

| <b>Extraordinary Planning and Transportation Policy Working Group</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date</b>                                                   | 22 <sup>nd</sup> January 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Report Title</b>                                                   | Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) – Consultation Launch                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>EMT Lead</b>                                                       | Emma Wiggins, Director of Regeneration and Neighbourhoods                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Head of Service</b>                                                | Joanne Johnson, Head of Place                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Lead Officer</b>                                                   | Ian Harrison, Planning Manager (Planning Applications)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Classification</b>                                                 | <b>Open</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Recommendations</b>                                                | <ol style="list-style-type: none"> <li>1. That members note the new time constraints for the adoption of Supplementary Planning Documents;</li> <li>3. That members note the importance of this SPD to the Council motion; and</li> <li>4. That members recommend to Policy and Resources Committee (P&amp;R) that it approves a consultation draft based on the core principles of the motion and the parameters as set out in the report (without Planning and Transportation Policy Working Group (PTPWG) formally reviewing the draft).</li> </ol> |

## **1 Purpose of Report and Executive Summary**

- 1.1 This report sets out newly-introduced time constraints around the adoption of Supplementary Planning Documents and the importance of such an SPD to meeting the Council motion of 1<sup>st</sup> October 2025 which relates to Houses in Multiple Occupation, which is set out in detail below.
- 1.2 The report recommends that PTPWG recommends that P&R approves a consultation draft of a Supplementary Planning Document that addresses House in Houses in Multiple Occupation (HMOs) based on the principles and parameters set out in section 2 below.
- 1.3 A draft HMO SPD has not been prepared at this time. However, the below report sets out the means of ensuring that such a document relates to the existing policies of the development plan but provides clarification as to how these will be applied in relation to applications for HMOs, particularly having regard to four focussed areas of consideration including the accumulation of HMOs, parking standards, refuse and recycling storage and minimum room sizes and standards.

## **2 Background**

Swale Council Meeting – 1<sup>st</sup> October 2025

- 2.1 At the Full Council Meeting on 1<sup>st</sup> October 2025, a motion was brought relating to the “*Management and Regulation of HMO's in Swale*”. The full minutes of the Agenda Item can be found at:

<https://ws.swale.gov.uk/meetings/mgAi.aspx?ID=20955>

- 2.2 At that Council Meeting it was resolved to commence the process of introducing a borough-wide Immediate Article 4 Direction under the Town and Country (General Permitted Development) (England) Order 2015 to remove the permitted development right allowing the conversion of a dwelling house (Use Class C3) into an HMO for up to six residents (Use Class C4) and, most crucially to this report:

*Refer this matter to the relevant Committee to develop a Supplementary Planning Document (SPD) addressing:*

- *A maximum threshold for HMO's within defined areas or individual streets to avoid over concentration*
- *Minimum off-street parking requirements for HMO's to reduce pressure on local roads*
- *Proper waste and recycling storage and management for all HMO's*
- *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 Article 4 Direction and revised SPD are responsive to community concerns while supporting access to affordable housing.

#### Existing Supplementary Planning Guidance (SPG)

- 2.4 The Council has an SPG that is partially related to this matter titled “*The Conversion of Buildings into Flats and Houses in Multiple Occupation Supplementary Planning Guidance.*” This can be found at <https://services.swale.gov.uk/assets/Planning-Forms-and-Leaflets/The-Conversion-Of-Buildings-into-flats-etc-feb-2011.pdf>

#### Supplementary Planning Documents

- 2.5 Article 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out that “*local development documents are...any document prepared by a local planning authority....which contains statements regarding one or more of the following.....*

- (i) *the development and use of land which the local planning authority wish to encourage during any specified period;*
- (ii) *the allocation of sites for a particular type of development or use;*
- (iii) *any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i)*
- (iv) *development management and site allocation policies, which are intended to guide the determination of applications for planning permission."*

2.6 The relevance of this is that if the document falls into categories (i), (ii) or (iv), they must meet the requirements of local plans (prepared in accordance with Part 6 of the Regulations). Conversely, if it falls within category (iii), it can be considered a Supplementary Planning Document and prepared in accordance with Part 5 of the Regulations. This is clarified in case law including *William Davis Ltd & Ors v Charnwood Borough Council* [2017] EWHC 3006 (Admin).

2.7 Article 8 of the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out that, amongst other things, an SPD must contain a reasoned justification of the policies contained in it and must not contain any policies that conflict with the adopted development plan.

2.8 At Paragraph 008 of the Plan-Making section of Planning Practice Guidance (Reference ID: 61-008-20190315 - <https://www.gov.uk/guidance/plan-making>), it is highlighted that:

*"Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development."*

2.9 The reason for this commentary is to stress the importance of the prepared document falling within the scope of an SPD, noting that the outcome of the case law mentioned above was that the SPD was quashed. Moreover, as a result of the above, SPDs are considered to be required to be positively prepared documents as they must include environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land that is referred to in paragraph 1 which is, the development and use of land which the local planning authority wish to encourage during any specified period.

#### Local and National Policy Context

2.10 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."*

2.11 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."*

2.12 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;*

2.13 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.”*

2.14 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.”*

2.15 These policies are considered to be aligned with paragraphs 8, 63, 96, 109, 111, 112, 131 and 135 of the NPPF. 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<sup>th</sup> December 2026.

2.16 In this context, it is considered appropriate for the Local Planning Authority to seek to prepare an SPD that guides the circumstances where HMOs will be able to be supported as they will achieve the outcomes set out within these policies.

2.17 It is noted that, in many instances, development plans will feature a policy specifically related to HMOs which provides the basis for a subsequent SPD. No such policy forms part of the Local Plan. However, provided that any SPD remains within the ambit of the above mentioned policies, it is considered that an SPD can set out objectives to direct how HMOs can be found acceptable in Swale.

## Houses In Multiple Occupation in Swale

- 2.18 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.
- 2.19 The Council's Register of Licenced HMOs cannot represent a full picture of the number of HMOs in the Swale Borough as a licence is only required (under the Housing Act 2004) where there are 5 or more occupiers within the building. However, it is noteworthy that the most recent Register indicates that there are 45 licensed HMOs.
- 2.20 Other sources of information in relation to the existence of HMOs include planning applications (25 examples) and enforcement cases (33 cases). Combining the three sources and removing duplicates that also appeared on the Register, leads to it being assessed that there are at least 94 HMOs in the Swale Borough. Further sources of evidence will be explored to establish a more complete and accurate evidence base in relation to the number of HMOs that exist and how the number has changed.
- 2.21 A more detailed breakdown of the location of the HMOs within the Borough will be provided as the evidence base for the SPD is enhanced but, at this stage, it appears that approximately 58% of the known HMOs are in Sittingbourne and the majority of the remainder are at West Sheppey.

### **Timeframe:**

- 2.22 The 2024 National Planning Policy Framework (NPPF) put in place transitional arrangements to support progress of advanced plans to progress the Government's objective of achieving the adoption of local plans as quickly as possible.
- 2.23 The MHCLG "Plan-making regulations explainer" document, published late last year, states that *"Supplementary Planning Documents (SPDs) will remain in force until planning authorities adopt a new style local plan or minerals and waste plan. The final adoption date for new SPDs will be 30 June 2026, to ensure any advanced emerging SPD can be adopted."*
- 2.24 To put the Council in the best position to be able to adopt an SPD prior to the abovementioned deadline, it is suggested that the following key milestones are followed:

| 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 <sup>th</sup> 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                               |

- 2.25 It is understood that, within the new plan making system that is being introduced, “Supplementary Plans” will be able to be prepared and adopted. The understanding is that these will carry greater weight than SPDs but their use is expected to be related to design issues or to respond to changing issues, circumstances or regeneration projects. As such, opportunities may continue to exist to adopt additional guidance documents after the stated deadline. However, as the emerging Local Plan is being prepared under the transitional arrangements rather than the new system, the opportunities in this regard might be limited. Moreover, there might be constraints around scope and this would be a much longer term approach which would not align with the resolution of Full Council.

### **Scope of Draft HMO SPD**

- 2.26 At this time, only high-level details of the scope of the Draft HMO SPD have been considered. It is anticipated that the Draft HMO SPD will guide HMO development in the following regards, as requested by the Council Motion:

#### A maximum threshold for HMO's within defined areas or individual streets to avoid over concentration

- 2.27 This objective is considered to align with the consideration of developments in respect of Policies ST1, CP3, CP4 and DM14. In particular, 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 the achievement of achieving sustainable inclusive and mixed communities as required by Policy CP3.
- 2.28 Once the evidence base of the existing accumulation of existing HMOs has been enhanced, it is likely that it will be possible to set an approach to control the accumulation of HMOs. This would most likely be suggested to be in the form of a radius measurement taken from the site and a means of calculating the number of HMOs relative to the number of dwellinghouses.
- 2.29 In addition, guidelines can be provided to ensure that the living conditions of dwellinghouses are not unacceptably impacted as a result of “sandwiching.” There can be an uplift of activity arising from HMOs being utilised and it is

considered that enabling this at one side of a dwellinghouse might be acceptable but the activity could become a source of undue disturbance if it is introduced at both sides.

- 2.30 Such approaches can be seen in the HMO SPDs that have been adopted in Maidstone Borough, Bedford Borough and Halton Borough amongst others.

Minimum off-street parking requirements for HMO's to reduce pressure on local roads.

- 2.31 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 will be expected to be provided, it will provide clarity for all.
- 2.32 Although detailed comment will not be able to be provided until the evidence base has been progressed, an initial 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.
- 2.33 It might be considered relevant for the HMO SPD to include a methodology that would enable an applicant to demonstrate that there is not existing parking stress or that there would not be parking stress caused by a development. The encouragement of the use of a parking assessment methodology (such as the Lambeth methodology) might be applicable in such cases.
- 2.34 Such approaches can be seen in the HMO SPDs that have been adopted in Maidstone Borough, Bedford Borough and Wigan amongst others.

Proper waste and recycling storage and management for all HMO's

- 2.35 This objective is considered to align with the consideration of developments in respect of Policies CP4 and DM14, particularly though ensuring that development causes no significant harm to amenity and other sensitive uses or areas and creates safe, accessible, comfortable, varied and attractive places.
- 2.36 Whilst the provision of refuse storage facilities will primarily be addressed by the Council's Environmental Services team, the role of the HMO SPD can be 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.

- 2.37 Such approaches can be seen in the HMO SPDs that have been adopted in Maidstone Borough, Bedford Borough and Portsmouth City amongst others.

Minimum room sizes and standards in line with national guidelines

- 2.38 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.
- 2.39 Minimum room sizes and standards for licensable HMOs are already in effect.
- 2.40 However, the HMO SPD will be applicable to all HMOs and, in the event that the abovementioned Article 4 direction is made, there will likely be an increase in the amount of HMOs that require planning permission. Some of those HMOs would not necessarily need a licence and the inclusion of the same standards for smaller HMOs that do not need a licence would secure adequate living conditions for future occupiers, in accordance with the abovementioned policies.
- 2.41 Such approaches can be seen in the HMO SPDs that have been adopted in Maidstone Borough, Bedford Borough and Portsmouth City amongst others.

**Advantages/Benefits:**

- 2.42 An advantage of preparing and then potentially consulting upon and adopting an HMO SPD would be that this would align with the Motion of the Council which is detailed above. The debate that occurred on 1<sup>st</sup> October 2025 indicates that the key aspects of preparing an HMO SPD include:
- Addressing the disruption that can be caused by HMOs;
  - Assisting in making HMOs fit for purpose;
  - Reducing strain on local services as a result of poor accommodation.
- 2.43 A key benefit is considered to be the alignment of the proposed HMO SPD with the potential making of an Article 4 Direction under the terms of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (The GPDO). The Council Motion seeks the appropriate Committee (i.e. the Planning Committee) to commence the process of introducing a borough-wide Immediate Article 4 Direction under the Town and Country (General Permitted Development) (England) Order 2015 to remove the permitted development right allowing the conversion of a dwelling house (Use Class C3) into an HMO for up to six residents (Use Class C4).
- 2.44 If the Planning Committee decides to make an Article 4 Direction in this respect, the effect would be to create a requirement for planning permission to be obtained for the conversion of dwellinghouses (in use Class C3) to HMOs (Use Class C4). In the event that such a development requires planning permission, it

will be of great assistance to all for there to be clarification as to how the policies of the Development Plan will be interpreted in relation to such development and how potential HMOs can be provided in a manner that accords with the development plan.

### **Disadvantages/Risks:**

- 2.45 At the Full Council meeting, no disadvantages were identified in relation to the preparation and potential consulting upon and adopting of an HMO SPD.
- 2.46 A risk could be that the HMO SPD introduces requirements that exceed the scope of what any available evidence indicates is required. Moreover, it is the case that planning should not duplicate the requirements of other legislation. It could, therefore, be unsound or unreasonable for a planning decision, based on the HMO SPD or otherwise, to exceed the scope of controlling development. As such, it is essential that the HMO SPD only covers matters that are related to planning and not addressed by other legislation.
- 2.47 This is particularly applicable in relation to HMOs where the requirements of the Housing Act 2004 and the licensing regime related to that legislation, impose a number of requirements which should not be exceeded.
- 2.48 Moreover, as set out above, it is essential that the SPD remains exactly that and does not include such content that would create different procedural requirements.
- 2.49 A substantial risk in this case is that the HMO SPD is not in a position where it is ready to be adopted before the deadline of 30 June 2026. In that scenario, applications would continue to be determined without the benefit of the additional clarity that would be provided by an SPD, which would create greater uncertainty for all. Moreover, in the event that an Article 4 direction is made, there would be a greater use for an HMO SPD as there would be likely to be an increase in the number of developments that require planning permission.

## **3 Proposals**

- 3.1 That members note the new time constraints for the adoption of Supplementary Planning Documents;
- 3.2 That members note the importance of this SPD to the Council motion; and
- 3.3 That members recommend to Policy and Resources Committee that it approves a consultation draft based on the core principles of the motion and as set out in the report, and without PTPWG formally reviewing the draft.

## **4 Alternative Options Considered and Rejected**

4.1 There are a number of alternative options. These have been considered and are set with their advantages and disadvantages below:

- **Alternative Option 1:** Presentation of a Draft HMO SPD to PTPWG for consideration in advance of a Policy and Resources Committee Meeting.
- **Alternative Option 2:** Prepare a Draft HMO SPD with a narrower or wider scope than set out above.
- **Alternative Option 3:** Prepare a form of guidance note other than an SPD.
- **Alternative Option 4:** Prepare a supplementary plan under new Local Plan system.
- **Alternative Option 5:** Do not prepare or seek to adopt a HMO SPD.

**Table I: Alternative Options Available**

| Alternative Option                                                                                                                                    | Advantages                                                                                                                                                                                                                                                           | Disadvantages                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Alternative Option 1</b><br>Presentation of a Draft HMO SPD to the PTPWG for consideration in advance of a Policy and Resources Committee Meeting. | <ul style="list-style-type: none"> <li>• Enable greater scrutiny and consideration before advancing.</li> <li>• Follows standard practice.</li> </ul>                                                                                                                | <ul style="list-style-type: none"> <li>• Unlikely that the stated deadlines would be able to be met.</li> </ul>                                                                                                                                                                                                                                                                                                                                            |
| <b>Alternative Option 2</b><br>Prepare a Draft HMO SPD with a narrower or wider scope than set out above.                                             | <ul style="list-style-type: none"> <li>• A greater scope would enable additional clarity to be provided in certain areas, to the benefit of all.</li> <li>• A narrower scope would not be as resource intensive.</li> </ul>                                          | <ul style="list-style-type: none"> <li>• Would not reflect the stated resolution of the Council.</li> <li>• A greater scope could stray into areas that exceed the remit of planning, duplicate other legislation or introduce unreasonable requirements.</li> <li>• A greater scope would be more resource intensive and creates additional pressures for meeting the stated deadlines.</li> <li>• A narrower scope would not be as effective.</li> </ul> |
| <b>Alternative Option 3</b><br>Prepare a form of guidance note other than an SPD                                                                      | <ul style="list-style-type: none"> <li>• Would reduce the relevance of the existing time constraints around the adoption of SPDs.</li> <li>• Would not need the same level of public participation and, as such, would create less resource requirements.</li> </ul> | <ul style="list-style-type: none"> <li>• Would not fulfil the stated resolution of the Council.</li> <li>• Unlikely that any other document would carry comparable weight and, as such, would have reduced effectiveness.</li> </ul>                                                                                                                                                                                                                       |
| <b>Alternative Option 4</b><br>Prepare a Supplementary Plan under new Local Plan system.                                                              | <ul style="list-style-type: none"> <li>• Any such document would be likely to carry more weight than an SPD</li> </ul>                                                                                                                                               | <ul style="list-style-type: none"> <li>• Uncertainty around compatibility with existing or emerging development plans and the applicable procedures.</li> </ul>                                                                                                                                                                                                                                                                                            |

| Alternative Option                                                                           | Advantages                                                                                                                                                                                                                                                                              | Disadvantages                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                              |                                                                                                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>Timeline would not align with the aims of the Full Council resolution.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Alternative Option 5</b><br>Do not prepare or seek to adopt an HMO SPD (i.e. do nothing). | <ul style="list-style-type: none"> <li>Require no further resources.</li> <li>Places the Council at the smallest possible risk in terms of challenge.</li> <li>As the SPD is not “advanced”, this would accord with MHCLG’s indication that SPDs should cease to be adopted.</li> </ul> | <ul style="list-style-type: none"> <li>Would not fulfil the stated resolution of the Council.</li> <li>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 HMOs are provided in preferable ways.</li> <li>The potential uplift in applications for HMOs would not be reflected within the Council’s suite of guidance documents.</li> </ul> |

## 5 Consultation Undertaken or Proposed

- 5.1 Details of the public consultation exercise that would follow the approval of the draft for consultation can be seen in the Council’s Statement of Community Involvement (at <https://swale.gov.uk/planning-and-regeneration/local-plans/sci>).
- 5.2 Members of Policy and Resources Committee will be asked to approve the draft for consultation purposes. PTPWG members would be informally consulted ahead of this, but as the report sets out, new time constraints on adoption of SPDs preclude a formal consultation with PTPWG on the detailed draft. The above discussion of principles and parameters is proposed as the best alternative for formal PTPWG engagement within the timeframe.
- 5.3 The Motion requested Area Committees be consulted on the draft SPD. There are no Area Committees scheduled during the consultation window, and the time constraints are such that the consultation period cannot be moved so it covers an Area Committee cycle. The forthcoming consultation can be flagged during February’s round of Area Committees.
- 5.4 There has been no specific consultation on the options within this report.

## 6 Implications

| Issue                                                        | Implications                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Corporate Plan                                               | <p>The HMO SPD would support the delivery of all of the Corporate Plan priorities:</p> <ul style="list-style-type: none"> <li>• Community</li> <li>• Economy</li> <li>• Environment</li> <li>• Health and housing</li> <li>• Running the Council</li> </ul> <p>The Plan contains a specific objective to ‘progress a Local Plan with local needs and capacity at its heart.’</p>                                                     |
| Financial, Resource and Property                             | <p>There would be financial and resource implications associated with preparing the Draft HMO SPD, undertaking public consultation in relation to it and as a result of the attendance at each of the respective meetings that are detailed above. This is within the base budget.</p>                                                                                                                                               |
| Legal, Statutory and Procurement                             | <p>Preparation of an SPD is carried out under a national legislative and regulatory framework.</p>                                                                                                                                                                                                                                                                                                                                   |
| Crime and Disorder                                           | <p>There are no direct crime and disorder impacts arising from this recommendation. However, once drafted there will be guidance within the HMO SPD that will 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.</p> |
| Environment and Climate/Ecological Emergency                 | <p>There are no environment and climate/ecological emergency impacts arising from this decision. However, an HMO SPD would be likely to address matters that affect the local environment including bicycle and car parking, refuse storage and living conditions.</p>                                                                                                                                                               |
| Health and Wellbeing                                         | <p>There are no direct health and wellbeing impacts arising from this decision. However, once drafted there will be guidance within the SPD that will positively affect the health and wellbeing of local residents.</p>                                                                                                                                                                                                             |
| Safeguarding of Children, Young People and Vulnerable Adults | <p>None identified at this stage.</p>                                                                                                                                                                                                                                                                                                                                                                                                |

|                                       |                                                                                                                                                                                                                                                |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Risk Management and Health and Safety | The risks of the decision required and of the available options are set out in the main body of this report.                                                                                                                                   |
| 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, depending on the outcome of that action, it may increase the degree of divergence within the guidance that is in place within any newly created authority. |

## 7 Appendices

### 7.1 None

## 8 Background Papers

- 8.1 Minutes of Full Council Meeting of 1<sup>st</sup> October 2025. (Available at [Agenda item - Motion - Management and Regulation of HMO's in Swale](#))
- 8.2 Bedford Borough Council - Houses in Multiple Occupation Supplementary Planning Document (Available at - <https://www.bedford.gov.uk/files/hmo-spd.pdf/download?inline>)
- 8.3 Maidstone Borough Council – Houses in Multiple Occupation Supplementary Planning Document (Available at - <https://localplan.maidstone.gov.uk/home/further-guidance/hmo-spd>)
- 8.4 Halton Council – Houses in Multiple Occupation Supplementary Planning Document (Amended) (Available at - <https://www3.halton.gov.uk/Documents/planning/planning%20policy/spd/Adopted/HMO%20SPD%20Sep%202025%20%28Amended%29.pdf>)
- 8.5 Portsmouth City Council - Houses in multiple occupation (HMOs) - Ensuring mixed and balanced communities (Available at - <https://www.portsmouth.gov.uk/wp-content/uploads/2022/02/Houses-in-multiple-occupation-HMO-spd-Accessible.pdf>)
- 8.6 Wigan Council – Houses in Multiple Occupation Supplementary Planning Document (Available at – <https://www.wigan.gov.uk/Docs/PDF/Resident/Planning-and-Building-Control/Planning-guidance/HMO-SPD.pdf>)

- 8.7 William Davis Ltd & Ors v Charnwood Borough Council [2017] EWHC 3006 (Admin) (Available at <https://www.bailii.org/ew/cases/EWHC/Admin/2017/3006.html>)
- 8.8 MHCLG “Plan-making regulations explainer” (Available at [Plan-making regulations explainer - GOV.UK](#))
- 8.9 The National Planning Policy Framework (Available at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>)
- 8.10 Planning Practice Guidance Reference ID: 61-008-20190315. (Available at <https://www.gov.uk/guidance/plan-making>)
- 8.11 Town and Country (General Permitted Development) (England) Order 2015 (Available at <https://www.legislation.gov.uk/uksi/2015/596/contents>)
- 8.12 Swale Borough Council - The Conversion of Buildings into Flats and Houses in Multiple Occupation Supplementary Planning Guidance.” (Available at <https://services.swale.gov.uk/assets/Planning-Forms-and-Leaflets/The-Conversion-Of-Buildings-into-flats-etc-feb-2011.pdf>)
- 8.13 The Housing Act 2004 (Available at <https://www.legislation.gov.uk/ukpga/2004/34/contents>)
- 8.14 Town and Country Planning (Local Planning) (England) Regulations 2012 (Available at <https://www.legislation.gov.uk/uksi/2012/767/contents>)