

Houses in Multiple Occupation

Planning Permission and Certificates of Lawfulness



When completing your licence application for HMO you will be asked if planning permission has been obtained or is required.

Not every HMO requires planning permission as this depends on the property type and the number of people living in the property. We have outlined below in 'planning terms' when an application would be required.

Planning Permission

Full Planning Permission for Change of use from residential to HMO use will only be required where certain thresholds are exceeded. In the case of a house this can be up to a maximum of 5 unrelated people. For a flatted property the threshold is a maximum of 2 unrelated people. Details of the definition of unrelated people can be found on the [HMO Licensing Guide](#)

Certificate of Lawfulness

If the property is already in HMO use and you are renewing your Licence but do not have the relevant planning permission you may be able to apply for a Certificate of Lawfulness (Existing Use). You will need to provide evidence that the property has been used as a HMO for the past 10 years.

The evidence must confirm that the use is equivalent to an HMO, i.e. that it has been let to 3 or more people if a flat or 6 or more if a house for a continuous 10 year period. Copies of rental agreements, or rental receipts/invoices etc will require to be submitted in support of your application.

How to Apply

Applications for Planning Permission for Change of Use and Certificates of Lawfulness can be made online at eplanning.scotland.gov.uk. Forms can also be downloaded from this site.

To validate your application the following information will be required.

- Completed application form stating the maximum number of persons the use is for
- Location Plan to a scale of not less than 1:2500 with the site boundary outlined in RED
- Existing/Proposed Floor Plans of the property
- Application fee of £401.
- Evidence for Certificates of Lawfulness applications

HMO Applications within the Central St Andrews Conservation Area

On 8 June 2011, North East Fife Area Committee agreed to adopt Supplementary Planning Guidance (SPG) in relation to Houses in Multiple Occupation (HMOs) in the Central St. Andrews Conservation Area. The decision followed a public consultation process held in February 2011 and the SPG is now a material consideration in determining planning applications for HMOs in the central St Andrews Conservation Area.

In March 2014 Fife Council, after considering the following 2 reports have agreed to continue the moratorium on new applications in the centre of St Andrews until 2016. As of March 2016 this moratorium was extended until June 2017. The moratorium remains in place until the current review of HMO licensing and subsequent HMO Supplementary Planning Guidance has concluded.

- the Centre of Housing Research on behalf of the University of St Andrews and Fife Council
- St Andrews Town Commission on Housing on behalf of local community organisations

You are advised to read the guidance prior to submitting your application

Licensing Process

Further detailed information on the licence process can be found on Fife Direct at [HMO Matters](#) Telephone 01592 583162

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