



House in Multiple Occupation or Self-Contained Flats?
Licencing, Planning and Building Control considerations.
Guidance Note April 2025

What is a House in Multiple Occupation (HMO)?

A property is considered an HMO under the Housing Act 2004 if it is occupied by persons who do not form a single household, and at least two or more of the households share one or more basic facilities, such as personal washing, WC, or cooking facilities. Buildings converted into self-contained flats that do not comply with Building Regulations typically fall under the HMO definition; however, they usually do not require an HMO license.

What do we class as self-contained flats?

Under the Housing Act 2004, a self-contained flat is defined as a unit of accommodation that:

1. Has access to all three basic amenities (personal washing, WC, and cooking facilities);
2. These amenities are available for the exclusive use of the occupier;
3. The amenities can be accessed without passing through communal areas of the accommodation.

In such cases, the accommodation is not normally considered to be an HMO unless the conversion does not comply with the Building Regulations of 1991 or any subsequent regulations.

The presence of additional shared facilities, such as a shared kitchen or laundry room, does not affect the classification of a unit with its own exclusive facilities as a self-contained flat.

Barnsley Council will consider kitchen units in small flats to constitute complete kitchen facilities for exclusive use if they meet the following minimum criteria:

- One kitchen storage cupboard
- One sink/drain
- One worktop
- Sufficient electrical sockets to enable the occupier to plug in a cooking appliance and refrigerator.

The above definition of self-contained flats is also subject to planning permission.

When does an HMO require a license?

Mandatory licensing requirements apply if the property is occupied by five or more people from two or more households.

Self-contained flats, whether converted in accordance with Building Regulations or not, are excluded from the mandatory HMO licensing requirement. An exception exists for large single flats occupied as HMOs in their own right, i.e., by five or more persons from two or more households.

When do I need Planning Permission?

On 14 May 2020, the Council issued an Article 4 Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, effective from 24 June 2021. This direction prohibits the change of use from a dwelling house (Class C3) to an HMO (Class C4) as permitted development. If you wish to change the use of a residential property to an HMO, you will require Planning Permission. For further details, please consult the HMO Borough-wide Article 4 Direction or visit our planning webpage.

Planning Permission is also required if you intend to occupy a property with more than six persons not forming a family unit, or for any properties to be converted into self-contained flats. We recommend consulting with Barnsley Metropolitan Borough Council's Planning Team to ensure you have the necessary permissions or change of use for an HMO or flats. For assistance regarding planning and building control issues, please contact 01226 773555.

If, after consulting with the planning team, you are informed that planning permission is not required for your development, it is still advisable to consult with the Safer Neighbourhoods Team. There may be requirements imposed on the development by HMO standards and by Part 1 of the Housing Act 2004 concerning sound transmission through the altered structure. Pre-development consultation could save time and money for the developer, avoiding costly retrospective building work. For further information, please contact the Safer Neighbourhood Services at 01226 773555.

To see a copy of the HMO standards, please follow the link.

When do I need to apply for Building Regulation Approval?

Building Regulation Approval is required for all HMOs and conversions to flats, and a Building Regulation Application should be submitted.

If any of the converted units contain kitchen facilities or cooking appliances, in addition to full bathing facilities, WC, etc., the conversion will be treated as an independent flat/apartment. This will have implications regarding applicable regulations (e.g., fire resistance, sound testing, EPCs, Part P Electrical certificate, and drainage).

For further information and to discuss your planned project, please contact Building Control at 01226 773555.