

Durham County Council
Planning Development
County Hall
Durham
DH1 5UL

City of Durham Parish Council
Office 3 D4.01d
Clayport Library
8 Millennium Place
Durham
DH1 1WA
29 October 2019

Dear Ms Hurton,

Planning Application DM/19/03170/CEU | Certificate of lawful use application for the change of use of C3 Dwellinghouse to C4 HMO prior to the Article 4 Direction coming into force | 11 Mayorswell Close Durham DH1 1JU

This planning application was discussed at the meeting of the Parish Planning Committee on 25 October and it was decided to object for the reasons given below.

The applicant has given absolutely no evidence for the C4 use having started on 9 December 2015. A Land Registry search via website <http://landregistry.data.gov.uk/app/ppd/search> shows that it was bought on 7 December 2015 for £189,000. Neighbours have advised the Parish Council that the house was then gutted and reconfigured. We understand that a representation stating this will be forthcoming. The Authority's online Building Control database also shows that building work was proceeding through 2016 and your colleagues may be able to provide further information.

The University's summer vacation ended on 2 October 2016 (see <https://web.archive.org/web/20160324160556/https://www.dur.ac.uk/dates/>) with teaching not starting till 10 October. It seems reasonable to infer that students moved in at the start of October, which is after the Article 4 direction came into force on 16 September 2016.

We draw your attention to Appeal Ref: APP/X1355/C/17/3169798 for 24 Nevilledale Terrace, Durham, DH1 4QG. This may be found on the public access website, reference 17/00013/ENF. This was another case of a landlord claiming that the C4 use had started before the Article 4 Direction came into force. The Inspector made it clear that "the onus is on the appellant to substantiate her case, the relevant test being the balance of probability". There is no evidence in the current case, simply an unsubstantiated assertion on the application form that is clearly wrong. Consequently we urge you not to issue the requested certificate.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council