



Wigan Council Boroughwide Article 4 Direction – Frequently Asked Questions (FAQs)

1) What is an Article 4 Direction

An Article 4 Direction is a direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 which enables local planning authorities to withdraw specified Permitted Development rights in a defined area meaning that planning permission is required for those works.

2) Why has Wigan Council made a Boroughwide Article 4 Direction?

On the 3rd July 2025, Wigan Council's Cabinet considered a report on making an Article 4 Direction on a Boroughwide basis and subsequently authorised the making of a Non-Immediate Article 4 Direction to remove permitted development rights for the change of use from Use Class C3 (dwelling) to Use Class C4 (small houses in multiple occupation) on a Boroughwide basis. A Non-Immediate Direction means it can only come into force after a period of public consultation.

The report can be found [here](#) which has the key points contained within it.

During its discussions, Cabinet highlighted that:

- Difficulties were being experienced within the Borough in relation to poorly managed HMOs;
- The decision to implement an Article 4 direction across the Borough would be a bold decision and not one to be taken lightly, and only after having considered the relevant evidence and data.
- Wigan Council had listened to its residents, Councillors and communities; and
- The Direction would allow the Council to more effectively manage and have greater control over HMOs, whilst also improving standards and safety.

Ultimately, this means that **all** HMOs, regardless of size, will need planning permission in Wigan Borough. Note licensing requirements for HMOs are subject to separate requirements.

3) When is Wigan Council going to introduce a Boroughwide Article 4 Direction?

The Council must now consult on its proposal to introduce the Article 4 Direction. Notice of the making of the Direction has to be given in several formats, including by way of a press notice.

This consultation will therefore be undertaken between Tuesday 22nd July and Tuesday 12th August 2025.

Once the consultation period has finished, the Council will consider any comments that have been made, and a decision will be taken whether to confirm that the Article 4 Direction will be introduced.

The Direction, if confirmed, would come in to force on 31st August 2025

4) How can I comment on these proposals?

The Council will invite representations on the Non-immediate Article 4 Direction proposals from between Tuesday 22nd July and Tuesday 12th August 2025.

A copy of the Article 4 (1) Direction and a plan showing the area to which it relates may be inspected during normal business hours at the Town Hall, Library Street, Wigan, WN1 1YN, between the dates 22nd July 2025 and 12th August 2025, by contacting the Legal Services Admin Section on 01942 827030 or by email to legalandrisk@wigan.gov.uk

Alternatively, a copy of the Article 4 Direction, including the plan showing the area to which it relates, can be viewed online:

<https://www.wigan.gov.uk/Council/Strategies-Plans-and-Policies/Planning/Article-4-direction.aspx>

A copy of the Article 4 Direction can also be requested and representations made directly to the local planning authority via emailing Housingdevelopment@wigan.gov.uk between the dates 22nd July 2025 and 12th August 2025.

5) Is there an existing Article 4 Direction that also deals with HMOs within Wigan Borough?

Yes - On 20th January 2020 an Article 4 Direction that removed permitted development rights for changes of use from individual dwellinghouses to small houses in multiple occupation (HMOs) came into force in the areas

of Swinley and central Leigh. The Direction can be viewed on the Council Website - [Article 4 direction](#).

The new Boroughwide Direction would replace the existing Direction for Swinley and central Leigh.

6) Would the Boroughwide Article 4 Direction mean that I will not be able to carry out a conversion to a small HMO?

No – The Article 4 Direction would not prevent the development to which it applies from taking place, nor mean that any subsequent planning application for such development would be automatically refused.

It does, however, give the local planning authority an opportunity to consider a proposal in more detail and apply local planning policies to the determination of the application.

7) Does this mean I would need to apply for planning permission for my existing small HMO that is already operational?

No – An Article 4 Direction does not apply retrospectively, so any development undertaken before it came into force is not affected.

Therefore, if the authorised use of a property as an HMO has commenced before the date the Article 4 direction comes into force, an application for planning permission would not be needed.

Owners of small HMOs created prior to the introduction of the Article 4 Direction could apply for a Certificate of Lawful Development to confirm that the HMO use is lawful and does not require planning permission.

8) What if I am currently in the process of creating a small HMO under existing permitted development rights?

If you are currently creating an HMO using existing permitted development rights, then on the 31st August those rights will be removed.

Therefore, if the authorised use of a property as an HMO has not commenced before the date the Article 4 Direction comes into force, an application for planning permission will be needed for a small HMO.

9) What happens if I carry out development without planning permission?

Unauthorised development may lead to enforcement action, including the requirement to reverse the changes made.

10) What do I need to know about Licensing and Current HMO Policies in Wigan Borough?

HMO licensing and planning status are independent of each other; however, you should check the guidance to ensure compliance.

The existing Wigan Council Supplementary Planning Document on HMOs was adopted by the Council in March 2022 following public consultation and provides planning guidance specific to HMOs - [Houses in Multiple Occupation SPD](#)

- **HMO management regulations and licensing**

- HMOs must comply with statutory regulations on management and all properties that are occupied by five or more people, from two or more households and sharing an amenity are subject to mandatory HMO licensing.
- Licensed HMOs also require the licence holder to comply with all conditions imposed by the licence
- Further info is available at: [House in multiple occupation \(HMO\) licence](#)

- **Wigan Council HMO standards:**

HMOs should also adhere to the Council's HMO standards ([HMO Guidance, Space & Amenity Standards](#)). These standards are based on legislative requirements and relevant guidance, as well as the Council's expectations of all HMOs.

The HMO standards detail the Council's requirements in relation to the below:

- Natural and artificial lighting
- Ventilation
- Heating
- Water supply
- Bathrooms
- shower rooms and sanitary conveniences
- Refuse
- Kitchen facilities
- Management of Anti-social behaviour

- Space standards
- Amenity standards

Information is also provided on:

- fire precautionary measures
- gas, electrical, fire, furniture safety.

HMOs must also be free of significant hazards under the Housing Health and Safety Rating System (HHSRS).

11) What if I am impacted by this Article 4 Direction?

If you feel you are impacted by this Direction, then you should seek your own independent legal advice.

If you partake in the public consultation, the Council will consider any issues that you raise.