



## Committee Report Checklist

**Please submit the completed checklists with your report. If final draft report does not include all the information/sign offs required, your item will be delayed until the next meeting cycle.**

### **Stage 1**

#### **Report checklist – responsibility of report owner**

ITEM	Yes / No	Date
Councillor engagement / input from Chair prior to briefing	No	
Commissioner engagement (if report focused on issues of concern to Commissioners such as Finance, Assets etc)	No	
Relevant Group Head review	Yes	
MAT+ review (to have been circulated <b>at least 5 working days before Stage 2</b> )	No	
This item is on the Forward Plan for the relevant committee	No	
	Reviewed by	
Finance comments (circulate to Finance)	Yes	
Risk comments (circulate to Lee O'Neil)	Yes	
Legal comments (circulate to Legal team)	LH	23/12/25
HR comments (if applicable)	N/A	

**For reports with material financial or legal implications the author should engage with the respective teams at the outset and receive input to their reports prior to asking for MO or s151 comments.**

**Do not forward to stage 2 unless all the above have been completed.**

### **Stage 2**

#### **Report checklist – responsibility of report owner**

ITEM	Completed by	Date
Monitoring Officer commentary – at least 5 working days before MAT	L Heron	23/12/25
S151 Officer commentary – at least 5 working days before MAT	T.Collier	24/12/25
Confirm final report cleared by MAT		

# Environment and Sustainability Committee

8 January 2026

<b>Title</b>	Statutory Consultation on Spelthorne Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD)
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	Simon Rowberry, Interim Planning Development Manager
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	N/A
<b>Corporate Priority</b>	Community/Addressing Housing Need/Environment
<b>Recommendations</b>	<p><b>Committee is asked to:</b></p> <ul style="list-style-type: none"><li>• Agree that the Consultation Draft of the Spelthorne Houses in Multiple Occupation (HMO) Supplementary Planning Guidance (SPD) be published for a 4-week public consultation under Regulation 12 of the Town and Country Planning (Local Planning) Regulations 2012</li></ul>
<b>Reason for Recommendation</b>	To enable consultation to be undertaken on the proposed SPD. The cumulative effect of the two Article Directions the Council has made is that all new HMOs in the Borough will require planning permission from 13 March 2026, which will mean an increase in the number of planning applications as existing Permitted Development rights will be removed. The SPD will provide an additional set of quantitative criteria, in addition to those currently used, against which to determine all planning applications for HMOs, irrespective of size.

## 1. Executive summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> <li>Spelthorne Borough Council has prepared a Borough-wide SPD in respect of all new HMOs. This code aims to provide clear additional guidance for new HMO development. Additionally, the SPD seeks to address concerns from both residents and elected Members regarding the location, impact and quality of HMO proposals.</li> </ul>	<ul style="list-style-type: none"> <li>The SPD seeks to address concerns from both residents and elected Members regarding the location, impact and quality of HMO proposals. In order to formally adopt the SPD and make it a material consideration in planning decisions, a statutory consultation must be carried out.</li> </ul>
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> <li>Seek approval from the Committee to initiate the statutory public consultation in respect of the draft SPD. According to planning regulations, this consultation is essential, as it allows residents, developers, and stakeholders the opportunity to formally provide their feedback on the draft document</li> </ul>	<ul style="list-style-type: none"> <li>Secure agreement to proceed with statutory consultation</li> <li>Begin the 4-week consultation period using online, print and public engagement methods</li> <li>Analyse feedback received and revise the draft SPD as necessary</li> <li>Bring the updated SPD to full Council with recommendation to adopt</li> <li>Upon approval, the SPD will be formally adopted and used in planning decision-making</li> </ul>

## 2. Key issues

- 2.1 On 21 August 2024, the Council made a non-immediate Article 4 Direction to remove permitted development rights for a change of use from a dwellinghouse (C3 use) to a small house in multiple occupancy – “small HMO” (C4 use) across the following three wards:
  - Staines
  - Stanwell North
  - Ashford North & Stanwell South
- 2.2 This Direction came into effect on 29 August 2025. Planning permission is therefore required to convert a dwelling house into a small HMO in those wards on or after this date.
- 2.3 On 9 December 2025, the Council confirmed a second non-immediate Article 4 Direction covering all remaining wards in Spelthorne Borough. This Article 4 Direction will come into effect on 13 March 2026.

- 2.4 The direction applies to the Ashford Common, Ashford East, Ashford Town, Halliford and Sunbury West, Laleham and Shepperton Green, Riverside and Laleham, Shepperton Town, Staines South, Sunbury Common, and Sunbury East wards.
- 2.5 The cumulative effect of the two Directions is that all new HMOs in the Borough will require planning permission from 13 March 2026. This will mean an increase in the number of planning applications as existing Permitted Development rights will be removed
- 2.6 This report seeks approval to commence the statutory 4-week consultation for the SPD, a document that sets out the assessment process and requirements for all proposed new HMOs, irrespective of their size, to ensure that:
  - a) the overall quality of new HMO accommodation in the borough is improved, through compliance with the standards set out in this SPD;
  - b) potential adverse impacts on neighbouring properties and communities are recognised and mitigated where possible;
  - c) a balanced approach is achieved between meeting the significant demand for three or more-bedroom dwellings for larger families and addressing the needs of those who rely on HMO accommodation; and
  - d) a quantitative, objective, transparent and consistent framework is established for making decisions on HMO planning applications.

The SPD expands on policies in the Spelthorne Local Plan 2025 – 2040 that are relevant to HMO development, specifically:

- a) Policy PS2: Designing Places and Spaces
- b) Policy H1: Homes for All

- 2.7 The SDC is set out in 7 sections:
  - Section 1: Purpose and scope of the SPD
  - Section 2: Legislative background to HMOs and Article 4 Directions
  - Section 3: Planning policy background – national and local
  - Section 4: Spelthorne's proposed 4-stage approach to assessing proposals for new HMOs
  - Section 5: Space standards
  - Section 6: Car parking standards
  - Section 7: Waste management
- 2.8 Following the public consultation and consideration of the resulting feedback, the SPD may be amended and an adoption version will be brought back to the Environment and Sustainability Committee for consideration as soon as possible, to seek a recommendation to Council for adoption.

2.9 It is important to note that legally the SPD cannot be adopted until the Local Plan 2025 – 2040 itself has been adopted. This is because the SPD is supplementary to the policies in the Local Plan 2025 – 2040.

Background

2.10 The cumulative effect of the two Article 4 Directions is that all new HMOs in the Borough will require planning permission from 13 March 2026. It is anticipated that this will mean an increase in the number of planning applications for HMOs as existing Permitted Development rights will be removed.

2.11 Planning applications have been required for all HMOs within the three wards of Staines, Stanwell North and Ashford North & Stanwell South, since the first Article 4 Direction came into force on 29 August 2025. The same requirement will apply in the remaining ten wards from 13 March 2026, when the second Article 4 Direction comes into force: currently, planning permission is only required for “large HMOs” (7 persons or more) in these ten wards.

2.12 At present, planning applications for HMOs are considered primarily against development management standards, as set out in paragraph 4.5.1 of the draft SPD, attached as Appendix 1.

2.13 Whilst some of these development management criteria are quantitative, many (such as impact on street scene and neighbouring properties) do involve an element of subjectivity.

2.14 In addition, current development management criteria do not directly address two of the key concerns of Members and residents:

- a) The potential concentration of HMOs within a neighbourhood; and
- b) The impact of the proposal in terms of proximity with other HMOs at the more local level

It is a key purpose of the SPD to provide quantitative tools for assessing these two factors.

### Proposed Four-Stage Approach to Assessment

2.15 The SPD sets out a proposed four-stage approach to assessing all planning applications for new HMOs:

	Assessment Involved	Description
Stage 1	Neighbourhood Impact Assessment	Assess whether the proposal creates a harmful concentration within the locality
Stage 2	Proximity Impact Assessment	Assess whether the proposal results in existing dwellings being “sandwiched” between or surrounded by HMOs
Stage 3	Planning Standards Assessment	Assess whether all planning criteria criteria and standards are met, including space standards, car parking provision and waste management arrangements
Stage 4	Design Assessment	Ensure, where applicable, that the Council’s Design Code is complied with

2.16 These stages are fully detailed in the draft SPD and can be summarised as set out below. it should be noted that these proposed stages would be sequential, and a proposal would be required to satisfy each stage in turn. Failure to “pass” any stage would normally result in the proposal being unsatisfactory and a recommendation that planning permission be refused. It can be helpful to consider each stage as a “gateway” through which an application must successfully pass.

#### Stage 1 – Neighbourhood Impact Assessment (“10% Threshold”)

2.17 Proposals for the development or intensification of HMOs will not be permitted if the development leads to a harmful concentration of HMOs or the development is proposed in a location where this already occurs. A harmful concentration occurs when 10% or more of all dwellings within a 100-meter radius of the application site are already in use as HMOs. This 10% threshold has been established following a review of best practice across the country.

2.18 Detailed examples are set out in Section 4.2 of the draft SPD

#### Stage 2 – Proximity Impact Assessment (“Sandwiching Criterion”)

2.19 The SPD proposes that planning permission will not be granted where the introduction of a new HMO would result in existing dwellings being sandwiched by any adjoining HMOs on both sides or being surrounded to the front and back. The latter also applies where the properties are separated by an intersecting road or where properties have a back-to-back relationship in different streets.

2.20 This criterion is applied differently, depending on the type of dwellings which lie adjacent to the proposed HMO (detached, semi-detached or terraced). Diagrams to further explain this are set out in Section 4.4 of the attached draft SPD.

### Stage 3 – Planning Standards Assessment

2.21 If a proposal for a new HMO satisfies the requirements of Stages 1 and 2, it will then be assessed against planning standards and criteria. Examples of these are set out in Section 4.5 of the draft SPD.

### Stage 4 – Design Assessment

2.22 The final stage is an assessment of the proposal against planning design standards, where appropriate, including against the Council’s Design Code. This is only likely to apply to those proposals which are new-build or, in the case of the conversion of existing properties, where significant or relevant external alterations or extensions are proposed as part of the planning application.

### Extensions to Existing HMOs

2.23 Section 4.7 sets out how proposed extensions to existing, lawful HMOs will be assessed.

### Other Standards

2.24 The draft SPD then proposes how space and car parking standards will be applied as part of Stage 3, along with waste management arrangements.

2.25 The draft SPD provides links to standards fully set out in the Council’s other existing adopted SPDs and its “Landlords’ Guide to Standards for Houses in Multiple Occupation (HMO)”. The reason for this linkage is that the external documents (SPDs and the Landlords’ Guide can be subsequently reviewed and updated as necessary, without the need to review and update the HMO SPD, which would involve further lengthy consultation and adoption processes.

### Proposed Changes to the Draft SPD Prior to the Consultation Exercise

2.26 The appended draft SPD contains some illustrative material which has been borrowed for the purposes of this approval process from other Councils’ documents (and credited accordingly). This has been done to expedite this approval process. Notwithstanding this, these diagrams will be replaced by this Council’s own graphics and some additional illustrative material, prior to the consultation exercise.

### Consultation Period

2.27 It is anticipated that the consultation exercise will be undertaken over the 4-week period 2 February to 2 March 2026. The results of the consultation will be undertaken immediately thereafter.

### Further Steps to Adoption of the SPD

It may be possible to bring a report on the outcome of the consultation exercise to this Committee’s meeting of 19 March 2026, and to seek a recommendation that Council adopts the SPD (with any amendments that may result from the consultation exercise). However, this target is uncertain as it is dependent on:

3. The volume and complexity of representations received, and the time required to analyse them and respond accordingly; and
  - a) The Local Plan 2025 – 2040 having been formally adopted by the Council by this date
- 3.1 A further factor that will impact on the timetable for formal adoption is the pre-election period prior to Local Government Reorganisation.

#### **4. Options appraisal and proposal**

- 4.1 **Option 1 - Recommended option:** The Committee approve the commencement of the public consultation.

**Option 2 – Not Recommended:** The Committee resolve to seek amendments to the SPD before commencement of public consultation.

This option is not recommended as any delay in the start of the statutory consultation, outside the window set out at para 2.18, would mean that it would not be possible to begin the consultation until after the elections in May 2026.

**Option 3 – Not Recommended:** The Committee resolve to reject the request for consultation on the SPD.

This option is not recommended as in order to adopt the SPD, so that it can be considered as a material consideration in decision making in respect of planning applications for HMOs, a statutory consultation is required by legislation as set out above. If a public consultation is not held the project cannot move forward and the SPD cannot be adopted.

#### **5. Risk implications**

- 5.1 Failure to proceed with the statutory public consultation for the SPD may result in reputational damage to the Council, undermining its commitment to community engagement, transparency, and proactive planning.
- 5.2 The Council has already invested staff resources in the development of the SPD. Not proceeding with the public consultation would render these efforts ineffective, resulting in wasted expenditure without achieving the intended planning and design outcomes.
- 5.3 Without the adoption of the SPD, the Council will be less equipped to take a proactive approach to development management in respect of HMO proposals. This may lead to inconsistent planning outcomes and a missed opportunity to improve decision-making for HMO proposals across the Borough.
- 5.4 It is considered that refusals of planning permission for HMOs that are subsequently appealed are less likely to be supported (i.e. the appeal is dismissed) by the Inspectorate in the absence of robust quantitative analysis such as that proposed in the draft SPD.
- 5.5 In light of Local Government Reorganisation (LGR), the new unitary authority may have other priorities. There is a risk that if the consultation and adoption of the SPD is not progressed in line with the current project programme, it may not be implemented.

## **6. Financial implications**

6.1 Undertaking and evaluating the consultation to be undertaken by resources covered by existing budgets.

## **7. Legal comments**

7.1 The Council must comply with the process set out in the Town and Country Planning (Local Planning) Regulations 2012 when creating a Supplementary Planning Document (SPD).

7.2 Public consultation is one of the requirements, full details of which are set out under Regulation 12 of the Town and Country Planning (Local Planning) Regulations 2012.

7.3 The Council must ensure that the statutory procedures set out within the Town and Country Planning (Local Planning) Regulations 2012 are fully complied with before adopting the SPD.

## **Corporate implications**

### **8. S151 Officer comments**

8.1 The S151 Officer confirms that all financial implications have been taken into account and that the recommendations are fully funded from within the budget.

### **9. Monitoring Officer comments**

9.1 The Monitoring Officer confirms that the relevant legal implications have been taken into account.

### **10. Procurement comments**

10.1 There are no procurement comments arising directly from this report.

### **11. Equality and Diversity**

11.1 This will be dealt with as an integral part of the implementation of the SPD.

### **12. Sustainability/Climate Change Implications**

12.1 This will be dealt with as an integral part of the SPD through the application of the development management criteria.

### **13. Other considerations**

13.1 There are none.

#### **14. Timetable for implementation**

- 14.1 The proposed dates for the public consultation are 2 February 2026 to 2 March 2026.
- 14.2 If the consultation dates are agreed by the Committee and the project proceeds on the agreed timetable, it is anticipated that the SPD will be adopted in May 2026.

#### **15. Contact**

- 15.1 Simon Rowberry is the Project Lead: [s.rowberry@spelthorne.gov.uk](mailto:s.rowberry@spelthorne.gov.uk)

***Please submit any material questions to the Committee Chair and Officer Contact by two days in advance of the meeting.***

**Background papers:** There are none.