

## **OUR CHANGING ENVIRONMENT – the loss of family homes to letting properties for short-term residents, particularly students.**

### **REVIEW of planning situation**

RCAS is very concerned at the damage to amenity in our area arising from changes in the mix of dwelling types and size, which is driven by the market for short-term accommodation, including students. Two streets have confirmed their concern in response to our Newsletter request, and we are already aware of others. Almost certainly there are more that are suffering or in danger of damage from the noise and other problems of unbalanced communities.

We have explored the ability of Bristol's planning system to improve matters. With major new development and changes of use or alterations needing planning consent Bristol's present Planning Policies can help. **These include the encouragement of 'mix and balance' of dwelling types and therefore inhabitants.**

However their grounds for resisting certain types or sizes of dwellings are not that clear and rely on the judgement of Case Officers to a considerable extent. RCAS Planning Group now regularly press for refusal of applications for yet more small flats aimed at the transient market. As with all planning applications, the more individual objections that are received the more chance of success. We also object to the rare applications for student houses in residential areas, eg, the 200-bed unit in Woodland Rd/West Park.

We have been encouraged by a very recent planning refusal for conversion of a house into flats. This seems an important precedent (provided it is not successfully appealed against.)  
*See extract from Notice of Refusal at the end of this document.*

Planning policy is even less useful in respect of the biggest cause of imbalance and loss of residential and visual amenity – **houses and flats occupied by groups of adults, usually students**. Basically, and on the face of it not unreasonably, there is no ability to control the type of resident in our streets.

As planning law stands this sort of changed use can only be prevented if it needs planning permission as a House in Multiple Occupation (HMO) . This can only happen if various conditions exist – these include the number of residents (up to 6 will never be questioned) and many other details such as how the rooms are let and service costs shared. If all these are met then in principle planning consent is required. Complaints of any apparent substance therefore need detailed investigation and at times legal advice, and are very time consuming for Enforcement Officers.

Even if these and other HMO criteria are met it is still necessary to show that the way the house is occupied is significantly different from that of its use by a large family. For example that there are well over 6 adults, that very small rooms have been created by subdivision, inadequate shared facilities – an obviously different impact from use by a family. Most owners of student houses in our area are well aware of the weakness of planning control over them, including the fact that if their planning status is not challenged early on their use is likely to be deemed to be legal after 4 years,

A recent response by the Enforcement Team at the Council is reproduced at the end of this document. This would seem to be a typical outcome at this time.

Because of this I recently met Jon Bishop, of the planning Enforcement Team, to discuss the situation. I think he and most planning officers understand our great concern at the damage caused by the student house takeover. Although planners are at present usually unable to help much **RCAS still suggests that affected residents should keep up the pressure by reporting and objecting to new student houses** early on – not waiting till problems begin or there is a rash. Some of the cases may prove to be enforceable, or building alterations may have been made that

required planning consent. Please keep RCAS Planning Group informed when you take action, and we suggest Councillors are kept informed.

Also the volume of complaint should encourage Bristol to consider what else they can do. This is starting to happen in some other cities. Leeds, where an intense campaign to 'heal' Headingley (50% student homes!) has led to action by the Council, with an Area of Student Housing Restraint being declared. Similar measures are being considered elsewhere, for example Sheffield. RCAS is in touch with a national lobby group on the 'studentification' problem.

It is also important that residents complain when they are suffering, whether it is noise, dustbins, litter, neglected gardens. Most landlords will respond to some degree, especially if there is continued pressure. A build up of complaints to the Council and/or Police is valuable evidence where planning can be involved, and for getting longer term policy changes.

Changes in the local planning system have been imposed by Government. This may create an opportunity for new local policies on this subject. Similarly some redefinition of HMO is included in a new Housing Act that is progress. There seems to be a reasonable chance that more control will be possible in future, and this will be much more likely in Bristol if residents are prepared to join in lobbying the Council.

The Society would like to be more pro-active over this important issue but the Committee is overstretched by on-going planning and other matters. If anyone is prepared to help with this particular task we can provide more information and contacts with other areas that have had some success. Please contact me or a member of RCAS committee.

*Roger Mortimer*  
RCAS Planning and Licensing Group  
June 29th 2004

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## **EXTRACT from Notice of refusal, Redland Road**

**Proposal** Conversion of single dwelling into four self-contained flats, including the provision of new dormer windows, light well and replacement rear extension.

### **Decision REFUSED**

For the following reasons:-

1. The proposal for 4 flats would lead to a shortage of family-sized accommodation in the area, resulting in an over-concentration of small (below family-size) dwellings, adversely affecting the mix of housing, and harming the amenity of the immediate locality and the character of this part of the Redland, Cotham and Gloucester Road Conservation Area. The proposal is therefore contrary to policy H7 of the adopted Bristol Local Plan 1997 and the First Deposit Proposed Alterations to the Bristol Local Plan February 2003.

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## **EXTRACT from planner's letter re several student houses in Cotham Vale**

Essentially, these properties are big enough to house a large family or group of individuals living together as a single household. There is sufficient space within the property to accommodate 7 persons, each having their own bedroom, sharing kitchen and bathroom facilities, and having a communal lounge area, where socialising as a group, can take place. Therefore, for all intents and purposes the property remains as a single household.

Although not straightforward, over the years the planning control of multiple occupation has been the subject of much legal difficulty. The principal problem has been in establishing at what point a material change of use of a dwellinghouse to a house in multiple occupation has occurred. The Town & Country Planning (Use Classes Order) 1987 introduced a new use class for dwellings. This new class C3 included use as a dwelling house by a single person or by people living together as a family, OR by not more than 6 residents living together as a single household.

However, case law has established that even if the number of persons in a house exceeds the 6-person threshold contained in this Class, this in itself does not mean that permission is required. Class C3 indicates that occupation of a dwellinghouse previously occupied by a single family, by those living as a single household up to six members in total, conclusively does not require planning permission by reason of being within the same Class. It does NOT say that occupation of a dwellinghouse by individuals living as single household totalling more than 6 persons is a material change of use. It is important that each individual case is assessed in detail to ensure that it meets the criteria for a single household.

In conclusion, the way in which the properties inspected in Cotham Vale are used does not constitute a change of use for which planning permission is required and on that basis I will close my file on the matter.