

Agenda

Council Meeting

Date: Tuesday, 23 June 2026

Time 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT

Quorum = 12

Pages

Recording and Privacy Notice

Swale Borough Council is committed to protecting the security of your personal information. As data controller we process data in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.

This meeting may be recorded. The recording will be retained in accordance with the Council's data retention policy and may be published on the Council's website. By entering the chamber and by speaking at a meeting, whether in person or online, you are consenting to being recorded and to the recording being published.

When joining a meeting online, your username will be visible to others in attendance. In joining the meeting you are consenting to us processing your username. You may use a pseudonym as your username but the use of an inappropriate name may lead to removal from the meeting.

If you have any questions about how we look after your personal information or your rights under the legislation, please email dataprotectionofficer@swale.gov.uk.

1. Emergency Evacuation Procedure

Visitors and members of the public who are unfamiliar with the building and procedures are advised that:

- (a) The fire alarm is a continuous loud ringing. In the event that a fire drill is planned during the meeting, the Chair will advise of this.
- (b) Exit routes from the chamber are located on each side of the room, one directly to a fire escape, the other to the stairs opposite the lifts.
- (c) In the event of the alarm sounding, leave the building via the nearest safe exit and gather at the assembly point on the far side of the car park. Do not leave the assembly point or re-enter the building until advised to do so. Do not use the lifts.
- (d) Anyone unable to use the stairs should make themselves known during this agenda item.

2. Apologies for Absence

3. Minutes

To approve the Minutes of the Annual Council Meeting held on 13 May 2026 ([Minute Nos 1 - 13](#)) as a correct record.

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPIs) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

5. Mayor's Announcements

6. Questions submitted by the Public

To consider any questions submitted by the public. (The deadline for questions is 4.30 pm on the Wednesday before the meeting – please contact Democratic Services by e-mailing democraticservices@swale.gov.uk or call 01795 417330).

7. Questions submitted by Members

To consider any questions submitted by Members. (The deadline for questions is 4.30 pm on the Monday the week before the meeting – please contact Democratic Services by e-mailing democraticservices@swale.gov.uk or call 01795 417330).

8. Leader's Statement

9. Motion - Water Quality Improvements Milton Creek 5 - 6

10. Motion - Car Parking Charges Isle of Sheppey 7 - 8

11. Urgent Motion - Erosion of local democracy in the planning system 9 - 10

12.	Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) - Results of Public Consultation and Adoption	11 - 54
13.	DBS Checks	55 - 58

Date Issued: Monday, 15 June 2026

The reports included in Part I of this agenda can be made available in alternative formats. For further information about this service, or to arrange for special facilities to be provided at the meeting, please contact democraticservices@swale.gov.uk. To find out more about the work of this meeting, please visit www.swale.gov.uk.

**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

This page is intentionally left blank

Milton Creek Water Quality Review

Following recent research shared publicly by Raybel Charters (RC), this council shares their concern about reported levels of water pollution in Milton Creek, with measurements reaching 10-20 times the safe levels to support a suitable inland creek ecosystem. As a valued community organisation doing crucial work to preserve Sittingbourne and Milton Regis' heritage shaped by our Creekside location, Raybel Charters have asked for this council's endorsement for their work to access external funding to deliver improvements to the creek's water quality and the natural environment, alongside further strengthening heritage associated with Milton Creek.

Council therefore resolves to:

1. Ask the Leader of the Council and the Chair of the Environmental Services and Climate Change Committee to write to Southern Water to ask for their plans to support water quality improvements for Milton Creek.
2. Provide Full Council support for the Leader, Deputy Leader, Mayor and Service Committee Chairs to provide any public or written support sought by Raybel Charters in support of external funding applications without the need to wait for committee approval.

Reason for the project

The 2024 citizen science water quality monitoring program for Milton Creek, led by Raybel Charters, has provided valuable insights into the environmental health of this historically significant waterway. By sampling three distinct sites—Lloyds Wharf (Site 1), STW (Site 2), and Swale Bridge (Site 3), the program has identified key water quality trends and challenges, highlighting the impact of both natural and human activities on the creek.

Who sponsored the project

The project was funded by DS Smith and carried out by Raybel Charters with the report written up by the South East Rivers Trust.

Findings of the project

The findings of this study reveal that Milton Creek continues to face significant environmental pressures, particularly from sewage discharges and urban run off. These factors contribute to nutrient enrichment, bacterial contamination, and elevated turbidity, all of which can degrade water quality and harm aquatic ecosystems. While some parameters, such as pH and oxygen, remain stable, the overall water quality is far from optimal and requires targeted interventions to address pollution sources.

Possible solutions to improve the water in the creek

Key Recommendations:

To improve water quality across Milton Creek, a staged restoration approach is recommended. The first step should focus on addressing discharges and run off, particularly at Sewerage Treatment Works, to reduce nutrient and bacterial pollution. Expanding the monitoring program to include more frequent sampling and/or randomized sampling regimes with additional parameters, such as microplastics and fish surveys. This would provide a clearer picture of pollution sources/trends and link these to the creek's ecology. These efforts would lay the groundwork for future ecological restoration projects,

such as oyster bed restoration and seagrass recovery, which depend on improved water quality for their success. By addressing these challenges, Milton Creek has the potential to become a healthier, more resilient waterway, supporting increased biodiversity and community use.

The addition of floating reed beds and, buffer strips could be installed in areas prone to run off, particularly near urban or industrial zones. These vegetated strips can intercept and filter surface water before it enters the creek, reducing the input of nutrients, sediments, and other pollutants. Buffer strips also provide additional habitat for wildlife, contributing to the overall ecological health of the area.

The implementation of Sustainable Drainage Systems (SuDS) in the surrounding urban and industrial areas could further reduce the impact of run-off on Milton Creek. SuDS techniques, such as permeable pavements, rain gardens, and detention basins, are designed to slow down and treat surface water run-off, reducing the volume and pollutant load entering the creek. These systems can be integrated into new developments or retrofitted into existing infrastructure, providing a long-term solution to managing urban run off.

Additionally Wetland Ecosystems could be established to treat water with natural filtration beds after the STW outflow before it heads into the creek. This can provide increased green space and biodiversity gains/ habitat.

Additionally Wetland Ecosystems could be established to treat water with natural filtration beds after the STW outflow before it heads into the creek. This can provide increased green space and biodiversity gains/ habitat.

Enhanced monitoring and data collection expand the monitoring program to include additional parameters, such as heavy metals, microplastics, and biological indicators to gain a more comprehensive understanding of water quality. Increase sampling frequency during critical periods, such as after heavy rainfall or during known sewage discharge events, to capture more detailed data. Pollution mitigation advocate for stricter regulations and improved wastewater management practices to reduce the frequency and duration of sewage discharges.

Community engagement and restoration efforts continue to involve citizen scientists in monitoring programs to raise awareness and foster a sense of stewardship for Milton Creek. Support habitat restoration projects, such as those in Milton Creek Country Park, to enhance biodiversity and improve the creek's ecological resilience.

In 2025/26, the citizen science program, in collaboration with the Living River Foundation, aims to monitor microplastic pollution to better understand and address its environmental impact in addition to fish surveys which could help in tying results of chemical structure of the creek to its ecology.

Proposed by: Councillor Paul Stephen

Seconded by: Councillor Ashley Wise

Car Parking Charges – Isle of Sheppey

Council acknowledges the detrimental impact parking charges at Little Oyster, Castle Connections, Park Road and Halfway Road have had on the Isle of Sheppey.

Council also notes the overwhelming public opposition to these charges in the way of petitions and responses to the consultation.

Council resolves to:

Refer the decision made by the Environmental Services & Climate Change committee to charge at the following car parks: Little Oyster, Castle Connections, Park Road and Halfway Road on the Isle of Sheppey at the meeting held on 12/11/2025 back to the Environmental Services & Climate Change committee meeting on 8th July 2026, to reconsider that decision.

Proposed by: Councillor Nundy

Seconded by: Councillor Jayes

This page is intentionally left blank

Motion: Erosion of local democracy in the planning system

This Council notes:

- The importance of local democratic oversight in the planning process, particularly in ensuring that decisions reflect the views and interests of residents.
 - The role of “call-in” procedures in allowing elected Members to refer planning applications to committee where there are significant material planning considerations or public concerns.
 - Provisions within the Government’s Planning and Infrastructure reforms which seek to remove or significantly restrict local planning call-in powers.
 - Plans to impose nationally prescribed limits on planning committee size, including a proposed maximum of 13 members, regardless of local context or governance structures.
 - The direction already issued by Government that now requires Local Planning Authorities to notify the Ministry of Housing, Communities and Local Government (MHCLG) when they are considering refusal of schemes of 150 or more dwellings, enabling the Secretary of State to intervene and determine such applications.
-

This Council believes that:

- The removal or restriction of planning call-in powers for elected councillors undermines local democracy and reduces transparency in decision-making.
 - Imposing a maximum committee size fails to recognise local governance needs and risks weakening effective representation and accountability.
 - Requiring notification to MHCLG and enabling central Government to determine locally significant applications represents an unacceptable centralisation of planning powers.
 - These combined measures risk reducing public confidence in the planning system by distancing decisions from locally elected representatives.
 - Local planning authorities are best placed to balance development needs with community impact.
-

This Council resolves to:

- Formally oppose Government proposals for a “national scheme of delegation” that would remove or significantly restrict planning call-in powers available to local councillors.
- Request amendments to Schedule 1 specifically, which sets out that householder, minor residential and minor commercial applications must in all circumstances be delegated to officers.
- Oppose the imposition of a maximum planning committee size of 13 members.
- Call for revocation of the directive requiring referral of planning decisions to central Government for applications of 150+ dwellings where refusal is recommended.
- Direct the Council Leader to write to the Secretary of State for Housing, Communities and Local Government setting out the Council’s concerns as expressed above regarding the erosion of local democratic control within the planning system.
- Share this resolution with local Members of Parliament and neighbouring authorities to encourage broader opposition to these proposals.

Proposed by: Cllr Julien Speed

Seconded by: Cllr Tara Noe

Full Council	
Meeting Date	23 June 2026
Report Title	Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) – Results of Public Consultation and Adoption.
EMT Lead	Emma Wiggins Director of Regeneration and Neighbourhoods
Head of Service	Joanne Johnson Head of Place
Lead Officer	Ian Harrison Planning Manager (Planning Applications)
Classification	Open
Recommendations	1. That members note the responses received to the public consultation undertaken in relation to the Draft HMO SPD; and 2. Subject to any recommendations made by the Policy and Resources Committee at their meeting of 17th June 2026, adopt the HMO SPD (as set out in Appendix I).

1 Purpose of Report and Executive Summary

- 1.1 At Full Council on 1st October 2025 it was resolved to refer the matter of the “Management and Regulation of HMOs in Swale” to the relevant Committee to develop a Supplementary Planning Document (SPD). This was subsequently progressed by Planning and Transportation Policy Working Group (PTPWG), the Policy and Resources Committee (P&R) and Officers which led to a Draft HMO SPD being the subject of a period of public consultation between 30th March 2026 and 29th April 2026.
- 1.2 The input from that public consultation has duly been considered, summarised and responded to, within a Consultation Statement which is provided at Appendix II. Officers have not recommended making any changes to the HMO SPD and, at the PTPWG meeting of 27th May 2026, members resolved to note the responses received to the public consultation undertaken in relation to the Draft HMO SPD and recommend that the P&R Committee recommends that Full Council adopt the HMO SPD.
- 1.3 The P&R Committee is to meet on 17th June 2026 and the agenda for that meeting includes Item 7 which relates to the HMO SPD. The recommendation to that Committee is that members note the responses received to the public consultation undertaken in relation to the Draft HMO SPD and recommend that Full Council adopt the HMO SPD.
- 1.4 Subject to any recommendations that the Policy and Resources Committee make at their meeting of 17th June 2026, this item is placed on the agenda on the Full

Council in anticipation that the recommendation will be that the Council adopts the HMO SPD or an amended version of the drafted SPD.

- 1.5 It is respectfully requested that the Full Council notes that this paper is being prepared in advance of the P&R Committee meeting. This is due to the scheduling of the P&R Committee meeting and the Full Council meeting in close proximity to each other and related paper deadlines and the government mandated deadline for the adoption of Supplementary Planning Documents, which is the 30th June 2026, meaning that there is not opportunity for the matter to be presented a later Full Council. Any changes that the Policy and Resources Committee recommend will be made available as soon as possible after the meeting as a published and circulated update paper.
- 1.6 The purpose of this report is to present a summary of the responses received during the four week consultation which ran from 30th March 2026 to 29th April 2026 and to recommend that the HMO SPD is adopted as a Supplementary Planning Document.

2 Background

- 2.1 The report to the P&R Committee meeting that is scheduled for 17th June 2026 and the report to the PTPWG meeting of 27th May 2026 set out the full background to the matter, including providing a link to the applicable minutes of the Full Council meeting of 1st October 2025, the report to and minutes of the PTPWG meeting of 22nd January and the report to and minutes of the P&R Committee meeting on 11th March 2026.
- 2.2 At the Full Council Meeting on 1st October 2025, a motion was brought relating to the *“Management and Regulation of HMOs in Swale”*. Amongst other measures, it was resolved to *“Refer this matter to the relevant Committee to develop a Supplementary Planning Document (SPD) addressing:*
- *A maximum threshold for HMOs within defined areas or individual streets to avoid over concentration*
 - *Minimum off-street parking requirements for HMOs to reduce pressure on local roads*
 - *Proper waste and recycling storage and management for all HMOs*
 - *Minimum room sizes and standards in line with national guidelines”*
- 2.3 It was also resolved that there would be consultation with residents, ward councillors, parish councils, area committees, and other stakeholders to ensure the proposed SPD was responsive to community concerns while supporting access to affordable housing.

- 2.4 A full commentary explaining the approach taken in meeting the requirements of the motion has been provided within the reports that were presented to PTPWG on 22 January 2026 and P&R Committee on 11 March 2026. Links to those reports are provided as background papers.
- 2.5 In summary, the following timetable has generally been followed with the only noteworthy exception being the change of the consultation period to the dates that are specified above, and ability to bring this report to a scheduled Full Council rather than utilise an Urgent Decisions Committee or Extraordinary meeting.

Stage	Date
Presentation of this report to the Planning and Transportation Policy Working Group.	22 January 2026
Circulation of Draft HMO SPD to Members of the Planning and Transportation Policy Working Group for comment.	Late February 2026
Seek approval from the Policy and Resources Committee to consult on the Draft HMO SPD.	11 March 2026
Undertake a four week consultation in respect of the Draft HMO SPD.	23 March 2026 to 20 th April 2026
Extraordinary meeting of the Planning and Transportation Policy Working Group to recommend post-consultation draft for adoption.	Mid / Late May 2026
Policy and Resources Committee Meeting to recommend post-consultation draft for adoption.	Mid June 2026
Urgent Decision Committee for adoption.	Late June 2026

- 2.6 The Council has now undertaken the four week consultation. This was undertaken through a link to the document and the Council's planning policy consultation system being provided on the Council's website. Letters and emails notifying key consultees of the consultation were sent on 30th March. The detail of the consultation is provided within the Consultation Statement which is available at Appendix II.
- 2.7 The Consultation Statement also provides a summary of each of the comments received and also details how the public consultation was undertaken, as required by Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.8 Having considered each of the comments received in detail, it is not considered by officers or PTPWG that any changes are required to the Draft HMO SPD.

3 Proposals

- 3.1 That members note the responses received to the public consultation undertaken in relation to the Draft HMO SPD; and

- 3.2 That the HMO SPD (as set out in Appendix I) is adopted by the Full Council as a Supplementary Planning Document.

4 Alternative Options Considered and Rejected

- 4.1 There are a number of alternative options. These have been considered and are set out with their advantages and disadvantages below. None were recommended by PTPWG but, as set out above, this is subject to further consideration by P&R:

- **Alternative Option 1:** The Full Council adopt an amended version of the HMO SPD.
- **Alternative Option 2:** Prepare a form of guidance note other than an SPD.
- **Alternative Option 3:** Prepare a supplementary plan under the new Local Plan system.
- **Alternative Option 4:** Do not seek to adopt an HMO SPD.

Table 1: Alternative Options Available

Alternative Option	Advantages	Disadvantages
Alternative Option 1 The Full Council adopt an amended version of the HMO SPD.	• This approach would provide the opportunity for the comments made to be addressed in an alternative manner.	• Changes could undermine the consultation and the soundness of the SPD. • Amendments might not align with the scope of the Full Council motion. • Amendments might exceed the scope of Planning Control.
Alternative Option 2 Prepare a form of guidance note other than an SPD	• Would reduce the relevance of the existing time constraints around the adoption of SPDs.	• Would not fulfil the stated resolution of the Council. • Unlikely that any other document would carry comparable weight and, as such, would have reduced effectiveness.
Alternative Option 3 Prepare a Supplementary Plan under new Local Plan system.	• Any such document would be likely to carry more weight than an SPD	• Uncertainty around compatibility with existing or emerging development plans and the applicable procedures. • Timeline would not align with the aims of the Full Council resolution.
Alternative Option 4 Do not prepare or seek to adopt an HMO SPD (i.e. do nothing).	• Requires no further resources. • Places the Council at the smallest possible risk in terms of challenge.	• Would not fulfil the stated resolution of the Council. • Planning applications for HMOs would continue to be considered with limited guidance available as to how the policies of the development plan will be applied, providing less certainty for applicants and not ensuring that

Alternative Option	Advantages	Disadvantages
		HMOs are provided in preferable ways. • A potential uplift in applications for HMOs would not be reflected within the Council's suite of guidance documents.

5 Consultation Undertaken or Proposed

- 5.1 Details of the public consultation exercise that has been undertaken can be found at Appendix II. This included notifying Councillors, Parish and Town Councils and other interested parties and consultees, internal bulletins, press releases and publicity on the Council's website and social media pages. 12 responses were received and they have been fully considered within the Consultation Statement at Appendix II.
- 5.2 The Motion requested Area Committees be consulted on the draft SPD. There were no Area Committees scheduled during the consultation window, and the time constraints were such that the consultation period could not be moved to cover an Area Committee cycle. However, widespread publicity aimed to ensure that those who would likely or potentially express a view at an Area Committee were aware of the opportunity.

6 Implications

Issue	Implications
Corporate Plan	The HMO SPD would support the delivery of all of the Corporate Plan priorities: • Community • Economy • Environment • Health and housing • Running the Council The Plan contains a specific objective to 'progress a Local Plan with local needs and capacity at its heart.'
Financial, Resource and Property	There has been financial and resource implications associated with adopting the HMO SPD relating primarily to officer time and costs associated with consultation. This is within the base budget.

Legal, Statutory and Procurement	The preparation and adoption of an SPD is carried out under a national legislative and regulatory framework. There is a government mandated deadline for the adoption of SPDs of 30 th June 2026.
Crime and Disorder	There are no direct crime and disorder impacts arising from this recommendation. However, the HMO SPD contains guidance that would influence the location of HMOs which, in some parts of the country, have been considered or identified to correlate to anti-social behaviour. Examples of this are detailed in comparable SPDs that cover the areas of South Gloucestershire, Maidstone and Wigan.
Environment and Climate/Ecological Emergency	There are no environment and climate/ecological emergency impacts arising from this decision. However, the HMO SPD addresses matters that affect the local environment including parking, refuse storage and living conditions.
Health and Wellbeing	There are no direct health and wellbeing impacts arising from this decision. However, the HMO SPD attempts to positively affect the health and wellbeing of local residents.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	There are no Health and Safety Risks identified at this stage. A risk could arise from the HMO SPD being found to be unsound or ineffective in any respect but, at this stage, there is not considered to be a risk.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.
Local Government Reorganisation	The recommendation has little impact on Local Government Reorganisation other than it may increase the degree of divergence within the guidance that is in place within any newly created authority.

7 Appendices

7.1 Appendix I – HMO SPD.

7.2 Appendix II – Consultation Statement

8 Background Papers

- 8.1 [Minutes of Full Council Meeting of 1st October 2025](#)
- 8.2 [Report to Planning and Transportation Policy Working Group – 22 January 2026](#)
- 8.3 [Minutes of Planning and Transportation Policy Working Group – 22 January 2026](#)
- 8.4 [Report to Policy and Resources Committee – 11 March 2026](#)
- 8.5 [Minutes of Policy and Resources Committee – 11 March 2026](#)
- 8.6 [Report to Planning and Transportation Policy Working Group – 27 May 2026](#)
- 8.7 [Report to Planning and Transportation Policy Working Group – 17 June 2026](#)



Houses in Multiple Occupation

Supplementary Planning Document

Supplementary Planning Document, Houses in Multiple Occupation

1	Introduction.....	1
2	HMOs Within the Planning System and Key Definitions.....	2
3	Planning Policies (Local and National).....	6
4	Existing HMO Stock and Potential Effects of HMO stock.....	8
5	Guidance Topic 1 - Concentration of HMO's.....	12
6	Guidance Topic 2 - Parking.....	15
7	Guidance Topic 3 - Waste and Recycling Storage and Management.....	18
8	Guidance Topic 4 - Room Sizes.....	19
9	Other controls, relevant legislation and contacts.....	20
10	Appendix A - HMO Concentration Assessment.....	22

1 Introduction

1.1 Swale Borough Council is actively seeking the provision of housing to meet the identified needs of the Borough's residents. As will be set out within this document, this is integral to Bearing Fruits 2031 - The Swale Borough Local Plan (Adopted July 2017) which is part of the Council's Development Plan.

1.2 Whilst there is limited definitive evidence available of a need for Houses in Multiple Occupation (HMOs), the Council's Housing Market Assessment identifies that single person households are relatively unlikely to afford market housing and the Council has declared an affordable housing emergency. In addition, there is evidence that demonstrates an increase in the supply of HMOs. In combination, it is considered that the evidenced need for accommodation that is comparatively cheaper and available to rent and the increase in the supply of HMOs suggests that HMOs are forming an increasing part of the Council's Housing stock.

1.3 The evidence base indicates that buildings of various types can become HMOs, albeit most appear to have resulted from the conversion of dwellings. Whilst most dwellings are or were designed for occupation by family units, HMOs are very likely to have a higher adult population and are likely to be used more intensively as a result of bedrooms being formed in place of rooms that were initially envisaged to be used for other purposes. Similarly, buildings used for other purposes previously might not have envisaged residential use at all. As a consequence, there can be instances where the differing occupation of a building and the impacts of accommodating an alternative mix of residents can have implications especially on

- the character and appearance of an area;
- parking provision within the locality; and
- the living conditions of the intended occupiers of the HMO and residents of the surrounding area.

Purpose of the HMO Supplementary Planning Document (SPD)

1.4 In light of the above, the purpose of the HMO SPD is to guide the application of the Council's existing policies in respect of applications for HMOs. This covers the following matters:

- The avoidance of the over concentration of HMOs;
- The availability of adequate parking;
- The provision of storage for waste and recycling and its management, and
- The provision of adequate room sizes for future residents.

Status and Scope

1.5 The SPD cannot introduce new policies but will identify matters that should be addressed by an applicant in order to demonstrate compliance with existing policies of Bearing Fruits 2031 - The Swale Borough Local Plan (Adopted July 2017) hereafter referred to as 'The Local Plan'.

1.6 Similarly the document will provide an indication of how the Council will approach applications for HMOs and how these approaches relate to the existing policies of The Local Plan.

1.7 Once adopted as an SPD, this document will be a material planning consideration for the Council when determining planning applications involving the provision of HMOs.

2 HMOs Within the Planning System and Key Definitions

2.1 It is considered appropriate to provide a summary of how the planning system controls the change of use of a building to an HMO. It is anticipated that this might assist some future applicants.

2.2 Where an HMO use is introduced, experience demonstrates that it is often reported to the Council's Planning Investigations Team. An additional purpose of this specific section is, therefore, to provide a reference point for those persons who become aware of an HMO being introduced or wish to comment on an application related to an HMO, whether that be a Certificate of Lawfulness or an application for Planning Permission.

Development

2.3 Section 55 of the Town and Country Planning Act 1990 defines development and, for the purposes of this SPD, it is relevant that it includes building operations and material changes of use of land. The word 'material' is addressed further below.

2.4 From this basis, where the use of a building materially changes, it will constitute development. Section 55 of the T&CP Act 1990 highlights that this is not applicable where the new use falls within the same Use Class as the former use.

2.5 Where a material change of use occurs, to be lawful, it would either need to be Permitted Development or granted planning permission following the submission of a planning application.

2.6 Permitted Development is development that is enabled by the Town and Country Planning (General Permitted Development) (England) Order 2015 (The GPDO). Of specific relevance to changes of use are the Classes within Part 3 of Schedule 2 of the GPDO which mean that certain changes can occur when needing planning permission.

Definition of an HMO - Section 254 of the Housing Act 2004

2.7 As will be set out below, the planning legislation that is relevant to HMOs links to the definition that is provided by Section 254 of the Housing Act 2004. A shortened and summarised version of this definition is as follows:

2.8 A building or a part of a building is a "house in multiple occupation" if: -

(a) it meets the "the standard test" which comprises of the following criteria:

1. one or more units of living accommodation that are not self-contained flats;
2. the occupiers do not form a single household;
3. it is the accommodation is occupied by persons as their main residence;
4. the occupiers residential use is their only use of the premises;
5. rents are paid by at least one occupier; and
6. two or more occupiers share one or more basic amenity, or the living accommodation is lacking one or more amenity

(b) it meets "the self-contained flat test" which is as per (2) to (6) above and it consists of a self-contained flat.

(c) it meets the conditions in subsection(4) (<https://www.legislation.gov.uk/ukpga/2004/34/section/254>) ("the converted building test") which is as per (1) to (5) above and the building has been converted.

(d) an HMO declaration is in force in respect of it under section 255; or a declaration can be made where the above tests are met other than (4) but their use represents a significant use.

There is an additional sub-section (e) that relates to converted blocks of flats, but this is not relevant to Use Class C4 as will be set out below and is therefore of limited relevance to planning.

Classification of HMOs

Town and Country Planning Use Classes Order 1987 (as amended)

2.9 This legislation (hereafter referred to as the Use Classes Order) categorises uses of land. Those that fall outside those classes are deemed to be “Sui Generis” i.e. they are effectively a bespoke use of land that is not categorised and, as such, any material changes of use of that land would need planning permission.

2.10 Of relevance to this HMO SPD are the following use classes, for which shortened versions of the formal definitions have been provided:

Use Class C3 – Dwellinghouses

2.11 Use as a dwellinghouse (whether or not as a sole or main residence) by:

- a. a single person or by people to be regarded as forming a single household;
- b. not more than six residents living together as a single household where care is provided for residents; or
- c. not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Use Class C4 – Houses in Multiple Occupation

2.12 Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”

2.13 Interpretation – *“For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.”*

Sui Generis – Other Uses that are outside the Use Classes

2.14 In relation to HMOs this means the use of a dwellinghouse by more than six residents as a “house in multiple occupation”

Permitted Development

2.15 The following section of the abovementioned GPDO applies to the conversion of dwellings (Use Class C3) to HMOs that fall within Use Class C4. A shortened version of the Permitted Development is provided.

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

Permitted Development:

Development consisting of a change of use of a building—

- a. from a use falling within Class C4 to a use falling within Class C3;
- b. from a use falling within Class C3 to a use falling within Class C4.

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 in relation to any building previously used as a single dwellinghouse; or
- b. as two or more separate dwellinghouses falling within Class C4 in relation to any building previously used as a single dwellinghouse.

Guidance Related to Permitted Development

2.16 Where a development falls within the scope of Permitted Development, it can lawfully occur without any involvement by the Planning Service at Swale Borough Council. There is no need to apply for planning permission.

2.17 Often a person will choose to submit an application for a Certificate of Lawfulness for a Proposed Use or Development (often referred to as a CLOPUD or LAWPRO). Such an application seeks confirmation that the proposal is Permitted Development and the application has to be considered only in respect of whether or not the development could have lawfully occurred on the date that the application was submitted.

2.18 Alternatively, if development has already occurred, a Certificate of Lawfulness for an Existing Use of Development (a CLEUD or LDCEX) can be sought.

2.19 Seeking a Certificate of Lawfulness is entirely optional. The only consideration to be made by the Planning Service for those types of applications is whether the development is lawful. Planning merits and national and local planning policies, including this SPD, would not be relevant to such an application.

Planning Permission

2.20 Other than where a development is Permitted Development, planning permission is required.

2.21 In summary, changing a building to a Large HMO (Sui Generis Use) i.e. an HMO with 7 or more residents, needs planning permission.

2.22 Alterations to the number of residents within a Large HMO could represent a material change of use meaning planning permission might also be required.

2.23 The conversion of buildings in any other use to HMOs of any size would also need planning permission.

Physical Works

2.24 In many instances, the conversion of a dwellinghouse to an HMO will involve building operations.

2.25 Such works might be able to occur under the terms of Classes A (extensions and alterations other than the roof), B (roof extensions), C (other roof alterations), E (outbuildings) of Part 1 of Schedule 2 of the GPDO. The reason for this being that buildings with a lawful use as a dwellinghouse retain their Permitted Development rights.

2.26 If the building operations exceed those Permitted Development rights, planning permission is required.

2.27 The abovementioned Permitted Development Rights relating to building operations are not applicable to flats.

2.28 Section 56 of the T&CPA highlights that internal works within a building are not development and do not require planning permission.

Listed Buildings and Conservation Areas.

2.29 Notwithstanding the above, if a building is a listed building, consent may be required for internal works under the terms of the separate regime of control that applies to listed buildings. A change of use does not require listed building consent and so, on its own, the creation of an HMO would not need listed building consent. It is the physical works to a building that may need consent.

2.30 A site being within a Conservation Area limits building operations that can occur under Permitted Development rights, in the same way that they are partially reduced for dwellings. However, being in a Conservation Area does not create any additional limitations with respect to the creation of HMOs in terms of change of use.

Materiality of Change of Use

2.31 Above, the term 'material' was highlighted in respect of the definition of development and the inclusion within that of the change of use of land. In this regard, it is relevant to stress that not all changes of use of land will be material. Of relevance to HMOs, is that there could be circumstances where enabling an

additional person to reside at a premises might not be considered to result in a material change of use. This would be for determination in the circumstances of a specific case, as what might be material in one case, might not in another.

Restrictions on Permitted Development Rights relating to the Change of Use of Land.

2.32 At this time, there are no area-based restrictions in Swale on the ability of property owners to utilise the Permitted Development right set out above in respect of changes of use to create HMOs.

2.33 However, as part of the same Council motion that sought the preparation of this SPD, the Council requested that steps are taken towards making a direction under the terms of Article 4 of the GPDO which would have the effect of removing Permitted Development rights relating to Class L of Part 3 and the creation of HMOs.

2.34 Such a restriction on Permitted Development rights would materially alter the above commentary as the Permitted Development opportunity would not be applicable and planning permission would be required for all HMOs that fall within Use Class C4 as well as those Large HMOs that fall outside the Use Classes Order.

Breaches of Planning Control

2.35 Where development has occurred that requires planning permission and no such planning permission has been obtained, interested parties are invited to notify the Council's Planning Investigations Team. To do so, it is requested that the following webpage is used: <https://swale.gov.uk/planning-and-regeneration/planning-breaches-and-enforcement/report-a-breach-of-planning-consent#h2>

2.36 Investigations of breaches will occur in accordance with the Council's Planning Enforcement Strategy. This can be found at: <https://swale.gov.uk/your-council/strategies-and-policies/planning-enforcement-strategy>

2.37 It is hoped that interested parties may have found this document before reporting a development that has or is in the process of occurring. In such instances it is helpful that regard is had to the content of this SPD before reporting a development.

2.38 Where a development or building operations are occurring and there is a suspicion that a breach of planning control will occur, formal enforcement action will seldom be considered until a breach of planning control has definitively occurred.

3 Planning Policies (Local and National)

3.1 The development plan in effect within the Swale Borough includes Neighbourhood Plans and the Kent Waste and Minerals Local Plan (2024 to 2039). It also includes Bearing Fruits 2031 - The Swale Borough Local Plan (Adopted July 2017) which is the primary source of planning policy relating to development throughout the Swale Borough.

3.2 As far as it is relevant to this SPD, Local Plan Policy ST1 (Delivering sustainable development in Swale) states that *“all development proposals will, as appropriate:*

7. Deliver a wide choice of high quality homes by:

- a. meeting the full, objectively assessed need for housing in the housing market area;*
- b. providing housing opportunity, choice and independence with types of housing for local needs; and*
- c. keeping vitality within rural communities with identified housing needs, proportionate to their character, scale and role.*

8. Achieve good design through reflecting the best of an area’s defining characteristics.

9. Promote healthy communities through:

- a. location of development to achieve safe, mixed uses and shared spaces;*
- b. rejuvenation of deprived communities.”*

3.3 Local Plan Policy CP3 (Delivering a wide choice of high quality homes) states that the Council and others *“shall work towards the delivery of a wide choice of high quality homes that extend opportunities for home ownership and create sustainable, inclusive and mixed communities.”* It goes on to state that *“development proposals will, as appropriate:*

(2) tailor the purpose and objectives of housing proposals to the issues present within local housing market areas;

(5) achieve a mix of housing types, reflecting the findings of the current Strategic Housing Market Assessment or similar needs assessment;

(6) meet the housing requirements of specific groups, including families, older persons, or disabled and other vulnerable persons; and

(8) achieve sustainable and high quality design in accordance with Policy CP4 and Policy DM19.”

3.4 Leading on from the above, Policy CP4 (Requiring good design) states *“that all development proposals will be of a high quality design that is appropriate to its surroundings.”* It goes on to state that *“development proposals will, as appropriate:*

1. Create safe, accessible, comfortable, varied and attractive places;

2. Enrich the qualities of the existing environment by promoting and reinforcing local distinctiveness and strengthening sense of place;

5. Retain and enhance features which contribute to local character and distinctiveness;

7. Achieve a mix of uses, building forms, tenure and densities;

10. Use densities determined by the context and the defining characteristics of the area

11. Ensure the long-term maintenance and management of buildings, spaces, features and social infrastructure;

12. Be flexible in order to respond to future changes in use, lifestyle, and demography;

3.5 Policy DM14 (General development criteria) sets out that *“All development proposals will, as appropriate:*

3. Accord with adopted Supplementary Planning Documents and Guidance

5. Reflect the positive characteristics and features of the site and locality

7. Be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location;

8. Cause no significant harm to amenity and other sensitive uses or areas;

10. Achieve safe vehicular access, convenient routes and facilities for pedestrians and cyclists, enhanced public transport facilities and services, together with parking and servicing facilities in accordance with the County Council's standards."

3.6 Finally, Policy DM7 (Vehicle Parking) states that "*when prepared, the Swale Vehicle Parking SPD will provide guidelines for:*

- 1. Car parking standards for residential development, which will*
 - a. take into account the type, size and mix of dwellings and the need for visitor parking; and*
 - b. provide design advice to ensure efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it.*
- 3. Cycle parking facilities on new developments, of an appropriate design and in a convenient, safe, secure and sheltered location."*

3.7 At the Neighbourhood Plan level, there are no specific policies within the Boughton and Dunkirk Neighbourhood Plan (2023) which address HMOs. However, policies H1, H8, T3 and E1 are considered to align with The Local Plan insofar as they address the provision of housing to meet local needs whilst minimising environmental impacts, providing adequate parking and ensuring that development respects and enhances local character, environmental quality and amenity value.

3.8 Similarly, the Faversham Neighbourhood Plan (2024) does not include any policies that specifically address HMOs. However, policies FAV3 and FAV10 are considered to align with The Local Plan insofar as they address meeting local housing need and achieving development that compliments the existing townscape and character and represents sustainable design in various stated respects.

3.9 The abovementioned Local Plan policies are considered to be aligned with paragraphs 8, 63, 96, 109, 111, 112, 131 and 135 of the NPPF.

3.10 Moreover, although it has been published in draft and is the subject of current public consultation, it is relevant that the policies appear to align with policies, DP3, P3, TR2 and TR4 of the Consultation Draft NPPF that was published on 16 December 2025.

3.11 In this context, it is considered sound for an SPD to guide the circumstances where HMOs will be supported as they will achieve the outcomes set out within these policies.

4 Existing HMO Stock and Potential Effects of HMO stock

Existing HMO Stock

4.1 Identifying the existing HMO stock with reliance solely on planning records is problematic given that, as set out above, many can be formed without needing planning permission and without recourse to the Council's Planning Service. In short, many could have been created without the Planning Service knowing, especially where there are a lower number of residents that might not attract the same amount of attention as larger HMOs. Notwithstanding this, the Council's planning application, local plan monitoring and planning enforcement records have been reviewed and this has enabled several HMOs to be identified. Other Council records have also been utilised including the HMO License Register.

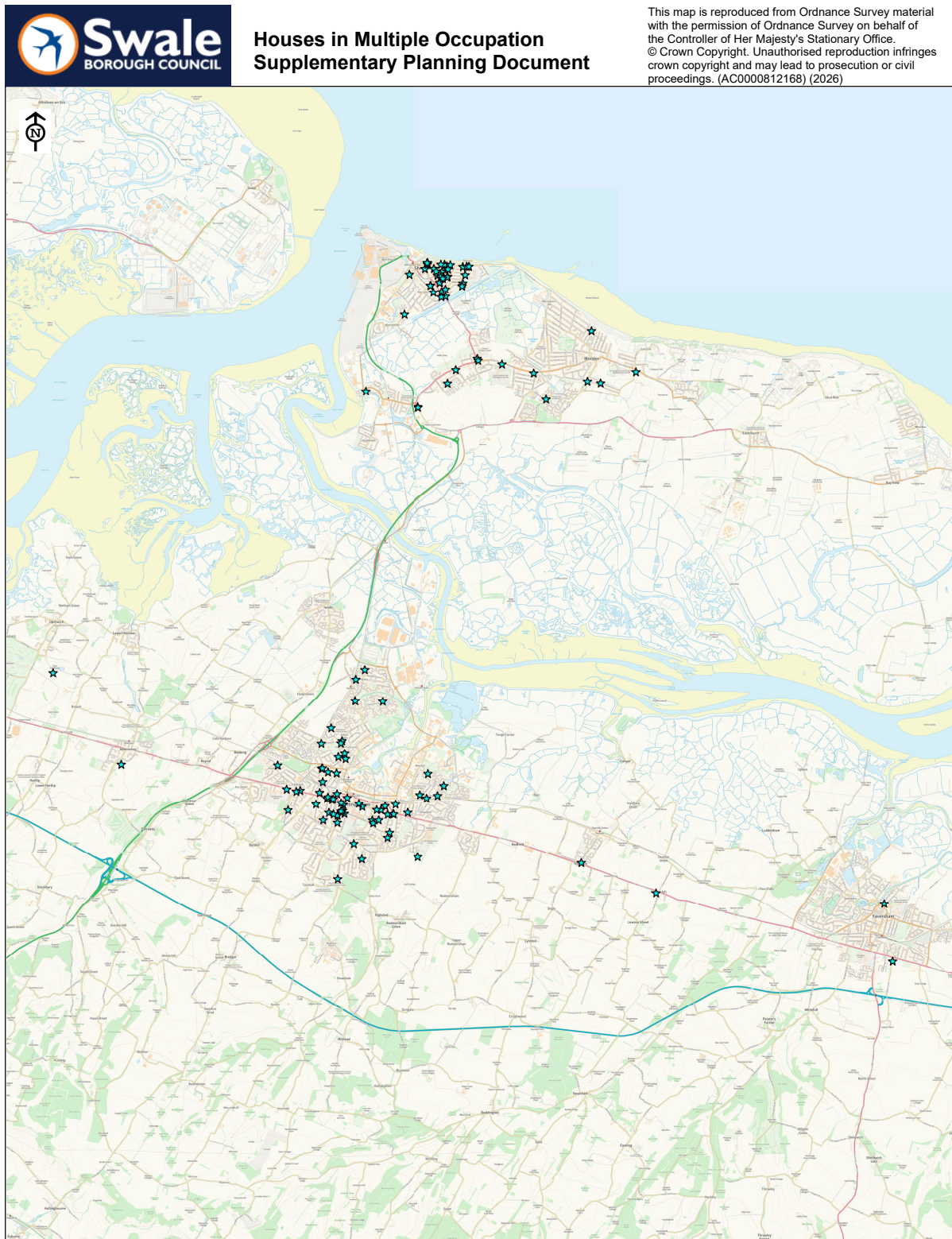
4.2 Some records will need to be reviewed further and, as this search process can only represent a snapshot in time, the stock of HMOs will evolve. It is, however, anticipated that a register of known HMOs can be kept up-to-date through the collaboration of the respective teams within the Council.

4.3 This research to date indicates that there are 126 HMOs within the Swale Borough.

4.4 Evidence sourced from the Office for National Statistics (ONS) indicates that when the 2021 Census was undertaken, there were 61 Small HMOs and 14 Large HMOs in the Swale Borough. In total there were, therefore, 75 HMOs.

4.5 It therefore appears that there has been an increase of 51 HMOs in approximately 5 years, a 68% increase above the 75 HMOs that were recorded in the Census.

4.6 The map below shows that there is a degree of dispersion to the location of HMOs:



Picture 4.0.1

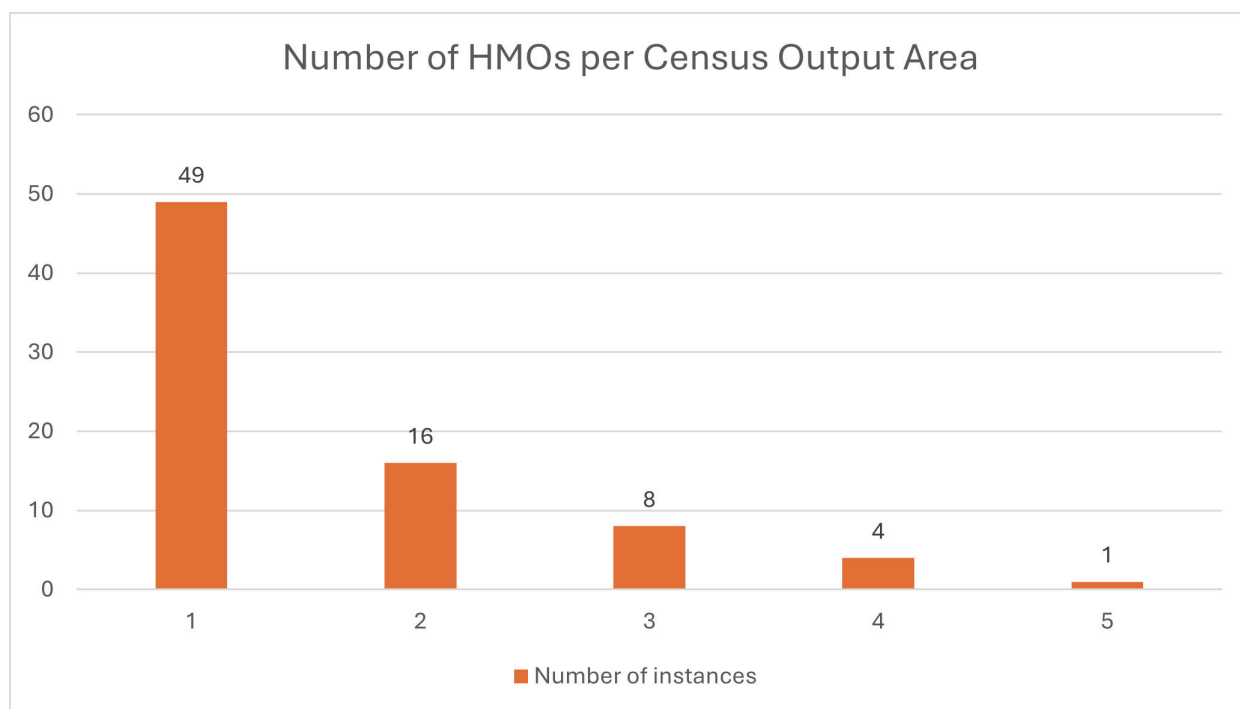
4 Existing HMO Stock and Potential Effects of HMO stock

4.7 On a ward level, the 126 HMOs that have been identified are broken down as follows:

Ward	HMO's	Ward	HMO's	Ward	HMO's
Abbey	1	Milton Regis	8	Sheppey Central	5
Borden and Grove Park	6	Minster Cliffs	1	Teynham and Lynsted	2
Chalkwell	12	Murston	4	Watling	1
Hartlip, Newington and Upchurch	2	Queenborough & Halfway	8	Woodstock	3
Homewood	15	Roman	16		
Kemsley	3	Sheerness	39	TOTAL	126

Table 4.0.1

4.8 At a more localised level, Census data can be broken down to Output Area (OA) level which are generally areas of between 40 and 250 households with resident populations of between 100 and 625 people. Through separating the 126 identified HMOs into the Output Areas, the following dispersal of HMOs has been established:



Picture 4.0.2

Number of HMOs per OA	1	2	3	4	5
Number of instances	49	16	8	4	1

Table 4.0.2

4.9 The OA area with the most HMOs is in Sheerness, near and around the junction of Marine Parade, Broadway, and Alma Road. There are 158 households within that area and, as such, 5 HMOs amounts to 3.16% of the households being HMOs.

4.10 If combined with an adjacent OA to the west which is one of those that has 4 HMOs, there are 344 households and 9 HMOs in that area, amounting to 2.62%.

Potential Effects of an HMO Stock

4.11 The number and quality of HMOs in the borough has been cited as a matter that requires further consideration and, in this regard, the Full Council meeting on 1 October 2025 provides a useful steer of the matters that are considered to require attention.

4.12 It is noted that the motion for Full Council and the debate of that motion identified the following potential impacts of HMOs:

- Impacts on local amenity;
- Increased parking demand;
- Refuse generation;
- Impacts on local infrastructure and public services;
- Impacts on housing balance and changes to the character of residential areas;
- A reduction of the supply of properties for families and single occupiers; and
- Poor living conditions for occupiers.

5 Guidance Topic 1 - Concentration of HMO's

Ensuring the Concentration of HMOs respects Character and Living Conditions

5.1 This matter is considered to align with the consideration of developments in respect of Policies ST1, CP3, CP4 and DM14.

5.2 It is considered that the avoidance of an undue accumulation of HMOs within a particular area will ensure that areas with a character defined by dwellinghouses is not unduly eroded. Moreover, it is considered that this will ensure that the developments contribute to achieving sustainable, inclusive and mixed communities as required by Policy CP3.

5.3 Furthermore, noting the potential for a material increase in the number of adult residents and the activity associated with such a population, it is considered that there is scope for there to be a different level of noise and disturbance caused, that could have an impact on the living conditions of existing residents within that area.

5.4 Noting that policy DM14 seeks to ensure development causes no significant harm to amenity and other sensitive uses or areas and that paragraph 135f) of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, it is considered appropriate to seek to ensure that a suitable living environment is retained.

5.5 As demonstrated above, there is a fairly broad dispersal of 126 HMOs over 16 wards and 8 wards without any HMOs. However, there are some distinct areas where a concentration of HMOs has been identified. Such concentrations can have many implications, including the erosion of the residential character of an area.

5.6 A methodology for assessing the acceptability of a concentration of HMOs is to identify a catchment area, calculate the number of residential properties and the number of HMOs within that area and set a threshold based on the number of HMOs that are considered to be able to be accommodated without causing the erosion of the character of the area or other strains that could be contrary to the abovementioned policies.

5.7 Appendix A sets out a step-by-step approach to undertaking an HMO Concentration Assessment.

5.8 It is considered that a 100m radius from the existing front door of a dwelling is a suitable catchment area in the context that, for many, such an area would be construed as being the area in which they live and the area around their home

5.9 Having regard to the evidence above that addresses the prevalence of HMOs within an area, it is considered that a threshold of 10% is an appropriate guideline.

5.10 If the threshold of 10% is exceeded in a predominantly residential area, it is likely that a site visit will demonstrate that there is already a noticeable presence of HMOs within the locality. It would be expected that this would not be the case where fewer HMOs exist. Therefore, unless it can be demonstrated that an additional HMO beyond the 10% threshold can be comfortably accommodated within an area, it is probable that a proposal to introduce a further HMO will be found to cause the undue undermining of an existing residential character.

5.11 In more commercial or mixed-use areas where there are fewer than 10 residential properties within the Assessment Area, a 30% threshold will be applied.

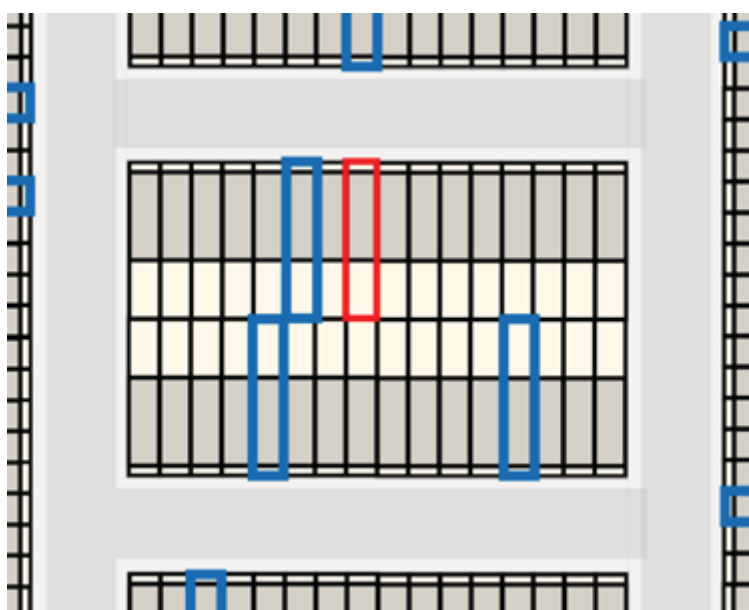
5.12 Where a building contains flats, if one of those flats is used as an HMO, the building shall be considered as a whole and that building will be counted as an HMO for the purposes of a concentration assessment.

Avoidance of Sandwiching

5.13 In the interests of providing adequate living conditions for existing residents, it is considered appropriate to avoid instances of sandwiching. Where the increased activity resulting from an HMO which has been set out above can be experienced at one side of a C3 dwellinghouse, it is unlikely to have a significantly harmful impact on the overall living conditions of those neighbouring residents.

5.14 However, where a residential dwellinghouse in C3 use is neighboured by HMOs at both sides, it is likely that there will be a sense of being surrounded by HMOs which will materially change the living conditions of those residents.

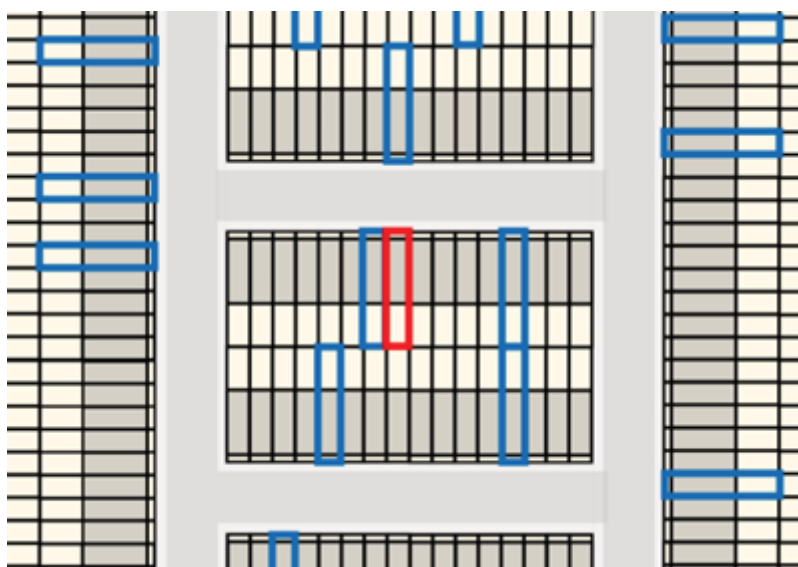
5.15 Consequently, unless it can be demonstrated that significant harm will not arise, it is likely that a situation where a dwellinghouse becomes “sandwiched” between two HMOs will not be found acceptable. An example of a likely unacceptable HMO sandwich situation is demonstrated on the diagram below:



Picture 5.0.1

5.16 In this example above, there would be a dwellinghouse falling within Use Class C3 sitting between an existing HMO (marked in blue) and a proposed HMO (marked in red). This would not be acceptable.

5.17 However, one HMO being located next to another may be acceptable:



Page 34
Picture 5.0.2

5.18 This will only be considered as an issue where properties are adjacent to each other in a side-by-side format. In such an arrangement, properties are usually closer to their neighbours than properties at the opposite side of a road or where there are gardens between the buildings. Moreover, where there are attached properties, there is a greater likelihood of disturbance being noticed through the adjoining structures.

5.19 Where a building contains flats, the same approach shall also apply but on a horizontal and vertical basis. No flat should abut (to the side, above or below) more than one HMO in the interests of providing suitable living conditions for the occupiers of flats which are likely to be more constrained as a result of their configuration.

Question 1

Will the approach set out at Guidance Topic 1 (Concentration of HMOs) be effective in addressing the concentration of HMOs. If not, are there any other approaches to concentration that we should consider?

6 Guidance Topic 2 - Parking

6.1 This objective is considered to align with the consideration of developments in respect of Policies DM7 and DM14. The Council's Parking Standards currently provide no parking standards for HMOs. By setting out how parking is expected to be provided, it will allow clarity for all.

6.2 An assessment of the location of the existing HMOs within the Swale Borough indicates that many are located in areas where there is limited off-street parking and a reliance, by all, on on-street parking. Parking stress can be detrimental to living conditions and detract from the amenities of an area and, as such, it will be beneficial for such developments to be steered to locations where they can be accommodated or make adequate provisions.

6.3 Census data from the 2021 Census indicates that there were 11,119 privately rented properties in the Swale Borough. HMOs align closest with this type of property tenure.

6.4 Within that, 4,646 of the properties had just one usual resident aged 17 years or over. It is considered that this figure is relevant as most HMO rooms are occupied on a single adult basis and where there are more, this is likely to be balanced out with periods of under-occupancy elsewhere as not all properties are occupied at all times.

6.5 Within those properties, 1,793 had no access to a car, 2,571 had access to a car and 282 had access to two or more cars.

6.6 Using that data and proceeding on the basis that the two or more category would most likely have no more than two cars in the majority of cases, it can be assumed that the 4,646 persons renting privately in the Swale Borough led to car ownership amounting to approximately 3,135 cars. This amounts to a car ownership rate of 0.67 cars per person living alone.

6.7 More broadly, again based on the 2021 Census, of the 15,957 one-person households within the Swale Borough, 5,871 had no access to a car, 8,866 had access to one car, 961 had access to two and 259 had access to 3. That equates to a total of 11,565 cars which amounts to an average of 0.72 cars per person living alone.

6.8 At a Borough level, the 2021 Census indicates that 16.6% of households do not have a car or van. However, for those wards where HMOs were identified, the percentage of households without cars are as follows:

Ward		Ward		Ward	
Abbey	24%	Milton Regis	20%	Sheppey Central	12%
Borden and Grove Park	13%	Minster Cliffs	11%	Teynham and Lynsted	12%
Chalkwell	21%	Murston	21%	Watling	16%
Hartlip, Newington and Upchurch	9%	Queenborough & Halfway	17%	Woodstock	10%
Homewood	20%	Roman	27%		
Kemsley	12%	Sheerness	34%		

Table 6.0.1

6.9 Moreover, using the figures for one-person households only, the percentage of households without cars are as follows:

Ward		Ward		Ward	
Abbey	44%	Milton Regis	44%	Sheppey Central	26%
Borden and Grove Park	34%	Minster Cliffs	33%	Teynham and Lynsted	31%
Chalkwell	41%	Murston	44%	Watling	37%
Hartlip, Newington and Upchurch	28%	Queenborough & Halfway	36%	Woodstock	31%
Homewood	44%	Roman	52%		
Kemsley	28%	Sheerness	55%		

Table 6.0.2

6.10 At a more local level, using the data for the Output Areas where HMOs have been identified, 26.9% of households do not have access to a car, 41.3% of households have access to one car, 23.2% have access to 2 cars and 8.6% have access to 3 cars.

6.11 Proceeding on the basis that each room is occupied independently and is therefore tantamount to an individual household, both elements of evidence support a case that approximately 2 out of 3 occupiers would have access to a car and be located in areas where there is slightly over 1 car per household on average.

6.12 By extension, it is logical to state that car parking should be available at a rate of 0.66 car parking spaces per bedroom, rounded up to the nearest whole parking space. This would mean that a 3 bed HMO would need 2 spaces, a 4 bed HMO would need 3 spaces, 5 and 6 bed HMOs would need 4 spaces, a 7 bed HMO would need 5 spaces, 8 and 9 bed HMOs would need 6 spaces and a 10 bed HMO would need 7 spaces.

6.13 It is noted that the reality is that most HMOs are proposed where the form of the original building, the plot it sits within and the area generally, makes this level of parking provision unlikely in most cases.

6.14 To that end, on-street parking may be a requirement. In that scenario, it is recommended that any application is accompanied with evidence to demonstrate that parking spaces on-street within the vicinity of the site are likely to be available to accommodate the uplift from the existing use (based on the Council's adopted parking standards).

6.15 A Parking Survey, using a methodology such as the Lambeth Methodology, would be an appropriate way to demonstrate the adequate availability of on-street parking. Other approaches could be considered if they provide a robust assessment of parking availability.

Car Parking Permits

6.16 The Swale Parking Permit Policy is available at <https://swale.gov.uk/your-council/strategies-and-policies/parking-policy>

6.17 This restricts the provision of parking permits and, as such, reliance on parking permits within Controlled Parking Zones is unlikely to be practical for HMOs with more residents than allowed for by the parking policy.

Question 2

Will the approach set out at Guidance Topic 2 (Parking) be effective in ensuring that parking availability is not unduly altered. If not, are there any other approaches to parking availability that we should consider?

7 Guidance Topic 3 - Waste and Recycling Storage and Management

7.1 This objective is considered to align with the consideration of developments in respect of Policies CP4 and DM14, particularly through ensuring that development causes no significant harm to amenity and other sensitive uses or areas and creates safe, accessible, comfortable, varied and attractive places.

7.2 Whilst the provision of refuse storage facilities will primarily be addressed by the Council's Environmental Services team, the role of the HMO SPD is to ensure that refuse storage is provided in a manner that represents high quality design, as required by the abovementioned policies. The provision of discreet and accessible refuse and recycling storage will encourage its use and avoid an expanse of containers being kept at sites and within streets in prominent, visually unfortunate or obstructive arrangements.

7.3 For an HMO that is to be converted from a dwelling, where there are no more than 5 residents, the recycling storage arrangements would be no greater than would arise from the existing dwelling. As such, there would be no additional requirements to provide refuse and recycling storage. For guidance, it is recommended that the property would be entitled to the following provisions and it is recommended that arrangements are made within proposals for their storage and for them to be made available for collection and returned to their storage locations at the appropriate times:

- 1 x 180ltr refuse bin
- 1 x 240ltr recycling bin (with a 2nd provided if needed)
- 1 x 23ltr food bin (with a 2nd provided if needed)
- 1 x 5ltr food caddy

7.4 Where a HMO would have 6 or more persons, it might introduce the need for a larger 240ltr refuse bin or an additional 180ltr refuse bin to be provided. In addition, where there is more than one kitchen, additional 5ltr food caddies can be provided.

7.5 Where the alteration of the use of the building is likely to result in an uplift in the number of bins kept at a site (other than the 5ltr caddies which should be kept within kitchens), it will be expected that plans accompany any application to demonstrate how these will be stored. All such storage should be provided within the building or the plot and it will be expected that the storage will be discreet and/or visually acceptable in the context of the character and appearance of the site and the locality.

7.6 In addition, any management arrangements required to ensure that bins are presented to suitable collection locations and subsequently returned to their storage positions should be detailed within supporting submissions.

7.7 Conditions may be imposed to ensure the provision of adequate storage and management arrangements.

Question 3

Will the approach set out at Guidance Topic 3 (Waste and Recycling Storage and Management) be effective in ensuring that adequate waste/refuse storage and management arrangements are in place. If not, are there any other approaches to waste/refuse storage that we should consider?

8 Guidance Topic 4 - Room Sizes

8.1 This objective is considered to align with the consideration of developments in respect of Policies ST1, CP3 and CP4 by meeting the housing requirements of specific groups, creating accessible and comfortable places, being flexible in order to respond to future changes in use, lifestyle, and demography and delivering a wide choice of high-quality homes.

8.2 Minimum bedroom sizes and standards for licensable HMOs are already in effect under the terms of the Housing Act 2004. However, the HMO SPD will be applicable to all planning applications for HMOs, including those that might not require a licence.

8.3 The Council will expect any planning applications submitted for HMOs to demonstrate room sizes that accord with the National Standards that are currently set out, any standards that replace those standards or any local standards adopted by the Council's Private Sector Housing team, whichever are the largest. At present, the minimum room sizes for bedrooms (taken from the Housing Act) and shared kitchens (taken from the Council's HMO standards) are:

Occupancy	Minimum Bedroom Size for HMO
One child under the age of 10	4.64 square metres
One occupant over 10 years of age	6.51 square metres
Two occupants over 10 years of age	10.22 square metres

Table 8.0.1

Number of People Sharing a Kitchen	Minimum Kitchen Size
1 to 3 people	5 square metres
4 people	6 square metres
5 people	7 square metres
6 people	9 square metres
7 to 10 people	11 square metres

Table 8.0.2

Question 4

Will the approach set out at Guidance Topic 4 (Room Sizes) be effective in ensuring that that bedrooms and kitchens will be of acceptable size. If not, are there any other approaches to room size that we should consider?

9 Other controls, relevant legislation and contacts

9.1 This SPD has been prepared solely from a planning perspective. HMOs and building operations are, however, also controlled by other legislation:

The Housing Act 2004 (Requirement for a Licence)

9.2 This legislative regime is wholly separate from planning. At the time of writing, the Housing Act 2004 effectively states that:

9.3 *A HMO falling within the scope of requiring a license is one that —*

- (a) is occupied by five or more persons;*
- (b) is occupied by persons living in two or more separate households; and*
- (c) meet(i)the standard test under section 254(2) of the Act (<https://www.legislation.gov.uk/ukpga/2004/34/section/254>)*
- (ii) the self-contained flat test under section 254(3) of the Act but is not a purpose-built flat situated in a block comprising three or more self-contained flats; or*
- (iii) the converted building test under section 254(4) of the Act.*

9.4 When granting a licence conditions can be used to control various matters including:

- Gas Safety Certificates;
- Electrical Appliances and Furniture Safety Standards;
- Smoke and Carbon Monoxide Alarm provision;
- The provision of Terms of Occupation to Occupiers;
- Minimum sleeping room sizes;
- Anti-Social behaviour management conditions;
- Repairs; and
- Training of license holders.

9.5 The Licence Application process involves assessing the suitability of the licence holders (fit and proper persons test) and assessing the suitability of the property (shared bathing and toilet facilities and wash hand basins in rooms, kitchen facilities and fire safety facilities and equipment).

9.6 Full details of the approach to HMO Licensing at Swale Borough Council can be found at <https://swale.gov.uk/business-licensing-and-procurement/licences-permits-and-consents/houses-in-multiple-occupation>.

The Building Act 1984 and The Building Regulations 2010

9.7 Extensions, alterations and works within a building might require approval under the terms of the Building Regulations.

9.8 This is an entirely separate legislative function and the Planning Service at Swale Borough Council operates under a Memorandum of Understanding with the South Thames Gateway Building Control Body (details of which can be found at <https://www.stgbc.org.uk>).

9.9 Where works are considered to conflict with Building Regulations, they can be brought to the attention of the Building Control Body at the abovementioned website.

9.10 As set out in an earlier section of this SPD, internal works do not require planning permission and so any requirements resulting from the Building Regulations do not affect the assessment of a development from a planning perspective.

Party Wall Act / Civil Matters

9.11 Under the terms of the Party Wall Act 1996, neighbouring landowners are afforded certain protection in some respects. Details of which can be found at <https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet>.

9.12 Damage, encroachment or any other comparable unauthorised use of a person's land without their consent is a matter for the respective landowners to address between themselves. Swale Borough Council has no remit to enforce property boundaries, resolve disputes or address any disagreements in these respects.

Ventilation

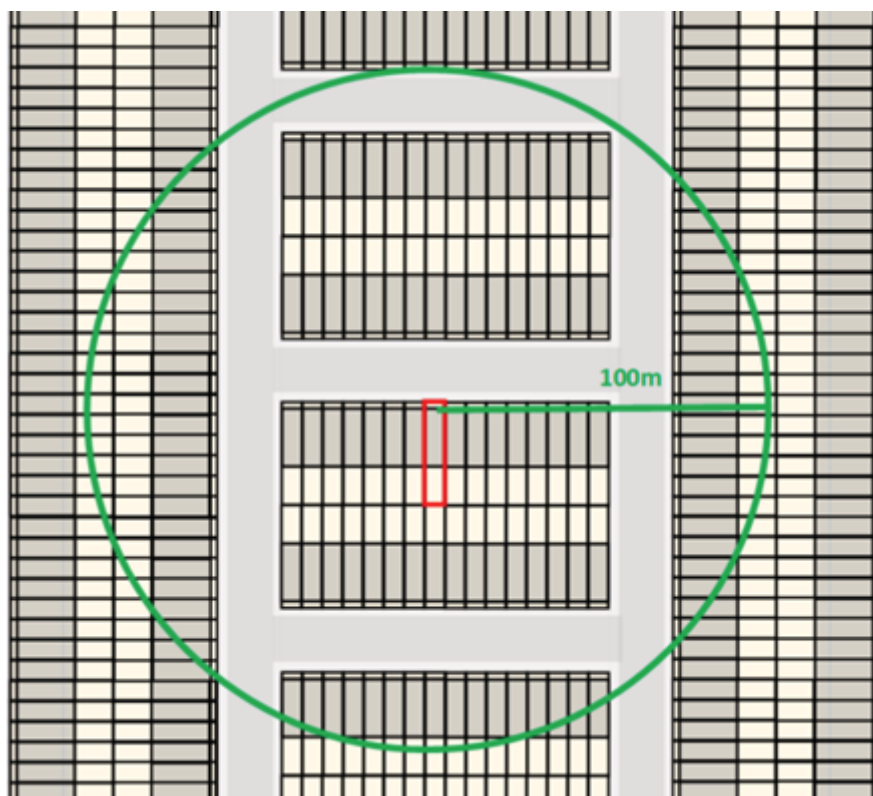
9.13 The ventilation of buildings is addressed through the Building Regulations, in particular Approved Document F.

9.14 It is acknowledged that, in the event of there being inadequate ventilation, there could be consequences with respect to the formation of damp and mould. Should that be the case, it is hereby highlighted that the Council's website (<https://swale.gov.uk/housing-council-tax-and-benefits/housing/damp-and-mould/tackling-damp-and-mould-advice-for-tenants>) provides assistance and guidance that may be of use to occupiers of such properties within these conditions.

10 Appendix A - HMO Concentration Assessment

Step 1 – Establish Assessment Area

10.1 Identify the location of the proposed HMO and the position of its front door and the spread of a 100m Assessment Area from that centre point.



Picture 10.0.1

Step 2 – Count the number of dwellinghouses within that Assessment Area

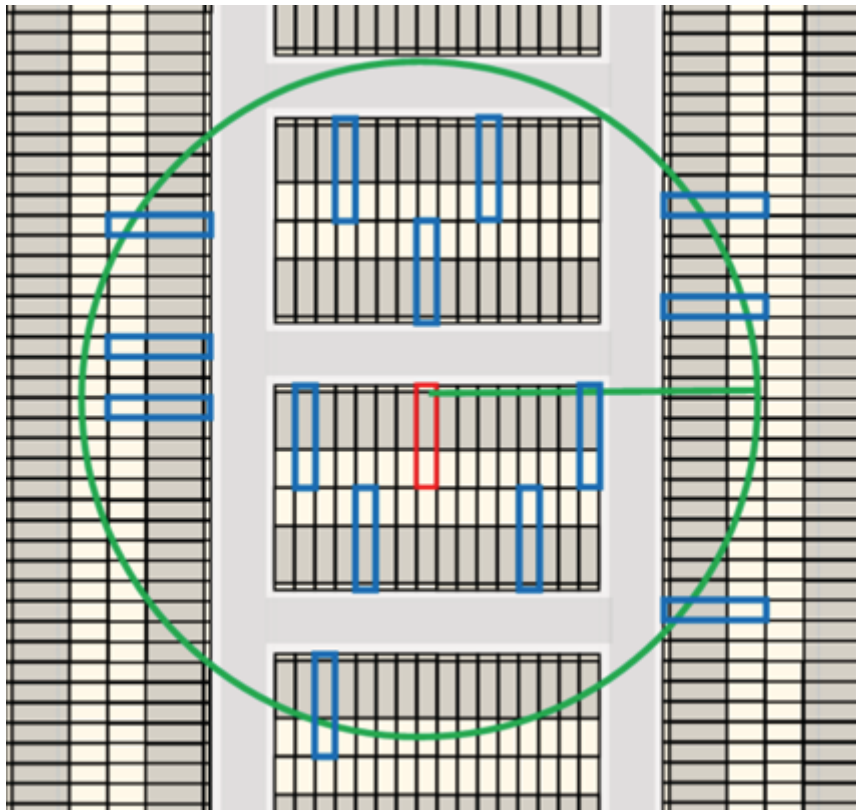
10.2 This includes all dwellings and parts of the planning unit of those dwellings (gardens) that fall within the 100m Assessment Area.

10.3 All buildings other than dwellings and flats are discounted.

10.4 As a working example, there are 146 dwellings in the Assessment Area shown above.

Step 3 – Establish the location of other HMOs within that Assessment Area

10.5 To do so, the Council will use Council Tax, HMO License and Planning records. (These have been demarked in blue on the following diagram. There are 14 currently present in the Assessment Area shown below)



Picture 10.0.2

Step 4 – Undertake Assessment

10.6 Calculate whether the existing or resultant situation would meet the 10% threshold of residential properties (or 30% in an area of mixed use or commercial properties with fewer than 10 residential properties).

10.7 Using the working example above, where there are 146 dwellings within the Assessment Area and 14 HMOs, the addition of an HMO would bring the total to 15 and so the number of HMOs would exceed the 10% threshold.

Question 5

Will the HMO SMD be effective in terms of maintaining the local character of the different areas within the Swale Borough?

Question 6

Will the HMO SPD be effective in terms of maintaining living conditions for existing residents of an area?

Question 7

Are there any other issues that we need to consider?

Appendix II

CONSULTATION STATEMENT

Houses in Multiple Occupation Supplementary Planning Document (HMO SPD)

1. Introduction

As required by Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012, this Consultation Statement has been prepared in respect of the consultation undertaken with regard to the Council's Draft HMO SPD. A Consultation Statement is required to be prepared to detail the consultation undertaken during the preparation of a Supplementary Planning Document (SPD). This statement outlines the consultation that has occurred and the comments received and addresses whether they should be reason to alter the Draft HMO SPD.

2. Purpose and Scope of the HMO SPD

The purpose of the HMO SPD is to guide the application of the Council's existing policies in respect of applications for HMOs. This covers the following matters:

- The avoidance of the over concentration of HMOs
- The availability of adequate parking.
- The provision of storage for waste and recycling and its management.
- The provision of adequate room sizes for future residents.

3. Status of SPD

The HMO SPD would become a material consideration in planning applications.

4. Consultation Process

A two-stage internal engagement and public consultation process has been conducted.

Internal Engagement:

- Internal discussions involved an early draft of the HMO SPD being made available to colleagues within the Council's Private Sector Housing Team and Environmental Services Team.
- Moreover, the paper was presented to the Council's internal Senior Management Team meeting on 26 February 2026. That meeting was attended by, amongst others, representatives of the Council's Housing, Finance, Communications, Environment and Leisure and Environmental Health teams.
- Feedback from these departments informed the preparation of the draft SPD before wider public consultation.
- The Draft HMO SPD was also made available to members of the PTPWG prior to it being presented to the Council's P&R Committee on 11th March 2026. An opportunity was made for Councillors to comment on the draft HMO SPD within the formal meetings and, at the request of a Councillor at the PTPWG meeting, an informal discussion was undertaken prior to the publication of the Draft HMO SPD on the P&R agenda.

Public Consultation (Formal Consultation Period)

- The draft HMO SPD was published for a four-week public consultation period, beginning on 30th March 2026 and ending on 29th April 2026.
- Notifications were sent to consultees, local councillors, Parish and Town Councils, and other interested parties.
- The document was available to view through a link on the Council's web-site and a hard copy would have been available on request at the council office.
- The consultation period was publicised through internal bulletins, press releases and publicity on the Council's website and social media pages.

Using the Council's online consultation tool, in the interests of focusing the consultation responses to the content of the Draft SPD, seven questions were provided:

1. Will the approach set out at Guidance Topic 1 (Concentration of HMOs) be effective in addressing the concentration of HMOs. If not, are there any other approaches to concentration that we should consider?
2. Will the approach set out at Guidance Topic 2 (Parking) be effective in ensuring that parking availability is not unduly altered. If not, are there any other approaches to parking availability that we should consider?
3. Will the approach set out at Guidance Topic 3 (Waste and Recycling Storage and Management) be effective in ensuring that adequate waste/refuse storage and management arrangements are in place. If not, are there any other approaches to waste/refuse storage that we should consider?
4. Will the approach set out at Guidance Topic 4 (Room Sizes) be effective in ensuring that that bedrooms and kitchens will be of acceptable size. If not, are there any other approaches to room size that we should consider?
5. Will the HMO SMD be effective in terms of maintaining the local character of the different areas within the Swale Borough?
6. Will the HMO SPD be effective in terms of maintaining living conditions for existing residents of an area?
7. Are there any other issues that we need to consider?

5. Comments Received

Comments were received from 12 interested parties. These are summarised within the table below and an Officer Response is provided in respect of each comment.

Many of the responses addressed matters beyond the questions that are set out above and, as such, it is not considered prudent to utilise those questions as the basis for summarising the consultation responses. Where those questions have been responded to, this will be made clear in the summary below. Given the nature and number of the responses received, it is considered sensible to summarise the responses and respond to each, rather than group them by topics.

It is noted that where similar exercises have been undertaken, it has been deemed appropriate to highlight where changes to the relevant document are required or not required. In this instance, having had full regard to the comments made, it is not considered that any changes are required and therefore, in the interests of efficiency, this has not been marked on each comment response.

Minster-on-Sea Parish Council	Officer Response
Minster-on-Sea Parish Council provided a commentary on each of the component parts of the HMO SPD, setting out that they are supportive of the SPD.	Comments Noted

The response discussed the role that HMOs play in meeting the need of some residents, whilst also acknowledging the shortcomings of such accommodation and the need to ensure that it is provided in an appropriate manner.	Comments Noted
Queenborough Town Council	Officer Response
All HMOs should require planning permission and should pass through all the "correct planning permission conditions" which include parking, noise, party wall and room size considerations. HMOs needing planning permission will ensure that town and parish Councils are able to comment on their formation.	The need for planning permission would not be affected by the adoption of the HMO SPD. Room size and parking adequacy considerations are to be addressed by the SPD. However, the other matters raised fall outside the scope of planning.
Sheerness Town Council	Officer Response
The response discussed the role that HMOs play in meeting the need of some residents, whilst also acknowledging the shortcomings of such accommodation and the need to ensure that it is provided in an appropriate manner.	Comments Noted
The response noted that Sheerness has a comparatively high number of HMOs relative to the remainder of the Borough and suggests that this causes pressure on services such as waste collection, social services and social care. It is considered that when concerns are raised in the planning process, they are given insufficient consideration. Resources should be provided in the areas that HMO exist to provide the services required to serve residents.	The allocation of resources to serve the needs of communities exceeds the scope of this SPD.
It is suggested that the inappropriate use of Permitted Development Rights should be considered further and that enforcement action should be taken by Swale Borough Council.	The use of permitted development rights by any person is not unreasonable as, by definition, it is their right to do so. After investigating a breach, enforcement action will be taken where it is expedient to do so, in line with the Council's Enforcement Strategy. There has to be a sound basis for taking enforcement action and it is respectfully suggested that there is often a misalignment of what persons think should be enforced against and when enforcement action can actually be reasonably taken.
It is highlighted that a recent motion of SBC's Full Council meeting has been supported by Sheerness Town Council.	Comments Noted

It is highlighted that at a recent SBC meeting, it was suggested that no HMO applications should be considered until the impact of HMOs and work being undertaken by SBC, including in relation to the HMO SPD, has been concluded.	The Council has no power to stop applications being submitted and is duty bound to determine applications as soon as practical. A hiatus cannot reasonably be introduced and, to do so, would put the Council at risk of appeals on the grounds of the non-determination of applications.
Support is given for the controls proposed in relation to the concentration of HMOs that are set out in the SPD. It is considered that the concentration thresholds are already exceeded and, therefore, there should be no more HMOs in Sheerness.	The support is noted, but the suggestion that the threshold is already exceeded is not the finding of Officers. The suggestion that there can be no more HMOs throughout Sheerness is not agreed, particularly as the assessment method proposed is more localised than on a ward level.
The waste management elements of the HMO SPD are noted but it is considered that fly tipping should be prevented and that there should be fines and charges for those responsible to avoid other resources being spent on waste management.	The comments made in relation to fees and charges and the means of addressing fly-tipping, go beyond the scope of the HMO SPD.
Stronger support and action should be provided and the SPD should go further to achieve this.	The HMO SPD has addressed all matters that it is considered reasonable to address, for the reasons given in previous papers.
Historic England	Officer Response
No Comment.	Noted.
National Highways	Officer Response
No Comment	Noted.
Natural England	Officer Response
No Comment	Noted.
Hayley Hope	
No HMO should be approved within an Infrastructure Capacity Assessment in order to address deficiencies relating to primary school places, SEND provision and highway capacity.	There is no overarching policy basis to require this. Officer experience is that very few children reside in HMOs and, as such, most of the matters raised go beyond the scope of this SPD.
A Community Asset Contribution (Community House) should be provided by developers of significant projects. Properties should be donated, placed into Community Land Trusts and made available as a hub for mental health support, community ladders, youth groups, the elderly and disabled. Their operation should also be funded for three years by developers.	In the context of HMOs, it is very unlikely that such a provision would meet the tests for planning obligations that are set out at section 122 of the CIL Regulations.

Brownfield land should be prioritised, with HMOs only being considered on previously developed land.	All known HMOs in the Borough have been brought about through the conversion of an existing building or the redevelopment of previously developed land. The use of previously developed land is already promoted within local and national planning policies.
All HMOs should meet the highest energy efficiency standards (EPC A/B) and the SPD should make Voltage Optimisation technology mandatory. This would make energy usage cleaner, reduce waste and reduce bills.	There is no overarching policy basis to require this. Policy DM19 will continue to be applicable to applications for HMOs and it is not considered that there is grounds to require HMOs to achieve a higher energy efficiency standard than would be applied to any other type of development.
A 10% concentration cap within a 100 metre radius should be included.	This aligns with the approach set out within the SPD.
On-site waste storage must be mandatory to prevent 'bin blight' and keep pavements clear from obstruction.	This would be a requirement for larger HMOs but not smaller HMOs as the refuse storage arrangements would be no different to a dwelling and so it would be disproportionate to require provisions to be made for a HMO when such provisions are unlikely to be required for a pre-existing building (particularly as existing dwelling).
Berni Targar	Officer Response
There are too many HMOs. The numbers should be controlled and restricted to fit in with the area.	There is no planning policy basis or assessment of demand to say that the existing or increasing supply is exceeding the demand or need for such properties. The SPD attempts to address the concentration of HMOs.
An allegation has been made of a HMO being occupied by a person(s) who has undertaken illegal activities.	Such an allegation should be made to the police and addressing such a matter falls outside the scope of planning and the SPD.
People having lodgers has morphed into HMOs and bedsits being created.	These are three separate categories of residential provision and, whilst there can be some blurring of the distinction between them, this is a matter that falls outside the scope of this SPD which is only intended to address HMOs.
HMOs make parking inadequacies worse.	This is a matter that is addressed by the SPD.
Occupiers are short-term renters who do not engage with the local community.	The engagement of residents of any type of residential property with the local community cannot be controlled by planning.
Tyone Bland	Officer Response
The imposition of HMOs on the overcrowded community will make that overcrowding worse.	The HMO SPD does not propose HMOs, it seeks to ensure that they are provided in an acceptable manner.

The provision of HMOs is driven by greed and is detrimental to all.	This comment goes outside the remit of planning.
HMOs accommodate people that you would not want in your community and yet they are forced upon a community.	The HMO SPD could not control who occupies a HMO.
Greater restrictions should be applied to protect local communities so that they take priority over a person attempting to make money.	The HMO SPD is attempting to guide matters that relate to planning.
"It's not wanted on our island."	Opinion of respondent is noted.
Mr Kennedy	Officer Response
Question 1 - HMOs are being created in Queenborough Conservation Area, an area lived in by the elderly and young people, and are out of character with the town.	The locations where HMOs have been formed have been assessed within the HMO SPD. The effect on the character of an area is an element of the reasoning for preparing the HMO SPD.
Question 1 - Parking of vans blocks light and this is made worse by charging for car parking.	Parking in the highway is controlled under other legislation and can occur with buildings that are occupied as dwellings or HMOs. Charging for parking is outside the remit of planning.
Question 1 - The occupiers of HMOs are often single males who undertake illegal activities and are a terrible image for visitors.	The HMO SPD would not attempt to control the gender of residents of an HMO. Illegal activities should be reported to the police.
Question 2 - HMOs result in more on-street parking which compounds issues arising from the charging for car parking, including congestion.	The HMO SPD attempts to ensure that HMOs are located in areas where suitable parking is available.
Question 3 - The conversion of terraced properties means there is insufficient space for bins.	Smaller HMOs have the same refuse storage requirements as dwellings. Refuse storage provisions for larger HMOs are addressed by the HMO SPD
Question 4 - Room quality (avoiding damp and having ventilation) is as much of an issue as room size.	The HMO SPD can only build upon existing policies and cannot introduce new controls and, as such, the provision of ventilation and the avoidance of damp is not considered to be able to be within the scope of the SPD.
Question 5 - There will be no enforcement. Residents' views should be considered before allowing developments.	Planning Enforcement occurs where there are breaches of planning control and it is expedient for action to be taken. There is often a difference between what is unwanted by an interested party and what is unlawful such that enforcement action could be taken. All comments made on planning applications are considered when planning applications are determined.

Question 6 - There will be no attention to local residents or maintaining the existing character of an area.	As established, many HMOs have been formed without planning permission being required. In those instances, there is no arena for the views of local residents to be considered. The views of local residents will be considered when an application is determined, along with planning policies and all other material considerations.
Question 7- The removal of interior fittings within a conservation area has occurred.	Such works do not require planning permission.
Question 7- Combined with the introduction of parking charges SBC are making daily life quite difficult for residents	Parking fees are outside the scope of the HMO SPD.
Antony Dennant	Officer Response
Question 1 - Speaking as a long term resident and landlord in respect of rental properties, it is considered that the controls will be ineffective as the SPD acknowledges that there are likely to be HMOs that are unknown to the Council as they did not require planning permission.	There is an ever increasing evidence base in relation to the existence of HMOs. The Council can only act on the evidence it has available. It is relevant to note that the SPD would influence future decisions of the Council but cannot alter previous developments, whether they needed planning permission or not.
Question 1 -The HMOs that exist have had a disastrous effect on the character of Alma Road.	A purpose of the HMO SPD is to ensure that the character of areas is retained. The HMO SPD will not and cannot introduce any powers to remove any existing HMOs or re-instate the character of any areas that have been perceived to be harmed.
Question 1 -The concentration of HMOs in Sheerness is disproportionate. Rather than taking a formula approach as suggested, Officers should visit sites and neighbourhoods to see the effects of development.	Officers will already make an assessment of the effect of developments on the character of an area and will visit sites in undertaking this assessment. However, a site visit can only represent a snap-shot in time. The suggested use of a concentration cap would give a greater tool for making such an assessment than would otherwise exist.
Question 1 - Accusation are made in respect of illegal activities and criminal behaviour undertaken by HMO residents.	These matters should be reported to other authorities and are outside the scope of the HMO SPD.
Question 1 - The respondent suggests that the comments within the HMO SPD are laughable when considered in relation to Alma Road.	The respondent's perception of Alma Road cannot be a reflection of the content of the HMO SPD as it is not in effect yet. It is suggested that the HMO SPD will be a tool to assist with ensuring that development is of high quality, being an additional tool to those that currently exist.

Question 2 - Parking in Alma Road is difficult and more properties are being converted to HMOs. There is insufficient parking enforcement. There is no solution that can help that area of Sheerness, the better option would be to spread the provision of HMOs across the Borough. It is perceived that Sheerness is the "dumping ground" of the Borough and that these developments would not be proposed in Faversham.	The Council has not allocated locations for HMOs to be provided. There are numerous supply, demand and other market factors that influence where HMOs have been formed. Parking enforcement is a matter that falls outside the scope of the HMO SPD. However, the proposed parking adequacy assessments that are set out within the HMO SPD are intended to ensure that future HMOs are located where adequate parking can be provided.
Question 3 - Refuse bins are not an issue but an issue exists around the use of bags for waste which are accessible to foxes and cats. In addition, the residents of HMOs do not have the inclination to care for the property or area and, as such, are likely to dispose of items in a careless manner. Moreover, landlords are disinterested or absent with no interest in maintaining the standards of a property or the area. In combination this causes areas to become "intractable, feral state" which is distressing to those who do care and have aspirations. HMOs should not be provided unless this matter can be addressed.	The HMO SPD addresses waste provision for larger HMOs as the Council's arrangements for smaller HMOs are the same as they are for dwellings and so any change of use would not derive any additional requirements that planning could reasonably address. The final comment is noted and aligns with the aims of the HMO SPD.
A. Elliot (Rock Road Residents).	Officer Response
Question 1 - The SPD is a step in the right direction but more should be done to notify residents of proposed HMOs. An example is cited where a HMO was introduced under permitted development rights without warning.	When they are formed through permitted development rights, notification is not possible as the Council will not have prior knowledge. The Council does not undertake consultation in respect of applications for Certificate of Lawfulness which is the only early warning that the Council may have. This is a sound process as applications for Certificates are determined on a factual basis and not on the grounds of the assessment of planning merits, either by the Council or by interested third parties.
Question 1 - Matters relating to the Party Wall Act have been referenced and accusations have been made about the conduct of the property owners.	The Party Wall Act is not planning legislation and is outside the remit of the Council. The conduct of property owners is not hereby commented on.
Question 2 - Parking is an issue and the approach suggested would seem sensible.	Noted

Question 3 - Larger waste provisions should be made. Experiences of poor waste management leading to animals accessing waste and causing problems have been cited. It has been suggested that many residents, for many reasons, are not familiar with good waste management practices and that they should be educated.	The HMO SPD is not attempting to specify the amount of storage that should be provided as that is controlled by other departments of the Council. The SPD is, however, seeking to control the means of storing waste bins for larger properties. This is considered to be a proportionate approach to take and sound in the context of the scope of planning control. The HMO SPD is not attempting to educate residents in relation to waste management techniques as that is beyond the scope of planning.
Question 4 - An example is cited of a HMO having insufficient room sizes and soundproofing. It is suggested that the Building Regulations approval should not have been given.	Room sizes would be controlled under the terms of the HMO SPD in respect of those HMOs where planning permission is required. Soundproofing between buildings is addressed, where applicable, by other legislation and it is not appropriate for planning to attempt to replicate other legislation. The approval of building regulations falls outside the scope of the HMO SPD.
Question 5 - Neighbours should be consulted when HMOs are introduced. It is suggested that residents neighbouring a HMO should be given a Council Tax reduction. The effects of a HMO on living conditions have been cited.	Neighbours are consulted where there is an arena to do so, i.e. a planning application. This is not achievable where a person is utilising permitted development rights to introduce an HMO. The HMO SPD cannot influence Council Tax. The provision of acceptable living conditions for all parties is the aim of the HMO SPD and planning policy more generally.
Question 6 - An example is cited of the impact of the construction process for a HMO on neighbouring residents. Accusations are made about the conduct and competency of builders and it is considered that the Council showed no regard to the concerns of and harms caused to neighbouring residents. This has continued since residents have occupied the building. Existing residents should be protected.	The accusations made relate to matters that fall outside the scope of planning control. Planning enforcement action can only be taken where there is a breach of planning control and so it is respectfully suggested that the Council not taking action should only be taken to reflect that there was no action that could be reasonably taken rather than that regard was not being had to interested parties.
Question 7 - More control should be had in respect of planning and building control in order to protect existing residents.	Building Control is outside the scope of the HMO SPD. The majority of the matters that have been raised would fall outside the scope of planning and, noting that the cited example was an incident of a HMO being formed under the terms of permitted development rights, the HMO SPD would not have any effect on a comparable situation if it were to occur elsewhere.

This page is intentionally left blank

Council Meeting	
Meeting Date	23 June 2026
Report Title	Update on DBS Checks
EMT Lead	Larissa Reed, Chief Executive
Head of Service	Lisa Fillery, Director of Resources
Lead Officer	Jo Millard, Democratic and Electoral Services Manager
Classification	Open
Recommendations	1. That Full Council notes the update from the Standards Committee that the majority of Councillors have now submitted DBS checks in line with the resolution from a previous Council meeting.

1 Purpose of Report and Executive Summary

- 1.1 To provide Full Council with an update on the submission of Disclosure and Barring Service (DBS) checks by Councillors, following agreement by Full Council at a previous meeting held in October 2024.

2 Background, Context and Proposals

- 2.1 At a previous Council meeting held in October 2024, Members resolved that all Councillors should undertake a DBS check, following debate and agreement at the previous Housing and Health, and Standards Committee.
- 2.2 Officers coordinated the request for DBS checks from Members and updated the Standards Committee with progress. The Standards Committee highlighted the importance of safeguarding responsibilities, particularly in light of the potential future reorganisation of local government and the anticipated responsibilities of any new authority in respect of children's and adult services.
- 2.3 The Standards Committee received a verbal update at its meeting on 24 March 2026 regarding progress with DBS checks at which Members were advised that:
 - Two Members had been unwell and therefore temporarily unable to provide DBS checks;
 - the majority of Members had already submitted evidence of completed DBS checks
 - one Member had undertaken a DBS check as part of their employment and was in the process of providing evidence;
 - several Members had requested and received assistance with the application process; and

- it was anticipated that outstanding submissions would be completed shortly.

As of early June 2026, a total of 43 DBS checks have been completed and received.

- 2.4 Members were advised that DBS checks would typically be undertaken at the start of a Member's term of office. It was also noted that whilst the disclosure of information on a DBS check would not automatically disqualify an individual from holding office as a Councillor, appropriate risk assessments and controls could be implemented where necessary.

3 Recommendations

- 3.1 Council is asked to note the update from the Standards Committee.

4 Alternative Options Considered and Rejected

- 4.1 Not applicable.

5 Consultation Undertaken or Proposed

- 5.1 Whilst no consultation has taken place, debate has previously taken place at the Housing and Health Committee, Standards Committee and agreed by Council.

6 Implications

Issue	Implications
Corporate Plan	This proposal contributes to the community 'enabling our residents to live, work and enjoy their time safely' priority and the running the council priority.
Financial, Resource and Property	The current cost of a Basic DBS check is £21.50. There are 47 councillors and should all wish to be refunded, this would cost the Council £1010.50 every four years. There will be additional costs if new councillors are elected following by-elections. There are also the costs of staff time connected with managing the process – including viewing certificates and recording the outcome. There is additional staff time required if there are any compliance issues or if a check does reveal an offence.
Legal, Statutory and Procurement	Local Government (Disqualification) Act 2022 and the Localism Act 2011.

	The Kent and Medway Adult Safeguarding Policy introduced the People in Position of Trust (PIPOT) policy which is referenced within the Swale Safeguarding Policy. Other relevant legislation linked to this proposal are the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, and the Police Act 1997 (Criminal Records) Regulations 2002.
Crime and Disorder	Compliance would see a reduction in risk of any criminal convictions arising from SBC elected members.
Environment and Climate/Ecological Emergency	There are no impacts on sustainability or climate change issues.
Health and Wellbeing	If there are no conflicts with compliance this should not have any impact on the health and wellbeing of any elected member
Safeguarding of Children, Young People and Vulnerable Adults	There is potential that the public may be at risk if a councillor has a serious conviction that the Council is not aware of. There may be a reputational risk to the Council if a councillor is found to have a criminal conviction.
Risk Management and Health and Safety	The implementation of this requirement would see a reduction in risk to wider community of Swale for an individual who has undeclared convictions which may put those at risk within certain categories within the Safeguarding Vulnerable Groups Act.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	The Council will maintain a record of Members who have produced their basic DBS checks to the Officer appointed by the Monitoring Officer. Only the completion date and if any convictions are produced will be recorded.
Local Government Reorganisation	The Local Government Reorganisation does not currently affect the initiative as governance arrangements will be reviewed once a new authority is established.

7 Appendices

7.1 None

8 Background Papers

Link to Standards Committee meeting: [Agenda for Standards Committee on Tuesday, 24 March 2026, 7.00 pm](#)

Link to Council meeting [Agenda for Council on Wednesday, 2 October 2024, 7.00 pm](#)

Link to Housing and Health Committee meeting: [Agenda for Housing and Health Committee - now called Housing, Health and Communities Committee \(14.05.25\) on Tuesday, 5 March 2024, 7.00 pm](#)