

# THE CITY OF DURHAM TRUST

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Web site: <https://www.durhamcity.org/>

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Durham, DH1 1TH

25 January 2026

Clare Walton  
Durham County Council  
Planning Department  
PO Box 274  
Stanley  
County Durham  
DH8 1HG

Dear Ms Walton,

**DM/25/03413/FPA - 119 Bradford Crescent, Gilesgate, Durham, DH1 1HW**

*Change of use from dwellinghouse (Use Class C3) to a flexible use permission as a HMO (Use Class C4) and a dwellinghouse (Use Class C3) under the provisions of Class V of Part 3 of the GPDO including single storey rear extension and cycle parking*

The City of Durham Trust has several concerns regarding this application.

Firstly, this is yet another of many applications in Durham for a flexible C3/C4 use of a property. We regard this as an ingenious effort for widespread permanent exemption from the Article 4 Direction and CDP Policy 16.3.

As stated previously, the Trust believes that there is a clear risk of thwarting the very purpose of the Article 4 Directions here through the proposed flexible use permissions. There is no requirement for planning permission to convert a C4 property to a C3 property, so the flexibility being sought is to be able to switch from C3 to C4 from time to time without needing to seek planning permission each time.

The County Council needs to protect the purpose of the Article 4 Directions and the terms of CDP Policy 16.3 by making clear that any property granted a flexible C3/C4 use will always be included in the count of Houses in Multiple Occupation and treated as being an un-implemented approved C4 while it is operating for the time being as a C3 property.

Once again, we strongly support the inclusion of a safeguard to this effect in the officers' reports on the cases that have been referred to the County Council's committee, and urge that the same terms are applied in this case.

The Trust's second concern also relates to the methodology of counting which properties are classed as relevant HMOs. When this same application was determined only 7 months ago (DM/25/00735/FPA), it was rejected on the basis that the percentage of HMOs within a 100m radius was 10.4%. Now, as reported on 17 December, it is stated as being only 6.5%. Given that there are 77 properties within the 100m radius, this suggests that there were previously 8 relevant HMOs whereas now there are only 5. Local investigation confirms that this is due to 3 of the approved HMOs within that radius currently being unlet and lying vacant.

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These properties are clearly capable of being let again as student HMOs at any time in the future without the need for further planning consent, and consequently (just as with the 'flexible' consents discussed above) they should be regarded as 'unimplemented permissions' for the purposes of evaluating compliance with CDP Policy 16.3(b). The Trust is of the opinion that these properties should be included on that basis thus restoring the HMO percentage to 10.4%, in which case the application would fail to comply with the policy.

Our third concern relates to the cumulative effect that HMO consents are having on parking in the vicinity. Most properties have no in-curtilage provision, with the result that all the approved parking increases required under the Parking & Accessibility SPD are on-street. To date the Highways Department has only considered each HMO application on an individual basis, but not in terms of the cumulative impact of so many approvals within the area. To put this in perspective, the number of HMOs approved or currently under consideration within Bradford Crescent alone is 18, with an associated increase of 20 bedrooms most of which require an additional parking space under the SPD. The applicant contends that the property is intended for students and they don't have cars - but there are flaws with this argument: firstly, the University has recently made it clear that students do bring cars to Durham for a variety of reasons, especially in outlying areas such as Gilesgate; and secondly, this is a flexible C4/C3 application so C3 use of this extended property has to be considered. Approval is likely to add to the existing problems of on-street congestion.

Recent refusals of applications in similar circumstances (DM/25/02066/FPA, 43 Oak Avenue and DM/25/00966/FPA, 53 Frank Street) have cited: "substandard parking provision which fails to meet the requirements of the Council's Parking and Accessibility SPD and would result in vehicles unacceptably restricting access to proposed bin and cycle storage"; "failing to provide sufficient parking provision to the detriment of highway safety"; "out of curtilage parking creating significant inconvenience to existing and proposed residents having a detrimental impact to residential amenity"; and "increased pressure on on-street parking provision in an area which is considered to have a high level of displaced parking resulting in a detrimental impact on the health and living conditions of nearby residents". The Trust considers that these statements apply equally in this case.

In summary, the Trust objects to this application based on:

- failure to comply with Policy 16.3(b) of the County Durham Plan in terms of the number of relevant HMOs exceeding the threshold figure of 10%; and
- failure to comply with Policies 16.3(e), 29(e) & (f) and 31 in terms of a lack of suitable parking provision.

The Trust therefore requests that this application be refused on the grounds above.

Yours sincerely,

JOHN LOWE

Chair, City of Durham Trust  
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**Celebrating, Protecting and Enhancing the City of Durham**