

22-07-26

Notes from HMO enforcement update from Gary Collins

Planning officer from planning applications team moved into enforcement team to help with backlog Kingsdown: ombudsman wanted HMO enforcement moved up priority list under Nigel Butler, Planning Enforcement and Gary Collins.

It is hard to gather evidence of Change of use

BCC as LPA writes to occupiers, follows up with chasing letter and formal notification with threat of prosecution

Landlord has to provide evidence of long-term use (after established use change of use is given deemed consent)

LPA will assess evidence

If the evidence is accepted LPA will ask the landlord to submit an application for a formal lawful development certificate

If there is insufficient or no evidence, LPA will apply SPD testing.

If COU is acceptable under SPD and planning policy LPA ask landlord to submit planning application

If not, LPA take formal action enforcement notice

Must be able to support at appeal

Lost a few cases where site is lawful but working through and now at a stage where enforcement is possible

Bristol City Council Licensing team applied to DCLG for requirement for a planning application or lawful certificate to be in place before licence is issued but DCLG refused because it is different legal process

Next steps: will work through licensed properties...ask landlord for information about property

Scrutiny Committee asked for information which BCC can share with NPN groups but will not make publicly available

Cabinet member has agreed that this should be an enforcement priority

Licensing team tell planning dept quarterly of new HMOS and quarterly update of GIS system

Ask Licensing to remind landlord that this does not give planning permission GC action

Avonmouth group report a number of cou to HMO which provides residential sleeping accommodation at gfl. Safety issue to be investigated by GC.

Spreadsheet of current HMO enforcement cases is available to groups – please contact alison@bristolnnp.net if you would like this sent to you. Please note that this document is not to be circulated outside the group.

AB Sept 2022