CITY OF YORK COUNCIL

Houses in Multiple Occupation

Non-statutory planning guidance

Approved 7 July 2026



This document updates and replaces the ‘Houses in Multiple Occupation’ draft Supplementary Planning Document (2012, amended 2014) and was approved as non-statutory planning guidance at Executive Member Decision Session on 7 July 2026.

If you would like this document in an alternative format, please contact:

(01904) 551550

ycc@york.gov.uk

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This Planning Guidance Note provides background and detail to the methodology used in Local Plan policy H8[1] and guidance on residential amenity criteria used to assess planning applications for HMOs. Information around the Council's approach to HMO licensing is available online at https://www.york.gov.uk/private-landlords-tenants/apply-hmo-licence

Background

Houses in Multiple Occupation, or HMOs as they are commonly referred, represent a significant and growing proportion of the mix of housing in York. They make an important contribution to York's housing offer, providing flexible and affordable accommodation for students and young professionals alongside lower income households. HMOs are regarded as a valuable asset to the city's housing offer, but there is concern about the wider impacts that concentrations of HMOs are having on neighbourhoods and increasing rental costs. This debate has mainly been driven by the increasing number of student households in the city and focuses on the detrimental impact large concentrations of HMOs can have on neighbourhoods, such as the loss of family and starter housing. We also recognise that unbalanced communities can result in problems retaining a range of services for the wider community.

What is an HMO?

On 6 April 2010, amendments were made to the Use Classes Order and the General Permitted Development Order to introduce a new class of type C development – C4 'Houses in Multiple Occupation'. These are commonly referred to as 'small HMOs' and consist of houses containing between three and six unrelated occupants who share basic amenities. 'Sui Generis ' HMOs, where there are 6 or more unrelated people, are

[1] https://www.york.gov.uk/adoptedLocalPlan

still considered as HMOs, but these are now commonly referred to as ‘large HMOs’ which, in broad terms, consist of more than six occupants.

A house or flat is a house in multiple occupation (HMO) if:

- occupants share basic amenities (toilet, bathroom and/or kitchen)
- it is occupied by at least three people (adults and children)
- they form at least two households
- it is their only or main residence (includes full-time students and use as a refuge from domestic violence)
- the house is used as a home only (this means a residential house or flat and not a commercial unit)
- rent is payable (includes when accommodation provided instead of wages)

If one or two people live together (whether related or not) this is NOT an HMO. The threshold for creating an HMO is three or more people. Children are counted as equal to adults when determining whether a property is an HMO.

A household is defined as:
(i) a single person; or
(ii) several members of the same family
The same family means:

- A married couple or equivalent co-habiting arrangement‘
- A relative (parent, grandparent, child, grandchild, sibling, uncle, aunt, niece, nephew or cousin)
- Relationship of half-blood is treated as whole blood
- Stepchildren and foster children are treated as own children,

Examples:

1. You rent a flat with your friend – this is TWO people in TWO households = NOT HMO
2. You rent a house with your partner and your partner’s brother – this is THREE people in ONE household = NOT HMO
3. You rent a house with your partner and a friend – this is THREE people in TWO households = HMO

The Housing Act 2004[2] gives a detailed definition of what constitutes an HMO.

Under the Housing Act 2004 a landlord needs an HMO licence for their property, to ensure legal safety and standards are met in properties rather than controlling numbers, if the property meets the National Mandatory Licensing Scheme or the Additional Licensing Scheme criteria. More information of HMO licensing can be found at https://www.york.gov.uk/private-landlords-tenants/house-multiple-occupation-hmo-licences

Please be aware that HMO Licensing is separate and independent of any planning requirements, and failure to comply with HMO licensing requirements is offence which could result in legal action or financial penalties.

Scope

An Article 4 Direction (https://www.york.gov.uk/Article4Direction) came into force in York on 20 April 2012 to remove permitted development rights, requiring a planning application to be submitted to change a property into an HMO within the area covered by the Direction[3].
This guidance applies to all planning applications for development consisting of a change of use of a building from a use falling within the Use Class 'C3' (a family dwelling house or flat for example) to Use Class 'C4' (small HMO) or sui generis (large HMO) within the main urban area (the Article 4 area)[4]. It also applies to changes to sui generis HMOs, and flexible permissions from Use Class C3 to C3/Sui Generis large HMOs, outside the Article 4 area.

Neither the policy nor guidance apply to PBSA student accommodation. Existing HMOs will not be subject to the Article 4 unless a new planning application is made.

[2] https://www.legislation.gov.uk/ukpga/2004/34/part/7/crossheading/meaning-of-house-in-multiple-occupation
[3] https://www.york.gov.uk/private-landlords-tenants/article-4-direction-relation-houses-multiple-occupation-hmo
[4] https://www.york.gov.uk/downloads/file/2635/article-4-direction-boundary-plan

Policy Approach

Policy H8 of the adopted City of York Local Plan 2017-2033 (February 2025) seeks to control the number of HMOs to ensure that communities do not become imbalanced. The policy approach is guided by the Local Plan Vision to build strong communities. A key element of the Local Plan is its role in meeting the needs of specific groups, including students, and supporting development which helps to balance York's housing market.

Policy H8 utilises a threshold-based approach and identifies a 'tipping point' when issues arising from concentrations of HMOs become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

Within the Article 4 area, in assessing change of use planning applications (from Use Class C3 to Use Class C4 and Sui Generis), development will only be permitted where:
- it is in a **neighbourhood area** where less than 20% of properties are HMOs;
- less than 10% of properties within 100m of **street length** either side of the application property are HMOs;
- the accommodation provided is of a high standard which does not detrimentally impact on **residential amenity.**

The Council maintains a database which pulls together information from as many different types of shared accommodation as possible, including properties entirely occupied by full time students (excluding university managed/owned Halls of Residence on or off-campus); those recorded on the Council's Licensed HMO database; those benefitting from C4/Sui Generis HMO planning permission; or, those known to the Council to be HMOs. The HMO database is updated on a regular basis to provide reliable data for better decision making.

The full HMO database used for planning purposes is not made public due to sensitivities around data protection. Extracts are provided to

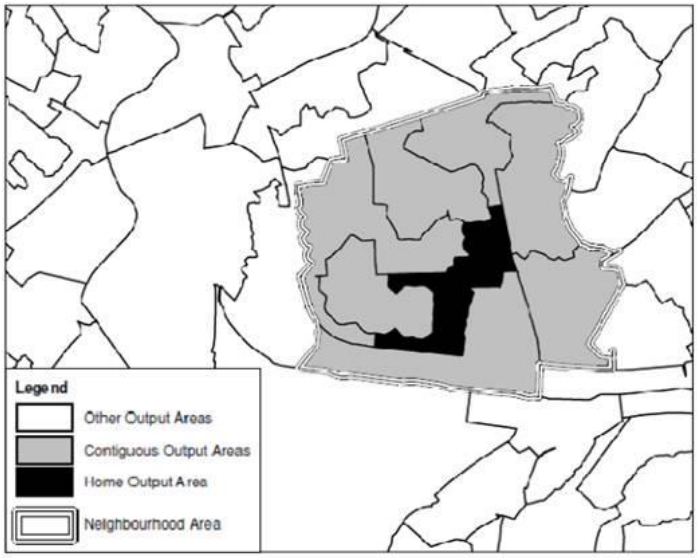
Development Management case officers and Councillors to aid decision making.

For members of the public wishing to find out more information about HMOs in their neighbourhood, details of properties licenced under the Housing Act 2004 are available to view at https://hmolicensing.york.gov.uk/online-application/york-hmo-public-register-public-register/ or https://www.york.gov.uk/private-landlords-tenants/list-hmo-licensed-properties.

Approach to assessing concentrations of HMOs

Neighbourhood Level

Figure 2: Neighbourhood Area



As highlighted in the evidence base underpinning the Article 4 Direction, some issues arising from concentrations of HMOs can be a neighbourhood matter, going beyond the immediate area of individual HMOs. This includes a decreasing demand for local schools and changes in type of retail provision, such as local shops meeting day to day needs becoming take-aways. We have developed a consistent and robust approach to help assess how HMO density would be affected by new HMO development.

A cluster of contiguous output areas will be used to identify a neighbourhood. The number of contiguous output areas varies depending upon local circumstances but typically comprise between 5 and 7 output areas, capturing 625 to 875 households. An example of a cluster of output areas is shown at Figure 2. The 'home output area' is where the planning application is located. To ensure a consistent and robust approach, all adjoining output areas to the output area where the planning application is located will be used to form the neighbourhood area in all cases.

Street Level

An assessment of concentrations of HMOs at street level will allow the Council to manage the clustering of HMOs along streets, to avoid the situation where whole streets or large sections of streets change use to HMOs; the effects of which are most keenly felt out of term time when properties are empty.

Figure 3: Street Level



A street by street approach will address the impacts large concentrations of HMOs can have on increased levels of crime and the fear of crime, changes in the nature of street activity, street character and natural surveillance by neighbours and the community outside of term times, standards of property maintenance and repair, increased parking pressures, littering and accumulation of rubbish, noise between dwellings at all times and especially music at night. It is important to note that it is not suggested that these impacts can be attributed to the occupants of HMOs, such as students, who can often be the victims of crime for example or suffer from a poor-quality environment.

It is considered that a length of 100 metres of street frontage can reasonably be considered to constitute a property's more immediate neighbours and is therefore the distance threshold used for assessing concentrations of HMOs at street level. This is measured along the adjacent street frontage on either side, crossing any bisecting roads and also continuing around street corners and is illustrated at Figure 3.

Residential amenity

In assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity the following matters will be considered:

- **Is the dwelling large enough to accommodate an increased number of residents?**
  When considering planning applications for new HMOs, poorly designed internal spaces will not be acceptable. This includes ensuring that rooms benefit from reasonable standards of amenity including windows with an acceptable outlook and that the floorspace is configured such that it provides a usable space with access to bedrooms from circulation areas.

  Room sizes required for HMO Licensing will be taken into account when assessing bedroom floorspace.

- **How much space is available for potential additional cars to park?**
  The external areas of the site are just as important in the assessment of a proposal for HMO occupation, but which are often overlooked when considering occupancy numbers. External areas often cause design and layout issues as they are generally not capable of accommodating a high number of occupiers living independently of each other and therefore careful consideration of creating appropriate workable external environments is required when considering the number of occupants.
  When assessing development proposals for HMO's it is essential not only to secure the provision of car parking spaces of an appropriate size but also a car parking layout that allows for maintenance, loading/unloading, etc. to be undertaken within the site, and for cars to be able to manoeuvre in and out of spaces independently of each other, thereby helping to ensure that the spaces are suitable and realistic for use in an HMO context, and that on-street parking is avoided as much as possible.

The lifestyle and work patterns of the occupants of an HMO often differ to those of a family. Occupants of HMOs often operate separately and use independent modes of transport such as cars or cycles. The provision of sufficient parking for both cycles and cars is therefore important and a dwelling operating as an HMO should ordinarily provide a minimum of 1no. car parking space per 2no. bedrooms off-street and within the site boundary.

When designing external space a 1m wide access to the rear or front door should be maintained for pedestrian and cycle access and for manoeuvring wheelie bins.

- **Can appropriate provision be made for secure cycle parking?**
  Department for Transport guidance in LTN 1/20, requires 1 cycle storage space per bedroom. Cycle storage is generally required to be covered and securely contained, which often takes the form of a cycle shed. This would be secured by condition but should be indicatively shown on the plans.

- **Is the condition of the property of a high standard that contributes positively to the character of the area and will the condition of the property be maintained following the change of use to HMO?**
  Where an application for planning permission is approved then this will include a planning condition to secure a management plan covering property and garden maintenance, refuse disposal, and noise complaints.

- **Can the increase in number of residents be shown not to have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy?**
  This is assessed by the thresholds in policy H8 as a concentration of HMOs is likely to lead to impacts on neighbouring amenity through noise and disturbance through cumulative effects of number of HMOs.

- **Is there sufficient space for storage of waste/recycling containers in a suitable enclosure area within the curtilage of the property?**
  Bin storage should be sufficient for the appropriate number of waste bins and be secure, within the site boundary, and in a location hidden or not visually intrusive in the surrounding street scene. There should be space to manoeuvre in and out of the bin store. Further information is available at https://www.york.gov.uk/HMOWaste.

- **Will the proposal result in the loss of a front garden to hard standing for parking and refuse areas which would detract from the existing street scene?**
  When providing car parking areas, care should be taken to retain as much of the garden boundary and existing vegetation as possible. Barren hard surfaced gardens which serve only as car parking areas erode the character of the street, detract from the security of the site and can increase flood risk through high levels of surface water run-off and are unlikely to be acceptable.

  Regard should also be given to the storage of bins and recycling boxes. Bin storage to the front of the property is unlikely to be acceptable because of its impact on the character of the street. Provision should be made for bin storage within a sensitively designed external area preferably to the side or rear of the property.