



HMOs and Co-Living:
Letting a House in Multiple
Occupation in Oxford

Planning and Licensing

House in Multiple Occupation (HMO) regulations are set at a national level, however there is some discretion for these to be implemented with some variations at a local level. Most councils will follow these national regulations; Oxford does not. Due to the large number of students as a proportion of the population, HMOs have become prevalent particularly in areas such as Cowley, Iffley, St. Clements and Headington. Oxford City Council decided that local rules were needed to restrict the spread and to manage the quality of HMOs.

Planning

Oxford City Council made an Article 4 direction under the Town and Country Planning (General Permitted Development) Order 1995 to enable the number and location of HMOs to be controlled. This change was implemented on 25th February 2012 and means that any property categorised as C3 use (dwellinghouse) - standard residential properties - would be unable to change use to a C4 (house of multiple occupation) without planning permission being granted. This planning permission is dependent on the number of other HMOs within 100m either side of the property – which can be ascertained using the [HMO register](#) and checking planning applications to see if others have requested planning permission in the locality.

The aim of implementing this change was to restrict the ever-increasing numbers of HMOs in Oxford ensuring that properties were available for family use as it was identified that there was a housing shortage for family dwellings. It also allowed HMOs to be spread more evenly around the City protecting the family character of neighbourhoods.

HMOs of 7 people or more require a separate '*sui generis*' planning consent. Any property that was used as an HMO prior to 25th February 2012 retains its rights as an HMO.

If you are buying a property for use as an HMO or thinking of using an existing property as one make sure to check that it has, or will be eligible for, planning permission before you go ahead with it. This can be checked using the [planning search page](#).

Licensing

As mentioned previously, there are national regulations that determine which properties are considered to be HMOs. Nationally, any property with 5 or more persons from more than 1 household (household meaning married couple (or equivalent), relatives or half-relatives as well as domestic staff) are HMOs. There is no national licensing requirement, but all HMOs must comply with certain standards.

It is possible for local authorities to implement the HMO rules in stricter ways locally. Oxford City Council chose to introduce a licensing scheme for HMOs, and to provide that an HMO license must be obtained for any property that has **more than two tenants from more than one household**.

This licensing scheme was implemented due to the large number of HMO properties that were not being maintained to a good standard and provided poor living conditions for the occupants. To obtain a license, the property must comply with a set of standards and be inspected to check these. License lengths can be 1 year, 2 years or 5 years. Eligibility for these licenses is dependent on fulfilling certain criteria. Each type of licence requires a fee to be paid – the full list can be found [here](#).

5 year licenses are generally given only to landlords accredited through the [Landlord Accreditation Scheme](#) with Oxford City Council. Landlords who are members of this scheme must have gone through training and provided documentation to prove their compliance, including updating this documentation on renewal of any compliance checks. Generally, landlords will start with a one-year scheme and, if there are no issues during that time, be eligible for 2 years the second time round.

N.B Oxford City Council are currently working on a licensing scheme for **all rented residential properties**. These plans are currently under consultation and a decision is expected in early 2021.

Space standards and specification

HMOs must comply with a set of standards in terms of room sizes, communal space and facilities as well as specification of internal fixings. As laid out in [the](#)

Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation – Oxford City Council.

Bedrooms

To be considered a bedroom, rooms must be at least 6.5m². This does not include built in storage so make sure you are measuring without that included. If you are advertising the room as suitable for couples, it must be at least 11m². The table below (from Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation) shows the space standards for bedrooms alongside other considerations for the makeup of the house:

Minimum bedroom size	Total number of people in HMO	Minimum kitchen size	1 to 2 storey HMO minimum living space	3+ storey HMO minimum living/ dining space
1 occupant 6.5m ² or 2 occupants 11m ²	3–5 people	7m ²	11m ² separate living room; or 18m ² combined kitchen/living room	Either: 11m ² separate living room within 1 floor distance of kitchen; or: 13m ² kitchen/diner and 11m ² living room elsewhere; or: 18m ² combined kitchen/living/ dining room
	6–10 people	10m ²	14m ² separate living room; or 24m ² combined kitchen/living room	Either: 14m ² separate living room within 1 floor distance of kitchen; or: 16m ² kitchen/diner and 14m ² living room elsewhere; or: 24m ² combined kitchen/living/ dining room
1 occupant 8.5m ² or 2 occupants 14m ²	3–5 people	7m ²	No additional communal living space required	Either: 13m ² kitchen/diner; or: 11m ² separate dining room within 1 floor distance of kitchen; unless: all bedrooms within 1 floor distance of kitchen
	6–10 people	10m ²	No additional communal living space required	Either: 16m ² kitchen/diner; or: 14m ² separate dining room within 1 floor distance of kitchen; unless: all bedrooms within 1 floor distance of kitchen

- The minimum kitchen area must be provided in all cases.
- A living room will be accepted as a dining room and vice versa, provided the minimum space requirements (given above) are fulfilled.

Kitchen

Aside from the above space requirements for the kitchen above, you also need to make sure that the kitchen is laid out safely and with sufficient storage and cooking facilities. Most modern, designed kitchens will be laid out in a way that

makes this criteria easy to meet but make sure that you are not trying to fit too much into too little a space.

Your kitchen must have:

- a cooker including oven, hob and grill,
- hot and cold water supply (and sink),
- fridge, freezer,
- adequate sockets,
- worktop space,
- at least one large storage cupboard per person,
- waste disposal (bins),
- extraction to outside air,
- adequate fire safety in place (see below).

If you have an HMO of 6 or more people, you will require additional items so make sure to check the full list in the [Council guide](#).

Bathrooms/Toilets

The requirements for bathrooms are often not as difficult to meet as other space requirements. The minimum requirement for up to 4 people is one bathroom with toilet and shower or bath; with a fifth person only an additional separate toilet and wash basin is needed. For 6 or more people, two or more full bathroom are required. Be aware that whilst en-suites do not count as additional bathrooms, they allow you to remove that person from the equation when working out how many other bathrooms will be needed.

Fire Safety

Fire safety is one of the categories, especially in recent years, that is an area of particular focus from the Council. Firstly, ensure that there is a fire blanket mounted in a visible and accessible place in the kitchen – fire extinguishers are discouraged as firefighting should be left to the professionals.

Fire doors are an area that you will likely have to look at, particularly if converting an older house into an HMO. Doors to living spaces such as kitchen,

living room and bedrooms should all be 30-minute fire doors (FD30) and kitchen and living room doors should have both heat and smoke seal (bedrooms need heat seals only). All doors should swing closed and shut and this is something that tenants should be made aware of to avoid them stopping these doors open.

External doors should be able to be opened internally without use of a key (normally with a thumbturn lock) to ensure they can be used in an emergency if a key is not to hand. If you are providing internal door locks, these should also follow this rule.

Fire alarm systems are dependent on the size of your HMO, but a standard grade D fire alarm system is adequate in most HMOs. There should be a heat alarm in the kitchen, interlinked smoke detectors on each floor and in the living area. If you have smoke seals on bedrooms doors, the bedrooms also need alarms.

Safety checks

HMOs require thorough safety check to be performed at the property. The usual lettings compliance must be carried out and certificates obtained (full table below) but in addition to this, you must also provide annual Portable Appliance Tests (PAT). These test any non-integrated electrical items such as fridge/freezer, washing machines, microwaves. You also must carry out an annual fire safety risk assessment - this can be done by a responsible person, not necessarily requiring a professional.

Required	Optional
Gas Safety Certificate (if applicable)	Legionella water test
Electrical Safety Certificate	HHSRS inspection
Energy Performance Certificate	Fire safety inspection
Smoke/CO Alarms tested	
Legionella risk assessment	
PAT test	
Fire risk assessment	

Tenancy agreements

How you choose to set up your tenancy dictates whether you are going to use a joint tenancy agreement or room by room tenancy agreements. The difference between these dictates your involvement in the property.

Joint tenants

If you have an empty HMO property and are looking to let the property **as a whole** to a group of tenants, you will want to have a joint tenancy in place. This means that the tenants rent the whole house and are **jointly and severally liable** for the entire rent of the property. If one of the tenants does not pay, you are able to pursue the other tenants for the rent with this agreement. You also are giving them the right to quiet enjoyment of the whole house. The plus side is that you are also not required to provide cleaning services for the communal areas.

Using a joint tenancy means that you are more restricted with tenant changeovers. To change a tenant during the tenancy, all tenants will have to re-sign the agreement with the new tenant. You are more likely to have to find a new group at the end of their period.

Room by room

Finding one person to move into a room is much easier than finding a group so when one tenant wants to leave they can easily be replaced with another. You will be responsible for maintaining communal areas in these properties and so periodic cleans are required. You will also have to manage the bills for the property and incorporate this into the price of each room. The risk in room by room lets is predominantly in workload. You are likely to have to change tenants much more frequently and have multiple tenancy agreements within each property. There is a higher likelihood of tenant disagreements on as they do not choose who they live with which may increase issues within the tenancy for you to deal with.

Choosing which agreement to go with comes down to personal preference. It may well be easier to use a joint agreement in smaller properties as groups of 4/5 will be more common than larger groups, but if you have a larger property you will want to consider room by room.

Bright Properties are an ARLA registered letting agent based in Oxford providing personalised property management services to landlords across Oxford and the surrounding area. We aim to raise the bar for property standards across the city. Being landlords ourselves, we understand the importance of diligent property management and deliver the same high standards for your properties as we do for our own.

This guide is intended to be informative. Any advice taken from this document should be followed up with a consultation with a relevant property

**Cranbrook House, 287-291 Banbury
Road, Oxford, OX2 7JQ**

**Email:
contactus@brightproperties.co.uk**