

For planning purposes, Houses in Multiple Occupation (HMOs) fall in to two categories.

- *Small HMOs that accommodate between 3 and 6 people (C4 use class), or;*
- *Large HMOs that accommodate 7 or more people (Sui Generis use class).*

These categories are defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). Within this Order, C4 HMOs have the same meaning as that given in the Housing Act 2004. Schedule 14 of this Act identifies buildings **which are not considered to be HMOs**. This includes the following;

- **A building which is social housing or where the person managing or having control of it is a profit-making registered provider of social housing.**
- **A building where the person managing or having control of it is -**
 - *A local authority*
 - *Health service body*
 - *A non-profit registered provider of social housing*
 - *Police and crime commissioner and the Mayor's Office for Policing and Crime*
 - *Fire and rescue authority*
- **A building controlled or managed by a co-operative society where no person who occupies premises in the building does so by virtue of an assured tenancy, a secure tenancy or a protected tenancy (See link below for further conditions).**
- **Buildings regulated otherwise than under the Housing Act 2004**
 - *Any building whose occupation is regulated otherwise than by or under the Housing Act and which is of a description specified in regulations made by the appropriate national authority.*
- **Buildings Occupied by Students**
 - *A building which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description, and where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description (See link below for further conditions).*
- **Buildings occupied by religious communities**
 - *A building occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering (See*

link below for further conditions).

- **Any building which is occupied only by**
 - *one or more persons who have either the freehold estate or a leasehold interest granted for a term of more than 21 years;*
 - *any member of the household of such a person. (See link below for further conditions).*

- **Any building which is occupied only by two persons who form two households.**

For further information and conditions on the above list of properties excluded from the definition of HMO and the circumstances in which they can be considered to be exempt, please refer to Section 254 and Schedule 14 of the Housing Act 2004, using the following links.

(Schedule 14) [Housing Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2004/31/schedule/14)

(Section 254) [Housing Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2004/31/section/254)