



House in Multiple Occupation or Self Contained Flats?
Licencing, Planning and Building Control considerations
Guidance Note Dec 2019

What is a House in Multiple Occupation (HMO)?

In general terms a property is a HMO under the Housing Act 2004, if it is occupied by persons who do not form a single household and where at least two or more of the households share one or more basic facilities such as personal washing, WC or cooking facilities. Buildings converted into self-contained flats, which do not comply with Building Regulations also normally fall under the definition of HMOs, but they do not usually require a HMO licence.

What do we class as self-contained flats?

Under the Housing Act 2004 a self-contained flat is a unit of accommodation which:

- 1.Has access to all three basic amenities (personal washing, WC and cooking facilities);
- 2.These amenities are available for the exclusive use of the occupier;
- 3.The amenities are available without passing through the common parts of the accommodation.

In these cases, the accommodation is not normally considered to be an HMO, unless the conversion does not comply with the Building Regulations 1991 or subsequent if conversion done later.

The presence in the dwelling of additional shared facilities such as a shared kitchen or laundry room would not change the fact that a unit of accommodation with its own exclusive facilities would be seen as a self-contained flat.

Barnsley Council would consider kitchen units in small flats to be complete kitchen facilities for exclusive use if they contain as a minimum:

- One kitchen storage cupboard
- One sink/drainer
- One worktop
- Sufficient electric sockets to enable the occupier to plug in a cooking appliance and refrigerator.

The above definition of self-contained flats would also be considered to require planning permission.

When does an HMO require a licence?

Mandatory Licensing requirements apply if the property is occupied by 5 or more people in two or more households.

Self-contained flats, whether or not they have been converted in accordance with the Building Regulations, are normally excluded from the mandatory HMO licensing requirement. An exception to this would be a large single flat occupied as an HMO in

its own right, i.e. by at least 5 or more persons, comprising of two or more households.

When do I need Planning Permission?

Planning permission will be required from the Council if a single residential property is converted so that more than six persons not forming a family unit will occupy the property, or for any properties to be converted into self-contained flats. It is recommended that you consult with Barnsley Metropolitan Borough Council's Planning Team to ensure you have relevant permissions / change of use in relation to a HMO or Flats. For assistance on planning and building control issues please contact 01226-773555.

If, following consultation with the planning team, you are informed that planning permission is not required for your development; it would still be advisable to consult with the Safer Neighbourhoods Team. There may be requirements placed upon the development by the HMO standards and by the Housing Act 2004 Part 1 in relation to the transmission of sound through the altered structure and pre-development consultation could save time and money for the developer rather than costly retrospective building work. For further information please contact the Safer Neighbourhood Services on 01226-773555.

To see a copy of the HMO standards please follow the link below:

<https://www.barnsley.gov.uk/services/housing/private-landlords/houses-in-multiple-occupation-hmo/>

When do I need to apply for Building Regulation Approval?

Building Regulation Approval will be required for all HMOs and conversions to flats and a Building Regulation Application should be submitted.

Should any of the converted units contain any kitchen facilities or cooking appliances as well as full bathing facilities, W.C. etc, then the conversion will be treated as an independent flat/apartment and this will have implications with regard to the regulations that apply (for example fire resistance, sound testing ,EPCs, Part P Electrical certificate and drainage).

For further information and to discussed your planned project, please contact Building Control on 01226-773555.