

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 larders, 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.