
Appeal Decision

Hearing held on 24 March 2026

Site visit made on 24 March 2026

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 May 2026

Appeal Ref: APP/X1355/W/25/3376424

Former Hallgarth Care Home, Hallgarth Street, Durham DH1 3AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Unity Living against the decision of Durham County Council.
 - The application Ref is DM/24/02972/FPA.
 - The development proposed is conversion of a former care home to purpose built student accommodation (PBSA) including re-roofing of conservatories; cycle shelter; bin store; EV bays and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of a former care home to purpose built student accommodation (PBSA) including re-roofing of conservatories; cycle shelter; bin store; EV bays and associated works at Former Hallgarth Care Home, Hallgarth Street, Durham DH1 3AY in accordance with the terms of the application, Ref DM/24/02972/FPA subject to the conditions in the attached schedule.

Preliminary Matters

2. A previous scheme at the appeal site for the subdivision of the building into nine flats, with between five and nine bedrooms, was dismissed at appeal (the previous appeal)¹. My assessment has taken that decision into account.
3. An Addendum Report² to the Purpose Built Student Accommodation Needs Assessment was submitted as part of the appeal. Interested parties have had an opportunity to review and make comments on evidence submitted as part of the appeal. Therefore, I do not consider that the Council, or any interested parties, would be prejudiced by me accepting this report.

Main Issue

4. The main issue is the effect of the proposed purpose built student accommodation (PBSA) on the objective of creating, or maintaining, a mixed and balanced community, having regard to the policies in the development plan.

Reasons

5. The proposal is for the change of use of Hallgarth Care Home, a purpose built care home for the elderly. The business ceased operating in 2023 and the building has

¹ APP/X1355/W/24/3338834

² Addendum Report: Purpose Built Student Accommodation Need Assessment at Hallgarth Redundant Care Home, Savills Residential Research & Consultancy, Report for Unity Living (November 2025)

since remained vacant. The building has a u-shaped plan form and, due to variance in ground levels across the site, is two storey at the front elevation and is three storey at the rear. There is an existing vehicular access off Hallgarth Street and there are parking areas within the courtyard at the front, and to the side, of the building.

6. The proposal is for the conversion of the building to PBSA which would comprise a total of 48 studio bedspaces. All of the studios would be single occupancy and would accommodate a single or double bed, kitchenette, study area and en-suite bathroom. Shared facilities in the building would include a gym, laundry, cinema room, games room, conference room, study rooms, common room and a communal lounge.
7. Within their consultation response Durham University advised that there is strong demand for studio accommodation from postgraduate international students and demand outstrips supply. The university also identified a need for accommodation that meets the requirements of disabled and neurodivergent students. In light of this, the appellant amended the scheme to include a total of 12 accessible rooms and 12 that would be modified to meet the needs of neurodivergent students.
8. Durham is a city with a large student population, and the Council seeks to balance the need to provide suitable student accommodation with the housing needs of the non-student population, with the objective of creating mixed and balanced communities. Within Policy 16 of the County Durham Plan 2020 (CDP) the Council divides student accommodation into two forms, PBSA and Houses in Multiple Occupation (HMO). The previous proposal³ was for the conversion of the building into nine flats with between five and nine bedrooms, and the Council's Licencing Team considered that the accommodation should be considered as HMOs.
9. As the scheme before me is for individual studio apartments it represents a material change from the previous appeal scheme. This is reflected in the response from the Council's Licencing Team who advised that the accommodation proposed is not licensable as HMO accommodation. Therefore, the main parties are in agreement that the proposal is for PBSA and, based on the evidence before me, I have no reason to disagree. As such, it falls to be considered against Part 2 of Policy 16 of the CDP rather than Part 3 which relates specifically to HMO accommodation.
10. Although not stated within Part 2 of Policy 16, paragraph 5.125 of the CDP states that 'this policy will serve to deliver student accommodation to create inclusive places in line with the objective of creating mixed and balanced communities'. Policy 2 lists six sites that are allocated for PBSA and makes provision for PBSA on unallocated sites provided they meet nine criteria. In this instance the main parties dispute whether the proposal meets the requirements of criteria a) which states *'that there is a need for additional student accommodation of this type in this location'*.
11. The Housing Needs Supplementary Planning Document February 2025 (SPD) provides additional guidance on how policies are to be interpreted, including Part 2 of CDP Policy 16. It is acknowledged that that the University may have stated in the past that there is sufficient accommodation for students. However, the SPD acknowledges that the need for PBSA can change, and is influenced by the requirements of students, with new PBSA providing increased choice.

³ APP/X1355/W/24/3338834

12. Appendix 2 of the SPD lists a number of factors which should be considered when submitting a PBSA Needs Assessment, one of which is consideration of price band. No specific figures are provided for the predicted rent level of the proposed studios and the appellant states that this would be decided by the final operator. It is notable that the SPD provides guidance and paragraph 5.12 the SPD states that 'consideration' should be given to the factors listed in Appendix 2. The SPD also allows a balanced approach when it comes to supporting evidence that reflects the size of the development proposed. While exact rental figures have not been provided, this is not a requirement of Policy 16.
13. The appellant submitted a Need Assessment⁴ as part of the planning application. The assessment takes Durham University's latest strategy⁵ into account which includes details of the aims of the university in terms of enrolment and future development. The Need Assessment also considers the number of PBSA in Durham. This original Need Assessment concluded that the current student to PBSA bed space ratio is 2.1 which the Need Assessment found to be higher than the industry ideal ratio of 1.5. Within the supporting evidence and during the hearing the appellant stated that the ratio of 1.5 takes in to account the fact that not all students require a PBSA bed space.
14. As detailed above an Addendum Report was submitted in relation to the original Need Assessment. The Addendum report includes updated figures for student numbers and accommodation provision in Durham; including approved schemes for PBSA that are not yet completed. This resulted in an amended ratio of student to PBSA bed spaces of 1.7 which would still be higher than 1.5.
15. During the Hearing the appellant confirmed that an industry recommendation of 1.5 students per PBSA bedspace is a figure used by developers to assess the level of need in a specific area; and the main parties agree that it is not supported within planning policy. However, there is no planning policy or guidance before me that defines a set way to quantify need for PBSA. In the absence of an alternative, this standard ratio is a reasonable way to indicate the level of demand in comparison to availability. I see no clear reason why it should not be considered as part of a multi-layered approach to the assessment of the need.
16. The figures used in the assessment of the number of existing PBSA were questioned by third parties both during the hearing and within submitted representations, with the suggestion that some buildings were omitted from the calculation. However, during the Hearing the appellant confirmed that discrepancies in bed spaces were due to them being counted as part of overall colleges or miscounting due to nominations, where universities partner with private providers to secure rooms. Following this clarification there is no substantive evidence before me to suggest that the Need Assessment or the subsequent Addendum Report are inaccurate.
17. The need for PBSA requires a nuanced approach that takes in to account not only the number of students in comparison to bed spaces but the specific requirements of students themselves. As detailed above, the proposed scheme was amended following feedback from Durham University which stated that there was insufficient studio accommodation to meet demand and that there is a limited supply of

⁴ Purpose Built Student Accommodation Need Assessment at Hallgarth Care Home, Savills Residential Research & Consultancy, Final Report for Unity Living, 24th October 2024

⁵ Durham University Strategy 2017-2027, Durham University

accommodation that meets the needs of neurodivergent students and those that require accessible accommodation.

18. Different students will have different requirements, and it is reasonable that students have a choice of accommodation that meets their needs. The submitted Addendum Report states that 25% of the students of Durham University have a known disability yet only 40 (or 1.5%) of all PBSA bedspaces are fully accessible. While it is acknowledged that not all disabilities necessarily require accessible accommodation, given the low number of accessible places and the advice of Durham University it is likely that there is a lack of accessible accommodation available to the students that need it, limiting their choice.
19. The University also highlighted that there has been a significant increase in students with autism in recent years. The appellant has stated that the University suggested that the small scale of the development, the type of accommodation and its location close to the campus would benefit neurodivergent students. In addition, the appellant states that accommodation would be fitted out appropriately with careful consideration given to the needs of neurodivergent students.
20. When taken together, it is considered that the proposal would provide additional choice for students in the form of PBSA that meets the identified needs of international students, those that are neurodivergent and students who require accessible accommodation.
21. The Council and third parties have raised concerns regarding the number of HMOs in the area, citing this as an indicator that the proposed scheme would harm the objective of creating a mixed and balanced community. Criteria a) of Part 3 of Policy 16 states that a new HMO will not be permitted if it would result in more than 10% of the total units within 100 meters of the application site. However, as the proposal is for PBSA it falls to be considered against Part 2 of Policy 16 which does not include the same restriction and sets nine separate criteria to deliver the objective of creating mixed and balanced communities.
22. For the reasons detailed above the proposed PBSA would not harm the objective of creating, or maintaining, a mixed and balanced community having regard to the policies in the development plan. Therefore, it would not conflict with Part 2 of Policy 16 of the CDP which allows new PBSA when there is a need for this type of student accommodation in the location proposed.

Other Matters

23. In their assessment of the previous scheme⁶ the Inspector found that they were not satisfied that a need for further PBSA had been demonstrated. Yet, this view was based on a different scheme, which was supported by separate evidence. Accordingly, the circumstances in that instance are not directly comparable with those which apply to this appeal. I have, in any case reached my own conclusion on the appeal proposal on the basis of the evidence before me.
24. The Council has provided a blog post prepared by Savills⁷ which lists several university cities that have a much higher ratio of students to bedspaces in PBSA than Durham. This included Glasgow with a ratio of 3.8, London at 3.6 and Bristol

⁶ APP/X1355/W/24/3338834

⁷ The Savills Blog, UK cities need much higher rates of student housing (April 2024)

- at 3.5. Notwithstanding this, during the hearing the Council conceded that these figures only demonstrate that demand for PBSA may be greater elsewhere.
25. The appeal site is located within the Durham City Conservation Area and also within the inner townscape setting of the Durham Castle and Cathedral World Heritage Site. Nearby properties at 54-56 Hallgarth Street, 58 Hallgarth Street and 59 Hallgarth Street, are Grade II Listed Buildings. Mount Joy Crescent to the south is identified as a Non-Designated Heritage Asset.
 26. The significance of this part of the Conservation Area is derived in part by the linear built form of Church Street and Hallgarth Street and the frontage development on these streets which comprises varied historic architecture dating from the 17th, 18th and 19th centuries and marks the evolution of the city.
 27. The appeal building appears to date from the late 20th century and is positioned off Hallgarth Street, and no significant external alterations are proposed as part of the scheme. In light of its position and age it makes a neutral contribution to the setting of the buildings detailed above and the character and appearance of the conservation area. In addition, it does not make any particular contribution to the understanding of the significance of the World Heritage Site. Overall, the effect of the proposal on the nearby heritage assets would be a neutral one, with a minor benefit being derived from bringing a disused building within the conservation area back into use.
 28. I have carefully considered the comments from the MP for the City of Durham, Councillors, the City of Durham Parish Council, Elvet Residents' Association, Whinney Hill Community Group and several interested parties, some of which have been addressed in my reasoning above.
 29. Several representations raise concerns regarding the loss of the use of the building as a care home. However, the building was last used as a care home in 2023, and has since remained vacant. Within its consultation response Durham County Council Integrated Strategic Commissioning team advised that there is currently a surplus of care home bed spaces in the County and St Margaret's Care Home provides elderly care and is approximately 2km from the appeal site. On this basis the loss of the care home facility would not be a reason to withhold planning permission, it is also notable that the main parties also do not dispute this matter.
 30. The proposed scheme includes several parking spaces to the front and side of the building. It is also a short walk from both the main campus of Durham University and the city centre, which has good links to the wider public transport network. Due to the location of the development as well as proposed bicycle storage the scheme allows for sustainable travel while providing adequate parking provision. It is noted that the Highways Authority raised no objection to the development, and in light of the above I have no reason to disagree.
 31. In addition, a condition requiring details of the management of the building can include details of parking allocation and control as well as managing pick ups and drop offs at the building. A management plan and a separate noise management plan could also establish that the occupiers of the PBSA do not create unacceptable levels of noise and disturbance or have a lack of pride in the area. An appropriate management plan could also ensure details such as staff support, student discipline and security are agreed and implemented.

32. Based on the evidence before me an arrangement currently exists that allows the occupants of Back Mount Joy to use the existing parking within the appeal site. However, this is a separate civil matter between the parties involved.
33. There is no planning policy that limits the future use of the building or sets a requirement that it is used to provide a community facility such as a place of worship.
34. Whether students are required to pay Council tax is not a planning matter. Reference has also been made to poor local broadband speed during term time. Still, there is no evidence before me to demonstrate that this is the case. -

Conditions

35. I have had regard to the tests in the Framework in relation to the suggested conditions and carried out minor amendments where necessary. In addition to the standard time condition (1), it is necessary for a condition to confirm the approved plans (2) in the interests of certainty.
36. A pre-commencement condition is necessary to ensure that a Construction Management Plan is submitted (3) before works commence, and a separate condition is required to control construction times (12) in the interests of highway safety and the living conditions of nearby occupiers during construction.
37. Further pre-commencement conditions are required for the submission of a Sustainability Statement (4) to ensure that the construction and operation of the scheme deliver sustainable development; and for the submission of details and the delivery of the accessible and neurodivergent supportive bedspaces (5) as this is the development applied for in order to meet identified needs.
38. Pre-occupancy conditions are required for the submission and approval of a Management Plan and a Noise Management Plan (6) and a condition is required to restrict use of the external amenity space (11) ensure the appropriate management of the site and to protect the living conditions of nearby occupiers.
39. In order to provide suitable living conditions for future occupants and to protect the living conditions of neighbouring occupants, further pre-occupancy conditions are required to ensure the provision of suitable external lighting (8) as well as the cycle and bin storage (10) parking areas (7).
40. Finally, in order to protect the character and appearance of the area a condition is also required for the submission of details of the external materials proposed for the re-roofing of the conservatories (9).

Conclusion

41. For the reasons given above the appeal is allowed.

C Livingstone

INSPECTOR

Appendix Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 22058.F010 Rev C, 22058.F011 Rev D, 22058.F012 Rev C, P05 Rev A, P06 Rev F, P07 Rev B, 22058.P8 Rev B.
- 3) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 - i. A Dust Action Plan including measures to control the emission of dust and dirt during construction;
 - ii. Details of methods and means of noise reduction/suppression;
 - iii. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 - iv. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 - v. Designation, layout and design of construction access and egress points.
 - vi. Details for the provision of directional signage (on and off site).
 - vii. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
 - viii. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
 - ix. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
 - x. Routing agreements for construction traffic.
 - xi. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - xii. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
 - xiii. Management measures for the control of pest species as a result of demolition and/or construction works.
 - xiv. Detail of measures for liaison with the local community and procedures to deal with any complaints received. The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations. The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall commence until such time as a Sustainability Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate how the development has been designed to meet the standards set out in Policy 29 of the County Durham Plan, during both the construction and operational phases of the development, including, but not limited to, details of renewable and low carbon energy measures to be installed, and measures to reduce waste through the reuse and recycling of materials. Thereafter, the development shall take place in accordance with the approved details.
- 5) No development shall commence until, an allocation and management strategy including details of the design, specification, distribution and allocation of accessible bedspaces and neurodivergent supportive bedspaces shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
 - a) The total number, location and distribution of 12 accessible and 12 neurodivergent supportive bedspaces within the development;
 - b) Detailed design specifications for accessible bedspaces, including circulation space, bathroom and kitchen layouts;
 - c) Details of neurodivergent-supportive bedspaces, including design measures relating to, but not limited to:
 - Acoustic performance and noise mitigation;
 - Lighting design, including avoidance of glare and provision of adjustable lighting;
 - Colours and finishes;
 - Furnishings
 - d) A strategy for the allocation and ongoing management of accessible bedspaces and neurodivergent-supportive bedspace, including arrangements to ensure that such accommodation is allocated solely to residents who have a recognised disability requiring accessible accommodation or neurodivergent-supportive accommodation.
 - e) Evidence of consultation with Durham University to inform the design of accessible and neurodivergent-supportive bedspaces.

The development shall be completed in accordance with the details approved and managed in accordance with the approved strategy.
- 6) Prior to the first occupation of the development, a detailed Management Plan and Noise Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include, but not be limited to:
 - i. measures for the dropping off and picking up of occupants at the beginning and end of each semester;
 - ii. management procedures for the day to day operation of the building and the use of the external amenity space to its north;

- iii. details of the managing body;
- iv. staffing arrangements;
- v. tenancy agreements;
- vi. disciplinary procedures;
- vii. grounds maintenance;
- viii. security measures;
- ix. fire and health and safety and community liaison;
- x. car parking allocation and enforcement; and
- xi. opportunities for sustainable waste recycling.

Thereafter, the agreed scheme shall be implemented in accordance with the approved details and maintained for the lifetime of the development.

- 7) Prior to the first occupation of the development the car parking area shown on the approved plans has been hard surfaced, sealed and marked out as parking bays in accordance with the approved plans.

Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

- 8) Prior to the first occupation of the development details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.
- 9) Prior to the first occupation of the development details of the make, colour and texture of all external materials for the re-roofing of the conservatories shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.
- 10) Prior to the first occupation of the development the cycle and bin storage shown on drawings P06 Rev F and P08 Rev B shall be sited and made available for use prior and thereafter retained for the lifetime of the development.
- 11) The external amenity space shall not be used in the evening hours between 23.00 and 08.00.
- 12) In undertaking the development that is hereby approved:
- No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.
 - No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.
 - No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works

whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*****END OF CONDITIONS*****

APPEARANCES

FOR THE APPELLANT:

Gary A Grant of Counsel (Kings Chambers)

Gary Swarbrick BA (Hons) DipTP, MRTPI

Jacqui Day

FOR THE LOCAL PLANNING AUTHORITY:

Barry Cransfield BA (Hons), MRTPI – Senior Planning Officer

Paul Hopper BA (Hons), MRTPI – Principal Planning Officer

INTERESTED PARTIES:

Councillor Liz Brown – Chair of Parish Council

Roger Cornwell – Parish Councillor

Walia Kani – Third Party

John Ashby – City of Durham Trust

Graeme Carter – Third Party

Alan Hayton – Third Party

Alan Gemmell – Third Party

DOCUMENTS

Document 1 – Statement of Councillor Liz Brown

Document 2 – Statement on behalf of Elvet Residents' Association