

Talbot Village Article 4 Direction



**Schedule of Responses to Public Consultation:
10th February - 4th May 2012**



Consultation on the proposed implementation of an Article 4 Direction at Talbot Village, Poole.

This document provides a schedule of the representations received in respect of public consultation undertaken on the proposed implementation of an Article 4 Direction (A4D) at Talbot Village, Poole. The A4D was made effective on the 7th February 2012.

If confirmed, the A4D will have the effect of removing permitted development rights for a change of use from a Class C3 (Dwellinghouses) to a Class C4 (Houses in Multiple Occupation), as defined by the Town and Country Planning (Use Classes) Order 1987, and its subsequent amendments.

The consultation took place over a twelve week period between Friday 10th February and Friday 4th May 2012, and was carried out in line with the general procedure for introducing an Article 4 Direction set out in Department for Communities and Local Government (DCLG) Replacement Appendix D (4th November 2010), to Department of the Environment (DoE) Circular 9/95.

Consultation publicity consisted of:-

- Letters delivered by hand to all 570 affected dwellings within the boundary of the proposed Talbot Village Article 4 Direction;
- Site notices (10 locations); and
- Formal public notice inserted into the Bournemouth Echo (Friday 10th February 2012).

As a consequence of the consultation, 10 representations were received which will be used to inform the decision on whether the Article 4 Direction will be confirmed.

Talbot Village Article 4 Direction: Public Consultation – 10th February to 4th May 2012.

Schedule of Representations

Name: Mr Roy Pegg (Resident)

Date of Representation: 13.02.2012

Representation

As a resident of Talbot Village for over 20 years this is excellent news, I fully support the introduction of Article 4 to restore/preserve this lovely residential neighbourhood.

Name: Mr Alan Rennie (Resident)

Date of Representation: 14.02.2012

Representation

We are delighted to receive your advice of the above. There is a danger of too many HMOs being created in Talbot Village because of the proximity of the University and this will at least control the numbers. It can't come soon enough as far as the residents at 45 Vine Farm Road are concerned! And I'm sure that applies to my neighbours as well.

Name: Mr R Rhodes (Resident)

Date of Representation: 14.02.2012

Representation

I am writing re your letter to disagree with changing the current change of use as class C3 Dwelling house to class C4 house for multiple occupation (HMO).

I think it will be a big detriment to the community here to allow this to go through and raise anti-social behaviour, crime, burglaries and a drain on GP surgeries..

Name: Mrs Wendy Gardner (Chairman of Talbot Village Residents Association and Resident)

Date of Representation: 23.02.2012

Representation

Thank you for your letter. The proposals for HMO's are to be welcomed and I firmly support the action being taken by the Borough of Poole.

My only disappointment is the inevitable delay in implementation and that existing HMOs will not be covered. Is there no way existing HMOs can be reviewed when there is irrefutable evidence that a major nuisance is being caused to local residents? Can this situation be dealt with by other means than by planning laws? Finally if there is a change of ownership of an existing HMO will it be necessary for the new owner to apply for consent if he/she is intending to use the house for the same purpose?

Name: Mr Derek Gillespie (Resident)

Date of Representation: 27.02.2012

Representation

I live in Talbot Village and I have done so since June 1986. There has been a gradual increase in the number of family homes being used as student accommodation.

It is a shame that the planning department has not acted earlier.

The result of this in most cases has resulted in adverse impact on family homes.

1. Excessive noise.
2. Bins being left out on pathways
3. The council has not helped by allowing garages to be converted into additional living

space.

4. In adequate maintenance of houses and gardens by students
5. In adequate maintenance of houses and gardens by landlords who see the houses as cash flow and not homes.
6. The parking constraints in Talbot Village has I believe increased student demands for local housing.

Most of my neighbours are of the same opinion.

Name: Mrs T Dickenson (Casework Manager, Department of Communities and Local Government)

Date of Representation: 06.03.2012

Representation

I can now confirm that the Secretary of State has no comments to make in respect of the Direction.

You are reminded about the requirement of regulations to advise the Secretary of State about confirmation. It would also be helpful to know if the Council decides in due course not to confirm the Direction.

Name: R F & D J Cooper (Residents)

Date of Representation: 12.03.2012

Representation

We wish to support Poole's proposals to implement an Article 4 Direction in Talbot Village in respect of HMOs.

We fully support the argument outlined in your letter of 10th Feb 2012 but would point out that the adverse effect of HMOs is very real to many of those who live on Talbot Village as the Residents Association has been pointing out for some time.

Name: Trevor and Sue Clements (Residents)

Date of Representation: 16.04.2012

Representation

As long term residents of Talbot Village, we have serious concern about the continual purchase of good family housing stock for conversion to houses of multiple occupation for the use of students. There are 10 such houses in our immediate area Baverstock Road and Smithson Close, and almost everyone living in this area dreads a house being offered for sale near to them because of the implications.

Talbot Village may not be in the central area of Poole, but along with the main undergraduate campus of Bournemouth University it is nevertheless in Poole. The housing is good quality family housing, and with the help of Poole Council and the Residents Association we try to make it a pleasant place for families to live and grow.

Unfortunately students have no such concerns, and apart from the endless issues of parties and noise, we have gardens and drives like car parks, refuse and recycling bins spilled in the road, bottles left lying around and houses which are subject to the bare minimum of maintenance. Several garages have been converted into bedrooms in our immediate area, and in some cases there seem to be six students living under one roof.

It can hardly be argued that Poole itself benefits economically from all this activity. Student expenditure seems to be in the clubs, bars and fast food outlets of Bournemouth. Even the University takes its name from Bournemouth and in our experience has zero sympathy for the plight of local residents. Landlords are possibly even more uncaring about the behaviour of their tenants.

For these reasons we urge you to swiftly support the Article 4 Direction; minimise the delays in the consultation and enactment requiring planning permission for houses to be used for

multiple occupation. In this way you will be honouring the wishes of your ratepayers and residents.

Name: Mr R & Mrs B Holtom (Residents)

Date of Representation: 27.04.2012

Representation

In regard to the above notice we strongly support that the properties in Talbot Village should remain as Class C3 Dwellings.

Name: David Cox (Senior Policy Officer, National Landlords Association)

Date of Representation: 16.08.2012

Representation

Introduction

1. The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.
2. With more than 20,000 individual landlords from around the United Kingdom and over 120 Local Authority Associates, we provide a comprehensive range of benefits and services to our members and strive to raise standards in the private rented sector.
3. The NLA seeks a fair legislative and regulatory environment for the private rented sector while aiming to ensure that landlords are aware of their statutory rights and responsibilities.

General Comments

4. The National Landlords Association (NLA) would like to thank the Borough of Poole Council for including us in your consultation but would like to highlight some concerns with regard to the Direction made by the Council under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 1995.
5. The NLA believes that any additional regulation of the private rented sector should balance the desire to ensure secure and sustainable communities with the increasing need for good quality housing.
6. Additional regulatory burdens must focus on engaging with private landlords in order to improve professionalism and in turn standards, while reducing opportunities for rogue landlords to blight the sector. It should be the shared objectives of all parties involved to facilitate the best possible outcomes for landlords and tenants. As a result good practice should be recognised and encouraged in addition to the required focus on enforcement activity. In light of the current economic climate, the last thing good landlords need is to be further penalised by new regulations; particularly where there appears to be limited direct and immediate benefit to landlords or tenants.
7. An Article 4 Direction is undoubtedly a powerful tool for local authorities when used appropriately. However it should be considered as an option of last resort, rather than a tool to be applied liberally. We therefore, remain unconvinced that the Borough of Poole Council has explored all potential avenues prior to this direction.

Use Class C4

8. It is our view that the introduction of Use Class C4, in relation to HMO accommodation, was unnecessary and served only to create greater confusion and bureaucracy for the private rented sector. The Government 'Planning Portal' determines that:
"The purpose of the planning system is to ensure that development plans and planning applications contribute to the delivery of sustainable development. This means that the right development is in the right place and at the right time."¹
9. This statement defines the rationale governing permitted development which is an important tool for managing reasonable and justifiable development. However, it is the NLA's

contention that the establishment of a small HMO (as defined by the 2010 regulations) does not represent a substantial change of use in terms of the burden imposed on local infrastructure. The usage of local services is unlikely to be greatly different for a property shared by three unrelated renters than a family with teenage dependents. This position is supported by the recent Lancashire planning appeal Ref: 100-067-072 which stated:

“The continued use of an end of terrace house in Lancashire as a house in multiple occupation was allowed, an inspector reasoning that noise should be little different from that made by a typical family. The next-door neighbours referred to disturbance from televisions, people moving around the property and doors slamming, claiming that it extended well into the evening on occasion.

However, the inspector reasoned that in properties in family use many bedrooms occupied by children, and particularly teenagers, contained televisions and audio equipment. Thus, whilst tenants might be inconsiderate on occasion, the same could be said of any type of occupier.

Moreover, she found no evidence to support the generalised assertion that occupiers of an HMO were intrinsically more disposed to coming and going in the late evening or early morning hours than occupiers of other property types. She acknowledged that some tenants could work on a shift basis or during night time hours but given the limited number of occupants she did not consider that the comings and goings would be materially different from that associated with a typical household.”²

10. Therefore, the NLA does not believe there is sufficient justification put forward by the Borough of Poole Council for introducing further demarcation into existing housing stock for the purpose of controlling the legitimate use of property.

HMOs and Shared Housing

11. The trends in future UK housing demographics along with the current state of housing finance and supply of affordable housing, point to a greater need for shared housing/HMO-type housing in Bath.

The flexibility and affordability that HMOs and shared housing provide are critical for many who either cannot afford or do not want the liabilities involved in owning their own home.

12. The Government-commissioned review of the private rented sector published in 2008 identified a clear growth in the number of young professionals renting instead of turning to home ownership. 20 to 29 year olds now account for 79 per cent of all renters³. While accurate statistics do not exist in this area, it is likely that the majority of this is shared housing.

13. In addition to young professionals and students, migrants make up an important part of the shared housing market across England in general and Poole in particular. For obvious economic reasons and for flexibility, shared housing is an important source of housing for these groups. However, demand is not static. Recent research suggests that emigration out of the UK by economic migrants is increasing⁴.

14. The overwhelming characteristic between these groups is that they are necessarily transient. These households are not intended to ‘grow roots’ or stay in the same home for a generation. HMOs and shared housing are popular amongst these socio-economic groups precisely because they provide a fluid housing option.

15. It should also be noted the changes to the Local Housing Allowance (LHA) which took effect this January, will only allow LHA to be paid at a room rate for single people under the age of 35. 2010’s Spending Review suggested this would affect approximately 88,000 people and will create an even greater need for shared accommodation in the Council’s area. Limiting the number of HMOs is highly likely to have a significant and long-lasting effect on the provision of good quality, affordable accommodation for those young people on low-incomes.

Anti-Social Behaviour

16. In common with all types of rented or leasehold tenure, rights and responsibilities associated with a private rented tenancy lie both on the landlord and on the tenant. As with any other household, those in shared housing are required to behave in a socially acceptable way. Where reality does not match up to these expectations, both the landlord and the local authority have powers that can be used to tackle unacceptable behaviour.

17. Where a particular issue related to shared housing concentration has been identified, local authorities and enforcement agencies have extensive existing statutory powers to deal with such issues. The NLA argues that these powers should be explored and exhausted before an Article 4 Direction is made. Such powers include:

- Anti-Social Behaviour Orders (ASBOs) under the Crime and Disorder Act 1998;
- Injunctions whether under section 153A et seq of the Housing Act 1996 or section 222 of the Local Government Act 1972;
- Directions regarding the disposal of waste (for example under section 46 of the Environmental Protection Act 1990);
- Litter abatement notices under section 92 of the Environmental Protection Act 1990;
- Powers under the Noise Act 1996 to serve fixed penalty notices or confiscate equipment (sections 8 and 10); or
- The power to require rubbish to be removed from land under section 2 - 4 of the Prevention of Damage by Pests Act 1949.

18. These powers require local residents to identify particular cases of unacceptable behaviour so that they can be dealt with. Landlords can neither continually monitor the behaviour of their tenants, nor do anything that may constitute harassment. Too often local residents fall into the fallacy that it is the house itself rather than the household which causes an issue. They build up a 'general feeling' about areas of particularly dense shared housing, without looking to see whether particular problems have been dealt with. This aggregation of issues, particularly grievances and 'general feelings' about a community can quickly make residents feel that a 'tipping point' has been reached.

19. This problem is compounded where residents are not made aware of any specific action taken by a landlord or local authority against a particular household and so are ignorant of any work being done to tackle issues important to them.

20. The NLA agrees that some landlords, most often due to ignorance rather than roguish intent do not use their powers to manage their properties effectively and would recommend that rather than an Article 4 Direction, a more appropriate response would be to identify issues and assist landlords to develop the required knowledge and skills to improve the sector.

21. If this proves unsuccessful, the NLA would also argue that a problem encompassing a few poorly managed and/or maintained properties would not be appropriately tackled by an Article 4 Direction and that in such situations local authorities should consider Enforcement Notices and Management Orders. These measures represent a targeted approach to specific issues, rather than a blanket scheme that has the potential to adversely affect the professional landlords, whilst still leaving the rogues able to operate under the radar.

22. Where local authorities have come together with other community stakeholders, including local landlords, to tackle particular problems or issues, then there have been successes⁵. However these initiatives do require active engagement by local authorities.

Accreditation

23. Accreditation plays a vital role in educating and improving the professionalism of the private rented sector. Accreditation educates landlords on their obligations and responsibilities towards their tenants, the community and the local authority.

24. Development-based accreditation can change the behaviour of landlords in a way that an Article 4 Direction would not. Further, we believe the aims of the Borough of Poole

Council can be better achieved through accreditation than an Article 4 Direction. The NLA strongly believes that giving landlords the knowledge to effectively manage their properties is a drastically more efficient tool for professionalising the private rented sector.

Justification

25. Poole faces a shortage of housing with high levels of demand across tenure including a considerable need for rented accommodation. As providers of private residential accommodation, landlords base their business plans on existing population and expected future demand. Resultantly, they are well placed to react to changes in demand with greater flexibility than social housing providers or the market for owner-occupied property.

26. The proposed Article 4 Direction is likely to erode the ability of landlords in Poole to react to changing circumstances and the needs of the local community by removing the general permissions currently available for development. This measure will act as a distorting influence on the Borough's housing market as property with implied permission through existing use will be regarded as premium investment assets by landlords offering shared housing. While the presence, or lack of, C4 designated properties in certain localities will diminish the stability of property values according to consumer demand.

27. It is the NLA's contention that an Article 4 Direction should not be used as a check-box or census exercise by local authorities to identify landlords operating in their area. Should an area become subject to an Article 4 Direction we would want to see the local authority using the information gained to engage with landlords in order to encourage them to participate in whatever other measures the Borough of Poole Council and its partners have enacted to improve the quality of the local private rented sector.

28. Again, the NLA would like to thank the Borough of Poole Council for the opportunity to respond to this consultation and hope you find our comments useful.

¹ The Planning Portal, <http://www.planningportal.gov.uk/>, July 2010

² Planning Appeal Decision Ref: 100-067-072, A Roland (Inspector), 2010
<http://www.compasssearch.co.uk/compass/faces/casebook2.jsp>

³ Julie Rugg and David Rhodes (2008), "The Private Rented Sector: its contribution and potential", p.16.

⁴ Finch et al, 'Shall We Stay or Shall We Go? Re-migration trends among Britain's immigrants', IPPR, 2009.

⁵ ECOTECH (2008), "Evidence Gathering – Houses in Multiple Occupation and possible planning responses", DCLG. Although the Government's ECOTECH research focuses on student and migrant sections of the population, it does identify a number of effective local level initiatives which show stakeholders coming together.



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