

## **Council approves revised Article 4 Direction Area – final chance to comment closes on 15 January**

### **Background:**

The City Council first introduced an Article 4 Direction in 2011 ensuring in areas where community balance was already threatened, the right to convert a family home (C3) to a house with kitchen and/or bathroom facilities shared by 3 – 6 unrelated people (C4 HMOs) without planning permission, would be removed, with the intention that unless there were exceptional circumstances, such permission would be refused. This is the planning tool that should have been preventing the loss of any further C3 homes to C4 HMOs over the last decade in St James. As most HMOs in St James are let to students, the underlying aim was to prevent any worsening of community imbalance.

Last year the public were consulted on a revised HMO supplementary planning document (SPD) which provides guidance for the implementation of the Local Plan policy relating to the issue of community balance, together with various options for revisions to the area to be covered by Article 4 Direction. This was largely in response to a petition from residents in Pennsylvania who sought the same cover afforded the whole of St James.

Had the Pennsylvania residents discussed the issue with St James, they might have been disabused of their belief that A4D had been the success in St James claimed by the Council. The report of the consultants instructed by the City Council to review the HMO SPD and to propose new options for the A4D area, confirmed what has long been suspected in St James. Although A4D is a tool that can only have an impact on controlling conversion of houses to C4 HMOs – ie for between 3 and 6 unrelated sharers, the City Council only recognises as HMOs those which require a licence because they house 5 or more people. They resolutely refer to properties shared by 3 or 4 unrelated people, that by planning law are C4 HMOs, alternatively as private rental. Thus, the Council turns a blind eye on the change of use of any C3 house being used as a C4 HMO that is below the occupancy requiring licensing. No wonder that the numbers of houses across St James exempt from Council Tax because they are occupied exclusively by students has continued to rise, and hence the worsening of community imbalance, despite supposed A4D protection!

### **The Preferred Option:**

Option 2 received more support than any of the other four, though less than the others combined, and has been approved by the Full Council.

[A map of Option 2 can be found here](#)

This option is summarised as:

Expand the Article 4 Area (and amend the SPD accordingly) to include:

- Postcodes and output areas with 20% or more student properties, or which are expected to exceed that threshold in the near future;
- Postcode sector EX4 6 which has almost 30% student properties;
- The University of Exeter Streatham Campus and areas of PBSA that are contiguous with the affected postcode areas;

- Minor ‘rounding off’ including some non-residential postcodes to create a more contiguous/logical area;
- No change to the existing exempt areas (i.e. areas that were ‘cut-out’ from the area covered by the Direction in 2014 on grounds that they were already overwhelmingly student housing).

Hence there is no change to St James as a whole including to its 9 exempt streets.

This is a relief. Option 3 which proposed a more extensive expansion, unsurprisingly preferred by many whose address would not have been covered by Option 2 but who feel the increasing threat to their own community balance, would have been accompanied by ‘*Expansion of the existing exempt areas within the Article 4 area to ensure some continued provision of student HMOs close to the University campuses in order to meet housing needs.*’ In the consultant’s report of the review, this had been associated with the designation of St James as the ‘Student Quarter’, presented as if this was entirely uncontroversial and without a hint of irony that the concentration of student HMOs in many of St James’ streets was now so high that exemption was a realistic option, while at the same time A4D was branded a success.

More information may be found [here](#), where the Council explains:

*For the proposed new Article 4 Direction to be established, the Council must now carry out a period of statutory "notification". Accordingly, from **18 December 2023 until 15 January 2024 (inclusive)** the Council is inviting comments on the proposed new Article 4 Direction. During this time you can make a comment by emailing the Local Plan Team at [planning.policy@exeter.gov.uk](mailto:planning.policy@exeter.gov.uk), or by posting your comment to: Local Plan Team, City Development, Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1JN.*

*It is proposed that the new Article 4 Direction will come into force on 23 December 2024 subject to consideration of any representations received during the notification period and the Direction being confirmed by Exeter City Council.*