

THE CITY OF DURHAM TRUST

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Dear Durham County Council Engagement Team

Houses of Multiple Occupation planning measures

The City of Durham Trust is a local civic society and registered charity. Its purpose is to celebrate, protect and enhance the heritage and landscape of the City of Durham, and it also takes a keen interest in the planning of County Durham as a whole, notably through close engagement with the preparation of what were the County Durham Development Plans, then Durham County Structure Plans, and now the County Durham Plan.

We are pleased to have the opportunity to offer our comments on the proposed County-wide Article 4 Direction to help control the amount and location of properties which are being converted into small Houses of Multiple Occupation (HMOs). We have submitted our responses to the online consultation questionnaire but are also providing the following thoughts so as to be able to explain our experience and reasoning.

The Trust played an active and positive role in the campaign that at long last brought the first Article 4 Direction to control HMOs here in 2016. As you know, this and the subsequent two Article 4 Directions cover the whole of the City of Durham Parish area apart from Aykley Woods and the Maiden Castle/ Low Burnhall area.

That campaign was all about the particular nature of HMOs occupied by University students. The clash of life-styles, the noise in the early hours, the problems of discarded waste and overflowing wheelie bins, the neglected properties and gardens, the multitude of parked cars, and the other kinds of anti-social behaviour, coupled with the transient nature of such occupants, all damaged community balance and harmony. The imbalance became intolerable and eventually Durham City obtained the vital Article 4 protection it desperately needed.

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The County Council is now proposing that the rest of County Durham outside the current Article 4 areas in Durham City needs an Article 4 Direction to control HMOs. The Trust understands that communities across the County are expressing concern about increasing conversions of family homes into HMOs. We hope that the following observations, offered in the context we have set out above, will be of assistance.

The scale of the issue

The Trust notes that the City of Durham Parish Council has examined the relevant data and concludes that there are easily ten times more HMOs in Durham City than in the whole of the rest of the County. We would therefore urge that clarity is essential as to what in fact are the widespread problems that are said to be about HMOs. An Article 4 submission must be based on solid evidence and true facts for it to have any chance of receiving approval.

The effect of an Article 4 Direction

The key matter that must be stressed is that a County-wide Article 4 Direction will not, of itself, prevent more HMOs. An Article 4 Direction merely requires that planning permission has to be sought. It does not provide a policy on how the planning application should be decided.

The accompanying planning policy

The only policy at the moment is County Durham Plan Policy 16 which does lay down the tests for approval or refusal, but it applies only to student HMOs. Student HMOs are not the problem outside the existing Article 4 area. So, to tackle the county-wide HMO issue, a new policy is needed covering all HMOs.

This will be done through the replacement County Durham Plan that has only just begun its initial stage. Thus the proposed controls over planning permissions for HMOs outside the existing Article 4 area would not come into statutory effect until the new County Durham Plan is Adopted in 2028 at the earliest.

Until the new County Durham Plan is in place, existing policies will have to be used, as they are in parts of Durham City where the HMO percentage is below 10%. CDP Policies 29 and 31 have been used here in numerous cases to refuse HMOs on amenity grounds of overcrowding and car parking problems, and this is welcome. But many have been permitted, and appeals are pending. It must be uncertain whether HMO applications in the rest of County Durham can be successfully dealt with until an Article 4 Direction coupled with a planning policy on HMOs are both in place.

There is the option in the meantime of preparing a Supplementary Planning Document (SPD) just for HMOs, but usually these SPDs are extra detail for interpreting a development plan policy rather than significantly changing the terms of a policy.

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Licensed HMOs

Assuming that the new County Plan will have policies on housing and will include particular kinds of housing including House in Multiple Occupation, it will be necessary to be able to calculate the point at which an additional HMO in a local community would be harmful in the terms set out in the new planning policy. The problem at the moment is that Licensing is required only for large HMOs; most HMOs are small and do not need Licences, so will not be counted in determining whether the limit (which might be 10% if current policy on HMOs in Durham City is a guide) has been reached.

Accordingly, the Article 4 Direction and the new planning policy will not actually be effective unless a County-Wide Additional Licensing Scheme is introduced, so that all HMOs are identified and counted.

The Trust is aware that work has been happening on drafting a possible County-Wide Additional Licensing Scheme that would be self-financing, and this is encouraging.

Conclusions

The Trust greatly values the protection that the existing Article 4 Directions provide in the very intense situation around HMOs in Durham City. If a case is to succeed and prove effective in the rest of County Durham then firm evidence on the actual nature of the perceived problems will be required, a new statutory planning policy will have to be adopted, and a County-wide Additional Licensing Scheme for all HMOs will need to be brought into existence.

The Trust hopes that the above comments are helpful.

Yours sincerely

John Lowe,

Chair of the City of Durham Trust