

**AGENDA MANAGEMENT SHEET**

**Report Title:** Confirmation of Article 4 Direction – Houses in Multiple Occupation

**Name of Committee:** Cabinet

**Date of Meeting:** 16 September 2024

**Report Director:** Chief Officer – Growth and Investment

**Portfolio:** Growth and Investment, Digital and Communications

**Ward Relevance:** Benn, Coton and Boughton, Eastlands, New Bilton, Newbold and Brownsover

**Prior Consultation:** N/A

**Contact Officer:** Hayley Smith  
Principal Planning Officer  
hayley.smith@rugby.gov.uk

**Public or Private:** Public

**Report Subject to Call-In:** Yes

**Report En-Bloc:** No

**Forward Plan:** Yes

**Corporate Priorities:** This report relates to the following priority(ies):  
 Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C)  
 Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E)  
 Residents live healthy, independent lives, with the most vulnerable protected. (HC)  
 Rugby Borough Council is a responsible, effective and efficient organisation. (O)  
[Corporate Strategy 2021-2024](#)  
 This report does not specifically relate to any Council priorities but

**Summary:** This report seeks the approval to confirm the Article 4 Direction made on 21 February 2024, and for it to come into effect on 23 February 2025. This

Article 4 Direction was made following a report to Cabinet on 05 February 2024.

Notifications were published in accordance with Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and representations invited on the Direction. These are reported below.

The purpose of the Article 4 Direction is to require changes from use class C3 (dwelling house) to C4 (Houses in Multiple Occupation (HMO) (for 3 to 6 residents) in the defined area to obtain planning permission, where such changes currently benefit from deemed planning permission under permitted development. This would enable the local planning authority to more effectively manage such developments in areas where there is relatively high demand for HMOs.

- Financial Implications:** There are no direct financial implications coming from this report.
- Risk Management/Health and Safety Implications:** There are no health and safety implications.
- Environmental Implications:** The objective of confirming the Article 4 Direction is to protect the character and amenity of areas with known demand for HMOs. This would be to the benefit of the local environment.
- Legal Implications:** If the Council decides to confirm the Article 4 Direction, a copy is required to be submitted to the Secretary of State.
- Equality and Diversity:** An EQIA was prepared and accompanied the report to Cabinet of 5 February 2024. It has been updated and attached at appendix 4.
- Options:**
- 1) Agree to confirm the Article 4 Direction, to come into effect on 23 February 2025.
  - 2) Do not confirm the Article 4 Direction.
- Recommendation:** IT BE RECOMMENDED TO COUNCIL THAT:
- a) The Article 4 Direction be confirmed to come into effect on 23 February 2025.
  - b) The notice of confirmation of the Article 4 Direction be given in accordance with the legal requirements and a copy of the direction as confirmed be sent to the Secretary of State.

**Reasons for  
Recommendation:**

In the interest of maintaining and enhancing the character and amenity of the defined area, through consideration of proposals for all new HMOs in the planning application process.

**Cabinet – 16 September 2024**

**Confirmation of Article 4 Direction – Houses in Multiple Occupation**

**Public Report of the Chief Officer for Growth and Investment**

**Recommendation**

IT BE RECOMMENDED TO COUNCIL THAT:

- a) The Article 4 Direction be confirmed to come into effect on 23 February 2025.
- b) The notice of confirmation of the Article 4 Direction be given in accordance with the legal requirements and a copy of the direction as confirmed be sent to the Secretary of State.

**1. Executive Summary**

- 1.1 This report recommends that an Article 4 Direction made on 21 February 2024 be confirmed so that it comes into effect on 23 February 2025. The effect of the Article 4 Direction being confirmed, would be to require all proposed changes of use from a dwelling to a small HMO to require planning permission, where this type of development currently benefits from deemed consent under General Permitted Development.
- 1.2 The recommendation to make the Article 4 Direction was agreed by Cabinet on 5 February 2024. In accordance with the requirements of Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, a notice was published of the new Article 4 Direction, and representations invited for a period of 21 days. The notice was published on the same date as the Article 4 Direction was made (21 February 2024).
- 1.3 Eight individual representations were made to the Article 4 Direction. In addition, a petition in support of the Article 4 Direction was received as an attachment to one of the representations. The petition includes 651 signatures.

**2. Introduction**

- 2.1 In February 2024, Cabinet agreed to make an Article 4 Direction across 5 wards within the town of Rugby. In accordance with the Cabinet decision, and procedures set out in [Schedule 3 of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#), the Article 4 Direction was made on 21 February 2024, and the Council's common seal attached by an authorised person.

2.2 Notices of the Article 4 Direction were published on the same date (21 February 2024), and representations were invited for a period of 21 days.

2.3 In accordance with procedures set out in the above Schedule, and as indicated in the Cabinet report on 5 February 2024, the representations received in response to the Article 4 Direction will be outlined in this report and should inform the decision on whether to confirm the direction.

### **3. Background**

3.1 The made Article 4 Direction is attached in Appendix 1 and includes a map of the area to which it will apply if confirmed. This area is inclusive of the following five wards:

- Benn
- Coton and Boughton
- Eastlands
- New Bilton
- Newbold and Brownsover

3.2 The rationale for the geographical area of the Article 4 Direction and the underpinning evidence were set out to Cabinet in a report on [5 February 2024](#).

3.3 The effect of the Article 4 Direction, if confirmed, would be to override national permitted development allowances, so that a planning application must be made and approved for any development to create a HMO in the defined area. The introduction of an Article 4 Direction does not mean that planning applications for the particular type(s) of development would be refused. It simply establishes a need to apply for planning permission.

### **4. Notice of the Article 4 Direction**

4.1 The procedures for the making and notification 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 An Article 4 Direction was made on 7 February 2024 and notices to this effect published as set out below. Due to a typographical error on that Direction, a replacement notice was published on 21 February 2024, and the statutory notification process was completed again.

4.3 In line with the requirements of the Order above, publicising the notice included:

- Erecting site notices within the defined area (the regulations require a minimum of 2 notices in the area) – a total of 11 notices were erected in the defined area (see Appendix 2 for locations)
- Local press notice – Rugby Observer (published on 23 February 2024)
- Copies of the Article 4 Direction and the notice were made available for inspection at both the Town Hall and Rugby Library.

In addition:

- Social media channels were also utilised to publicise the Article 4 Direction
- Individuals and organisations on the Development Strategy consultation database were notified by email.

A copy of the Article 4 Direction was also forwarded to the Secretary of State as required by the order.

## 5. Representations

5.1 Sub-paragraph 9 of [Schedule 3 of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#), sets out that in deciding whether to confirm the direction, the local planning authority must take into account the representations received in the notice period. A detailed summary of the representations received is included in Appendix 3, and these are summarised below.

5.2 All representations received in response to the notification of the Direction issued on 7 February 2024 with the typographical error are also included below for completeness.

5.3 Eight individual responses were received, with one including a petition (see below). No objections were received. Of the responses received:

- 4 express support explicitly
- 3 comment on HMOs
- 1 queries how future planning applications would be assessed and how policy would apply, but does not express a view on the direction itself
- No objections were received.

5.4 One of the representations received included an attached petition, supplied in support of the Article 4 Direction. This includes 651 signatures collected via change.com over the period of a year. The covering email with the petition attachment outlined general concerns regarding HMOs which are included in the summary below (and in Appendix 3).

5.5 In supporting or commenting on the Article 4 Direction three respondents directly expressed dissatisfaction with current controls on the development of HMOs, with one suggesting it is “too little, too late”. The representative submitting the petition described the Article 4 Direction as “an absolute necessity” alongside a “complete overhaul” of planning policies in respect of HMOs.

5.6 The reasons given for supporting (or being motivated to comment on) the Article 4 Direction are to help reduce observed negative impacts concentrations of HMOs (and in some representations specific examples of HMOs) can bring about. Based on the representations, these can be summarised as:

- Standard of accommodation offered by HMOs (2 respondents)
- Safety of accommodation (1 respondent)

- Traffic and parking issues (6 respondents)
- Negative impacts on social cohesion/community relations (4 respondents)
- Antisocial behaviour and crime (2 respondents)
- Resultant loss of family housing (2 respondents)
- Overdevelopment/intensification (4 respondents)
- Lack of respect for building character and features/care for the fabric (1 respondent)
- Waste, bin storage and fly tipping (2 respondents)

5.7 Overall, representations received were supportive of the Article 4 Direction.

## **6. Financial Considerations**

6.1 Where an Article 4 Direction comes into effect not less than 12 months from the date of the publication of the notice in the prescribed manner as recommended in this instance, the Council will not be liable for any compensation to applicants who subsequently have an application for a HMO in the defined area refused, or who have more onerous planning conditions placed upon an approval (section 108(3D) Town and Country Planning Act 1990).

6.2 The prescribed manner for publishing notice of the Article 4 Direction is set out in paragraphs 1(1) to (5) of Schedule 3 to the Permitted Development Order (Regulation 4 of The Town and Country Planning (Compensation) (England) Regulations 2015). The last date on which any notice relating to the order was published or served was 23 February 2024, when the notice was published in the Rugby Observer. Therefore, it is proposed that the order come into force 12 months after that date, on 23 February 2025. As a result, financial risks to the Council are mitigated.

6.3 Planning applications resulting from the confirmation of the Article 4 Direction would be submitted in the same way as all other planning applications and would attract the relevant fee. The number of additional planning applications that would result from the Article 4 Direction cannot be easily quantified, as there is no existing data to underpin this.

## **7. Conclusion**

7.1 Representations received to the Article 4 Direction demonstrate general support for greater oversight of HMO development within the defined area, and no objections have been received. Representations received reiterate concerns relating to concentrations of HMOs, which formed part of the reported rationale for introducing an Article 4 Direction.

7.2 No clear reason not to confirm the Article 4 Direction has come to light through the process.

## **8. Next steps**

8.1 If the decision is taken to confirm the Article 4 Direction, the next step would be to carry out a further notification process of the date the direction will come

into effect. This notification process is set out in Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.



**Name of Meeting:** Cabinet

**Date of Meeting:** 16 September 2024

**Subject Matter:** Article 4 Direction- Houses in Multiple Occupation

**Originating Department:** Development Strategy

**DO ANY BACKGROUND PAPERS APPLY**  YES  NO

**LIST OF BACKGROUND PAPERS**

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

**RUGBY BOROUGH COUNCIL  
TOWN & COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS  
AMENDED)**

**HOUSES IN MULTIPLE OCCUPATION (HMO)**

**DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH SCHEDULE 3(1) APPLIES**

WHEREAS Rugby Borough Council (“the Council”) being appropriate local planning authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the Order”), is satisfied that it is expedient that developments of the description(s) set out in the Second Schedule below should not be carried out on land identified in the First Schedule and shown edged in red on the map in the Third Schedule below (“the Land”) unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

For the avoidance of doubt, the Council is satisfied that the Direction is necessary to protect the amenity of the Land and in the interests of good planning.

NOW THEREFORE the said Council in pursuance of the power conferred on it by Article 4(1) of the Order hereby directs that permission granted by Article 3 of the Order shall not apply to development on the Land (as more particularly defined in the First Schedule and shown in the Third Schedule) of the description(s) set out in the Second Schedule below.

**FIRST SCHEDULE**

The following wards ARE SUBJECT to this Direction:

- Benn
- Coton and Boughton
- Eastlands
- New Bilton
- Newbold and Brownsover

**SECOND SCHEDULE**

Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Class L (b).

Development consisting of a change of use of a building falling within Class C3 (dwellinghouses) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) to a use falling within Class C4 (houses in multiple occupation) of that Schedule, being development comprised within Class L(b) of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.

THIRD SCHEDULE



Article 4 Direction Area - Houses in Multiple Occupation (HMO)



16/24

To be completed when making the Article 4 Direction

Made under the Common Seal of  
Rugby Borough Council  
on the 21<sup>st</sup> day of February 2024

The Common Seal of Rugby Borough Council was hereunto affixed to this Direction in the presence of

.....  
.....

Authorised Signatory



To be completed when confirming the Article 4 Direction

The Direction was confirmed under the Common Seal of  
Rugby Borough Council  
this ..... day of .....2025

The Common Seal of the Council was affixed to this Direction in the presence of




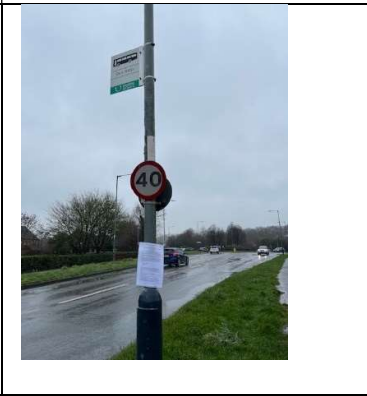
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Authorised Signatory

## Appendix 2

### Notice locations

Location	Ward	Location image
Murray Road, Rugby. Lamp post between 163 Murray Road and Salt Delish and Extra chip shop	Benn	
Railway Terrace, Rugby. Lamp post in front of no. 5 (Barber)	Benn	
Railway Terrace, Rugby. Lamp post nearest entrance to play space associated with new build flats	Benn	

<p>Boughton Road, Rugby. Lamp post near Londis and sub Post Office</p>	<p>Brownsover and Newbold</p>	
<p>Bow Fell, Brownsover, Rugby. Lamp post near entrance to community centre and medical centre</p>	<p>Brownsover and Newbold</p>	
<p>Main Street, Rugby. Lamp post near Coop store.</p>	<p>Brownsover and Newbold</p>	
<p>Campion Road, Rugby. Lamp post adjacent to bus stop</p>	<p>Coton and Boughton</p>	

<p>Coton Park Drive, near entrance to Merlin Close</p>	<p>Coton and Boughton</p>	
<p>Clifton Road, Rugby. Lamp post in front of local shops</p>	<p>East lands</p>	
<p>Addison Road, Rugby. Lamp post adjacent to park.</p>	<p>New Bilton</p>	
<p>Lawford Road, Rugby. Lamp post in front of Coop store</p>	<p>New Bilton</p>	

### Appendix 3 – Summary of representations

	Individual/organisation	S/C/O	Summary of comments*	RBC response
1	Individual	Support	Tightening of the regulations is necessary to prevent slum conditions developing within these areas. Vehicle overcrowding would be another problem.	Noted. This forms part of the rationale for proposing and Article 4 Direction.
2	Individual	Support	<p>I would like to place my support for Article 4 Direction.</p> <p>Rugby is being swamped with HMO properties popping up unchecked everywhere. Which is causing not only traffic issues but people are being evicted on made up reasons so a property owner can convert a perfectly good rental home into an HMO to make more money. Many HMO's do not accept pets or children for obvious reasons but when a family is evicted its difficult to find a new home if you have pets and kids without adding the lack of family homes being available.</p> <p>Were in a housing crisis and HMO's are only adding to this. Council have no properties, Emergency accommodation is becoming scarce and is not suitable long term, Private rents prices are out of hand because HMO's are making family sized properties in higher demand. If you're lucky enough to secure a rental property for a family the chances are it will be turned into an HMO within a year.</p> <p>I doubt the average wage of a single person with kids would cover Rugby's current average rental charges and until something is done about HMO properties its only going to get worse. HMO's do have a place in the current rental market but they need tougher regulation. Whether that can be achieved through Rugby Council or Government is needs sorting.</p>	<p>Noted.</p> <p>Noted. This is part of the rationale for the Article 4 Direction.</p>
3	Individual	Support	I support the Council's proposal to introduce an Article 4 direction for HMOs in the 5 wards identified. It was a shock to see the council's own	Noted

\*comments have been included as fully as possible, but have been summarized to exclude any personal information or specific property examples included in the representation. *Text in italics indicates comments that have been summarized for this reason.*



	Individual/organisation	S/C/O	Summary of comments*	RBC response
			<p>records of the concentration of licensed HMOs in Benn Ward, which raised the question of how many more unlicensed HMOs under current permitted development rules there might be across the town centre, with a lack of supervision or planning control. <i>On my road</i> in Eastlands Ward, one house is currently being converted into an HMO with complete disrespect for its period character and original features. I visit friends in Tamworth whose street has become taken over by HMOs and the concentration has an observable negative impact on neighbourly relations, social confidence, care for building fabric and traffic. Admittedly, an HMO is preferable to a property being unoccupied for a long time.</p>	
			<p>Parking pressures and traffic management are particular flashpoints in central Rugby. There is little or no off-street parking available. The housing stock was largely built before car ownership was commonplace. It is already the case that designated on-street parking areas are constantly full, with the consequence that some roads are often reduced to single-file traffic, with long queues to and from the town centre, Lawrence Sheriff School and Whitehall Medical Practice. An increase in HMOs in this context without planning controls can only increase pressure on parking and traffic management.</p>	<p>Noted. This is part of the rationale for the Article 4 Direction.</p>
			<p>I would also support the Article 4 direction from the standpoint of the council having an oversight of accommodation standards and fire safety - ensuring sufficient facilities and communal space as well as considering the realities of whether the narrow stairways, halls and landings in most converted HMOs are really safe and workable in the context of the potential number of occupants in an HMO.</p>	<p>Noted. The requirement for a planning application for a new HMO would allow the local planning authority to consider the proposal in the context of existing planning policy. Updated policies will be included in the emerging local plan.</p>

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	Individual/organisation	S/C/O	Summary of comments*	RBC response
			I rather think that the reason why there is such demand to create HMOs in Rugby is the lack of proper flat-building in the centre, with wrap-around facilities; and hope that can be addressed in future policies. Temple Court on Hillmorton Rd for example is a fine example of a well-designed and laid-out attractive flat complex. Similar developments might be possible in areas such as the old Rectory site.	Noted. Housing mix will be considered through the emerging local plan.
4	Individual	Comment	Please do not allow more HMOs <i>I live in New Bilton</i> . Its full of houses let to numerous people in them including next door and opposite. I can't park the car near my house in the road and the back lane is full of cars and trailers and often I can't drive up it to park in my back yard. I wish you could bring in parking permits.	Noted. The Article 4 Direction, if confirmed will allow greater oversight and control of the development of new HMOs.
			These houses are big enough for families but cut up into rooms just increases the use of all the facilities. Most houses are full of men also changing the demographic of the area. From here they don't walk to work but have cars.	Noted. Impacts on family housing supply, social cohesion and traffic and transport all form part of the rationale for the direction.
			I have no objection to anyone living here but please no more HMOs.	Noted. The Article 4 Direction, if confirmed will allow greater oversight and control of the development of new HMOs.
5	Alt Street Property	Comment	None of the documentation outlines what concentration within a certain limit will be permissible. For example, allowing 10% of houses to be HMOs within a 50m radius, or must have X no. of parking spaces.  Does this mean that all future HMO applications will be rejected if a planning application were to be submitted?	An Article 4 Direction only has the effect of requiring a planning application to be submitted. Any application will be

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	Individual/organisation	S/C/O	Summary of comments*	RBC response
				assessed against adopted planning policies. It is intended that the emerging Rugby local plan will include new policies in respect of HMOs. <i>An email reply was sent directly to this respondent to answer these queries.</i>
6	Individual	Comment	I wish to make a representation about HMOs in New Bilton. While I appreciate that the RBC is finally beginning to take action on this matter now, I am afraid it is too little too late. The houses that were suitable for conversion to HMOs, have been converted to them. Now what is happening is that permissions are being granted for houses that are unsuitable for conversion, crammed into every possible place in New Bilton, with complete disregard for amenities, parking, green space or any other consideration. The anger and irritation lack of parking causes are linked directly to the unmanaged proliferation of HMOs in our area. It has also led to the fracturing and dismemberment of community wellbeing. The people in HMOs are in transitory situations and come and go frequently and do not have investment in the area. Why should they? They are here to work and only that matters. It also has increased the amount of disgusting fly tipping and antisocial behaviour. I noted that New Bilton's latest crime statistics for December 2024 show a steep rise to 70 sexually violent crimes and incidents. We are too closely crammed together like battery chickens. Obviously, there are going to be resulting issues. Do we matter so little because we are Super Output Areas and/areas of deprivation in the Borough? It oftens feels like it.	Noted. The issues raised are part of the rationale for the introduction of an Article 4 Direction.

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	Individual/organisation	S/C/O	Summary of comments*	RBC response
			<i>Refers to a specific conversion example, which is not yet fully occupied. Concern that if this property becomes fully occupied, it will further exacerbate existing issues, and have a direct impact on the respondent who has a designated parking space which is often taken by others.</i>	Noted.
			These circumstances must surely apply to others who live near to dwellings converted to HMOs. It is magnified several times over. It is not a healthy environment in which to expect a community to live, thrive and belong. First time buyers either buy to rent converted HMOs or if they have families do not stay long as it is not a pleasant situation in which to bring up young families.	Noted. This forms part of the rationale for the direction.
7	Individual	Comment	Multiple dwellings - I moved into a new Barratt home in July last year - I was under the impression that THIER was control of one did with the house - but we found extensive alteration were being made to the detached houses ie being refined inside with extensive alterations to turn the detached house into one for two families extensive alterations basically turn the house into semi detached in one example the house has been turned into students accommodation.  Extra families and extra waste which the space is not designed for.	The introduction of the direction is intended to give greater oversight and control over development of HMOs in the defined area
			As it is the planning procedure you have in Rugby is inefficient your procedure - are procedure are not carried - no transparency - rate payers letters are ignored because you say you do not have the staff - quite frankly you need to get your act together or put the planning into the private sector put the planning costs up for developers	The introduction of the direction is intended to give greater oversight and control over development of HMOs in the defined area
8	Rugby Residents	Support	I am writing for and on behalf of many of your Rugby Residents, in support of the proposed introduction of an Article 4 Direction.	Noted
			Myself and other residents have, over the last year, pounded the streets, talking to residents in the Benn Ward about their experiences with HMOS in the area.	Support noted. Issues raised form part of the rationale for the direction.

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	Individual/organisation	S/C/O	Summary of comments*	RBC response
			<p>Over and over again we heard stories of HMOs, both licensed and unlicensed, causing all sorts of issues to other residents - including noise issues, parking problems, antisocial behaviour, over-development, loss of family homes, loss of community.</p> <p>We all feel very strongly that the Article 4 Direction is needed to stop this kind of development, to ensure every HMO is considered before approval and that the Planning Committee take a much broader view of the impact that the huge amount of HMOS in such a small area has.</p>	
			<p><i>A specific example of multiple properties in a single street being purchased and converted is cited.</i></p>	Noted.
			<p>In support of this we have, over the last year, gathered 651 signatures in a petition hosted on change.org and which you can view here: Sign the Petition</p> <p>The 651 signatures (attached to the representation as an excel document) - we hope that you will take this as a strong indication that the Article 4 Direction is an absolute necessity, as is a complete overhaul of the current planning policy on HMOs in the area (or lack of one).</p>	Petition noted. Local policies on HMOs will be drafted and considered as part of the local plan review.

\*comments have been included as fully as possible, but have been summarized to exclude any personal information or specific property examples included in the representation. *Text in italics indicates comments that have been summarized for this reason.*

# EQUALITY IMPACT ASSESSMENT (EqIA)

## Context

1. The Public Sector Equality Duty as set out under section 149 of the Equality Act 2010 requires Rugby Borough Council when making decisions to have due regard to the following:
  - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
  - advancing equality of opportunity between people who share a protected characteristic and those who do not,
  - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
  - age
  - disability
  - gender reassignment
  - marriage/civil partnership
  - pregnancy/maternity
  - race
  - religion/belief
  - sex/gender
  - sexual orientation
3. In addition to the above-protected characteristics, you should consider the crosscutting elements of the proposed policy, such as impact on social inequalities and impact on carers who look after older people or people with disabilities as part of this assessment.
4. The Equality Impact Assessment (EqIA) document is a tool that enables RBC to test and analyse the nature and impact of what it is currently doing or is planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. The questions will enable you to record your findings.
6. Where the EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. Once completed and signed off the EqIA will be published online.
8. An EqIA must accompany all **Key Decisions** and **Cabinet Reports**.
9. For further information, refer to the EqIA guidance for staff.

## Equality Impact Assessment

<b>Service Area</b>	Development Strategy
<b>Policy/Service being assessed</b>	Article 4 Direction – Houses in Multiple Occupation (HMO)
<b>Is this is a new or existing policy/service?</b>  <b>If existing policy/service please state date of last assessment</b>	The proposed Article 4 Direction would require the submission of a planning application for change of use from C3 (dwelling house) to C4 (small HMO), where this currently constitutes permitted development.
<b>EqlA Review team – List of members</b>	Hayley Smith – Principal Planning Officer
<b>Date of this assessment</b>	December 2023 (updated July 2024)
<b>Signature of responsible officer (to be signed after the EqlA has been completed)</b>	

**A copy of this Equality Impact Assessment report, including relevant data and information to be forwarded to the Chief Officer – Legal and Governance.**

**If you require help, advice and support to complete the forms, please contact Aftab Razzaq, Chief Officer – Legal and Governance via email: [aftab.razzaq@rugby.gov.uk](mailto:aftab.razzaq@rugby.gov.uk)**

**Details of Strategy/ Service/ Policy to be analysed**

<b><u>Stage 1 – Scoping and Defining</u></b>	
(1) Describe the main aims, objectives and purpose of the Strategy/Service/Policy (or decision)?	The objective of the Article 4 Direction (in combination with new policy in an updated local plan), is to enable greater oversight and management of the supply of HMOs in areas of Rugby town. The wards in question already incorporate HMOs, and community feedback has raised some concerns regarding the impact of clusters of HMOs on local character and amenity. Requiring a planning application for development that currently constitutes 'permitted development' would enable the local planning authority to better protect the amenity and character of these localities.
(2) How does it fit with Rugby Borough Council's Corporate priorities and your service area priorities?	The Article 4 Direction seeks to contribute to the Health and Communities, and Organisation priorities of the Council. It aims to maintain character and amenity of the proposed area, and balanced communities.
(3) What are the expected outcomes you are hoping to achieve?	The outcome of the Article 4 Direction would be oversight and management of the type of development described, where currently there is none.
(4) Does or will the policy or decision affect: <ul style="list-style-type: none"> <li>• Customers</li> <li>• Employees</li> <li>• Wider community or groups</li> </ul>	<p>The demand for HMOs in the locality demonstrates that they are meeting a housing need. There may be a risk that over-restriction could result in such a need not being met. However, the need for a planning application does not mean that applications would be refused.</p> <p>The Article 4 Direction would affect property owners in the proposed area, by requiring them to submit a planning application for a change of use from C3 (dwelling house) to C4 (small HMO).</p>



<b><u>Stage 2 - Information Gathering</u></b>	As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, e.g service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).
(1) What does the information tell you about those groups identified?	The population affected by the Article 4 Direction is largely limited to the defined geographical area. The data tells us that there is demand for HMO accommodation within this geographical area, which anecdotally is understood to stem from proximity to facilities and services in Rugby town centre, and areas of employment to the north of the town. However, some residents in the area are concerned at the impacts of multiple HMOs in their locality, which can have negative impacts on the appearance of the area, and its amenity. For example, concerns regarding adequate bin storage, adequate parking, and the maintenance of HMO properties are cited. The requirement to obtain planning permission will enable greater oversight and management of these types of development to seek to balance the needs of the community as a whole.
(2) Have you consulted or involved those groups that are likely to be affected by the strategy/ service/policy you want to implement? If yes, what were their views and how have their views influenced your decision?	This report seeks approval to confirm the Article 4 Direction made in February 2024, and have it come into effect on 21 February 2025. When the Article 4 Direction was made on 21 February 2024, notices were published in accordance with the procedures set out in Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and representations invited. Eight representations were received, of which comments were generally supportive. One representation included an attached petition containing 651 signatures; which was provided in support of the direction. No objections were received. The Cabinet report summarises the representations in further detail.
(3) If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary.	As above, notice of the Article 4 Direction was given in accordance with Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) when the direction was made in February 2024. If the decision is taken to confirm the Article 4 Direction following consideration of the report, a similar notification process will be repeated in line with Schedule 3 above, to publicise this, and when the Article 4 Direction will come into effect.
<b><u>Stage 3 – Analysis of impact</u></b>	

<p><b>(1) Protected Characteristics</b> From your data and consultations is there any positive, adverse or negative impact identified for any particular group, which could amount to discrimination?</p> <p>If yes, identify the groups and how they are affected.</p>	<p><b>RACE</b> No impact</p>	<p><b>DISABILITY</b> No impact</p>	<p><b>GENDER</b> No impact</p>
	<p><b>MARRIAGE/CIVIL PARTNERSHIP</b> No impact</p>	<p><b>AGE</b> No impact</p>	<p><b>GENDER REASSIGNMENT</b> No impact</p>
	<p><b>RELIGION/BELIEF</b> No impact</p>	<p><b>PREGNANCY MATERNITY</b> No impact</p>	<p><b>SEXUAL ORIENTATION</b> No impact</p>
<p><b>(2) Cross cutting themes</b> (a) Are your proposals likely to impact on social inequalities e.g. child poverty, geographically disadvantaged communities? If yes, please explain how?  (b) Are your proposals likely to impact on a carer who looks after older people or people with disabilities? If yes, please explain how?</p>	<p>HMOs provide a more affordable type of accommodation, and the demand in the defined area strongly suggests that they are meeting a local need. There is a risk that over-restriction of this type of accommodation could lead to that need not being met. However, the requirement of a planning application does not mean that those applications should/will be refused. Instead, it is intended to positively manage the development of HMOs and ensure that local character and amenity is protected and enhanced for the benefit of the community as a whole.</p> <p>No.</p>		
<p><b>(3) If there is an adverse impact, can this be justified?</b></p>	<p>If through the requirement of a planning application for a small HMO (3-6 people), a decision is taken to refuse planning permission, this would be on the basis of planning balance, in order to protect the character and amenity of the locality for the benefit of the community as a whole. This would be considered on a case-by-case basis.</p> <p>The Article 4 Direction will not apply retrospectively. Therefore the existing supply of HMOs would be unaffected.</p>		

(4) What actions are going to be taken to reduce or eliminate negative or adverse impact? (this should form part of your action plan under Stage 4.)	As above, this is a matter of balance through the planning application process, but the purpose of the Direction is not to prevent supply overall.  The ongoing update to the local plan will seek to introduce policy against which applications for new HMOs can be assessed. This will provide a clear policy framework to applicants and officers, and support the objectives of the Article 4 Direction.
(5) How does the strategy/service/policy contribute to the promotion of equality? If not what can be done?	The Article 4 Direction aims to protect and enhance the character and amenity of wards where there is concern that unmanaged concentrations of HMOs are or might (if the trend continues) negatively impact these. Through the ability to consider and manage changes of use and new developments which are currently outside the remit of the local planning authority, the Council will have greater oversight for the benefit of the community as a whole.
(6) How does the strategy/service/policy promote good relations between groups? If not what can be done?	HMOs meet a housing demand, though the occupiers tend to rent over shorter periods and can therefore be more transient. Impacts that can be observed where there are high concentrations of HMOs are a less balanced community (between settled residents, and short-term occupiers), reduced supply of family housing, maintenance and appearance of HMO properties, inadequate parking availability and inadequate bin storage. These issues (and others) have been raised by respondents to the Article 4 Direction. In confirming and implementing the Article 4 Direction, the objective is to achieve better management of these issues and maintain the levels of character and amenity enjoyed by residents.
(7) Are there any obvious barriers to accessing the service? If yes how can they be overcome?	N/A

**Stage 4 – Action Planning, Review & Monitoring**

<p>If No Further Action is required then go to – Review &amp; Monitoring</p> <p>(1) Action Planning – Specify any changes or improvements that can be made to the service or policy to mitigate or eradicate negative or adverse impact on specific groups, including resource implications.</p>	<p>Policy to support the assessment of applications required as a result of the proposed Article 4 Direction will be developed through the ongoing update of the local plan.</p>																				
<p>(2) Review and Monitoring State how and when you will monitor policy and Action Plan</p>	<p>EqIA Action Plan</p> <table border="1" data-bbox="887 384 2116 616"> <thead> <tr> <th>Action</th> <th>Lead Officer</th> <th>Date for completion</th> <th>Resource requirements</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>This EqIA will be reviewed again if annual monitoring of development suggests it is necessary.</p>	Action	Lead Officer	Date for completion	Resource requirements	Comments															
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Please annotate your policy with the following statement:

**‘An Equality Impact Assessment on this policy was undertaken on (date of assessment) and will be reviewed on (insert review date).’**