper seeks to provide Officers and Members with a summary of the evidence and the potential impacts of imposing Article 4 Directions within Medway.

1.2 BACKGROUND

1.2.1 The current Medway Local Plan (2003) as well as the emerging¹ Medway Local Plan (2041) acknowledge the importance of the role of HMOs in meeting the housing needs of Medway's residents. Both the existing and emerging Local Plan contains Policies relating to the provision of such accommodation (Policies H7 and T8 respectively). HMOs are an important source of low-cost housing within the private rented sector, particularly for those on low incomes, students, young people and vulnerable groups who cannot access other types of market or affordable housing. HMOs are also an important source of flexible housing provision for those whose work is more transitory or for those seeking temporary housing for other reasons.

1.2.2 A report² produced by the then Department for Communities and Local Government (DCLG), now the Ministry of Housing, Communities and Local Government (MHCLG) was prepared in response to the problems associated with high concentrations of HMOs. Whilst this report acknowledged the provision of HMOs do have some positive impacts (for example, the introduction of new population into an area), it notes that the following negative impacts can also be experienced:

- Poor Refuse Management
- Anti-social behaviour, noise and nuisance
- Imbalanced and unsustainable communities
- Negative impacts on the physical environment and streetscape;
- Pressures on parking provision
- Increased crime
- Growth in the sector at the expense of home ownership
- Pressure upon local community facilities and infrastructure

¹ Regulation 19 Stage.

² Evidence Gathering – Housing in Multiple Occupation and Possible Planning Responses (2008) (Communities and Local Government)

- Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the changing population.

- 1.2.3 There are currently no Article 4 Directions relating to HMO provision within Medway, however there is evidence to suggest that the proliferation of this form of housing is having some of the negative impacts identified above within a number of Wards.
- 1.2.4 Nevertheless, as part of a balanced mix of housing, the Council recognises that HMOs are a legitimate and needed form of housing which helps to meet the needs of many Medway residents. However, when highly concentrated and poorly managed they can create some of these identified impacts – not just for existing residents but also for the occupants of the HMOs. This review has therefore been produced to ascertain whether the imposition of Article 4 Directions within the most effected Wards is necessary to ensure that local amenity and well-being of existing (and future) residents is maintained and where possible improved.
- 1.2.5 An Article 4 Direction does not (of course) prevent HMOs from being provided within these Wards, but rather would remove permitted development rights to enable the Council to consider through the planning application process as to whether the accommodation was of a standard considered acceptable, and to ensure that if the application is approved, there would not be a proliferation of this type of accommodation that would bring about the negative impacts identified above.
- 1.2.6 It is important to note that the issues that HMOs give rise to cannot be addressed solely through the planning process. It may well be that any Article 4 Direction will form part of a corporate response, including licencing, to improve property standards and better manage the impacts of HMOs.

1.3 HMO DEFINITIONS

- 1.3.1 HMOs are defined in a number of ways by different Council and government departments. This can be an issue in itself for making the accurate identification of the quantity and spatial distribution of HMOs within an administrative or Ward boundary.
- 1.3.2 Planning Law divides HMOs into:
- (1) small HMOs or
 - (2) large HMOs.
- 1.3.3 Small HMOs are defined as dwellings occupied by between 3 and 6 unrelated individuals who share basic amenities such as a kitchen or bathroom.
- 1.3.4 A small HMO is classified as a 'C4' use within the Use Class Order, 2015. Single family dwellings (classified as C3 use) are permitted to change use to a C4 use and vice-versa without the need to gain planning permission according to The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.3.5 A large HMO is defined as a property that is occupied by more than 6 unrelated individuals that share basic amenities such as a kitchen or bathroom. A large HMO

is classified as Sui Generis (a use that does not fall in any Class). The creation of a large HMO requires planning permission.

1.3.6 HMOs are also defined in the Housing Act 2004, by Council Tax and in the Census.

1.3.7 The 2004 Housing Act defines HMOs as being occupied by more than one household where more than one household shares or lacks an amenity such as bathrooms or cooking facilities or the HMO is occupied by more than one household and is a converted building, but not completely into self-contained flats and / or it is converted into self-contained flats but does not meet the minimum standard requirements of the 1991 Building Regulations and at least a third of flats are occupied by short tenancies.

1.3.8 The Council Tax (Liability for Owners) (Amendment) Regulations 1992 define an HMO as any dwelling which:

- (1) was originally constructed or subsequently adapted for occupation by persons who do not constitute a single household; or (and prior to 1 April 1995);
- (2) is inhabited by a person who, or two or more persons each of whom, is either: the tenant of, or has a licence to occupy part only of the dwelling (e.g. a single room) or; has a license to occupy the dwelling, but is not liable (whether alone or jointly with other persons) to pay rent.

1.3.9 The Census distinguishes between shared and unshared dwellings. Dwellings are unshared if any of the following criteria are met:

- (1) household space contains 'part of a converted or shared house';
- (2) not all rooms are behind a door that only 1 household can use; and
- (3) there is at least one other household space at the same address which can be combined to form the shared dwelling.

2 POLICY AND LEGISLATIVE CONTEXT

2.1 NATIONAL POLICY

- 2.1.1 The National Planning Policy Framework (NPPF) December 2024, does not set out specific guidance on HMOs, although Paragraph 63 states *'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.'*
- 2.1.2 In addition, paragraph 7 of the NPPF states that the *'purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner.'* At a very high level, the NPPF explains the objective of sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own housing needs.
- 2.1.3 In order to achieve sustainable development, the planning system has three overarching objectives: economic, social and environmental. The social objective specifically refers to the need to provide a sufficient number and range of homes for the needs of present and future generations.

2.2 LOCAL POLICY

- 2.2.1 The extant Medway Local Plan (2003) contains a specific policy relating to the provision of HMOs. This policy states:

2.2.2 **Policy H7: Multiple Occupation**

"Dwellings intended for multiple occupation will be permitted subject to the following criteria:

(i) the property is in an area with a predominantly mixed-use or commercial character; and

(ii) the property is located where increased traffic and activity would not be detrimental to local amenity;

and

(iii) either the property is detached, and the proposal would not adversely affect the amenity of the occupiers of nearby properties; or

(iv) where the property is not detached, relevant nearby or adjoining properties are in multiple occupation or a non-residential use; and

(v) for changes of use, the property is too large to reasonably expect its occupation by a single household".

- 2.2.3 This policy has been brought forward into the emerging Local Plan in the form of Policy T8.

2.2.4 Emerging Policy T8 states:

"The Council seeks to avoid detrimental clusters of HMOs. Where planning applications for HMOs are not already covered by permitted development rights, they will be favourably considered where they:

- *Do not adversely affect the character and amenity of the area.*
- *Do not contribute to an over concentration of HMOs in a particular area.*
- *Do not lead to the loss of units suitable for family housing, particularly in areas noted as already containing multiple HMOs.*
- *Do not contribute to the generation of excessive parking demands or traffic in an area.*
- *Make appropriate provision for the storage of waste.*

Do not adversely affect the health and well-being of the residents (new and existing)".

2.3 CURRENT PERMITTED DEVELOPMENT RIGHTS

2.3.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) provides for the ability for relatively minor development to take place without the need for planning permission. Within the GPDO Class L provides for the ability to convert existing dwellinghouses into HMOs of a certain size. This states:

"Class L. Development consisting of a change of use of a building—

- (a) 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;*
- (b) 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.*

Development not permitted

L.1 Development is not permitted by Class L if it would result in the use—

- (a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or*
- (b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule".*

3 ARTICLE 4 DIRECTIONS

3.1 WHAT IS AN ARTICLE 4 DIRECTION?

3.1.1 The Government has provided Councils the power to remove certain permitted development rights in all or parts of their administrative areas through Article 4 of the GPDO if they consider it appropriate to do so, and there is sufficient planning justification. There are two types of Article 4 Directions under this order, being:

- (1) **An immediate Article 4 Direction.** This applies when the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. The direction withdraws Permitted Development Rights with immediate effect once notice of the direction is published. However, a Local Planning Authority may be liable to pay compensation to a landowner when permitted development rights are removed by an immediate Article 4 Direction. All claims for compensation must be made within 12 months of the date on which the planning application for development formerly permitted by Part L PD Rights is refused.
- (2) **A non-immediate Article 4 Direction.** This requires a 12-month interval after notice of the direction is published before the direction comes into force. A non-immediate Article 4 Direction is therefore implemented to reduce the likelihood of any compensation claims against the Council.

3.1.2 Paragraph 54 of the NPPF (December 2024) states 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.*

3.1.3 In addition, Paragraph 038 of the Planning Policy Guidance (PPG) states that the use of Article 4 Directions to remove national permitted development rights should:

"...be limited to situations where this is necessary to protect local amenity or the wellbeing of the area... [and]...be based on robust evidence and apply to the smallest geographical area possible".

3.1.4 Furthermore, Planning Policy Guidance (PPG) adds further clarity on when it is appropriate to use Article 4 Directions. Paragraph 038 states:

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 (e.g. those covering entire area of a local planning authority).³

3.1.5 The PPG also clarifies that Article 4 Direction cannot be used to restrict changes between uses in the same use class of the Use Classes Order as movement from one primary use to another within the same use class is not development and therefore does not require planning permission.⁴

3.1.6 In terms of relevant legislation, this is set out below:

Directions restricting permitted development

4. -

(1) If the Secretary of State or the local planning authority is satisfied that it is expedient that development described in any Part, Class or paragraph in Schedule 2, other than [F1 Class DA of Part 4 or] Class K [F2, KA] or M of Part 17, should not be carried out unless permission is granted for it on an application, the Secretary of State or (as the case may be) the local planning authority, may make a direction under this paragraph that the permission granted by article 3 does not apply to—

(a) all or any development of the Part, Class or paragraph in question in an area specified in the direction; or

(b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction, and the direction must specify that it is made under this paragraph.

(2) A direction under paragraph (1) does not affect the carrying out of—

(a) development permitted by any Class in Schedule 2 which is expressed to be subject to prior approval where, in relation to that development, the prior approval date occurs before the date on which the direction comes into force and the development is completed within a period of 3 years starting with the prior approval date;

(b) development permitted by Class B of Part 9 of Schedule 2;

³ Paragraph 038 Reference ID: 13-038-20210820

⁴ Paragraph 036 Reference ID: 13-036-20140306

- (c) *development mentioned in Class A of Part 16 of Schedule 2, unless the direction specifically so provides;*
 - (d) *development permitted by Class A of Part 18 of Schedule 2 authorised by an Act passed after 1st July 1948 or by an order requiring the approval of both Houses of Parliament approved after that date;*
 - (e) *development permitted by Class Q, R, S or T of Part 19 of Schedule 2;*
 - (f) *development permitted under Schedule 2 in an emergency.*
- (3) *A direction made or having effect as if made under this article does not, unless the direction so provides, affect the carrying out by a statutory undertaker of the following descriptions of development—*
- (a) *the maintenance of bridges, buildings and railway stations;*
 - (b) *the alteration and maintenance of railway track, and the provision and maintenance of track equipment, including signal boxes, signalling apparatus and other appliances and works required in connection with the movement of traffic by rail;*
 - (c) *the maintenance of docks, harbours, quays, wharves, canals and towing paths;*
 - (d) *the provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, quay, harbour, bank, wharf or basin;*
 - (e) *any development required in connection with the improvement, maintenance or repair of watercourses or drainage works;*
 - (f) *the maintenance of buildings, runways, taxiways or aprons at an aerodrome; or*
 - (g) *the provision, alteration and maintenance of equipment, apparatus and works at an aerodrome, required in connection with the movement of traffic by air (other than buildings, the construction, erection, reconstruction or alteration of which is permitted by Class F of Part 8 of Schedule 2).*
- (4) *The procedures which must be followed in making, modifying or cancelling any direction made under article 4(1) are set out in Schedule 3.*
- (5) *In this article and in Schedule 3—*
- "local planning authority" means the local planning authority whose function it would be to determine an application for planning permission for the development to which the direction relates or is proposed to relate; and*
- "prior approval date" means the date on which—*

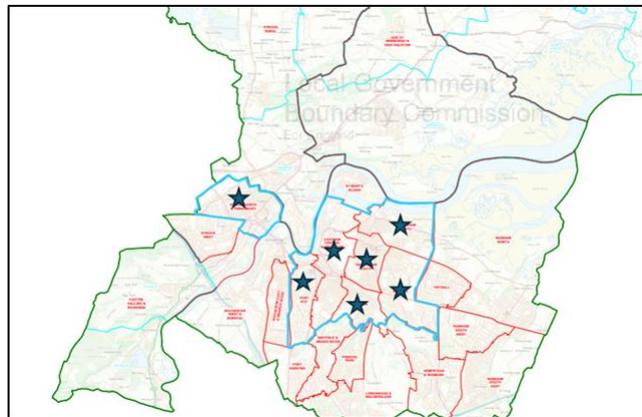
- (a) prior approval is given;
- (b) a determination that such approval is not required is given, or
- (c) any period for giving such a determination has expired without the applicant being notified whether prior approval is required, given or refused.

3.2 EVIDENCE: HIGH AND INCREASING DEMAND FOR HMOs

3.2.1 This section of the paper considers the growth of HMOs within specific Wards within Medway and thereafter assesses the appropriateness of the provision of Article 4 Directions.

3.2.2 The Wards that are currently being considered are:

- (1) Chatham Central and Brompton
- (2) Fort Pitt
- (3) Gillingham North
- (4) Gillingham South
- (5) Luton
- (6) Strood North and Frindsbury
- (7) Watling



3.2.3 These seven Wards contain in excess of 65% of all of Medway's HMO provision, and this report therefore seeks to assess whether there is an appropriate housing mix, other whether further, unchecked growth would unbalance the respective communities.

3.2.4 As you will note from the mapping above, these Wards are clustered around the central part of Medway and are located within the areas of highest density housing.

3.3 EVIDENCE: QUANTITY AND SPATIAL DISTRIBUTION OF HMOs

3.3.1 To understand the quantity and spatial distribution of HMOs the following sources of information have been used, which provides an indication of the clustering of this accommodation within the respective Wards. The following evidence has been utilised for this process:

- Council Tax Records
- HMO Licensing Records

- Planning Records
- Enforcement Records
- Predictive Modelling (Experian)

3.3.2 At present there are 1018 HMOs known or predicted within Medway with the majority of these being within the seven Wards that are under consideration. The table below shows the current provision within Medway.

Ward	Licenced	Requires a Mandatory Licence	Total Licensable HMO's	Selective Licence	Total HMO's
All Saints	0	17	17	0	17
Chatham Central & Brompton	14	34	48	13	61
Cuxton, Halling & Riverside	0	17	17	1	18
Fort Horsted	0	4	4	0	4
Fort Pitt	45	51	96	9	105
Gillingham North	38	76	114	5	119
Gillingham South	88	99	187	18	205
Hempstead & Wigmore	0	19	19	0	19
Hoo St Werburgh & High Halstov	0	30	30	0	30
Lordswood & Walderslade	0	23	23	2	25
Luton	17	23	40	12	52
Princes Park	0	14	14	0	14
Rainham North	2	14	16	0	16
Rainham South East	0	16	16	0	16
Rainham South West	0	13	13	0	13
Rochester East & Warren Wood	12	26	38	3	41
Rochester West & Borstal	12	36	48	1	49
St Mary's Island	0	6	6	0	6
Strood North & Frindsbury	11	39	50	2	52
Strood Rural	2	29	31	1	32
Strood West	3	26	29	5	34
Twydall	0	12	12	3	15
Watling	20	42	62	2	64
Wayfield & Weeds Wood	0	10	10	1	11
Total	264	676	940	78	1018

3.3.3 As set out in the table to the right, the seven respective Wards total 65% of all HMOs within Medway, with Gillingham South being provided with the highest percentage (20%) within the administrative boundaries. Whilst this proposal seeks to look at the Wards in isolation, it is very clear that the provision of HMOs is a cross-boundary issue – with many of the ‘clusters’ identified as being on either side of a Ward boundary. It is therefore important that the Council consider this relationship when assessing the impact of this type of housing provided across the whole of Medway.

Ward	% of HMOs in Borough
Chatham Central & Brompton	6%
Fort Pitt	10%
Gillingham North	12%
Gillingham South	20%
Luton	5%
Strood North and Frindsbury	5%
Watling	7%

3.3.4 It is also clear that the number of HMOs within Medway is increasing, and so the Council will need to carefully consider whether controls within these wards may lead to the proliferation of HMOs elsewhere within Medway, which in itself could bring about social and economic problems where they currently don't exist.

Total	65%
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3.4 EVIDENCE: HARM TO LOCAL AMENITY AND WELL-BEING OF AN AREA

3.4.1 The following section reviews evidence available on whether harm to the local amenity or wellbeing of an area has arisen from HMOs by looking at:

- The overconcentration of HMOs
- Links between HMOs and anti-social behaviour
- Links between poor housing conditions and HMOs
- Housing Need

3.5 NEED FOR ARTICLE 4 DIRECTION

3.5.1 Considering the evidence set out above, an assessment of the need to introduce Article 4 Directions for Medway as a whole, and for each Ward is set out below.

3.6 COMPENSATION

3.6.1 Planning Practice Guidance⁵ confirms that circumstances in which an Immediate Direction can restrict development are limited and only used where the development presents an immediate threat to local amenity or prejudices the proper planning of an area.

3.6.2 Under Sections 107 and 108 of the Town and Country Planning Act 1990 and The Town and Country Planning (Compensation) (England) Regulations 2015 (as amended), when introducing an Article 4 Direction, the Local Planning Authority can be liable for compensation to those whose permitted development rights have

⁵ PPG: When is Permission Required, Paragraph: 045 Reference ID: 13-045-20140306

been withdrawn if an application for development which would otherwise have been permitted development is refused.

- 3.6.3 Compensation may only be claimed if an application for planning permission is submitted within 12 months following the date of the direction. Therefore, Non-Immediate Directions that give 12 months' notice of the intent to bring into force a Direction can be introduced without the need to grant any subsequent compensation.
- 3.6.4 Furthermore, an Immediate Article 4 Direction would mean that planning applications for class C3 to class C4 HMOs would be assessed against current planning policy, which is of an age that perhaps does not reflect the current situation in relation to HMOs, and would be limited in addressing the issues of concentration and loss of family housing to HMO through planning applications.
- 3.6.5 The Council should be aware that the majority of Article 4 Directions that come into effect, are 'non-immediate' as this removes the risk of significant compensation being paid.

3.7 HOW WOULD THE ARTICLE 4 DIRECTION BE INTRODUCED?

- 3.7.1 Article 4 Directions need to be made through a two-stage process. The first is for the Council to 'make' the direction and undertake local consultation with the areas the Direction is proposed to take effect in. The second is the confirmation of the direction by the Council. Prior to confirming the Direction, the Council must consider all comments made during the consultation and consider whether material changes are necessary to the Direction. If significant amendments are needed, further consultation may be required.
- 3.7.2 Schedule 3 of the GPDO 2015⁶ sets out the procedures for publicity and consultation of Article 4 Directions and requires local advertisement and site notices at no fewer than 2 locations within the affected area. Individual service of the notice on owners and occupiers of every part of the land is required by legislation in the area the proposed Article 4 Direction is to cover, unless the number of owners or occupiers within the area to which the direction relates makes individual service impracticable.
- 3.7.3 Within the areas proposed it is acknowledged that there are a significant number of residential and commercial landowners and as such it is considered that the individual service of notice on all owners and occupiers within the areas proposed to be covered by the Article 4 Direction would, in this instance be impractical.
- 3.7.4 In meeting the legislative requirements, the following consultation would be required to be undertaken:
- Public Notice in the local press
 - Display of the Article 4 Direction Notice at Medway Council Offices, Gun Wharf

⁶ <https://www.legislation.gov.uk/ukxi/2015/596/schedule/3>

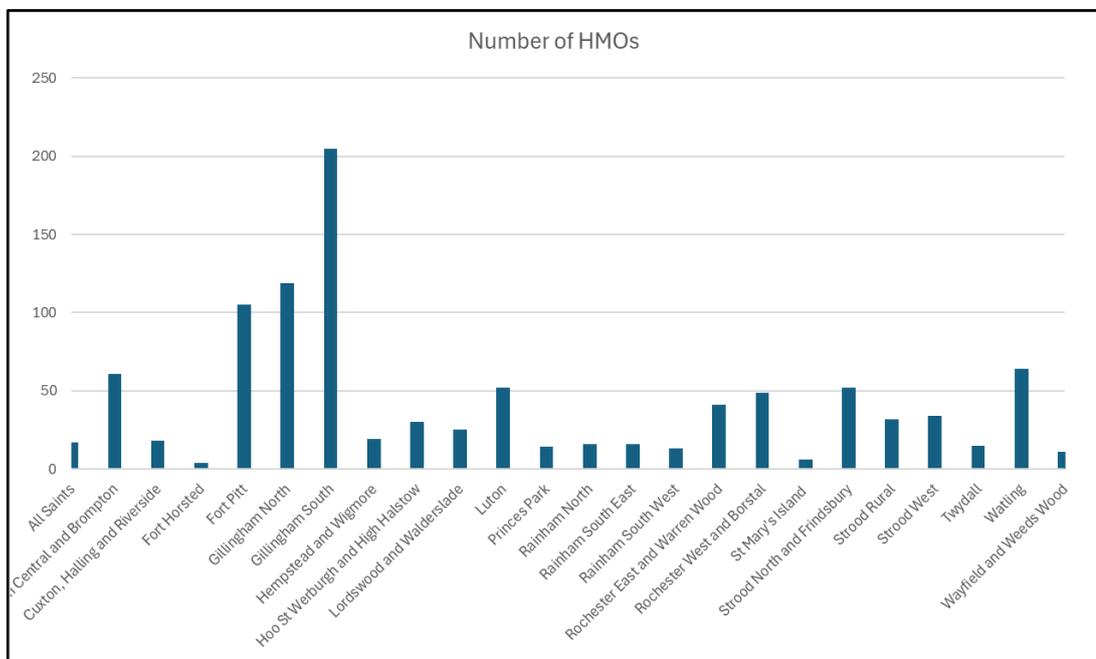
- Consultation published via the Council's on-line consultation portal
- Notice published on the Council website, accompanied by a Press Release and social media posts
- Display at least two site notices (within each Ward) for a period of not less than six weeks
- Correspondence to targeted bodies including HMO license holders and other relevant groups and organisations

4 MEDWAY EVIDENCE

4.1 EXISTING EVIDENCE

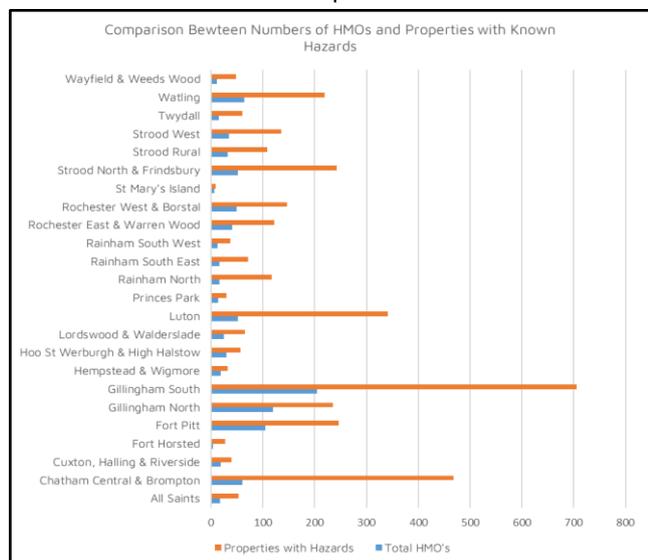
4.1.1 There is a significant body of evidence that the Council have produced which identifies why these specific Wards have been identified as being the most appropriate for the imposition of Article 4 Directions. Firstly, the overall number within these Wards is identified as being the highest within Medway, representing a total of 67% of the overall provision.

4.1.2 The graph below shows that all of the Wards identified have at least 50 HMOs within their boundaries and there is an understanding that there may well be more that are unlicensed or do not have the benefit of planning permission (where required).



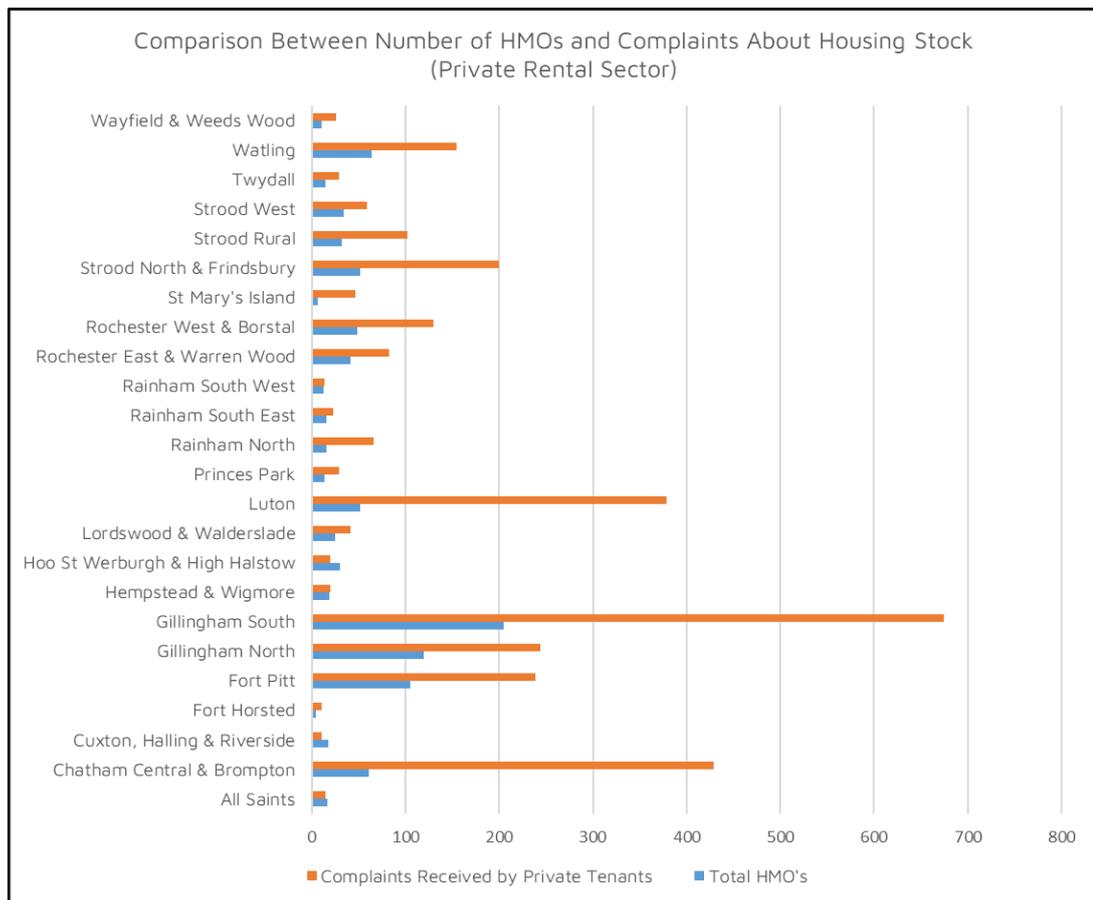
4.1.3 It is not just the quantum of HMOs within an area that requires consideration, but also the quality of this housing stock. The Council's own evidence identifies that many of the properties within these seven Wards have a significant number of properties with 'serious hazards'.

4.1.4 You will see from the graph to the right that there is a significant correlation between the number of HMOs within a Ward, and the number of properties that are considered to have 'hazards'.



4.1.5 This correlation raises further concerns about the quality of the housing stock within these Wards, given further justification for seeking additional controls by the Local Authority to improve the housing stock. If planning applications are submitted, they would have to adhere to the relevant planning policies, which can identify the size of habitable rooms, as well as the provision of private open space.

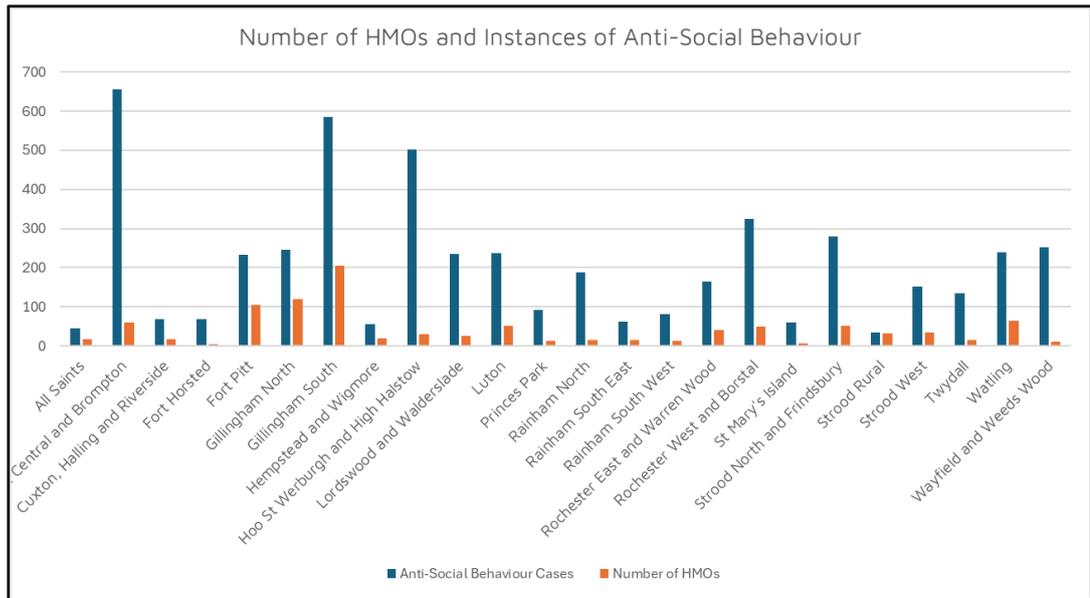
4.1.6 Again, there is a link between the types of housing within the Wards and the level of complaints that the Council have received with regards to properties within the private rented sector (PRS). The graph below shows this correlation.



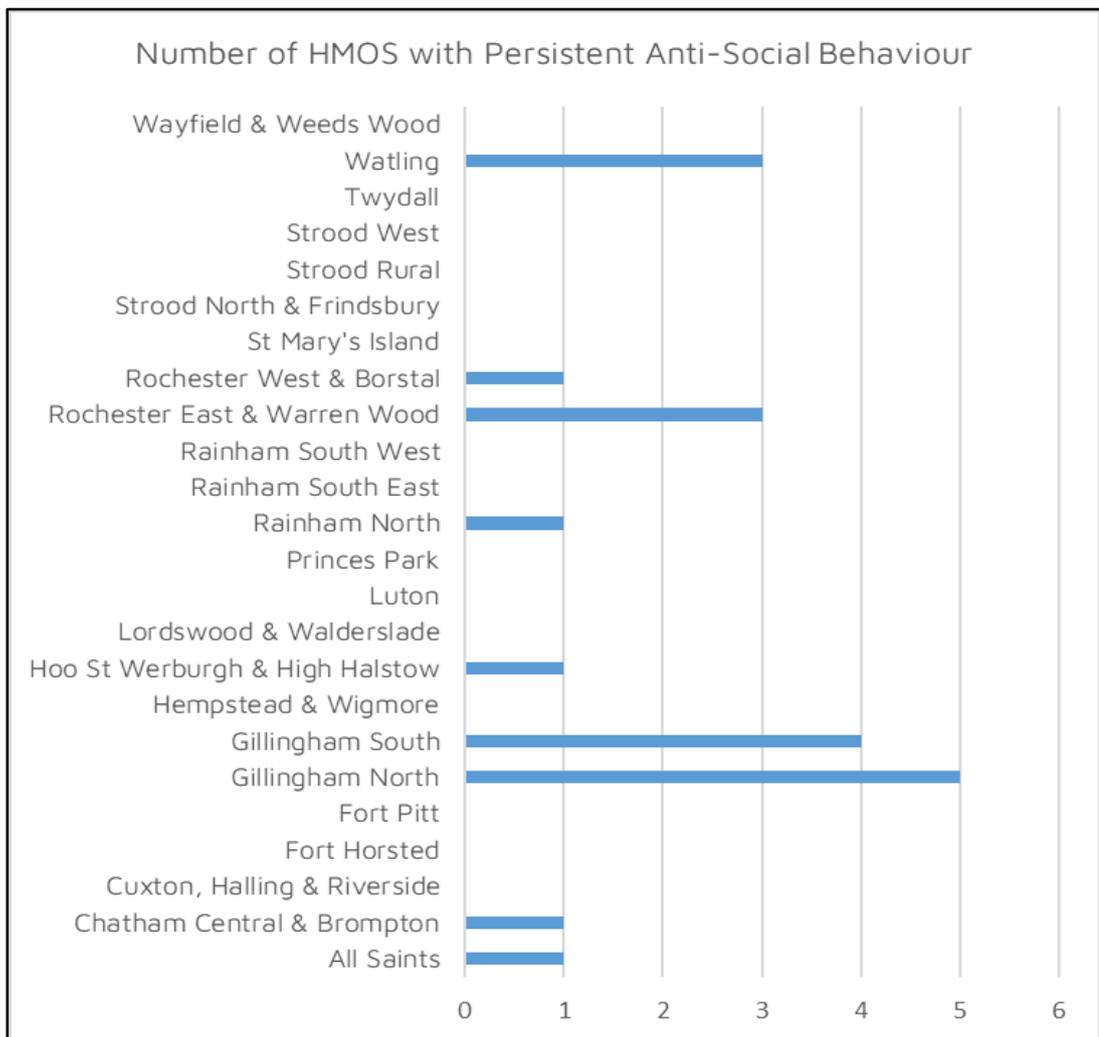
4.1.7 As is set out at the beginning of the report, the provision of HMOs is an important component of Medway’s housing stock and does provide relatively cheap accommodation for those in short term – however where there is an imbalance within communities, this can result in harm to the wider community and the facilities that they currently enjoy.

4.1.8 An example of issues that can arise is the increase in Anti-Social Behaviour (ASB), and the Council have gathered evidence related to such incidents exclusively linked to the Private Rental Sector (PRS) which also shows a correlation between the number of HMOs and Wards with the highest rate of ASB. This evidence is specific to properties within the PRS and does not include other instances of ASB – for example that which takes place on the street or in other public areas.

4.1.9 The graph (on the following page) shows that the seven wards with the highest level of ASB linked to the PRS are those subject to the proposed Article 4 Directions.



4.1.10 This information has been distilled into finer grain, with evidence of HMOs with persistent ASB within Medway. This shows again that the Wards of Gillingham North and Gillingham South being the locations with the most persistent issues – consistent with the fact that they have the largest number of this type of accommodation.



- 4.1.11 In summary, the evidence that is available demonstrates that there is a correlation between the number of HMOs within the seven identified Wards, the number of hazards within the properties, the number of complaints about the private rented properties and the number of HMOs with persistent ASB.
- 4.1.12 The next section of this report focusses on the individual wards, and the particular issues that they face in terms of the HMO provision.

5 WARD LEVEL EVIDENCE

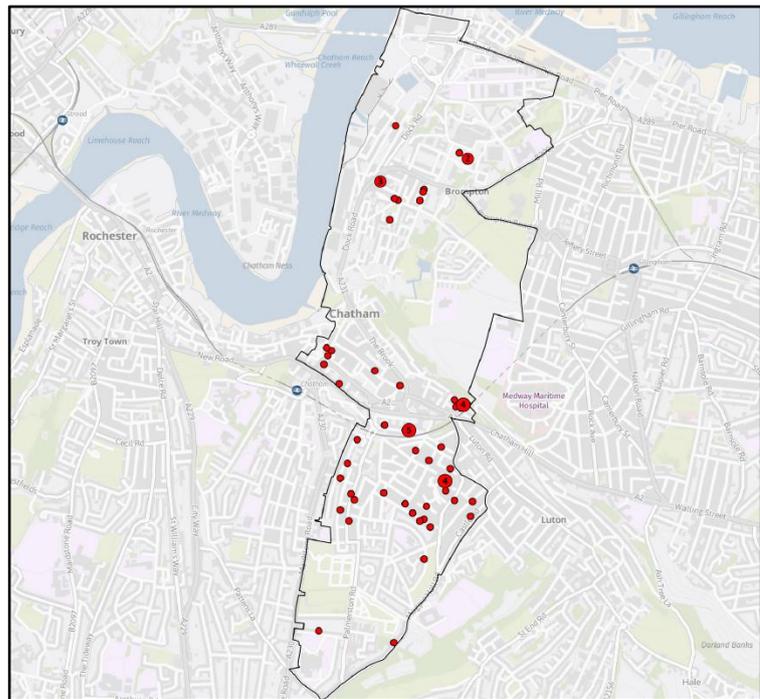
5.1 CHATHAM CENTRAL AND BROMPTON

5.1.1 Census data from 2021 shows that the population of Chatham and Brompton was 7,204 residents, which consisted of 6,527 households. Of these, only 2,574 are owned, with the remaining 3,953 are rented (either privately or social rented). This Ward has the lowest level of home ownership in Medway, with only 39.44% of homes being owner occupied.

Homes that are owned	2,574
Private Rented Households	2,245
Social Rented Households	1,708
Total	6,527

5.1.2 There are currently 61 known and predicted HMOs within the Ward (one of the lowest levels amongst the seven Wards considered) and there has been 8 planning applications (and certificate of lawful use applications) in the past ten years for the creation of HMOs within the Ward – which indicates that a high proportion of known HMOs do not require the benefit of planning permission or are unlawful.

5.1.3 The map (right) shows the location of the known HMOs within the Ward and identifies that the majority of these are clustered around the centre of Chatham or within the Brompton area of Chatham. The northern part of this Ward is dominated by retail, leisure and academic uses – with less residential properties within this location.



5.1.4 The Council’s own research identifies that 22 of the HMOs within the Ward are likely to have ‘hazards’ which represents a third of this type of housing stock. There have been 14 complaints received by the Council from residents of HMOs within the Ward. These are both relatively high percentages, which indicates that a number of these HMOs are likely to be of a poor standard of accommodation.

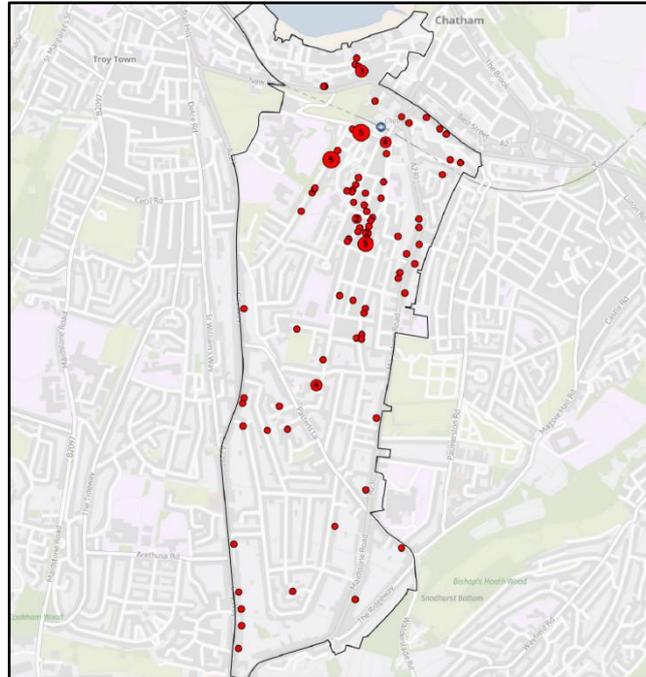
5.1.5 In terms of anti-social behaviour within the Ward, there have been 169 instances of anti-social behaviour linked to PSR properties within the past five years. This is the second highest within Medway.

5.1.6 Many of the streets within the Ward are terraced with a lack of off-street parking provision. With numerous properties converted into HMOs, there is a significant pressure for on-street parking provision – which can already be difficult for

existing residents. The proliferation of HMOs in these areas further increases this pressure, leading to neighbour disputes, and for residents to then park in an unsafe manner, or in a way that prohibits the safe passage of emergency vehicles.

5.2 FORT PITT

- 5.2.1 Census data shows that there is a relatively high percentage of privately rented properties within the Ward, with 31% of all properties are either rented through the private sector or are social rented. Whilst this in itself does not represent any concern, it does give an indication of the more transitory nature of the residents within the Ward. Of these rented properties, a total of 105 are currently known and predicted as being HMOs. There has however, only been 7 planning applications for the conversion of existing properties into HMOs within the past ten years – demonstrating that many of these either don't require the benefit of planning permission, or are unlawful.



- 5.2.2 The map (right) shows the location of the known HMOs within the Ward of Port Pitt, which indicates that these are spread relatively equally throughout. It should be noted that due to the close proximity of some HMOs to one another, some of the dots shown may represent more than one HMO. Nevertheless, the total of 105 HMOs represents 10% of the Authority's HMO provision and given the proximity of this Ward to Chatham Central and Brompton (as well as Luton and Gillingham South), it can be seen that there is a significant proliferation of this type of accommodation within the immediate vicinity.

- 5.2.3 The Council's own research, they have identified that an estimated 21% of HMOs within Fort Pitt are likely to have 'hazards' – and represent a poor standard of accommodation.

- 5.2.4 In terms of the impacts of this proliferation, the level of anti-social behaviour has been considered and within the Ward in the past five years there has been 86 instances of anti-social behaviour linked to the private sector rented housing stock (Ti Report 2024).



- 5.2.5 Many of the streets within the ward are terraced and are provided with on-street parking only. With numerous

properties converted into HMOs. There is a significant pressure for on-street parking provision – which can already be difficult for existing residents. The proliferation of HMOs in these areas further increases this pressure, leading to neighbour disputes, and for residents to then park in an unsafe manner, or in a way that prohibits the safe passage of emergency vehicles.

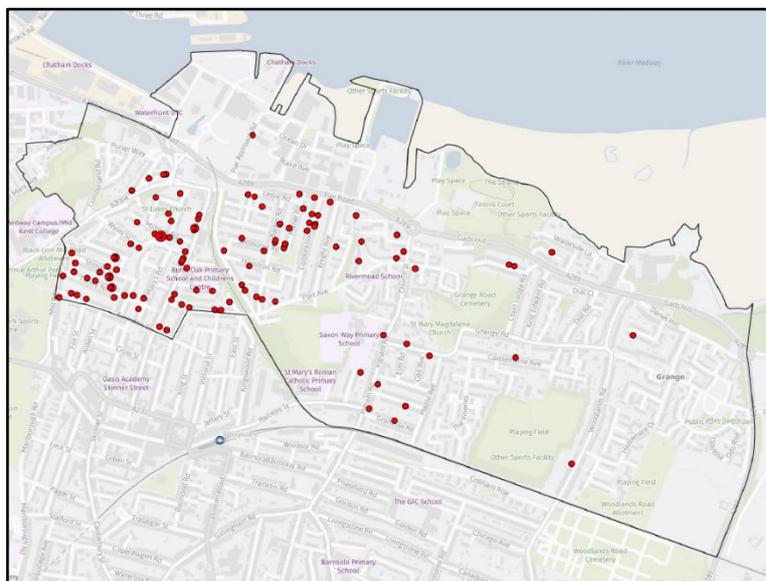
5.2.6 It is noticeable when visiting this area, that there is also significant bin storage provision to the front of these properties. Often this is unmanaged and can lead to unsanitary conditions for all residents.

5.3 GILLINGHAM NORTH

5.3.1 Census data shows that only 49.7% of homes within the Ward are owned, with the remaining 51.3% being either private or social rented properties. Of these privately rented, there are predicted to currently be 119 HMOs within the Ward. The majority of these HMOs are clustered to the western end of the Ward, close to the boundary with Chatham and Brompton. These are primarily located within the more densely populated terraced streets.

Homes that are owned	2,818
Private Rented Households	1,746
Social Rented Households	1,107
Total	5,671

5.3.2 The map (right) shows this relationship between the majority of HMOs within the Ward and their proximity with the centre of Gillingham Town Centre. It has been considered as to whether we should seek to reduce the geographical area in which the Article 4 Direction would be applied. However, we are of the view that given the relatively low value of the housing stock throughout the Ward, there would be the risk of the uncontrolled proliferation 'spreading' into the eastern part of Gillingham North. It is on that basis that we do consider it appropriate to seek a Direction for all of the Ward.



5.3.3 There are 27 HMOs within the Ward that are identified as having 'hazards' (the second highest within Medway) and there have been 32 complaints received by the Council from existing tenants. Again, this represents a significant percentage of this form of housing and demonstrates that further regulation would be beneficial.

5.3.4 With regard to anti-social behaviour North Gillingham has experienced 140 instances within the past five years linked to PSR properties. This is the fourth highest within Medway and represents a significant problem.

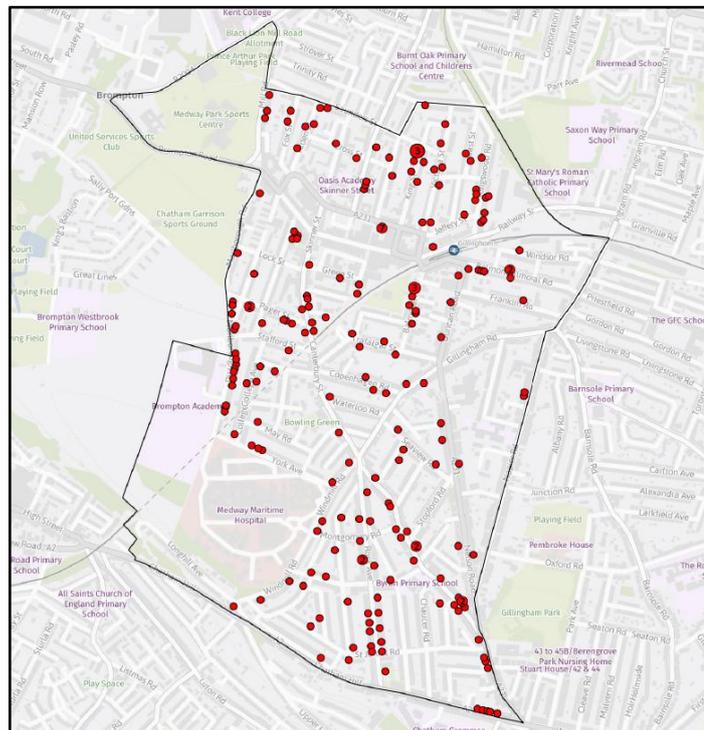
5.3.5 As can be seen from the plan, the majority of HMOs within the Ward are located within terraced streets where the majority of parking is on-street. The proliferation of HMOs in these areas further increases this pressure, leading to neighbour disputes, and for residents to then park in an unsafe manner, or in a way that prohibits the safe passage of emergency vehicles.

5.4 GILLINGHAM SOUTH

5.4.1 Census data shows that Gillingham South consists of 7,163 households, of which only 44.46% are privately owned. Of the 55.54% that are rented (either privately or social rented) there are predicted to be 205 HMOs, which is the largest concentration within Medway. As can be seen from the map (below-right) these are spread relatively equally across the Ward.

Homes that are owned	3,185
Private Rented Households	3,227
Social Rented Households	751
Total	7,163

5.4.2 This is one of the Wards with the highest density of properties within it, with a number of the streets containing terraced properties. An example of an area with a high concentration is Marlborough Road to the west of the Ward, a street provided with terraced housing and on street parking - much of which is only on one side of the highway (double yellows provided along the length on the opposite side). There are numerous HMOs within this street, and this would likely give rise to significant impacts in terms of car parking provision. This character is replicated throughout the Ward, with a number of the highways containing parking restrictions due to its proximity to the railway station and town centre.



5.4.3 It is within this Ward that there have been the highest number of instances of ASB related to PRS properties (289). This exceeds the next highest by over 100 – and indicates a significant area of concern. 55 of the known HMOs within the Ward are identified as having a ‘hazard’ which again, is the highest within Medway. Gillingham South also has the highest number of complaints received by occupiers – with 44 received over a five-year period.

5.4.4 Given these particular issues, it is considered that there is strong justification to seek to impose an Article 4 Direction within this Ward.

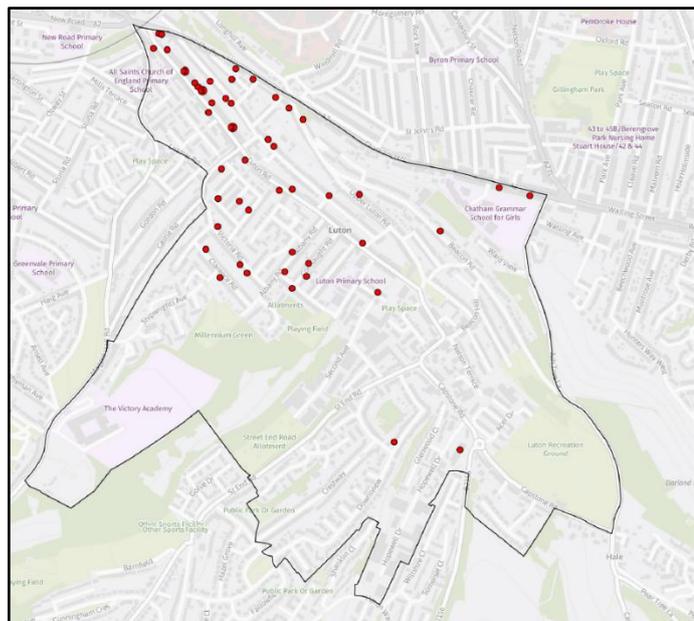
5.5 LUTON

5.5.1 Census data shows that of the total 4,299 households within the Ward of Luton, of which 50.43% are owned. Of the remaining 49.57% which are either privately or social rented properties, 52 are either known or predicted HMOs. Whilst this is one of the lower levels of HMO provision within Medway, given that the Ward is one of the smallest (geographically), the impacts are likely to be more pronounced.

Homes that are owned	2,168
Private Rented Households	1,332
Social Rented Households	799
Total	4,299

5.5.2 The map (below-right) shows that the majority of HMOs within Luton are located to the north and west of the Ward – closest to its boundary with Gillingham South and Chatham and Brompton. Again, this is within the part of the Ward with the highest concentration of terraced housing. With a significant portion of these properties along Luton Road and its environs, they are located within an area of significant parking controls.

5.5.3 As with Gillingham North, consideration has been given as to whether it would be appropriate to reduce the scope of the Article 4 Direction, however, this may give rise to further spread into other areas of the Ward – which would likely give rise to similar concerns.



5.5.4 With regard to ASB, there has been 154 reports within the past five years associated with PRS, the third highest within Medway. Given the relatively low number of households (in comparison to other Wards) this is considered to be a significant concern.

5.5.5 The number of HMOs with known ‘hazards’ is relatively low at 15, however this still represents over 25% of this type of accommodation. In terms of complaints received by residents, 22 have been considered by the Council. These numbers represent a significant proportion of the housing stock within the area.

5.5.6 This is perhaps one of the more ‘marginal’ Wards to seek to impose an Article 4 Direction, however, we consider that the level of ASB linked to PRS, together with the level of hazards and complaints received to be sufficient to justify its inclusion.

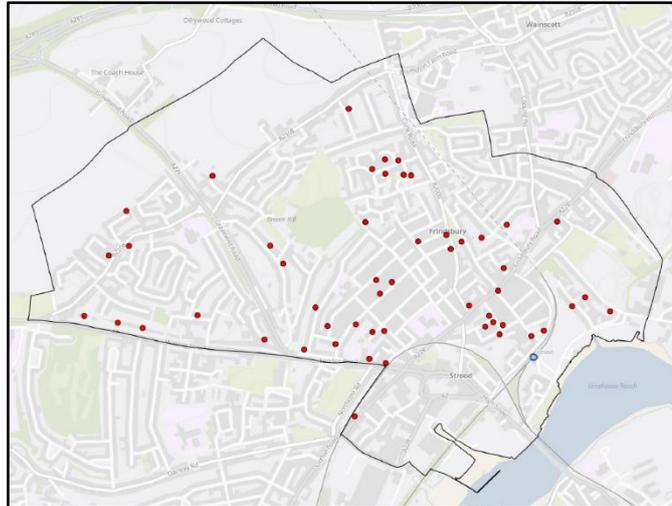
5.6 STROOD NORTH AND FRINDSBURY

- 5.6.1 Census data shows that of the 5,917 households within the Ward, over 68% of these are privately owned. Of all the Wards considered for an Article 4 Direction this is the second highest percentage. Of the 31.9% of the properties that are rented (privately or social rent) there are 52 known and predicted HMOs. This number (as with Luton) is relatively low however the Ward is (geographically) relatively small.

Homes that are owned	4,031
Private Rented Households	1,376
Social Rented Households	510
<hr/>	
Total	5,917

- 5.6.2 As can be seen from the map (below-right) the HMOs within Strood and North Frindsbury are relatively well spread out, with the highest density of these around the train station. Again, the majority of streets in which the HMOs are located are terraced, with parking controls (those closest to the station requiring permits), and a lack of rear access to the premises.

- 5.6.3 In terms of ASB related to PRS, there has been 94 incidents reported within the past five years which when considered in relation to the relatively low number of rented properties within the Ward represents a relatively high figure. However, the number of properties that have reported 'hazards' is low (8 properties) which indicates that the housing stock within this area is of a high standard than the other Wards under consideration. This is reflected in the number of complaints received (5) which is again the lowest figure for all Wards under consideration.



- 5.6.4 Of the seven Wards under consideration for an Article 4 Direction, this is perhaps the most 'balanced' area. Whilst it is clear that there are a reasonable number of HMOs, and there is a relatively high level of ASB – the housing stock appears to be of a slightly higher standard. However, house prices here are (in southeast terms) low, and there are a number of properties that would be considered suitable for HMO use – particularly within the vicinity of the station. There is therefore a risk that if this area is not included – given the controls imposed elsewhere, proliferation here could occur relatively rapidly. It is therefore considered, on balance, appropriate to seek an Article 4 Direction.

5.7 WATLING

5.7.1 Census data shows that within the Watling Ward, there are a total of 5,228 households, of which 71.7% are owned (the highest of all Wards under consideration). Of the 1,482 privately and social rented properties, there are 64 known and predicted HMOs.

Homes that are owned	3,746
Private Rented Households	976
Social Rented Households	506

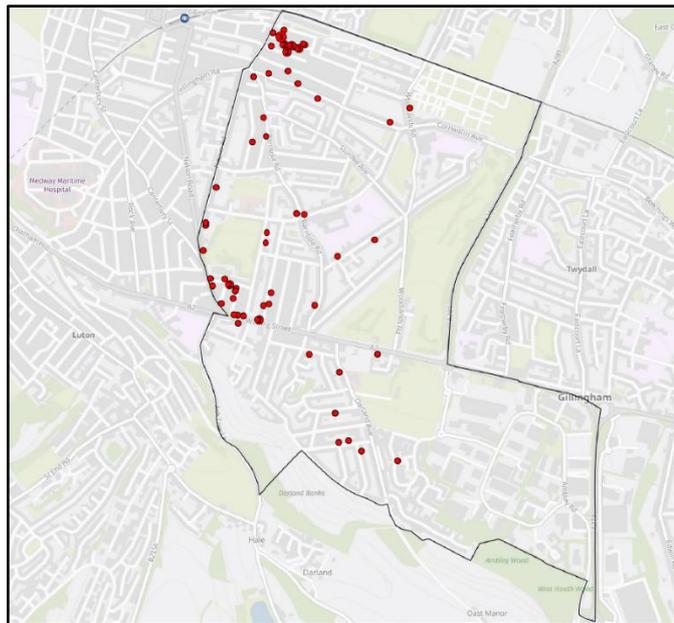
5.7.2 The map (below-right) demonstrates that the majority of the properties are located to the west and north of the Ward, closest to the boundaries within Gillingham South and Luton. There is a clear correlation between the types of properties within this location and the provision of HMOs. These are located within the streets that predominantly contain terraced properties, with on-street car parking – where the values tend to be the lowest.

Total	5,228
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5.7.3 A significant cluster of the HMOs sit between the station and Gillingham FC to the east – streets that are characterised by terraced properties – and parking restrictions.

5.7.4 Whilst the map may indicate that there are no HMOs to the east of the Ward, given that the majority of this is in business use, and provided as open space, we see no reason to reduce the Direction to a smaller area.

5.7.5 There have been 98 instances of ASB in the past five years which are linked to PRS which given the relatively low number of rental properties within the Ward is relatively high. Likewise, the number of properties with known 'hazards' sits at 20, and the number of tenant complaints (21) is also high – given the lower number of rentals. All of the above provides evidence that the control of the growth of HMOs within the Ward would be appropriate.



5.8 CONCLUSION

5.8.1 It is considered that there is robust evidence to provide support for the Article 4 Direction for all seven wards.

6 SUMMARY AND CONCLUSION

6.1 SUMMARY

6.1.1 In 2008 the then Department for Communities and Local Government published a report titled 'Evidence Gathering – Housing in Multiple Occupation and possible planning responses. The report identified the following impacts that can occur as a result of high concentrations of HMOs, including:

- Anti-social behaviour, noise and nuisance
- Imbalanced and unsustainable communities
- Negative impacts on the physical environment and streetscape
- Pressures on parking provision
- Increased crime
- Growth in the private rented sector at the expensive of owner occupation
- Pressure on local community facilities

6.1.2 As set out within the report, there are in excess of 1,000 HMOs within Medway, and it is fully anticipated that this number is likely to grow. Parts of Medway are relatively deprived, with house prices relatively low compared to other areas within the Southeast. Such low house prices make parts of Medway an attractive place for speculative landlords to buy property for conversion to HMOs. As can be seen above the majority of HMOs in Medway are concentrated in the most deprived parts of the borough where values are also the lowest. Furthermore, there are correlations between the provision of HMOs and matters such as the quality of accommodation and ASB.

6.1.3 Based upon the evidence available as presented within this report, it is considered particularly strong reasons exist to justify that an Article 4 Direction is introduced given the recent speed of change across Medway, restricting the currently permitted development right which exists to change from Use Class C3 to C4 and allowing consideration of matters material to provision of this type of accommodation within the seven Wards identified within this report.

6.2 PROPOSAL

6.2.1 In order to protect amenity and ensure Medway's communities remain sustainable, the Council proposes to introduce an immediate, permanent, boroughwide Article 4 direction, which will remove the permitted development rights which would allow conversion of a dwellinghouse (Class C3) into a small HMO (Class C4) for up to six residents.

6.2.2 It is proposed that the Article 4 Direction would be introduced at a ward level for the seven wards.

6.2.3 The Article 4 direction will have the direct impact of making all such future HMO proposals subject to planning control. This will not prevent additional HMOs being provided but will allow for better regulation and monitoring.

6.2.4 Medway also intends to amend the wording of their emerging Local Plan Policy, and this will be consulted on as part of the Council's ongoing requirements for

moving towards adoption. Without an Article 4 direction Medway would not be able to apply that future policy to conversions from dwelling houses to small HMOs for up to six people – which may further exacerbate the poor quality of the housing stock.
