



Houses in Multiple Occupation (HMO) Information for Resident's Meeting

1) What is an HMO?

An HMO is typically any property eg a house, bungalow, maisonette or flat, that is rented out to **three** or more people who form **two or more** households and share facilities like the kitchen or bathroom.

A 'household' could be a single person, or members of the same family living together. This includes people who are married, civil partners or cohabiting couples. It also includes close relatives and foster children living with foster parents.

2) Are there different types of HMO?

An HMO could be a house, bungalow, maisonette or a flat

3) Are there specific definitions?

The definition of an HMO is provided in the answer to question 1 and 2

4) What identifies a HMO?

This is provided in the answer to question 1 and 2

5) Numbers of HMOs in Ashford or Spelthorne / Registered / Unregistered.

The Environmental Health Department licence HMO's. There are 252 licensable HMO's in Spelthorne where the licence has been issued or is under review. Environmental Health do not hold data of HMO's that fall outside of the licensing regime. The details of the licenced HMO's are on the website www.spelthorne.gov.uk/hmo. The information is published after the licence is granted, but an HMO may operate once Environmental receive a valid application.

Both Planning and Building Control notify Environmental Health when they become aware of a new development that is a licensable HMO.

6) Role of an HMO – Legitimate use / A tool for housing departments / Successful HMOs?

The cost of renting self-contained accommodation is very high and is especially high in the South-East. A room in an HMO's is a cheaper way of renting accommodation than having to rent a self-contained property.

Many people will have started working or student life whilst living in an HMO or sharing with friends once they left the parental home.

Housing departments (particularly in the South East) struggle to find housing for their customers and may use HMO's to place customers.

Many HMO's do not cause any problem for neighbours and will have good tenants and good landlords.

7) What are the issues Councillors are having raised by Residents?

Please contact your ward Councillor for this information.

8) Planning – How does this work? Cheating the System / Multiple applications/Parking considerations.

Conversion of dwellings into HMO's for more than 6 people require planning permission and that situation will remain unchanged.

Family sized houses (C3 Use) could previously be converted into small HMOs (C4 Use) without planning permission. An The Article 4 Direction came into force on 29 August 2025 which changes this.

The Article 4 Direction will cover the Stanwell North, Ashford North and Stanwell South, and Staines Wards. (these wards were the wards with the highest number of complaints and applications) This withdraws the permitted development right to convert a dwelling house (C3) into a Small House of Multiple Occupation (C4).

A further Article 4 Direction was made by the planning committee in January 2025. If confirmed, this will come into effect on 13 March 2026 and will cover all remaining wards in Spelthorne.

The Planning Enforcement Team are aware of the concerns of residents and are being especially vigilant. They are seeking additional planning applications where they consider that the built development does not match the development permitted.

Car parking is a material consideration when a planning application is submitted. The Spelthorne Planning Department are reliant on Surrey County Council (SCC) as the highway authority to advise us on this issue. The Chair of the Planning Committee has recently written to SCC to request clarification on how these proposals are assessed in highways and parking terms.

9) Does an HMO have to be licensed? What does that set as a requirement?

An HMO requires a licence via the Environmental Health Service if:

- it has five or more people
- the occupants form two or more households

On 1 October 2018, changes were made to the law which removed the storey requirement. Any properties that meet the criteria above, regardless of the number of storeys now requires a licence.

Spelthorne operates the mandatory licensing scheme under Part 2 of the Housing Act 2004 but does not currently operate any additional or selective licensing schemes. Therefore, HMOs in Spelthorne with three or four occupants do not need to be licensed.

Our risk-based HMO licensing scheme

In April 2024, the Council's HMO licensing scheme changed to a risk-based system that results in licences being granted for differing licence periods according to risk. The Environmental Health risk assessment considers the management of the HMO and the complaint history it has with the department. They take into account valid Environmental Health concerns, such as noise or the accumulation of rubbish. Parking is not something they can consider when processing an application. Licences are granted with a one, three or five-year licence period depending on a risk rating of the property. The cost of the licence remains the same regardless of the term of the licence. This is to reflect the level of Council intervention involved and the need to ensure accommodation for our residents is safe, of a good standard and is well managed for the benefit of the HMO residents and the neighbourhood. Further details about the risk rating system are on this page [Houses in multiple occupation \(HMO\) - Spelthorne Borough Council](#)

10) Building enforcement / Operating enforcement – Is this Council enforcement or outsourced?

Owners of properties have a choice as to whether they wish to use a local authority inspector employed by the local council, or an inspector from an approved registered building inspection company.

Where a registered building control approver (RBCA) is providing the building control service, the responsibility for checking that the building regulations are complied with during the building work will lie with that approver. These companies are registered with the Building Safety Regulator and should provide a professional ethical and competent Building Control service. Once someone appoints an RBCA Spelthorne Borough Council Building Control have no control involvement or enforcement powers regarding the work being undertaken. They don't even have rights to visit the site.

However, RBCA's do not have formal enforcement powers. In a situation where the approver considers your building work does not comply with the building regulations and there is a refusal (or failure by the client, designer or contractor) to bring it into compliance, the RBCA will cancel the initial notice, thus potentially returning the work to the local authority. If no other RBCA takes on the work, the building control function will automatically be taken on by the local council. From this point on, the local council will also have enforcement powers set out above where it considers this necessary and appropriate. It is extremely rare for an RBCA to revert a project back to the council and it tends to happen only when such a company goes bust or where their licence is not renewed by the Building Safety Regulator.

11) Rights of neighbours as regards Planning / Operating

Planning

Neighbouring properties are notified in writing of a planning application and are given the opportunity to comment. Any material planning matters raised are taken into consideration when assessing a planning application.

Concerns/Licensing of HMO's

Neighbours can contact Environmental Health to raise concerns about properties they believe are operating as HMO's and where there are issues about rubbish/noise. There is an online report form available on the website [Report a HMO Concern - Spelthorne](#)

There is no consultation process within the HMO licensing regime (it is different from the planning process) and neighbouring properties do not have any right to object. Whether the licence is granted or not is based on two main criteria:

- Are they a fit and proper person – this considers whether the applicant has any relevant convictions.
- Can they meet the requirements set out by housing law and the licensing conditions.

The majority of HMOs within Spelthorne are well run and are not problematic either for those tenants living in them or their neighbours. Where there are issues/complaints Environmental Health will investigate and if there are serious issues, they have enforcement powers they can use. Environmental Health also work with the Council's Community Safety Team or the police, and the HMO manager / owner to resolve issues. In anti-social behaviour cases this may involve the eviction of a tenant, but this is often a lengthy process.

12) Specific Cases: - 66 Gordon Road, ASHFORD (Over a dozen planning submissions) & Terminal House, SHEPPERTON (Plan to convert to 76 room HMO)

66 Gordon Road, Ashford

Our planning enforcement team has required a new application to be submitted to cover what is built. There is obviously no guarantee that permission will be granted.

Terminal House, Shepperton

Terminal house – no application has been submitted in respect of a conversion to an HMO.

13) Section 4 changes – What does this change? Does it ban HMOs?

Article 4 does not ban HMO's. Please see answers to question 8

14) If I have an HMO being built close to me, what can I do?

Please contact planning enforcement to ask whether it requires planning permission.

15) Devaluation of properties neighbouring an HMO

This is not a planning matter, or a matter that the council would be able get involved in.