



PLANNING FREQUENTLY ASKED QUESTIONS – RENTING OUT A HOUSE OR FLAT

I have a house/flat and I want to rent it out, who can I rent it to?

If the property falls in Residential use class 1 or 2 you can rent it to one household.

A house, which falls within Residential use class 1, is a detached dwelling or one of a pair or one of a group of dwellings sharing common dividing walls or linked by garages as a permanent residence for one household and which doesn't fall within residential use classes 2 to 5 (flats, dwellings with a warden, dwellings with staff providing care or dwellings used for both residence and business purposes).

Residential use class 2 is a use (not falling in residential use classes 1, 3, 4 or 5) of a flat as a permanent residence for one household.

What is a household under the Planning legislation?

A household is defined as;

- (a) a person living alone, or
- (b) any number of people living together as a family, or
- (c) up to six people living together as a single household.

What does “living together as a single household” mean? ¹

This is not defined specifically but living together as a single household is indicated by all adult occupants having shared responsibility for all aspects of the property, i.e. there is a joint lease where all adult occupants are named; the rent and bills are shared and paid for equally by all adult occupants as a whole; all facilities within the property, such as bathrooms, living rooms, dining areas, kitchen, garden, parking areas are shared.

Indicators that adult occupants are not living together as a single household would be; not having a joint lease; having cooking facilities within their own bedrooms; not sharing living accommodation; having locked and / or numbered bedrooms.

Other factors which are taken into consideration to identify whether all adult occupants are living together as a single household are;

¹ R (on the application of Hossack) v Kettering Borough Council [2002] EWCA Civ 886

- The origin of the tenancy; have the occupants arrived as a single group or were they independently recruited by the landlord;
- Is there any relationship between all occupants, other than the need for accommodation;
- The period of time occupants are in residence at the property;
- The extent to which the facilities are shared;
- Are the occupants responsible for the whole property (including common and shared parts) or just for their particular room/s;
- The extent to which the occupants can, and do, lock their doors.
- The responsibility for filling vacancies; whether the existing occupants or the landlord;
- The allocation of rooms; whether by the occupants or the landlord;
- The size of the establishment;
- The stability of the group;
- The mode of living; to what extent is communal and what extent is independent.

What if I want to rent my house/flat to more than 6 people?

Unless they are living together as a family, a planning application for a change of use to a premises in multiple occupation would have to be made. Such permission will be required whether the people are to live together as a single household or not.

What if I want to rent my house/flat to between 2 and 6 people who are not going to be living together as a single household?

A planning application for a change of use to a premises in multiple occupation would have to be made.

Are children and babies included in the term “people” or does this just relate to adults?

Yes, children and babies are included in the term “people” and count towards the total number of people to occupy the property. The Planning legislation does not distinguish in relation to age.

If I want to rent my house/flat to a family, is there a maximum number of people that can occupy the property?

From a planning perspective there is not a maximum number of family members that can occupy a house or flat. However, should living conditions deteriorate to such an extent due to the number of people occupying the property other States' Services could possibly take action, e.g. Environmental Health.

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