THE CITY OF DURHAM TRUST

c/o Blackett, Hart & Pratt, LLP
Mandale Business Park
Belmont
Durham, DH1 1TH

Web site: https://durhamcity.org/

7 August 2025

Ms Emma Price
Durham County Council Planning Development
PO BOX 274
Stanley
County Durham DH8 1HG

Dear Ms Price,

DM/25/01821/FPA: Change of Use from House in Multiple Occupation (Use Class C4) to a flexible use permission as a House in Multiple Occupation (Use Class C4) and a Dwellinghouse (Use Class C3) under the provisions of Class V of Part 3 of Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order t5 (as amended),
51 Prebends Field, Gilesgate Moor, Durham DH1 1HH

The City of Durham Trust considers that there is a clear risk of thwarting the very purpose of the Article 4 Directions here through the proposed flexible use permission as both a House in Multiple Occupation (Use Class C4) and as a Dwellinghouse (Use Class C3). 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 essential test of Policy 16.3 of the County Durham Plan is whether the number of student C4 properties is more than 10% of the total number of residential units within 100 metres. It may well be, at the time of the application for this flexible use C3/C4, that the 10% threshold has not been reached and therefore a C4 use is acceptable under Policy 16.3. But circumstances change, and if other applications for C4 uses in the locality move the percentage up to the 10% limit then the property enjoying the C3 aspect of the flexible C3/C4 use would be able to switch to its C4 aspect without being subject to re-assessment and refused now that the 10% threshold has been reached.

Accordingly, the Trust considers that 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. A condition to this effect should be placed on any approval.

Further, the Trust is aware of numerous current applications for "flexible use C3/C4" (see appendix). The County Council is faced with not a single isolated case but an ingenious effort for widespread permanent exemption from the Article 4 Directions and CDP Policy 16.3. This makes it imperative that a consistent and effective solution is adopted across all such applications, as outlined above.

Yours sincerely

Sue Childs
Vice Chair of the City of Durham Trust
chair@durhamcity.org

Appendix: current applications for flexible C3/C4 use in Durham City

C4 to C3/C4

DM/25/01648/FPA - 5 Monks Crescent Gilesgate Moor Durham DH1 1HD

DM/25/01695/FPA - 9 Monks Crescent Gilesgate Moor Durham DH1 1HD

DM/25/01734/FPA - 37 Moor Crescent Gilesgate Moor Durham DH1 1PB

DM/25/01819/FPA - 15 Moor Crescent, Gilesgate Moor, DH1 1PB

DM/25/01820/FPA - 24 Moor Crescent Gilesgate Moor DH1 1PB

DM/25/01821/FPA - 51 Prebends Field, Gilesgate Moor DH1 1HH

DM/25/01923/FPA - 29 Hawthorn Crescent, Gilesgate Moor, DH1 1ED

DM/25/01931/FPA - 18 Moor Crescent, Gilesgate Moor, DH1 1PB

DM/25/02047/FPA - 38 Moor Crescent Gilesgate Moor Durham DH1 1PB

DM/25/02050/FPA - 10 Rowan Tree Avenue Gilesgate Moor Durham DH1 1DU

DM/25/02051/FPA - 34 Prebends Field Gilesgate Durham DH1 1HH

C3 to C3/C4

DM/25/01924/FPA - 2 Monks Crescent, Gilesgate Moor Durham DH1 1HD

DM/25/02015/FPA - 6 Goodyear Crescent Sherburn Road Estate Durham DH1 2EB

DM/25/02066/FPA - 43 Oak Avenue Sherburn Road Estate Durham DH1 2ET