UK Planning Permission

NATIONAL PLANNING CONSULTANCY · UK-WIDE

FREE LANDLORD & INVESTOR GUIDE

HMO Planning Permission

A step-by-step UK guide · England focus, with notes for Wales, Scotland & NI

Small and large HMOs, permitted development and Article 4 directions, lawful development certificates, what councils look for, HMO licensing and minimum room sizes, fees, timescales and enforcement, explained in plain English.



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About this guide

Houses in multiple occupation (HMOs) are controlled by two separate systems: **planning** (run by the council's planning department) and **licensing** (run by its housing team). Many landlords get one right and are caught out by the other. This guide explains both, step by step. The main text covers **England**; key differences elsewhere in the UK are on page 10.

Important: please read

This guide is general information about the planning system. It is not legal advice and not advice about any particular property. Legislation, fees and local policies change, and every site is different. Always check with your local planning authority (and, where relevant, a qualified professional) before starting work, buying property or submitting an application. Figures and rules are correct at the time of writing, November 2026. Where this guide summarises legislation, the official text takes precedence.

Thinking of buying or converting an HMO?

Send us the address before you commit. We will check Article 4 directions, the planning history and local HMO policy, and tell you what consent you need.

Check an HMO address → ukplanningpermission.co.uk/contact

Or call 020 3951 1896 · info@ukplanningpermission.co.uk

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STEP 1 · THE BASICS

What is an HMO in planning terms?

In England, planning law uses the Housing Act 2004 definition of an HMO (section 254): broadly, a property let as their only or main residence to **three or more people** who form **more than one household** and share basic amenities such as a kitchen, bathroom or toilet.

Use	Who lives there	Planning position (England)
C3 dwellinghouse	A family or single household; or up to six people living together as a single household (e.g. supported living)	An ordinary home. An owner-occupier's household with no more than two lodgers is not an HMO.
C4 small HMO	**3 to 6** unrelated people sharing basic amenities	Changing from C3 to C4 is **permitted development** (no application) unless an Article 4 direction or condition removes the right (page 4).
Large HMO (sui generis)	**7 or more** unrelated people sharing	Outside any use class, so a change from C3 or C4 normally needs **full planning permission** (page 5).

Household

Members of the same family living together (couples, and relatives such as parents, children, siblings, grandparents, aunts, uncles, nieces, nephews and cousins), plus certain others such as foster children and live-in carers or domestic staff, as defined in section 258 of the Housing Act 2004.

Converted blocks of flats

A converted building of self-contained flats that does not meet the relevant Building Regulations standards (a "section 257 HMO") is **not** within Class C4. Such buildings raise separate licensing and planning questions.

Key point: count the people and the households

The planning class depends on how many residents there are and whether they form one household. The number of bedrooms alone does not decide it. A six-bedroom house let to six sharers is C4; let to seven, it is a large HMO.

Sources: Use Classes Order 1987, Schedule 1 Part C, Classes C3 and C4; Housing Act 2004, sections 254 and 258, legislation.gov.uk.

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STEP 2 · SMALL HMOS (C4)

Permitted development and Article 4 directions

Class L of Part 3 of the GPDO 2015 allows a change of use from **C3 to C4**, and from **C4 back to C3**, without a planning application.

Limits of the Class L right

- ✕ It cannot be used to create two or more separate homes from one building.
- ✕ It does not apply where an **Article 4 direction** has removed it.
- ✕ A **planning condition** on the property may remove PD rights.
- ✕ It covers the use only: external works (dormers, extensions) need their own consent or PD right.
- ✕ It does not cover large HMOs (7+).

Article 4 directions

Many councils, especially in university towns and cities, have made Article 4 directions that remove the C3 to C4 right across all or part of their area. Where one applies, you need **planning permission** to convert a family house to a small HMO, and the council will apply its HMO policies (page 6).

- ✓ Check the council's website for an Article 4 map or list.
- ✓ Directions can be borough-wide or cover a few wards.
- ✓ A planning application fee is payable (no exemption).

Get certainty: lawful development certificates

BEFORE YOU CONVERT

Proposed use certificate (s.192)

If no Article 4 direction applies, a certificate of lawfulness of **proposed** use confirms the C3 to C4 change is PD. Useful for lenders, buyers and peace of mind. Fee: half the full application fee.

ALREADY OPERATING

Existing use certificate (s.191)

If the house was lawfully used as a C4 HMO before an Article 4 direction took effect, or the use has become immune from enforcement, a certificate of lawfulness of **existing** use can confirm it. You need clear evidence: tenancy agreements, licences, council tax records, bills, and dated photographs.

Tip

If you are buying an existing HMO in an Article 4 area, ask the seller for a planning permission or lawful development certificate for the HMO use. A licence on its own is not proof of planning lawfulness.

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STEP 3 · LARGE HMOS

Large HMOs: 7 or more people

An HMO for seven or more people is **sui generis**. A change of use from a family home (C3) or a small HMO (C4) to a large HMO normally needs **full planning permission**, whether or not there is an Article 4 direction.

Common situations

Proposal	Usual planning position (England)
Family house to 3–6 person HMO, no Article 4	Permitted development (Class L). Consider a lawful development certificate.
Family house to 3–6 person HMO, in an Article 4 area	Planning permission required.
Family house or C4 HMO to 7+ person HMO	Planning permission normally required (sui generis).
Adding bedrooms to an existing large HMO	May be a material change of use depending on the scale: a question of fact and degree. Take advice.
HMO back to a family home (C4 to C3)	Permitted development (Class L).
Extension or loft to create more bedrooms	Needs planning permission unless within householder PD limits. Large (sui generis) HMOs are generally not treated as having householder PD rights, so check carefully before relying on PD.
Subdividing into self-contained flats	A material change of use needing planning permission.

Why councils scrutinise large HMOs

More occupants mean more comings and goings, noise, waste and parking demand, and potential pressure on family housing in the area. Expect the council to look closely at internal layout, communal space and the effect on neighbours.

Planning a large HMO?

We prepare planning applications for large HMOs, with layouts, supporting statements and evidence on concentration, parking and amenity.

Discuss my HMO project → ukplanningpermission.co.uk/contact

Or call 020 3951 1896 · info@ukplanningpermission.co.uk

STEP 4 · THE ASSESSMENT

What councils look at

Applications are decided against the council's local plan and any HMO supplementary planning document, plus national policy. Typical considerations:

Concentration and balance

Many councils set a maximum proportion of HMOs within a defined radius or street, and resist "sandwiching" a family house between two HMOs. Check your council's threshold and how it counts existing HMOs.

Living conditions for occupiers

Room sizes, outlook, natural light, adequate kitchen, bathroom and communal living space. Some councils apply their own internal space standards for HMOs in planning decisions.

Neighbours' amenity

Noise and disturbance, comings and goings, overlooking from new windows, and management arrangements.

Parking and highways

Additional parking demand and on-street pressure; some councils accept car-free schemes in sustainable locations.

Bins and bikes

Adequate, screened refuse and recycling storage, and secure cycle parking.

Character of the area

The effect on the character of the street, and on the supply of family housing.

Other matters

Flood risk, heritage (listed buildings, conservation areas), and any external alterations such as dormers or extensions.

> **Tip: show how the HMO will be managed**
>
> A short management plan (who manages the property, how complaints are handled, waste collection and tenancy rules) helps address neighbours' concerns and can support the application.

ROOM SIZES IN PLANNING VERSUS LICENSING

Licensing sets national minimum bedroom sizes (page 8). Planning departments may expect more, using local standards or the nationally described space standard as a guide. Design to the higher of the two.

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STEP 5 · APPLYING

Making an HMO planning application

1. **Check the planning status.** Confirm the lawful use, the planning history, any conditions, and whether an Article 4 direction applies.
2. **Read the local HMO policy.** Find the council's local plan policy and any HMO guidance, including concentration thresholds and space standards.
3. **Test concentration.** Many councils publish data or will confirm the number of HMOs within the relevant radius. If the threshold is already exceeded, approval is unlikely.
4. **Design the layout.** Commission measured existing and proposed floor plans showing each bedroom's size, communal kitchen and living areas, bathrooms, and bin and cycle storage. Design to licensing and local planning standards.
5. **Consider pre-application advice** where the scheme is finely balanced.
6. **Prepare the documents.** Application form, location plan (site edged red), site or block plan, ownership certificate, floor plans and elevations, a planning statement addressing the HMO policy, and any local list items such as a parking survey or management plan.
7. **Submit and pay the fee** through the Planning Portal or the council's system.
8. **Consultation and decision.** Neighbours and consultees have at least 21 days to comment. The council should decide within **8 weeks** unless an extension is agreed.
9. **Comply with conditions**, which often limit the maximum number of occupants and require bin and cycle storage before occupation.
10. **Apply for the HMO licence** (if required) and arrange Building Regulations and fire safety works.

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PLANNING AND LICENSING

Two separate regimes: you may need both

An HMO licence does not grant planning permission, and planning permission does not grant a licence. The council may refuse or take action under either regime independently.

	Planning	Licensing (England)
Law	Town and Country Planning Act 1990; Use Classes Order; GPDO	Housing Act 2004, Parts 2 and 3
Purpose	Land use, amenity, concentration, character	Safety, management, amenities and occupancy
When needed	Large HMOs; small HMOs in Article 4 areas	**Mandatory**: 5 or more people in 2 or more households. Councils may also require **additional** or **selective** licensing for smaller HMOs or other lets
Run by	Planning department	Private sector housing team

National minimum bedroom sizes (licensed HMOs in England)

Sleeping room used by...	Minimum floor area
One person aged over 10	**6.51 m²**
Two people aged over 10	**10.22 m²**
One child aged under 10	**4.64 m²**
Any room smaller than 4.64 m²	Must not be used as sleeping accommodation

Floor area where the ceiling is lower than 1.5 m does not count. These are mandatory licence conditions under the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018. Councils also set their own standards for kitchens, bathrooms and fire safety, and may set higher room sizes.

> **Do it in the right order**
> Confirm planning first, then design to licensing standards, then apply for the licence. Buying or converting on the strength of a licence alone is one of the most expensive HMO mistakes.

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COSTS, TIME AND RISK

Fees, timescales and enforcement

Application (England)	1 Apr – 7 Dec 2026	From 8 Dec 2026
Planning permission: change of use to an HMO (material change of use)	**£610**	**£732**
Lawful development certificate: proposed use (half the full fee)	£305	£366
Lawful development certificate: existing use	£610	£732
Discharge of conditions (per request)	£309	£435

Fees for a change of use under category 14 of the national fee schedule. Sources: MHCLG, *Planning fees: annual indexation from 1 April 2026* and *Fees for planning applications in England from 8 December 2026*, gov.uk. Applications made before 8 December 2026 pay the fee in force when made. Where building works or new self-contained homes are included, the fee may differ; check the Planning Portal fee calculator. HMO licence fees are set by each council. Correct at the time of writing, November 2026.

Timescales

Stage	Time
Public comments	At least 21 days
Planning decision	8 weeks
Appeal against refusal	Within 6 months*
Begin a planning permission	Normally within 3 years

*For applications made on or after 1 April 2026 (Planning Inspectorate procedural guide). Shorter limits apply where an enforcement notice has been served.

Enforcement

Operating an HMO without the planning permission it needs is a breach of planning control. The council can serve an enforcement notice requiring the use to stop. For breaches occurring on or after 25 April 2024 the enforcement time limit in England is generally **10 years**.

Operating a licensable HMO without a licence is a criminal offence and can lead to prosecution or a civil penalty, and rent repayment orders.

Retrospective applications

You can apply for permission for an HMO that is already operating (section 73A), but it is assessed on its merits and, if refused, enforcement action may follow.

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AROUND THE UK

Wales, Scotland and Northern Ireland

HMO planning and licensing rules differ across the UK. The key points:

WALES

Wales introduced Use Class C4 (3–6 unrelated people) on 25 February 2016, but there is **no permitted development right from C3 to C4**: planning permission is needed for small HMOs as well as large (sui generis) HMOs. The change back from C4 to C3 is permitted development. Mandatory licensing under the Housing Act 2004 applies in Wales on different criteria from England, and many Welsh councils run additional licensing. England's 2018 minimum bedroom-size licence conditions apply in England only.

SCOTLAND

There is no planning definition of an HMO. Under the Use Classes (Scotland) Order 1997, a house can be occupied by up to **five** unrelated residents, so occupation of a house by more than five is a material change of use needing planning permission. For flats, it is a question of fact and degree, and many councils say that three or more unrelated occupants need permission. Separately, an HMO licence is needed under the Housing (Scotland) Act 2006 where three or more people from three or more families live in the property.

NORTHERN IRELAND

An HMO is a property occupied by **three or more people from more than two households**, and must be licensed by the council under the Houses in Multiple Occupation Act (Northern Ireland) 2016 (administered for all councils by the NI HMO Unit). HMO use is sui generis in planning terms, so planning permission (or a certificate of lawfulness for an established use) is normally required.

Check locally

In every nation, local plan policies on HMO concentration vary widely. Always check the policy for the specific street before you buy.

HMO outside England?

We can explain the planning and licensing position for your property anywhere in the UK.

Ask a planning consultant → ukplanningpermission.co.uk/contact

Or call 020 3951 1896 · info@ukplanningpermission.co.uk

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AVOID THE PITFALLS

Common mistakes and FAQs

Common mistakes

- ✕ Buying in an Article 4 area assuming PD applies.
- ✕ Treating an HMO licence as proof of planning permission.
- ✕ Letting to a 7th tenant without permission for a large HMO.
- ✕ Designing to licensing room sizes only, when planning expects more.
- ✕ Ignoring local concentration and sandwiching policies.
- ✕ No evidence of HMO use before an Article 4 direction came in.
- ✕ Assuming a large HMO has householder PD rights for extensions.
- ✕ Forgetting fire safety and Building Regulations for conversion works.
- ✕ Breaching a condition limiting the number of occupants.

Do I need planning permission for a 5-bed HMO?

For 3–6 occupants in England, not unless an Article 4 direction or condition applies. But with 5+ people in 2+ households you will need a mandatory licence.

How do I find out if there is an Article 4 direction?

Check the council's planning web pages or ask its planning department. Searches during a purchase should also reveal it.

Does a lodger make my home an HMO?

No, if you own and live in the property and have no more than two lodgers, it is not an HMO.

Can a council refuse a licence because there is no planning permission?

Licensing and planning are separate in England, but the council can take planning enforcement action regardless of the licence.

How long does an HMO application take?

The target is 8 weeks from a valid application.

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YOUR CHECKLIST

HMO checklist

- [ ] I know how many people will live there and how many households they form.
- [ ] I know whether the use will be C4 (3–6) or a large HMO (7+).
- [ ] I have checked for an Article 4 direction and planning conditions.
- [ ] I have read the council's HMO policy and concentration threshold.
- [ ] I have considered a lawful development certificate.
- [ ] Bedrooms meet the licensing minimums and local standards.
- [ ] There is enough communal kitchen, living and bathroom space.
- [ ] Bin and cycle storage is planned.
- [ ] I know whether a mandatory, additional or selective licence is needed.
- [ ] Fire safety and Building Regulations are covered.
- [ ] I have a management plan.

HOW WE HELP

- ✓ Pre-purchase HMO planning checks
- ✓ Article 4 and concentration reviews
- ✓ Lawful development certificates
- ✓ Small and large HMO planning applications
- ✓ Planning statements and management plans
- ✓ Discharge of conditions
- ✓ Planning appeals

CONTACT US

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Get the HMO planning position right first time

Before you buy, convert or add rooms, send us the address. We will confirm the planning position and the best route to a compliant HMO.

Make an enquiry → ukplanningpermission.co.uk/contact

Or call 020 3951 1896 · info@ukplanningpermission.co.uk

SOURCES

Sources and disclaimer

Important: please read

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Official sources (checked November 2026)

- Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764), Schedule 1 Part C, Classes C3 and C4. legislation.gov.uk/uksi/1987/764
- Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596), article 4 and Schedule 2, Part 3, Class L. legislation.gov.uk/uksi/2015/596
- Housing Act 2004, sections 55, 254, 257 and 258 and Schedule 4. legislation.gov.uk/ukpga/2004/34
- Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 (S.I. 2018/221). legislation.gov.uk
- Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 (S.I. 2018/616). legislation.gov.uk
- gov.uk: House in multiple occupation licence; Private renting: houses in multiple occupation.
- MHCLG, *Planning fees: annual indexation from 1 April 2026*; *Fees for planning applications in England from 8 December 2026*. gov.uk
- Planning Practice Guidance: When is permission required? (Article 4 directions); Lawful development certificates; Enforcement. gov.uk
- Planning Inspectorate procedural guide for appeals on applications dated on or after 1 April 2026. gov.uk
- Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 (S.I. 2016/28) and GPDO (Amendment) (Wales) Order 2016 (S.I. 2016/29); gov.wales.
- Scottish Government, *Houses in Multiple Occupation: Guidance on Planning Control and Licensing*; Housing (Scotland) Act 2006, Part 5. gov.scot
- Houses in Multiple Occupation Act (Northern Ireland) 2016; nidirect: Living in shared accommodation; NI HMO Unit (Belfast City Council).

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