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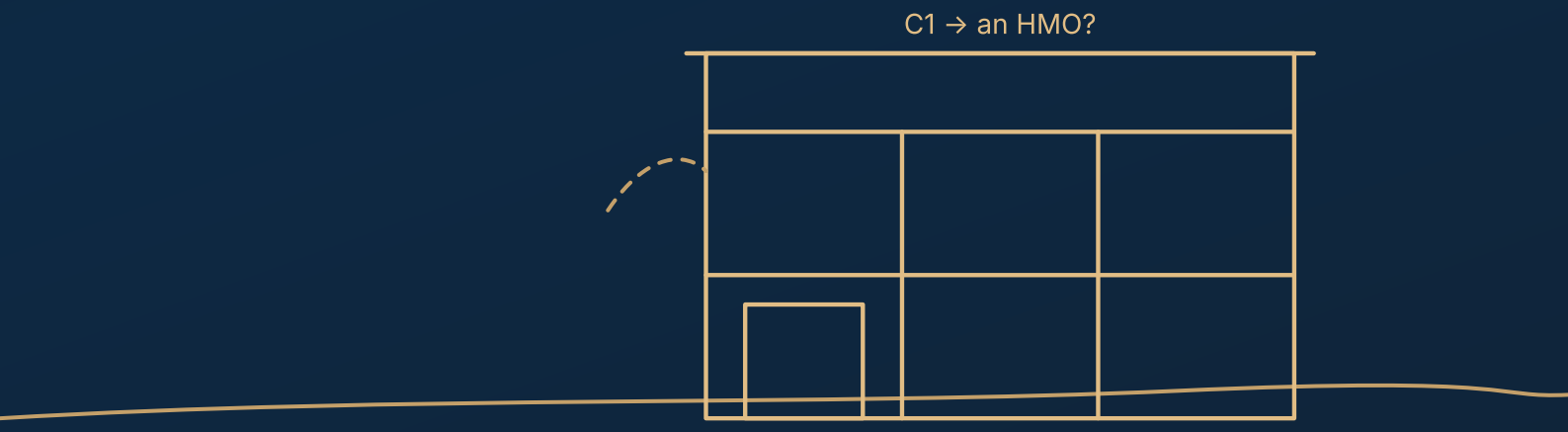
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# Change of Use, Including an HMO

## Use classes, permitted changes, houses in multiple occupation and short-term lets

When a new use for a building needs planning permission in Northern Ireland, how the Planning (Use Classes) Order (Northern Ireland) 2015 works, and how planning permission and HMO licensing fit together under the Houses in Multiple Occupation Act (Northern Ireland) 2016.




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INTRODUCTION

# When does a new use need permission?

Section 23 of the Planning Act (Northern Ireland) 2011 defines development to include **"the making of any material change in the use of any buildings or other land"**. A material change of use needs planning permission unless it is excluded or granted by a development order.

**1**
### Same use class?
A change within the same class of the Use Classes Order is not development (article 3(1)).

**2**
### Permitted change?
Part 4 of the GPDO allows some changes between classes without an application.

**3**
### Otherwise
If the change is material, apply for planning permission, or a Certificate of Lawfulness if it is already lawful.

## In this guide

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02 Houses in multiple occupation: planning and licensing 4
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**"MATERIAL" IS A MATTER OF FACT AND DEGREE**

Whether a change is material depends on the character of the use before and after: its intensity, traffic, noise, parking and effect on the area. Where the answer is unclear, a Certificate of Lawfulness of Proposed Use or Development (section 170 of the 2011 Act) gives a formal answer from the council.


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KEY RULES · USE CLASSES

# Use classes and permitted changes

| Class (UCO 2015 Schedule) | Examples |
|---|---|
| **A1** Shops | Retail (not hot food), post office, travel agency, hairdressing, hire of domestic goods. |
| **A2** Financial, professional and other services | Services appropriate in a shopping area, provided principally to visiting members of the public. |
| **B1** Business · **B2** Light industrial · **B3** General industrial · **B4** Storage or distribution | Offices (other than A2), call centres, research and development; industrial processes; storage. |
| **C1** Dwellinghouses | A single person or people living together as a family, or up to 6 residents living as a single household where care is provided. |
| **C2** Guest houses · **C3** Residential institutions · **C4** Secure residential institutions | Guest houses and hostels without significant care; care homes, hospitals, residential schools; prisons and similar. |
| **D1** Community and cultural · **D2** Assembly and leisure | Clinics, crèches, day nurseries, education, museums, libraries; cinemas, concert halls, bingo halls. |

**Outside any class ("sui generis")**, so any change to or from them generally needs permission (article 3(4)): **a house in multiple occupation**, hotels, hot food takeaways and restaurants, betting offices, amusement arcades, taxi and vehicle hire businesses, car sales, petrol filling stations, gyms and indoor or outdoor sports, places of worship, and others.

## Permitted changes (GPDO Part 4)

| Class | Change allowed without an application |
|---|---|
| A | From a betting office, or from food and drink use (on or off the premises), to A1 or A2. |
| B | Between B2, B3 and B4 in specified directions (B4 changes limited to 235 m² of floor space). |
| C | From A2 to A1, where the building has a ground-floor display window. |
| D | From C2 (guest house) or C3 (residential institution) to C1 (dwellinghouse). |
| E and F | To and from a mixed A1 or A2 use with a single flat above, subject to conditions. |

Statutory fee for a material change of use (from 1 April 2025): **£842** for the first dwellinghouse and £307 for each additional one, or **£307 per 75 m²** of floor space for other changes, each up to £15,350 (Schedule 1, category 12). **Check the current fee** before applying.


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KEY RULES · HMOS

# An HMO: planning permission and licensing

An HMO needs two separate things: **planning permission** (or a lawful planning position, such as a section 169 certificate) from the council's planning service, and an **HMO licence** under the Houses in Multiple Occupation Act (Northern Ireland) 2016. A licence is not a substitute for planning permission.

### Planning

The Use Classes Order places an HMO outside every class (article 3(4)(f)), so it is a **sui generis** use. There is no equivalent of England's Use Class C4 (in Northern Ireland, Class C4 is secure residential institutions), and the GPDO does not permit a change from a Class C1 dwellinghouse to an HMO.

**Converting a house into an HMO therefore needs planning permission throughout Northern Ireland, including for a small HMO.** A property occupied by fewer than three people, or by people who do not form more than two households, may not be an HMO at all.

### Licensing

Under section 1 of the 2016 Act, accommodation is an HMO if it is occupied by **3 or more people** as their only or main residence, forming **more than two households**, with rent or other consideration payable. Every HMO must be licensed, and the licence is issued by the council for the district where the HMO is situated (s.7).

GOV.UK states that licence applications are made online through Belfast City Council, even if the property is in a different council area. Belfast City Council's guidance states that a new HMO application will not be processed without planning permission and Building Control approval.

### The link between the two

Section 8(2) of the 2016 Act says the council may grant a licence only if it is satisfied that occupation as an HMO **would not be a breach of planning control**, and that the licence would not result in **overprovision** of HMOs in the locality, among other tests. Planning comes first.

#### THE DEFINITION USED FOR PLANNING

The Use Classes Order still defines an HMO by reference to Article 75 of the Housing (NI) Order 1992. Article 75 was repealed on 1 April 2019, and the 2016 Act did not consequentially amend the Use Classes Order. In practice, councils and adopted Plan Strategies (including Belfast HOU10 and Derry City and Strabane HOU 13) apply the definition in section 1 of the 2016 Act. Planning permission and HMO licensing remain separate regimes, even if the definitions now align in practice.


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KEY RULES · COUNCIL HMO POLICIES

# Council HMO policies

Where a council has adopted its Plan Strategy, its own HMO policies decide whether planning permission is granted. The two councils with detailed HMO policies are Belfast and Derry City and Strabane.

| Council | Position as of November 2026 |
|---|---|
| **Belfast**<br>Policy HOU10, Housing management areas | Within designated Housing Management Areas (HMAs), HMOs and flats combined should not exceed **20%** of dwelling units in the area. Elsewhere, HMOs should not exceed **10%** of dwelling units on the road or street; where the street is longer than 600 metres, the 10% is calculated on dwelling units within 300 metres either side of the proposal. Until the Local Policies Plan is adopted, the HMAs are the HMO policy areas in designation HMO 2 of the HMOs Subject Plan for the Belfast City Council Area 2015. |
| **Belfast**<br>Policy HOU11, Intensive housing nodes | Within designated intensive housing nodes, planning permission will be granted for HMOs and flats or apartments, subject to other policy requirements. These nodes are excluded from the HOU10 10% cap. Until the Local Policies Plan is adopted, HOU11 is applied to the HMO Nodes in designation HMO 4 of the HMOs Subject Plan 2015. |
| **Derry City and Strabane**<br>Policies HOU 13 and HOU 14 | The adopted Plan Strategy still applies. Policy HOU 13 allows HMOs only where they would not exceed **30%** of dwelling units in a designated HMO Management Area, or **10%** of dwelling units on the road or street outside those areas, so further HMOs are not permitted where the cap is already exceeded. Policy HOU 14 sets standards for HMO development. The council is preparing a revision of HOU 13 (the preferred options consultation closed on 30 September 2026, and a draft revised policy was being prepared for consultation). Until a revision is adopted, the adopted policies apply. |
| **Other councils** | Check the council's adopted Plan Strategy or, where none is adopted, the area plan and regional policy. In every council area, converting a house into an HMO needs planning permission. |

### Short-term lets

Belfast Plan Strategy Policy HOU13 covers short-term let accommodation, and the council's consultation on draft supplementary planning guidance runs until 16 November 2026. Elsewhere, ask the council how it treats short-term letting of a house.


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PRACTICAL CHECKLIST

# Before you change the use

- [ ] Current lawful use and its use class identified
- [ ] Planning history and conditions checked on the register
- [ ] Proposed use class (or sui generis) identified
- [ ] GPDO Part 4 permitted changes considered
- [ ] Council's Plan Strategy or area plan policy checked
- [ ] For an HMO: number of occupants and households confirmed
- [ ] For an HMO: local concentration and overprovision considered
- [ ] Parking, bin storage, noise and amenity addressed
- [ ] Building Control and fire safety requirements checked
- [ ] Licensing, environmental health or other consents identified
- [ ] CLUD considered where a use is long-established
- [ ] Lease and title restrictions checked with your solicitor

## Common pitfalls

- ✕ **Buying with an HMO in mind before checking planning.** A licence can be refused for a breach of planning control or for overprovision, so check planning first.
- ✕ **Assuming a small HMO needs no permission.** There is no permitted change from a house to an HMO in Northern Ireland, whatever the number of occupants, so planning permission is needed before a licence can be granted.
- ✕ **Assuming "it has always been let".** A long-standing use may be lawful, but you need evidence. A Certificate of Lawfulness of Existing Use or Development (section 169) gives formal confirmation.
- ✕ **Takeaways and cafés.** Hot food and restaurant uses are outside the classes; opening one in a shop needs permission.
- ✕ **Mixed uses.** Adding a flat or a business use to a building can itself be a material change.
- ✕ **Leaving Building Control and fire safety to the end.** Belfast City Council's HMO guidance states that new HMOs need Building Control approval as well as planning permission before a licence application is processed.


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HOW WE HELP

# Getting the use right first time

Change of use cases depend on the lawful starting point and on the council's local policy. We establish both before you commit.

1. **Use and history review.** We identify the lawful use, any conditions and the use class position for the new use.
2. **Policy check.** We check the council's Plan Strategy or area plan, HMO thresholds and any local guidance.
3. **Application or certificate.** We prepare the planning application, or a Certificate of Lawfulness where the use is already lawful.
4. **Coordination.** We help you line up planning with licensing, Building Control and other consents.

PO

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## Considering a change of use or an HMO?

Send us the address, the current use and what you would like to do, and we will set out whether permission is needed and what the council is likely to look at.

**Request a site-specific assessment → niplanningpermission.co.uk/contact-us**

Or call 028 9591 6888 · info@niplanningpermission.co.uk · Monday to Friday, 9am to 5pm

CONTACT NI PLANNING PERMISSION

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**Important:** This guide is general guidance on the planning system in Northern Ireland. It is not legal advice and does not replace advice on your own site. Planning law, policy and fees change; the content is believed correct at the date of publication (November 2026), and you should check the current position with the relevant council before relying on it. No outcome can be guaranteed: every application is decided by the council on its own merits.

SOURCES

# Official sources used

All sources were checked in November 2026.

- **Planning Act (NI) 2011, s.23 (meaning of development)**
  https://www.legislation.gov.uk/nia/2011/25/section/23
- **Planning Act (NI) 2011, s.169 (certificate of lawfulness of existing use or development)**
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- **Planning Act (NI) 2011, s.170 (certificate of lawfulness of proposed use or development)**
  https://www.legislation.gov.uk/nia/2011/25/section/170
- **Planning (Use Classes) Order (NI) 2015, Schedule**
  https://www.legislation.gov.uk/nisr/2015/40/schedule
- **Planning (Use Classes) Order (NI) 2015, article 3**
  https://www.legislation.gov.uk/nisr/2015/40/article/3
- **Planning (Use Classes) Order (NI) 2015, article 2 (definition of HMO)**
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- **Housing (NI) Order 1992, art. 75 (repealed 1 April 2019)**
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- **Houses in Multiple Occupation Act (NI) 2016, Schedule 8 (repeals)**
  https://www.legislation.gov.uk/nia/2016/22/schedule/8
- **GPDO (NI) 2015, Schedule Part 4 (changes of use)**
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- **Houses in Multiple Occupation Act (NI) 2016, s.1 (meaning of HMO)**
  https://www.legislation.gov.uk/nia/2016/22/section/1
- **Houses in Multiple Occupation Act (NI) 2016, s.7 (licensing requirement)**
  https://www.legislation.gov.uk/nia/2016/22/section/7
- **Houses in Multiple Occupation Act (NI) 2016, s.8 (licence applications)**
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- **Houses in Multiple Occupation Act (NI) 2016, s.9 (breach of planning control)**
  https://www.legislation.gov.uk/nia/2016/22/section/9
- **GOV.UK: House in multiple occupation licence (Northern Ireland)**
  https://www.gov.uk/house-in-multiple-occupation-northern-ireland
- **Belfast City Council: Applying for an HMO licence (planning requirement)**
  https://www.belfastcity.gov.uk/community/houses-in-multiple-occupation/applying-for-a-hmo-licence
- **Belfast LDP Plan Strategy 2035 (Adopted May 2023)**
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- **Belfast City Council: Local Development Plan**
  https://www.belfastcity.gov.uk/LDP
- **Derry City and Strabane DC: Local Development Plan (incl. HMO policy revision)**
  https://www.derrystrabane.com/subsites/ldp
- **Derry City and Strabane DC: LDP 2032 Plan Strategy (Policies HOU 13 and HOU 14)**
  https://www.derrystrabane.com/subsites/ldp
- **Planning (Fees) (Amendment) Regulations (NI) 2025, S.R. 2025 No. 49 (in operation 1 April 2025)**
  https://www.legislation.gov.uk/nisr/2025/49/pdfs/nisr_20250049_en.pdf
- **Planning (Fees) Regulations (NI) 2015, Schedule 1 (fee scales)**
  https://www.legislation.gov.uk/nisr/2015/73/schedule/1
- **NI Planning Portal: public planning register**
  https://planningregister.planningsystemni.gov.uk/


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