



Planning policies designed to protect the health and safety of vulnerable renters in Enfield are not being enforced.

Research shows that fewer than 1 in 10 HMOs in Enfield have planning permission and there is an 85% decline in planning enforcement. Enfield Council is now one of the worst performing boroughs in London for issuing Planning Contravention and Enforcement Notices.

SUMMARY OF FINDINGS

- Around 9 out of 10 houses of multiple occupancy (HMOs) in Enfield do not have planning permission i.e. 91% do not have planning permission.
- Enfield Council have been issuing HMO licenses for properties which do not have the required planning permission.
- 11% of HMO licenses have been issued for properties that have been specifically refused planning permission to be HMOs.
- Concerns reported to Enfield Council about HMOs without planning permission have not been actioned.
- Government statistics show that the number of planning enforcement notices issued in Enfield has declined by 85% since 2018.
- Enfield is now one of the worst performing boroughs in Outer London for planning enforcement.
- A commitment made by Enfield Council in 2019 regarding the enforcement of planning permissions for HMOs has not been kept.

What is an HMO?

A house in multiple occupancy (HMO) is a house or flat where the kitchen or bathroom is shared by at least three people who are not part of the same household.

HMOs offer accommodation that is usually cheaper than other private rental options and often house vulnerable tenants, who have limited choices about where they live. ^[1] Some HMOs are occupied by the most vulnerable people in our society. ^[2]

The Council estimates that there are around **9,600** HMOs in Enfield. ^[3]

What are HMOs in Enfield like?

HMOs play an important part in the borough's housing market, but their quality can give rise to concern; a large number of HMOs in Enfield are associated with poor living conditions and Category 1 hazards. These hazards require urgent remedy as they pose a serious risk to the tenant's safety and to their physical or mental health. ^[4]

In 2019, Enfield Council estimated that almost half of the HMOs (48%) in Enfield had Category 1 hazards. ^[5] This means more than 25,000 people in Enfield, including families with children, may be living in HMOs that pose a serious risk to their health or safety.

Do HMOs in Enfield require planning permission?

Yes. All HMOs in Enfield require planning permission from the Council, as well as an HMO license. This means a house or flat cannot be lawfully converted into an HMO without first going through the formal planning process and getting planning permission. ^[6, 7]

Going through the planning process means that HMOs must meet a number of planning policy standards. These standards help to ensure the HMO will be a safe and healthy place to live e.g. that the rooms are big enough and have sufficient daylight and ventilation, and that residents have access to adequate cooking and bathroom facilities. In short, these standards help to protect some of the most vulnerable people in our society from rogue landlords.

The requirement for HMOs to have planning permission also means the Council can consider the impact of the HMOs on the neighbourhood, before deciding whether to grant permission. For example, the impact of increased noise and rubbish, the loss of parking spaces, and the loss of family-sized homes.

Our analysis of Enfield's HMO license database showed that:

- Only around 1 in 10 licensed HMOs have planning permission (9%).
- The Council are issuing licences to HMOs which have been refused planning permission to become an HMO.

How can the Council issue HMO licenses for properties without planning permission?

The Council conducted a public consultation about HMO licensing in 2019. During the consultation, the Council was asked what would happen to landlords who applied for a license but did not have the required planning permission. In response, the Council said it would only issue a one-year license as this would give the landlord the opportunity to apply for planning permission.

“Landlords will be expected to ensure they have all the appropriate planning permissions. In the event a property is found not to have the appropriate planning permission, the Licensing Team may issue a one year additional HMO licence, giving the landlord the opportunity to apply for planning permission or revert the property back to its original use. Residents would be able to make representation against a planning application in the normal way.” ^[8]

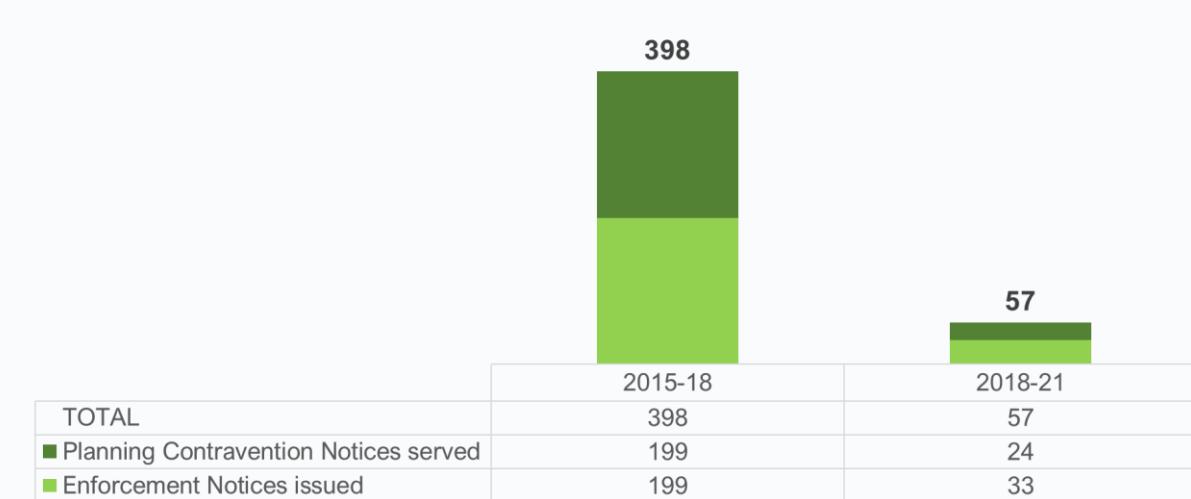
Source: LBE Selective & Additional Licensing Council's consideration of Consultees' responses to the public consultation

However, this has not happened. We reviewed a cross-section of 75 HMO license applications and in all cases, HMOs without planning permission have been issued with 5-year licenses. Furthermore, there appears to have been very little enforcement once the license has been issued.

What action has Enfield Council taken to ensure HMOs have planning permission?

The Council appears to have taken very little formal action to stop HMOs without planning approval. Our analysis of the Department for Levelling Up, Housing and Communities (DLUHC) statistics shows that 398 Planning Contravention and Enforcement Notices were issued across Enfield between 2015 and 2018, but this fell to just 57 between 2018 and 2021, a decline of 85%.

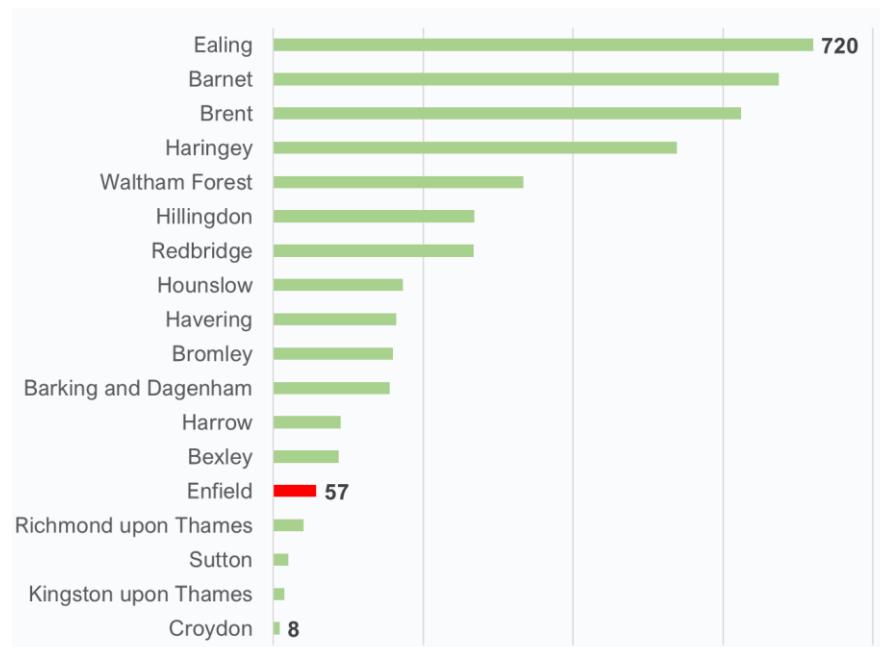
Chart 1: All Planning Contravention and Enforcement notices issued in Enfield



Source: DLUHC Planning and Development Control Statistics Jan 2022 (not solely HMO related notices)

Our analysis also showed that Enfield is now one of the worst performing boroughs in Outer London for issuing contravention and enforcement notices (5th worst).

Chart 2: All Planning Contravention and Enforcement notices issued 2018-2021



Source: DLUHC Planning and Development Control Statistics Jan 2022

Case study - Lack of planning enforcement over past 3-years

An HMO without planning permission was reported to Enfield Council in early 2019, but no enforcement action was taken regarding the lack of planning permission.

The issues regarding this HMO were reported to the Council again in September 2020.

This time, the Council's Enforcement Team visited the property and said they would ask the owner to submit a retrospective planning application, because the property is three-storeys and therefore must comply with additional fire-safety requirements. However, the Council did not contact the owner of the HMO.

Over the last 2-years the Council has repeatedly said that a planning enforcement notice would be issued to the HMO owner, but as yet no application for HMO planning permission has been submitted.

It is now well over three years since the HMO was first reported to Enfield Council and over two-years since an enforcement officer visited the property, but no meaningful action appears to have been taken, despite the concerns about the property in regard to fire safety.

What happens to the property if no enforcement action is taken?

After a 10-year period, the property owner of the HMO can apply for something called a “[Certificate of Lawful Existing Use](#)” (CLEU). This enables them to continue using the property as an HMO without formal planning approval.

Previously the Council applied the 10-year rule for CLEU applications for small HMOs but have now reduced this to 4-years. We think the reduction in time means that Enfield is more at risk from unscrupulous landlords because the time available to take enforcement action is significantly reduced. [9]

If the Council is going to apply the 4-year rule to HMOs then it is important that they act quickly in responses to any potential breaches of the planning rules during that period

Does the Council have the funds to enforce the planning rules?

Yes. An HMO license costs at least £900 and the income from license funds is supposed to be used to fund enforcement action. [10] It seems to us therefore that the money should be available to properly enforce the planning rules.

There are sound reasons why HMOs require planning permission – the planning policies and standards are there to protect vulnerable people and local communities, as well as to help ensure Enfield has the types of housing its residents need. But these standards are meaningless if the Council fails to strictly enforce them.

The lack of formal enforcement action taken against the very large number of HMOs that do not have planning approval is a serious problem. Firstly it increases the likelihood of vulnerable tenants living in poor quality accommodation and unsafe and unhealthy conditions. Secondly it means the impact of HMOs on local neighbourhoods is not being properly considered or planned for, and thirdly, it undermines confidence in the planning process.

References

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3. London Borough of Enfield - Selective and Additional Licensing Appendix 3 Evidence Pack
<https://governance.enfield.gov.uk/documents/s79575/Appendix%203%20-%20Evidence%20Report%20002.pdf>
4. As 3 above
Also see https://www.london.gov.uk/sites/default/files/rogue_landlords_in_london_-_a_survey_of_local_authority_enforcement_in_the_private_rented_sector.pdf and
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/15810/142631.pdf
5. As 3 above
6. Large HMOs (i.e. with 6 or more people) have long needed planning permission and since 2013 small HMOs in Enfield have also required planning permission. See London Borough of Enfield - Report no 109 - Confirmation of Article 4 HMO <https://governance.enfield.gov.uk/documents/s41548/Report%20no%20109%20-%20Confirmation%20of%20Article%204%20HMO.pdf>
7. Until September 2020 only HMOs with 3 or more storeys or with 5 or more people in 2 or more households were required to have licenses. However, from September 2020 all HMOs in Enfield require a license in addition to planning permission. Landlords are charged a minimum of £900 for 5 years for the license. See The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006 (legislation.gov.uk) <https://www.legislation.gov.uk/uksi/2006/371/article/3/made> and Private rented property licensing | Enfield Council
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8. Consideration-of-public-consultation-responses-housing.pdf
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9. Town and Country Planning Act 1990 (legislation.gov.uk)
<https://www.legislation.gov.uk/ukpga/1990/8/section/171B>
also see:
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Appendix A - Research Methodology

1. Analysis of HMO licenses

We downloaded 534 active HMO licenses granted by Enfield Council between 2017 and 2022 and randomly selected 53 for further detailed analysis (i.e. every 10th record was selected from a random start point).

We then investigated the planning and sales history for each of the 53 sample cases. This enabled us to code each of the sample cases into one of the following groups:

1. Granted planning permission to be an HMO
2. Refused planning permission
3. Building converted to an HMO after 2013 (i.e. liable for enforcement action) or large HMO, but no planning permission applied for
4. Not applied for planning permission but insufficient information available to establish when the building was converted and whether planning permission is required.

Table 1: Outcome of coding

	%
Granted	9%
Refused	11%
Not applied (NET)	79%
<i>Not applied (converted since 2013 / large HMO)</i>	43%
<i>Not applied but insufficient information to code</i>	36%

*Numbers do not add to 100% due to rounding

We then conducted a spot-check exercise to cross-reference the results by selecting a further 22 cases from the HMO licensing dashboard. Of these cases 2 (9%) had planning permission, 3 (12%) had been refused permission and 17 (77%) had not applied for planning permission.