

**Primary Authority Partnership**

**Warwickshire County Council Trading Standards**

Old Budbrooke Road, Warwick, CV35 7DP

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**Propertymark**

Arbon House, 6 Tournament Court, Edgehill Drive, Warwick, CV34 6LG

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**The Property Ombudsman**

Milford House, 43 - 55 Milford Street, Salisbury, Wiltshire, SP1 2BP

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Primary Authority Advice Reference WTS/PM/TPO/32

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This Primary Authority Advice has been produced by Warwickshire County Council Trading Standards Service, in partnership with The Property Ombudsman and Propertymark, for use by member businesses as an aid to complying with the law. If you follow this advice correctly, your local Trading Standards Service should respect this and not ask you to comply with the law in a different way. If you are contacted by a local authority enforcement body, please inform them that you are a member of the scheme.

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**Advice requested:**

When accommodation in a house in multiple occupation (“HMO”) is advertised in anticipation of the necessary planning permission and/or licence being granted before tenants move in, must this fact be disclosed in advertising material?

**Legislation considered:**

Consumer Protection from Unfair Trading Regulations 2008 (as amended) (“CPRs”)

**Other Material considered:**

National Trading Standards Estate and Letting Agency Team Guidance on Property Sales and Lettings, September 2015, Reviewed August 2020 (“*NTS Guidance*”)

TPO Code of Practice for Residential Letting Agents [1<sup>st</sup> June 2019]

The UK Code of Non-broadcast Advertising and Direct & Promotional Marketing, Edition 12

**Assured Advice Issued:**

Student accommodation is often in HMOs, and advertising for the academic year can begin as early as November the previous year. Sometimes the necessary planning permission and HMO Licence have been applied for, but not yet granted.

There is no legal barrier to this, but if the planning or licensing application, or appeal on either of these, is lost, then the building concerned cannot be let as an HMO. If this happens before any tenants move in, then those tenants may have nowhere to live – potentially very close to when their courses start.

In our opinion, the fact that advertised accommodation is subject to planning permission (etc) would constitute material information, the omission of which may cause an average consumer to take a transactional decision which they may not otherwise have taken. We would therefore advise that this should be mentioned in advertising material.

**Date Advice is Effective from (issue date):** 09 01 2019

**Last Review Date:** 04 03 2021

**Next Review Date:** 03 03 2022

**Primary Authority:** Warwickshire County Council Trading Standards Service

**Co-ordinators:** The Property Ombudsman and Propertymark

**Supporting Regulator:** Not applicable

**For Publication on the Primary Authority Register:** Yes

**Geographic Applicability:** This advice applies throughout the United Kingdom.

**Scope:** This advice is applicable to all member businesses.

**How to obtain up to date copies of this advice:** Current copies of this advice may be obtained via the member organisations' websites:

[www.tpos.co.uk/members/assured-advice/assured-advice-information](http://www.tpos.co.uk/members/assured-advice/assured-advice-information)

and

[www.propertymark.co.uk/working-in-the-industry/primary-authority-advice/](http://www.propertymark.co.uk/working-in-the-industry/primary-authority-advice/).