

‘Dual-use’ planning permissions for use class C4 (House in Multiple Occupation: HMO) and use class C3 (dwellinghouse)

1. Background

The Town and Country Planning (General Permitted Development) Order 2015ⁱ allows ‘dual-use’ of buildings/properties to enable them to switch between specified planning uses without the need for multiple planning permissions. The right to switch lasts for ten years and the use in operation at the end of the ten year period becomes the lawful use of the property from that date onwards. In order to qualify as a dual use planning permission, the permission should **explicitly** state that the uses are flexible in the description of development.

2. Applying a planning permission for a ‘dual-use’

Important to note:

- In order to secure ‘dual-use’ rights, a formal planning application process is required. **A planning permission for a ‘dual-use’ must be obtained before a new use starts.** For example if a property is used as a HMO (use class C4) then you wish to rent the property to a family or single household (use class C3), you must obtain a ‘dual-use’ permission before you rent it out. Without an extant planning permission for the ‘dual-use’, it is considered that use class C3 would become the lawful use and the property would lose the right to switch back to HMOs. If you then wish to rent it out as a HMO, you would have to obtain planning permission for a change of use for use class C4 HMO. Please be aware that it is unlikely that a planning permission for a change of use to HMO will be granted in the highly concentrated areas such as Oldfield Park, Westmorland and Twerton under current policy.
- Any application must explicitly refer to the ‘dual-use’ under Class V of the Town and Country Planning (General Permitted Development) Order 2015.
- There may be some cases where conditions or Section 106 obligations restrict such changes.
- B&NES Placemaking Plan H2 supplemented by HMO SPD manages the growth of HMOs in Bath. It is important to note that properties with ‘dual-use’ permissions will be recorded and treated as HMOs (C4) in terms of the HMO SPD test as they can switch back to HMOs anytime within the 10 years. However, if you are switching back to a HMO, please contact the Council’s HMO Licensing Team.

3. Any questions

If you have any questions, please go to the Council’s planning website <https://beta.bathnes.gov.uk/apply-planning-permission> or email to development_management@bathnes.gov.uk.

ⁱ <http://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/3/crossheading/class-v-changes-of-use-permitted-under-a-permission-granted-on-an-application/made>