

# THE CITY OF DURHAM TRUST

---

Web site: <http://www.DurhamCity.org>

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

29th October 2025

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

Dear Ms Price,

**DM/25/02774/FPA: 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 erection of single-storey extension to rear and provision of cycle and bin storage, 2 Ash Avenue, Sherburn Road Estate, Durham DH1 2HA.**

The City of Durham Trust notes that 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.

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.

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 CITY OF DURHAM TRUST

---

Further, the property currently has no in-curtilage parking and the planning statement confirms that none will be added. Since the property will expand from 3 beds to 4 and will become an HMO with potential to revert to C3, the Trust identifies non-compliance with the Parking & Accessibility SPD. This sets out in Table 5 that a four bedroom residential property should have a minimum of three allocated parking spaces within the curtilage of the property. As was noted by the Central & East Area Planning Committee in relation to 43 Oak Venue, Sherburn Road Estate, the SPD's standards are for normal residential properties where a four bed property might have two adults and two children; the children will certainly not have cars whereas four University students are four adults each with the possibility of having a car.

Accordingly, the current application should be refused for non-compliance with the Parking & Accessibility SPD. If the recommendation is nevertheless for approval, then the Trust reiterates that the safeguards for community balance in CDP Policy 16.3 as set out above should be incorporated into the decision.

Yours sincerely

**Sue Childs,**

Vice-Chair, City of Durham Trust  
chair@durhamcity.org

***Celebrating, protecting, and enhancing the City of Durham***