

SCHEDULES

SCHEDULE 2

Applications for HMO licences: requirements and procedure

REFUSAL OF APPLICATION: BREACH OF PLANNING CONTROL

5. Paragraphs 6 and 7 apply where the council is not satisfied that the occupation of the living accommodation as an HMO would not constitute a breach of planning control (within the meaning given by section 131 of the Planning Act (Northern Ireland) 2011).

6.—(1) The council must serve on the applicant a notice which—

- (a) states that the council has decided to refuse the application,
- (b) sets out the reason for the decision, and
- (c) sets out the effect of paragraph 7.

(2) The notice must be served on the applicant before the end of the period of 28 days beginning with the day on which the application is made.

(3) The council must send a copy of the notice to the statutory authorities.

7.—(1) This paragraph applies if, after the council has refused an application under paragraph 6, the applicant obtains—

- (a) planning permission under Part 3 of the Planning Act (Northern Ireland) 2011, or
- (b) a certificate of lawfulness of use or development under section 169 or 170 of that Act,

in respect of the occupation of the living accommodation as an HMO.

(2) If—

- (a) the applicant makes a further application for an HMO licence in respect of the living accommodation, and
- (b) does so before the end of the period of 28 days beginning with the date on which the applicant obtains the permission or certificate,

no fee may be charged in respect of that application.