

Research Briefing

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By Melanie Gower

# Asylum accommodation: hotels, vessels and large-scale sites



## Summary

- 1 Capacity pressures in the asylum accommodation estate
- 2 Hotel accommodation
- 3 Increasing dispersal accommodation
- 4 Opening large-scale accommodation sites
- 5 Planning considerations and legal challenges

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## Summary

### A lack of bedspaces has led to hotels being used as asylum accommodation

Insufficient bedspaces across the asylum accommodation estate has required greater use of contingency asylum accommodation over the past few years. This has mostly been provided as rooms in hotels leased by the Home Office and its suppliers. Contingency accommodation must be procured because the Home Office has statutory responsibilities to provide for the essential living needs of all destitute asylum seekers.

Pressures on the availability of asylum accommodation have largely been caused by changing patterns of people entering and leaving the asylum system. Recent governments have attributed this to the impacts of the Covid-19 pandemic and the increase in small boat crossings since late 2018. Increases in the length of time taken to decide cases also means people have been staying in asylum accommodation for longer.

Using contingency hotel accommodation has had a major effect on the asylum support budget. The Home Office [spent around £3.6 billion](#) on asylum support costs in 2022/23, nearly double spending in 2021/22. About £2.28 billion was spent on hotel accommodation in the last financial year.

Contingency hotels have been more widely used and for much longer than originally anticipated. Around 47,500 people (42% of people in receipt of asylum support) were in hotel accommodation at the end of March 2023. This compares to around 9,500 asylum seekers in hotels in October 2020.

### The Home Office is trying to increase accommodation supply and reduce the asylum caseload

Ending reliance on contingency hotel accommodation has been a priority for successive governments since 2020. Their efforts have focussed on increasing the supply of mainstream asylum accommodation, identifying suitable sites for new large-scale accommodation facilities, and implementing broader reforms to the asylum system.



Rishi Sunak's government has continued with this approach. [Recent actions](#) to add bedspaces include:

- Maximising capacity by requiring asylum seekers to share hotel rooms.
- Trying to increase the supply of accommodation, by requiring all local authorities to participate in the asylum dispersal scheme and increasing their funding, and easing some licensing requirements.
- Developing new large-scale accommodation facilities on land and in moored vessels. These will provide basic accommodation and are intended to have a deterrent effect.

The government is also making policy and legislative changes to deter irregular migration and clear the backlog of undecided asylum claims, such as through the Illegal Migration Bill and the introduction of a streamlined asylum process for certain nationalities.

## How much progress has it made?

There have been criticisms that recent measures focus on adding accommodation capacity rather than reducing use of hotels. Ministers have not publicly expressed a specific timeframe for ending hotel accommodation.

An average of 48 additional dispersal beds became available each week between April 2022 and April 2023. The Home Office's target is to procure 350 new beds each week. But even if it meets its targets for new bedspaces and the number of asylum decisions, it would still need to use hotel accommodation.

So far, the Home Office has procured three accommodation vessels (one of which will be moored at Portland Port) and identified four land-based sites for possible use as asylum accommodation (RAF Scampton, MoD Wethersfield, Catterick Garrison, and Northeys facility in Bexhill). Collectively, these could provide at least 6,400 extra bedspaces. All the sites have generated significant local opposition and several have been subject to legal challenges, which have affected the anticipated timeframes for bringing them into use. The Bibby Stockholm barge at Portland is expected to be the first to open.

[HM Chief Inspector of Prisons](#) and the [Independent Chief Inspector of Borders and Immigration](#) have both warned that accommodation pressures are likely to further intensify if greater numbers of people arrive in small boats over the summer as expected. They have warned of a risk that a lack of onward accommodation could contribute to overcrowding in the short-term holding facilities at Manston.

## Legal challenges to use of hotels and government-owned military sites

Some local authorities have sought court injunctions from the High Court to prevent accommodation providers from using hotels to house asylum seekers. They have done so on planning grounds.

Planning permission from the local planning authority is [usually needed to 'materially' change the use](#) of a building or land. The local authorities argued that using hotels to house asylum seekers was a 'material change of use' which required their planning permission. However, accommodation providers did not obtain their permission.

In December 2022, the High Court [granted Great Yarmouth Borough Council an injunction](#) to prevent a seafront hotel being used to accommodate asylum seekers because of a relevant policy in the Council's local plan. Applications from at least four [other councils for injunctions were rejected](#) by the High Court.

Braintree District Council also sought an injunction to prevent the Home Office from using a Ministry of Defence site to accommodate people seeking asylum. The Home Office had used powers that the government has to undertake development on its own land in an 'emergency' without planning permission. The council argued that the [conditions for these powers to be used were not met](#).

The High Court decided to not issue injunctions, however. Applications made by West Lindsey District Council and Rother District Council for [judicial review of the government's use of emergency powers](#) will be heard in July 2023.

# 1 Capacity pressures in the asylum accommodation estate

## 1.1 Use of contingency accommodation

Asylum seekers and people intercepted making irregular journeys to the UK pass through different types of accommodation, depending on what stage their immigration case has reached.

- People intercepted travelling to the UK in small boats without immigration permission typically first spend time in **short-term holding facilities**, such as the Manston facility in Kent, for initial processing. The facilities are not designed to hold people for long periods of time and there are legal restrictions on the length of time that a person can be held in short-term facilities.

People wishing to claim asylum then enter the asylum system. The longstanding asylum dispersal policy provides for asylum seekers to be accommodated in areas across the UK if they need housing whilst their asylum claims are being considered.

- Asylum seekers are housed in **initial accommodation** if they are destitute, until their application for longer-term accommodation and subsistence ([‘asylum support’](#)) is decided. Initial accommodation commonly takes the form of a full-board hostel-style reception centre. Generally, asylum seekers should only stay in initial accommodation for a few weeks.
- If asylum support is granted, the person will be eligible for **dispersal accommodation** until a final decision is made on their asylum claim. This is provided as private dwellings in local communities (furnished flats, houses, or a room in a House of Multiple Occupation). Single adults are allocated shared accommodation; those of the same sex might be expected to share rooms.

Over the past three years, there has been an increasing need for **‘contingency’ asylum accommodation** because of limited availability of initial and dispersal accommodation. Contingency accommodation has come into use on an unplanned and ad hoc basis. It has mostly been provided as rooms in hotels procured for use as asylum accommodation.<sup>1</sup> The Home Office has also established some communal accommodation for single asylum

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<sup>1</sup> Asylum seekers living in hotels do not have access to the same range of facilities as paying guests.

seekers on government-owned land and former military barracks, in part to minimise the use of hotel rooms which it says are more expensive.

Contingency hotel accommodation has been necessary for the Home Office to comply with its statutory responsibilities to provide accommodation and subsistence support to all destitute asylum seekers whilst their asylum claims are being decided.<sup>2</sup> There are also statutory limitations on the use of short-term holding facilities, including maximum time limits for how long people can be kept there.<sup>3</sup> Failure to comply with those standards, such as when the facilities at Manston became significantly overcrowded in late summer/early autumn 2022, has opened the Home Office to legal risk and challenges.

Using contingency hotel accommodation has had a major knock-on effect on the asylum support budget. The Home Office spent around £3.6 billion on asylum support costs in 2022/23, nearly double the spending in 2021/22.<sup>4</sup> About £2.28 billion was spent on hotel accommodation. The Government has been criticised for failing to contain the costs of hotel accommodation and [using money from the UK aid budget](#) to cover some of the costs of accommodating asylum seekers in the UK.

The government has also used hotels as emergency temporary accommodation for [some unaccompanied children](#), and for Afghans brought to the UK under the resettlement and relocation schemes (neither of which are addressed in this briefing). It is currently implementing a policy to [move all resettled Afghans out of hotel accommodation](#) over the coming months.

## Why isn't there enough accommodation?

Acute pressures on the availability of initial and dispersal accommodation have largely been caused by changing patterns of people entering and leaving the asylum system.<sup>5</sup>

Recent governments have attributed this to the impacts of the Covid-19 pandemic and increase in small boat crossings since late 2018.<sup>6</sup> Ministers have also recognised that backlogs of unresolved asylum cases also affect the number of people in contingency accommodation.<sup>7</sup>

During the Covid-19 pandemic, public health and social distancing guidelines and temporary restrictions on withdrawing asylum accommodation, combined with continued intake into the asylum support system, increased pressure on the availability of initial and dispersal accommodation. In late

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<sup>2</sup> E.g. Immigration and Asylum Act 1999

<sup>3</sup> [SI 409/2018](#) as amended by [SI 1345/2022](#)

<sup>4</sup> National Audit Office, [The asylum and protection transformation programme](#), HC 1375, 14 June 2023, para 4

<sup>5</sup> The hotel population had first begun to increase in September 2019, in part because of an increase in the number of asylum applications in 2019, and disruption to accommodation supply in the North East and Humber region caused by the switchover to a new asylum accommodation provider.

<sup>6</sup> E.g. Home Office, [A fairer asylum accommodation system](#) (PDF), 14 April 2022

<sup>7</sup> [HC Deb 5 June 2023 c567](#)



March 2020, Chris Philp, then Minister for Immigration Compliance and the Courts, [notified all local authorities](#) that he had authorised accommodation providers to procure contingency accommodation such as hotels across the UK, including in areas where the local authority had not previously agreed to be a dispersal area. The Home Office also established other forms of asylum accommodation, including large-scale sites at Napier and Penally former military barracks.<sup>8</sup>

As of the start of October 2020, around 9,500 asylum seekers were being accommodated in 91 hotels across the UK.<sup>9</sup> This was an increase from around 1,200 asylum seekers in hotels at the end of March 2020.<sup>10</sup> The then government said that contingency accommodation would be discontinued as soon as possible, and that contracted accommodation providers were “working to maximise their procurement plans throughout the UK”.<sup>11</sup>

Senior Home Office officials outlined the strategy for ending reliance on contingency asylum accommodation in an [October 2020 Committee evidence session](#). Officials referred to attempts to procure additional accommodation. They also pointed to the anticipated deterrent effect of wider reforms to the asylum process. These were subsequently published in 2022 as the [New Plan for Immigration policy statement](#) and implemented through the [Nationality and Borders Act 2022](#). The policy objectives were to increase the fairness and efficacy of the asylum system; to deter illegal entry to the UK; and to remove more easily people without a right to remain in the UK.

In fact, intake to the asylum system has [remained high](#) since the end of pandemic restrictions and the passing of the Nationality and Borders Act. Limited capacity and statutory time-limits for short-term holding facilities, delays in asylum decision-making and growing backlogs of unresolved cases (in part, affected by asylum process reforms such as [inadmissibility procedures](#)), and continued limited availability of suitable accommodation to procure have perpetuated the need for contingency hotel bedspaces.

### Current pressures on availability

There have been recent warnings that pressures on accommodation availability will further intensify if the number of people arriving in small boats increases over the summer months, as is expected.

Two recent inspection reports of the facilities at Manston, published by HM Chief Inspector of Prisons and the Independent Chief Inspector of Borders and Immigration, have identified significant cause for concern about the potential for the number of new arrivals held in the short-term holding facilities at

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<sup>8</sup> Commons Library, [Asylum accommodation: the use of hotels and military barracks](#), 24 November 2020

<sup>9</sup> Public Accounts Committee, [Oral evidence: Asylum Accommodation and Support Transformation Programme, HC 683](#), Q23-25).

<sup>10</sup> Public Accounts Committee, [Letter from the Permanent Secretary for the Home Office to the Chair of the Public Accounts Committee](#), 4 September 2020; [HC 74659 \[on Asylum: Glasgow\]](#), answered on 21 July 2020

<sup>11</sup> [PQ UIN 89730](#) [Asylum: Hotels], answered on 12 October 2020

Manston to breach capacity again, in part due to a lack of onward accommodation for people to move to.<sup>12</sup>

The Independent Chief Inspector of Borders and Immigration warned of a “very real danger ...that a shortfall in the capacity of the accommodation estate will see numbers in Manston build up, with a return of unacceptable conditions resembling those seen in October 2022.”<sup>13</sup> He further commented “I have received no clear answer from senior officials as to where the 55,000 to 85,000 people expected to arrive in 2023-2024 will be accommodated. I do not think that anyone knows yet.”

## 1.2 Efforts since 2020 to end hotel use

Ending reliance on contingency hotel accommodation has been a priority for successive governments since 2020.

They have regarded the problems in the asylum accommodation estate as part of broader deficiencies within the UK’s asylum system, which they have described as “broken”.<sup>14</sup>

Policy and legislative reforms introduced over the past couple of years have been intended to reduce the number of people making irregular journeys to the UK to claim asylum and improve the efficiency of the system and reduce asylum-related costs, including the use of hotels. They include the [New Plan for Immigration policy statement](#), Nationality and Borders Act 2022, the [Migration and Economic Development Partnership with Rwanda](#), changes to the immigration rules on [‘inadmissible’ asylum claims](#), and the introduction of the [Illegal Migration Bill](#).

At the same time, the Home Office has been pursuing a set of operational reforms through its asylum and protection transformation programme, launched in 2021. The Home Office expects to spend £430 million on the programme’s implementation by the end of 2031-32.

A June 2023 report by the National Audit Office (NAO) summarises the programme’s objectives as being “to make the system flexible, efficient and sustainable, to improve the experience for people seeking asylum and for its staff, and to increase public and partner trust.”<sup>15</sup> It says that within this, the Home Office has “prioritised reducing the backlog of ‘legacy’ asylum claims

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<sup>12</sup> HM Chief Inspector of Prisons, [Report on an unannounced inspection of short-term holding facilities at Western Jet Foil, Manston and Kent Intake Unit](#), 6 June 2023; Independent Chief Inspector of Borders and Immigration, [A re-inspection of the initial processing of migrants arriving via small boats, including at Western Jet Foil and Manston](#), June 2023

<sup>13</sup> Independent Chief Inspector of Borders and Immigration, [A re-inspection of the initial processing of migrants arriving via small boats, including at Western Jet Foil and Manston](#), June 2023, p.3

<sup>14</sup> E.g. [PQ UIN 181327](#), answered on 23 April 2021

<sup>15</sup> National Audit Office, [The asylum and protection transformation programme](#), HC 1375, 14 June 2023, para 1.11

and increasing its supply of dispersal accommodation, before undertaking further work on its other core objectives.”

The NAO report identifies the following objectives and milestones related to asylum accommodation:

- By March 2023: Asylum seekers begin to be dispersed more fairly in accommodation across the UK.
- By March 2024: Increased dispersed accommodation reduces reliance on hotels to accommodate asylum seekers. Public confidence improves.
- By end 2025: An “integrated and place-based approach” which would better coordinate accommodation of asylum seekers and refugees arriving through resettlement schemes.<sup>16</sup>

The NAO concludes that whilst some progress has been made, the Home Office “is a long way from meeting its ambitions” and “is not on track to achieve the full benefits it expects of the Programme.”<sup>17</sup>

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<sup>16</sup> National Audit Office, [The asylum and protection transformation programme](#), HC 1375, 14 June 2023, Figure 7 and para 3.22

<sup>17</sup> As above, Figure 7 and para 3.22, para 18

## 2 Hotel accommodation

### 2.1 How many people are living in hotels?

Around 47,500 people (42% of people in receipt of asylum support) were being accommodated in hotel accommodation as at the end of March 2023.<sup>18</sup> This compares to around 1,200 asylum seekers in contingency accommodation at the end of March 2020 and around 9,500 asylum seekers in October 2020.<sup>19</sup>

The government hasn't recently publicly confirmed the number of hotels in use. BBC News has recently reported that 395 hotels are being used, citing an unnamed government source.<sup>20</sup>

### 2.2 Criticisms of asylum hotel accommodation

The Home Office has received extensive criticism for using hotels as asylum accommodation. These include objections to the general policy and approach to procuring rooms and the associated costs, and specific complaints relating to local areas. Recurring criticisms include failures to adequately inform and consult with local authorities and other stakeholders, decisions to move people into new hotels at short notice, decisions to procure hotels in unsuitable locations or conditions of disrepair, and the impact of contingency accommodation on local communities and broader community relations.

Actors in central and local government and stakeholders in the asylum and housing sectors agree it is inappropriate and undesirable to house asylum seekers in hotels for prolonged lengths of time.

The Minister for Immigration, Robert Jenrick, summarised the government's objections to the use of hotels as contingency asylum accommodation in March 2023:

These hotels take valuable assets away from communities and place pressures on local public services. Seaside towns have lost tourist trade, weddings have been cancelled and local councils have had their resources diverted to

<sup>18</sup> Home Office, Immigration statistics quarterly release, 25 May 2023, [Asylum seekers in receipt of support](#), table Asy\_D09

<sup>19</sup> Public Accounts Committee, [Oral evidence: Asylum Accommodation and Support Transformation Programme, HC 683](#), Q23-25).

<sup>20</sup> BBC News, ['Private firms profiting from UK asylum hotels'](#), 20 March 2023

manage them. The hard-working British taxpayer has been left to foot the eye-watering £2.3 billion a year bill.<sup>21</sup>

Organisations working with asylum seekers have published various pieces of research documenting experiences of living in hotels and the negative impacts of prolonged stays on residents' health and well-being.<sup>22</sup>

## 2.3 Action taken by the Sunak government

In December 2022, the Prime Minister identified ending the use of hotels as one of five steps his government was taking to address illegal migration, saying “it is unfair and appalling that we are spending £5.5 million every day on using hotels to house asylum seekers. We must end this.”<sup>23</sup>

Rishi Sunak confirmed that asylum dispersal arrangements would be reformed and that the government would shortly announce plans to use “a range of alternative sites such as disused holiday parks, former student halls, and surplus military sites”.<sup>24</sup> He said the government was in active discussions to secure sites it had identified which could accommodate 10,000 people, and other locations. He confirmed the Government was aiming “to add thousands of places through this type of accommodation in the coming months - at half the cost of hotels.”<sup>25</sup>

The Minister for Immigration, Robert Jenrick, updated the House in late March.<sup>26</sup> He confirmed the locations of the first round of large-scale accommodation sites and said that accommodation barges and other types of vessel were also being considered. He also mentioned new funding arrangements for local authorities to support the full dispersal model. Sections 3 and 4 of this briefing consider these measures in greater detail.

The Minister has acknowledged that opening new large-scale accommodation sites will have a limited effect on hotel use in the short-term, and that the new sites will be used to accommodate new arrivals rather than to move people out of hotels (at least initially).<sup>27</sup> They are also mostly intended to cater for single adult males rather than other cohorts of asylum seekers currently accommodated in hotels. Robert Jenrick said that the asylum backlog clearance exercise will help to reduce the need for places in hotels. Mr Jenrick also pointed to the prospect of removing asylum seekers to

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<sup>21</sup> [HC Deb 29 March 2023 c1017](#)

<sup>22</sup> Greater Manchester Immigration Aid Unit, [Briefing: Housing injustice in asylum hotels](#), 20 June 2023; [Voices from asylum hotels: The outcome of Home Office failures](#), 20 June 2023; Migrant Voice, [No Rest, No Security](#), April 2023; Refugee Action, [Hostile Accommodation](#), March 2023; Refugee Council, [Lives on Hold](#), July 2022; Doctors of the World, “[They just left me](#)”, April 2022; Refugee Council, “[I sat watching life go by my window for so long](#)”, April 2021

<sup>23</sup> [HC Deb 13 December 2022 c885-888](#)

<sup>24</sup> [HC Deb 13 December 2022 c886](#)

<sup>25</sup> [HC Deb 13 December 2023 c886-7](#)

<sup>26</sup> [HC Deb 29 March 2023 c1017-8](#)

<sup>27</sup> [HC Deb 29 March 2023 c1022](#)



Rwanda (subject to the outcome of pending legal challenges), and implementation of the Illegal Migration Bill currently before Parliament, as longer-term measures which would alleviate asylum accommodation pressures. He made the broader point that “the only sustainable answer is to stop the boats coming in the first place.”<sup>28</sup>

## 2.4 Strategy for reducing hotel use

There have been criticisms from opposition members and other stakeholders that the measures announced so far create additional capacity rather than reduce the use of hotel rooms.<sup>29</sup> For example, a recent Home Office press release presented a new policy to require some unrelated same-sex asylum seekers to share hotel rooms as a way to generate an additional 11,500 bedspaces, potentially reducing the need to source 90 more hotels and saving £250 million per year.<sup>30</sup>

The Home Secretary, Suella Braverman, was asked about the government’s ambition to end hotel use during an evidence session with the Home Affairs Committee in June. She emphasised that whilst there is a goal to stop use of hotels, the ongoing need to accommodate new entrants to the asylum system as well as to accommodate people already in hotels means that reducing hotel use will take time, commenting “It is not “put a barge on, stop hotels”.”<sup>31</sup> She said she was ultimately “very confident” that the government’s approach would end hotel use, citing the anticipated effects of new large-scale accommodation sites and implementation of the Illegal Migration Bill and asylum partnership arrangement with Rwanda.<sup>32</sup> Ms Braverman also referred to plans to increase immigration detention capacity but denied that tens of thousands of detention places would be needed.

Pressed to explain contingency plans if the Home Office is unable to remove people on the scale envisaged by the Illegal Migration Bill, Ms Braverman said:

We believe that deterrence is an important factor in this new framework and once we are able to relocate people from the United Kingdom to Rwanda or another safe country, we will see a drop-off in the number of people coming and a reduction in the pressure being put on our accommodation estate and our detention capacity.<sup>33</sup>

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<sup>28</sup> [HC Deb 29 March 2023 c1030](#)

<sup>29</sup> [HC Deb 29 March 2023 c1019](#)

<sup>30</sup> GOV.UK, ‘[Thousands of asylum seekers to be moved out of hotels](#)’, 5 June 2023; [PM statement on illegal migration delivery update: 5 June 2023](#)

<sup>31</sup> Home Affairs Committee, [The work of the Home Secretary, oral evidence](#), 14 June 2023, Q632

<sup>32</sup> As above, Q632; Q639

<sup>33</sup> As above, Q641

## 3 Increasing dispersal accommodation

### 3.1 Targets for increasing supply

The Home Office has made various efforts to increase the supply of dispersal accommodation over recent years. A target set in October 2022 to find an extra 500 dispersal bedspaces per week was intended to end hotel use by December 2023 but it wasn't met.<sup>34</sup>

The [National Audit Office \(NAO\)'s report on the asylum and protection transformation programme](#) found that a subsequent lower target, to find an additional 350 bedspaces per week until March 2025, is also unlikely to be achieved. The NAO reports there is no evidence to support the assumption in the programme's business case that demand for an additional 350 beds can be met from the private rented sector. It also says "there was an acknowledgement within the Home Office that publicly stated targets around dispersal accommodation are not realistic."<sup>35</sup> Between April 2022 and April 2023, 48 additional dispersal beds became available on average each week.<sup>36</sup>

The NAO says the Home Office is considering reducing the target again and acknowledges that hotel bedspaces would still be needed even if its assumptions about the amount of extra accommodation procured and asylum decisions made are met.<sup>37</sup>

Issues affecting the ease of procuring additional dispersal beds include increased demand within the housing market and lack of suitable accommodation in some areas. The NAO also identified poor stakeholder management and an absence of coordination within the Home Office as problems, commenting "The procurement of hotel beds at short notice and attempts to procure larger-scale accommodation centres, alongside procuring dispersed accommodation, have led to multiple approaches from Home Office suppliers, which have damaged its relationships with local authorities and undermined work to ensure there is dispersal accommodation within all local authority areas."<sup>38</sup>

The NAO says the Home Office is now looking at other ways to increase accommodation supply, including changes to funding for local authorities

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<sup>34</sup> National Audit Office, [The asylum and protection transformation programme](#), HC 1375, 14 June 2023, para 3.19

<sup>35</sup> As above, figure 9, p.30

<sup>36</sup> As above, para 3.19

<sup>37</sup> As above, para 3.19

<sup>38</sup> As above, para 3.21

and changes to asylum accommodation licensing requirements (discussed further below).

## 3.2 Introduction of full dispersal model

Until recently, local authorities were able to choose whether to participate in the asylum dispersal policy. Participation involved agreeing to have asylum seekers accommodated in specified ‘dispersal areas’ within the locality. 47% of local authorities voluntarily participated in the asylum dispersal system, as at April 2022.<sup>39</sup>

There were longstanding complaints from local authorities and other stakeholders that voluntary participation resulted in unfairness. Efforts to increase the number of local authorities participating and calls for mandatory participation and a more equitable distribution of asylum seekers pre-dated the rapid growth in contingency accommodation. A reform programme initiated in 2019 aimed to achieve a more proportionate distribution of asylum seekers across government regions by 2029. It was put on hold in 2020 due to the overarching need to source additional asylum accommodation during the Covid-19 pandemic.<sup>40</sup>

In April 2022, the Home Office announced plans to implement a ‘full dispersal’ model, which it said would enable a “move from hotels to less expensive and more suitable dispersed accommodation.”<sup>41</sup> All local authority areas became asylum dispersal areas and were expected to agree to receive asylum seekers. The change was intended to increase the number of suitable private sector rental properties available for procurement and support more equitable shares of asylum seekers across the UK.

Each grouping of local authorities received an allocation of asylum seekers proportionate to their population size and was asked to develop their own regional implementation plan.<sup>42</sup> The regional plans went ‘live’ in March 2023.<sup>43</sup> The Home Office has renegotiated some of its asylum accommodation contracts to increase the maximum number of bedspaces in certain regions.<sup>44</sup> It aims for an equitable distribution of asylum seekers by region, relative to the size of their general populations, by 2029.<sup>45</sup>

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<sup>39</sup> Home Office, [A fairer asylum accommodation system](#) (PDF), 14 April 2022

<sup>40</sup> Home Office, [Letter from Chris Philp MP to local authority chief executives](#) (PDF), 27 March 2020

<sup>41</sup> Home Office, [A fairer asylum accommodation system](#) (PDF), 14 April 2022

<sup>42</sup> London Councils, [Member briefing: Asylum dispersal](#), 22 March 2023

<sup>43</sup> As above

<sup>44</sup> National Audit Office, [The asylum and protection transformation programme](#), HC 1375, 14 June 2023, para 3.18

<sup>45</sup> As above, para 3.17

## Funding increases for local authorities

To incentivise participation in the dispersal policy the Home Office has increased the funding given to local authorities with dispersed asylum seekers in their areas over the past couple of years.

This financial year, local authorities are eligible for one-off payments of £750 for each asylum seeker in Home Office asylum accommodation (dispersal or contingency) on 1 April 2023 (up from £250 in 2022/23).<sup>46</sup>

In addition, they will be given £3,500 for each new dispersal bed which comes into use in 2023/24 (the same rate as applied in the previous financial year).<sup>47</sup> The money is not ringfenced. It is intended to mitigate the impacts on local services and provide for wraparound support for asylum seekers. The Home Office is also piloting arrangements which would offer an additional one-off payment of £2,000 - £3,000 for new dispersal beds quickly brought into use. Equivalent funding is not given to local authorities with contingency hotels. Some local authorities have argued that hotel accommodation has similar (if not greater) resource implications as asylum dispersal yet is not taken into account by central government funding or regional dispersal plans.<sup>48</sup> They are also alarmed that a recent change of Home Office policy, which will permit asylum decisions to be issued to people whilst they are in hotel accommodation (instead of waiting until they are in dispersal accommodation) could increase numbers of people presenting to the host local authority as homeless.<sup>49</sup>

### 3.3

## Temporary exemption from HMO licensing requirements

The government wishes to temporarily exempt asylum accommodation from English licensing requirements for Houses in Multiple Occupation (HMOs). It hopes this will help support a rapid increase in available dispersal asylum accommodation.<sup>50</sup> Approximately 6,000 HMO properties are currently in use as accommodation for 28,000 asylum seekers (typically, single individuals).<sup>51</sup>

The proposed Houses in Multiple Occupation (Asylum-Seeker Accommodation) (England) Regulations 2023 would apply to HMOs which begin to be used as asylum accommodation between the date the regulations come into force and 30 June 2024. Any HMOs procured by asylum

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<sup>46</sup> Home Office in the Media blog, '[Accommodation sites factsheet](#)', 3 April 2023

<sup>47</sup> Home Office, Asylum dispersal factsheet, 14 April 2022

<sup>48</sup> Greater Manchester Combined Authority, [Letter from Greater Manchester Leaders to Government on asylum, immigration, and homelessness](#), 15 June 2023

<sup>49</sup> [Letter from Home Secretary](#) to Chairs of Committees on Home Affairs, Levelling Up, and Work and Pensions on the streamlined asylum process, 2 June 2023

<sup>50</sup> Home Office in the Media blog, '[Accommodation sites factsheet](#)', 3 April 2023

<sup>51</sup> [Draft Explanatory Memorandum](#), para 7.1

accommodation providers during that period would not need to be licensed under [Part 2 of the Housing Act 2004](#) for two years. The regulations would only apply in England.

The government says it is acting on feedback from asylum accommodation providers that licensing requirements pose an obstacle to sourcing additional suitable properties. As well as mandatory licensing conditions which apply to all HMO licenses, local authorities can include additional conditions and set higher minimum room sizes. Some local authorities apply additional conditions and set higher minimum room sizes when HMOs are being used to accommodate non-cohesive groups such as asylum seekers. By exempting asylum HMOs from the licensing requirement, the Government hopes to increase capacity and reduce costs. It explains “The concern is that more generous standards, particularly around room sizes and facilities, limit supply by restricting the number of people that can be housed in each property and drive the cost to the taxpayer.”<sup>52</sup>

Voluntary sector and local government representatives have expressed significant concern about the potential implications of the regulations.<sup>53</sup> These include the potential to create a ‘two-tier’ system with lower standards and enforcement for asylum accommodation, unsuitable placements exacerbating community tensions, risks associated with the use of substandard accommodation, and knock-on effects on local levels of homelessness if the regulations incentivise landlords to switch to providing asylum accommodation. The law firm Duncan Lewis is representing three asylum-seeking families who are calling for the draft regulations to be put on hold pending further investigation of their anticipated impact.<sup>54</sup>

The government has responded to concerns about a potential reduction in standards by pointing to accommodation requirements and oversight mechanisms specified in its asylum accommodation services contract (which it suggests are comparable). HMOs for asylum seekers will still be subject to inspections by Home Office contract inspectors. However, some stakeholders, including local government representatives, are concerned that there will be a drop in standards due to the Home Office’s operational pressures and capacity constraints.<sup>55</sup>

The regulations were subject to the draft affirmative procedure. [Parliamentary scrutiny of the regulations](#) can be tracked through the Statutory Instruments tool on the Parliament website.

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<sup>52</sup> [Draft Explanatory Memorandum](#), para 7.2

<sup>53</sup> Chartered Institute of Housing and others, [joint letter to the Home Secretary and Levelling Up Secretary of State](#), 24 May 2023; Local Government Association, [Houses in Multiple Occupation \(Asylum-Seeker Accommodation\) \(England\) Regulations 2023, House of Lords, 16 May 2023](#), 15 May 2023; Shelter, [Briefing: Illegal Migration Bill and asylum seeker accommodation regulations](#), June 2023

<sup>54</sup> Duncan Lewis LLP, [‘Home Office plans to scrap housing protections threatens the safety of asylum seekers’ Sheroy Zaq tells The Guardian \(16 June 2023\)](#), 16 June 2023

<sup>55</sup> Local Government Association, [Houses in Multiple Occupation \(Asylum-Seeker Accommodation\) \(England\) Regulations 2023, House of Lords, 16 May 2023](#)



## 4 Opening large-scale accommodation sites

### 4.1 Background

The Johnson government established some large-scale contingency accommodation on former military sites at Napier and Penally. Its New Plan for Immigration policy statement, published in March 2021, further proposed establishing large-scale ‘reception centres’ to provide basic accommodation while processing the claims of asylum seekers.<sup>56</sup>

It considered several potential sites. In April 2022 it confirmed plans to use a former RAF station at Linton-on-Ouse in North Yorkshire as accommodation for up to 1,500 male asylum seekers. There was considerable local opposition. During the Conservative leadership contest, Rishi Sunak said that he opposed the Home Office’s proposed use of the site. The Defence Secretary, Ben Wallace, then said he had already withdrawn the offer of the site. The Home Office formally confirmed it would not proceed with the plans in October 2022.

Since becoming Prime Minister, Rishi Sunak has supported establishing large-scale asylum accommodation facilities in other locations. His December 2022 statement said the government was actively trying to secure sites that could accommodate 10,000 people, as well as additional sites. Since then, the Home Office has confirmed it is working on plans for sites which could collectively provide around 6,400 bedspaces, although final decisions on whether to proceed have not yet been made for all of them.

Robert Jenrick, Minister for Immigration has confirmed that this new style of accommodation is partly intended to act as a deterrent to future irregular migrants, saying “we need to suffuse our entire system with deterrence, and this must include how we house illegal migrants.”<sup>57</sup> He further explained that the government wants to ensure that accommodation “meets [asylum seekers’] essential living needs and nothing more, because we cannot risk becoming a magnet for the millions of people who are displaced and seeking better economic prospects.”

The Home Office set out the perceived advantages of large-scale accommodation sites in a response to Huw Merriman and his constituents, in relation to the site at Bexhill:

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<sup>56</sup> Home Office, [New Plan for Immigration policy statement](#), 29 March 2022

<sup>57</sup>

This Government is taking action to address the unacceptable costs of housing migrants in hotels, which is costing the taxpayer around £6 million a day. Bexhill has been identified as an alternative to hotels as a site that is suitable for the purposes of asylum seeker accommodation. Alternative large sites such as surplus military land and this site at Bexhill are not only more affordable for taxpayers than hotels, but also more manageable and orderly than hotels for communities, thanks to healthcare and catering facilities on site, 24/7 security and purpose-built basic accommodation. The sites will open up jobs and investment to local areas through employment roles on site, for example through catering and maintenance roles. These sites on their own will not end the use of hotels, but they will relieve pressure on communities and manage asylum seekers in a more appropriate and cost-effective way, reducing incentives for people to travel through safe countries and bringing us in line with the approach being taken by other countries around Europe.<sup>58</sup>

The Home Office has put very little information about the likely costs of operating the accommodation in the public domain, citing commercial sensitivities.

It has published [a set of factsheets](#) about its plans for the first tranche of locations confirmed as under consideration, but some details have not yet been finalised. For example, it has provided little information about the criteria for determining which people are considered suitable for accommodation on large-scale sites or vessels; how long people are likely to stay in the accommodation for; and what responsibilities local authorities will have towards former residents when their applications are granted or refused, or towards people who receive decisions whilst living there.

It has confirmed that residents will be at liberty to leave the sites, although it is trying to minimise the impact on neighbouring communities by designing the sites to have facilities to provide for people's essential living needs on-site.<sup>59</sup> It says that transport services will be provided if a resident requires an off-site service.<sup>60</sup>

Residents would not be subject to a curfew time for returning onsite, but people who had not returned by 11pm would be contacted to check on their welfare.<sup>61</sup>

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<sup>58</sup> Huw Merriman.org.uk, [Response from Home Office 21.03.23](#) (PDF)

<sup>59</sup> [PQ UIN 182293](#) [Asylum: Housing], answered on 10 May 2023

<sup>60</sup> GOV.UK, [Factsheet: Asylum accommodation on a vessel in Portland Port](#), 5 April 2023

<sup>61</sup> GOV.UK, [Factsheet: Asylum accommodation on a vessel in Portland Port](#), 5 April 2023

## 4.2

## Proposed military sites and facilities on government-owned land

### Locations under consideration

#### RAF Scampton, Lincolnshire

##### **Projected capacity: 2,000 people.**

Plans to use RAF Scampton as asylum accommodation have been approved by the Home Secretary. Physical works to develop the site were due to begin in spring/early summer but timescales have slipped.

The Home Office anticipates that over time, the site will accommodate 2,000 asylum seekers at any one time, although only around 200 people are expected to be accommodated in the first phase. It had initially suggested that people would start to arrive by 3 July, but now does not expect the site will be ready to receive people before mid-August at the earliest.<sup>62</sup>

The local authority, West Lindsey District Council, opposes the Home Office's plans. It has tried to challenge the Home Office's plans using planning law (discussed in section 5 of this briefing). The Council argues that they jeopardise a £300 million investment plan which it has been developing with the Ministry of Defence. It also argues that the site is not suitable for asylum seekers and is not a deliverable or cost-effective solution to asylum accommodation pressures.<sup>63</sup> It has highlighted "significant risks and contamination present on site" owing to its past use as an operational base. These include the presence of asbestos within Grade 2 listed buildings, aviation fuel leakage, the need to make safe and secure over 100 derelict operational buildings, and the likelihood that water and electrical services would need upgrading.

The Home Office had originally indicated that asylum seekers would move to Scampton from hotels. More recently, it has said that newly-arrived asylum seekers would move to Scampton directly from the short-term holding facilities at Manston in Kent. The Leader of West Lindsey District Council, Cllr Trevor Young, has said that the change of approach "totally undermine[s] the Government's argument that large sites are about reducing the dependency on hotels, ...[and] changes any planning assumptions we have been able to make around the delivery of services and mitigating the impact on our communities."<sup>64</sup>

<sup>62</sup> West Lindsey District Council, '[Council continues fight to safeguard £300 million investment at RAF Scampton as government changes proposals for the site](#)', 26 May 2023

<sup>63</sup> As above

<sup>64</sup> As above

## MoD Wethersfield, Essex

### Projected capacity: 1,700 people

This Ministry of Defence facility, previously the Police and Guarding Agency's Wethersfield site in Braintree, Essex has been identified as a surplus military site.<sup>65</sup>

Braintree District Council, the local authority, opposes the use of the site as asylum accommodation. It has cited "the lack of capacity in local services, its isolated location, the size of the site, and the fact that the scale of the development proposed could have a significant adverse impact upon the local community" as reasons why it is an unsuitable location for asylum accommodation.<sup>66</sup> It has unsuccessfully appealed against a refusal of an injunction to stop the Home Office's plans (discussed further in section 5).<sup>67</sup>

## Catterick Garrison, Yorkshire

### Projected capacity: TBC

The Home Office is developing proposals for the use of sites in Catterick Garrison in the Prime Minister's constituency of Richmond in Yorkshire. Very few details have been confirmed so far.<sup>68</sup>

## Northey, Bexhill, East Sussex (non-military site)

### Projected capacity: 1,200 people

The Government is also considering using a former prison and military training site at Bexhill to create another large-scale asylum accommodation facility at Northey Residential and Training Establishment.<sup>69</sup>

Some further information about the Home Office's intentions has been published on the website of Huw Merriman (Con), the local MP, reflecting his engagement with the Home Office and other local stakeholders.<sup>70</sup> At this stage there is an absence of clarity about various aspects of the Home Office's intentions, including the likely profile of residents and the anticipated timeframe for the site to come into use.

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<sup>65</sup> GOV.UK, [Factsheet: MoD Wethersfield asylum accommodation](#), 5 April 2023

<sup>66</sup> Braintree District Council, [Wethersfield Airfield and housing asylum seekers](#), (last updated 26 May 2023)

<sup>67</sup> [\[2023\] EWCA Civ 727](#)

<sup>68</sup> Home Office in the media, [Accommodation sites factsheet – April 2023](#), 3 April 2023

<sup>69</sup> GOV.UK, [Factsheet: Bexhill asylum accommodation](#), updated 15 June 2023

<sup>70</sup> Huw Merriman, [Proposed asylum seeker accommodation at Northey](#) (accessed 14 June 2023)

## 4.3

## Moored accommodation vessels

The Home Office is also procuring accommodation barges, ferries or cruise ships and seeking agreements with UK port owners so they can be moored and used as asylum accommodation.

Robert Jenrick has said that the Home Office does not intend to use vessels for a prolonged period, commenting “In most cases, we have proposed using these vessels for 18 months, after which they would be moved away and a different solution found.”<sup>71</sup>

At the time of writing, the Home Office had confirmed that it had procured three vessels but only confirmed the mooring location for one of them.

### Bibby Stockholm, Portland Port, Dorset

#### Projected capacity: 506 people

On 5 April 2023 the Home Office publicly confirmed plans to house some asylum seekers in the [Bibby Stockholm](#), a three-story accommodation barge which will be berthed in Portland Port, Dorset.<sup>72</sup> The vessel has around 220 bedrooms and will accommodate around 500 single adult male asylum seekers while their asylum claims are processed.

The first group of arrivals were scheduled to be moved on board by mid-June.<sup>73</sup> A Home Office factsheet (undated) provides further details of the Home Office’s plans.<sup>74</sup>

There has been local opposition to the plan and the Home Office has been criticised for failing to consult with local stakeholders before it made an agreement with the port.<sup>75</sup> Richard Drax (Con), the local MP, outlined the issues in an adjournment debate on 26 April.<sup>76</sup>

A [joint position statement](#) issued in early May by Dorset Council and Dorset Police said they still had unanswered questions and serious reservations about the Home Office’s plans.

The Government has not confirmed the costs associated with chartering the vessel, saying it cannot disclose commercially sensitive information.<sup>77</sup> A report in The Times estimated it will cost around £15,000 per day to lease the vessel from its owners, Bibby Marine, and more than £4,500 per day to moor

<sup>71</sup> [HC Deb 25 May 2023 c525](#)

<sup>72</sup> GOV.UK, News, ‘[Vessel to accommodate migrants](#)’, 5 April 2023

<sup>73</sup> GOV.UK, [PM statement on illegal migration delivery update](#), 5 June 2023

<sup>74</sup> GOV.UK, [Factsheet: Asylum accommodation on a vessel in Portland Port](#) (accessed 22 May 2023)

<sup>75</sup> ‘[Anger at Bibby Stockholm plans ‘being dumped on Dorset’s doorstep’](#)’, Dorset Live, 4 April 2023; ‘[Portland migrant barge protest held at port](#)’, BBC News, 13 May 2023

<sup>76</sup> [HC Deb 26 April 2023 c892](#)

<sup>77</sup> [PQ UIN 184979](#) [Asylum: Portland Port], answered on 25 May 2023



it in Portland Port.<sup>78</sup> There will be additional costs associated with the provision of security, catering, utilities, healthcare and other support services.

## Other proposed locations

On 5 June the Prime Minister confirmed that the government has secured usage of two further vessels, which will collectively provide **another 1,000 bed spaces**. Their proposed locations have not yet been confirmed.

Media reports have identified various other locations as reportedly under consideration.<sup>79</sup> They include Teesport near Middlesbrough and facilities in Tyneside and Suffolk. Some sites referred have since ruled themselves out (Royal Docks in East London and Harwich port in Essex).<sup>80</sup> According to other recent reports, an idea to moor a vessel at Birkenhead docks has been abandoned because local agencies would not be able to provide the necessary level of support.<sup>81</sup> The Home Office had previously confirmed it was considering use of the port but hadn't made a final decision.<sup>82</sup>

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<sup>78</sup> 'Migrant barge off Dorset to cost over £20,000 a day', The Times, 4 April 2023

<sup>79</sup> P Crerar, A Adu, R Syal, '[Revealed: government looking at four more sites for asylum vessels](#)', The Guardian, 5 June 2023

<sup>80</sup> P Daly, '[Permission for asylum seeker barge in London rejected, confirms Royal Docks](#)', The Independent, 9 June 2023; BBC News, '[Harwich asylum seeker barge idea 'seen off' says MP](#)', 9 June 2023

<sup>81</sup> Sky News, '[Plan for cruise ship to house asylum seekers near Liverpool scrapped](#)', 10 June 2023

<sup>82</sup> [HC Deb 25 May 2023 c524](#)

## 5 Planning considerations and legal challenges

### 5.1 Planning considerations

Planning permission from the local planning authority (LPA) is usually needed to ‘materially’ change the use of a building or land. A material change of use occurs when the use of a building or land is varied between ‘use classes’, as set out in the [Town and Country Planning \(Use Classes\) Order 1987](#).<sup>83</sup>

Planning permission is also usually needed to change the use of a building or land to an independent (‘sui generis’) use which is not defined in 1987 Order.<sup>84</sup>

Whether a material change of use has occurred and planning permission is required is for the LPA to determine in the first instance, or the courts in the case of a dispute.

#### Additional government powers

Usually, normal planning rules apply if the government wants to develop land (including if it wants to materially change the use of land). This will usually involve seeking planning permission from the relevant LPA.

However, the government has certain ‘permitted development rights’ (PDRs) to make changes to ‘Crown land’, which includes land owned by government departments,<sup>85</sup> without obtaining planning permission from the LPA. For example, ‘Class Q’ powers allow the government to undertake development on Crown land for up to 12 months in an “emergency”.<sup>86</sup>

Further, the Secretary of State for Levelling Up, Housing and Communities can also grant planning permission for development using a special development order (SDO).<sup>87</sup>

For example, the government used these powers to use the Napier military barracks in Folkestone as an accommodation centre for asylum seekers. It

<sup>83</sup> [Town and Country Planning \(Use Classes\) Order 1987](#)

<sup>84</sup> [Sections 55 and 57 of the Town and Country Planning Act 1990](#); Examples of ‘sui generis’ uses are set out on the Planning Portal, [Use Classes - Change of use](#), undated [accessed 30 June 2023].

<sup>85</sup> Crown land, as defined in [section 293 of the Town and Country Planning Act 1990](#), is land in which there is a Crown interest or a Duchy interest. It includes land owned by government departments.

<sup>86</sup> Class Q of [Part 19 of Schedule 2 of the General Permitted Development Order 2015](#)

<sup>87</sup> [Section 59 of the Town and Country Planning Act](#)

first used time-limited permitted development rights from September 2020 to September 2021 and then use an SDO to secure planning permission.<sup>88</sup>

## Further powers for the government to develop land

The [Levelling Up and Regeneration Bill 2022-23](#) would give the government further powers to develop Crown land. It would give ‘appropriate authorities’, including government departments, the ability to seek planning permission from the Secretary of State for Levelling Up, Housing and Communities, rather than from the LPA, if:

- The development of Crown land is of national importance and needs to be carried out as a matter of urgency.
- The development of Crown land is of national importance but is not considered to be urgent. In that case, a planning inspector would first consider whether the development was of national importance.<sup>89</sup>

The new powers would replace the existing provisions that already allow government departments to seek permission from the Secretary of State for urgent developments that are of national importance.<sup>90</sup> The government has noted, however, that “this route has never been used” because it took “too long to deal with truly urgent Crown developments”. The government said the new route would be “faster”.<sup>91</sup>

The Commons Library briefing on the [Levelling Up and Regeneration Bill 2022-23](#) provides further information on the provisions (see section 5.9).

During committee stage, the then Minister, Marcus Jones, indicated that these powers could be used “for development needed on Crown land to accommodate an influx of refugees”.<sup>92</sup>

The Shadow Minister for Housing and Planning, Matthew Pennycook, said he was concerned that the powers could be used to secure planning consent “for asylum centres, irrespective of the harm that such centres might cause for those placed in them, or their impact on local communities”.<sup>93</sup> Labour and Liberal Democrat Peers expressed similar concerns about the provisions.<sup>94</sup>

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<sup>88</sup> [Town and Country Planning \(Napier Barracks\) Special Development Order 2021; Explanatory Notes to Town and Country Planning \(Napier Barracks\) Special Development Order 2021](#) (PDF), para 6.1

<sup>89</sup> Clause 103 of the [Levelling Up and Regeneration Bill 2022-23](#) (PDF, as amended in committee in the House of Lords)

<sup>90</sup> [Section 293A of the Town and Country Planning Act 1990](#)

<sup>91</sup> Public Bill Committee (PBC) Deb [[Levelling-up and Regeneration Bill](#)], 17th Sitting, 19 July 2022, c571

<sup>92</sup> HC PBC Deb [[Levelling-up and Regeneration Bill](#)], 17th Sitting, 19 July 2022, c571

<sup>93</sup> HC PBC Deb [[Levelling-up and Regeneration Bill](#)], 17th Sitting, 19 July 2022, c574

<sup>94</sup> HL Deb [[Levelling Up and Regeneration Bill](#)], 20 April 2023, c868-872

## 5.2

## Legal challenges

Failure to obtain planning permission where it is required is considered a ‘planning breach’. It can result in enforcement action by the LPA, the most serious of which is a court injunction.<sup>95</sup>

### Use of hotels to accommodate asylum seekers

A number of LPAs have sought injunctions to stop accommodation providers from using hotels to house asylum seekers. They argued that this was a material change of use from a hotel ([Use Class C1, as set out in the 1987 Order](#)) to a hostel (a ‘sui generis’ use) that would have required planning permission from them.

The High Court granted Great Yarmouth District Council an injunction in May 2023. The court had already issued an interim injunction in December 2022.<sup>96</sup>

The judge on the case took note of a policy in Great Yarmouth’s local plan to protect the seafront area because of its importance to the town’s tourism economy. The local plan set out uses that were not permitted on the seafront, such as hostels. Because of that policy, the judge concluded an injunction preventing the use of a seafront hotel to house asylum seekers was justified.

Meanwhile, the High Court refused to continue injunctions sought by Ipswich Borough Council and East Riding of Yorkshire Council. The judge on this case found there were arguments pointing towards and against a material change of use, noting: “the distinction between a hotel and hostel ... is [a] fine [one]”.<sup>97</sup>

Whether a change of use from hotel from hostel is material, the judge added, depended on the planning consequences. In these cases, the consequences were “very limited”: the alleged change of use would not alter the buildings, cause environmental damage, or impact the character of the area.<sup>98</sup>

The High Court also declined to continue injunctions sought by Fenland District Council and Stoke-on-Trent City Council which would have prevented

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<sup>95</sup> [Section 187B of the Town and Country Planning Act 1990](#)

<sup>96</sup> Great Yarmouth Borough Council v Al-Abdin & Others [2022] EWHC 3476 (KB); Great Yarmouth Borough Council, [High Court ruling protects key Great Yarmouth seafront hotels from hostel use](#), 11 May 2023

<sup>97</sup> Ipswich Borough Council v Fairview Hotels (Ipswich) Limited & Others [2022] EWHC 2868 (KB); East Riding of Yorkshire Council v LGH Hotels Management Limited & Others [2022] EWHC 2868 (KB)

<sup>98</sup> Landmark Chambers, [High Court dismisses applications for interim injunctions to restrain use of hotels to accommodate asylum seekers](#), 11 November 2022

the use of a hotels to house asylum seekers in their areas.<sup>99</sup> It also refused to grant North Northamptonshire Council’s application for an injunction.<sup>100</sup>

The Commons Library insight: [Is planning permission required to house asylum seekers in hotels?](#) (February 2023) provides further information.

## Use of military sites on government-owned land

Local authorities have also sought injunctions to stop the Home Office from using RAF Scampton and MoD Wethersfield to accommodate asylum seekers.<sup>101</sup> Among other things, they challenged the Home Office’s use of ‘Class Q’ powers to develop the MoD-owned sites (explained in section 5.1).

In April 2023, the High Court rejected Braintree District Council’s application for an injunction. The judge found that the court did not have the power to grant an injunction, because the council did not obtain the consent of the MoD (which owns Wethersfield). The MoD’s consent would have been required to seek an injunction against development on government-owned land.<sup>102</sup>

Because the judge found the court did not have power to issue an injunction, he did not formally rule on whether the conditions for an “emergency” were met and the Home Office was justified to use ‘Class Q’ powers. The judge noted, however, that he thought that “there is a qualifying emergency here”:

[...] the unprecedented numbers of asylum seekers which the Secretary of State is legally obliged to support, combined with the absence of suitable accommodation [...] could certainly constitute a[n emergency] situation.

[...] that situation threatens serious damage to human welfare [...] because there is the real prospect of homelessness of asylum seekers in significant numbers absent some further accommodation being found.<sup>103</sup>

The council sought to appeal the High Court’s decision, but the Court of Appeal refused the application.<sup>104</sup>

The High Court also rejected an application by West Lindsey District Council for an interim injunction to stop the Home Office from using RAF Scampton.<sup>105</sup>

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<sup>99</sup> [Stoke-on-Trent: Council loses asylum seeker injunction bid](#), BBC News, 2 November 2022; [Council’s legal action over Wisbech migrant hotel dismissed](#), BBC News, 25 November 2022 [accessed 23 June 2023]

<sup>100</sup> [Judge dismisses council application for ‘without notice’ injunction aimed at stopping asylum seekers being placed in hotel](#), Local Government Lawyer, 9 November 2022;

<sup>101</sup> Home Office, [Asylum accommodation factsheets](#), last updated June 2023

<sup>102</sup> [Section 296A Town and Country Planning Act 1990](#)

<sup>103</sup> Braintree District Council v Secretary of State for the Home Office & Secretary of State for Defence [2023] EWHC 1076 (KB); West Lindsey District Council v Secretary Of State for the Home Department & Others [2023] EWHC 1400 (Admin)

<sup>104</sup> Braintree District Council v Secretary of State for the Home Department & Secretary of State for Defence [2023] EWCA Civ 727

<sup>105</sup> [West Lindsey fails in interim injunction application over Home Office plans to place asylum seekers at disused RAF base](#), Local Government Lawyer, 12 May 2023



West Lindsey District Council, Rother District Council and a resident who lives near Wethersfield have also applied to the High Court for judicial review of the Home Office's use of 'Class Q' powers.<sup>106</sup> To proceed, claims for judicial review require permission from the court. On 12 and 13 July, the court will decide whether the claims for judicial review will be allowed to proceed.<sup>107</sup>

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<sup>106</sup> Braintree District Council, [Wethersfield Airfield and housing asylum seekers](#), last updated 23 June 2023; West Lindsey District Council, [Frequently asked questions with regards to the legal hearings on RAF Scampton](#), 12 June 2023; West Lindsey District Council, [Council applies to High Court over Scampton future](#), 28 April 2023 [accessed 5 July 2023];

<sup>107</sup> Landmark Chambers, [Court of Appeal dismisses RAF Wethersfield s. 187B appeal](#), 23 June 2023

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