



Planning Statement

Prior Approval Change of use from Class E (office) to
Class C3 (residential)

70 Part Street, Horsham, West Sussex

prepared by

WPS Planning

Planning Statement
70 Park Street



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1.0 INTRODUCTION

- 1.1 This statement supports the submission of a Prior Approval Application for a change of use from Class E(a) - Office to C3 – Residential at 70 Park Street Road, Horsham.

Site & Surroundings

- 1.2 The application site consists of a two storey office unit, located on the eastern side of Park Street, which is within an consisting of a mix of commercial and residential properties.
- 1.3 The unit has been occupied by a charity for approx. 20 years. The site lies within the defined built-up area of Horsham, as such has good access to local services, Horsham town centre and railway station. The site is not within a conservation area and there are no Article 4 Directions covering the site.

2.0 LEGISLATION

- 2.1 Prior approval is sought for the change of use of the building to two 1no. bedroom dwellings under the provisions of Class MA of Part 3 of Schedule 2 of the General Permitted Development Order 2015 (as amended).

Class MA - Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

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Development not permitted

MA.1.

(1) Development is not permitted by Class MA—

Criterion (a) was deleted from the legislation under SI 2024 No. 141 effective from 5th March 2024.

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

Criterion (c) was deleted from the legislation under SI 2024 No. 141 effective from 5th March 2024.

(d) if land covered by, or within the curtilage of, the building—

- (i) is or forms part of a site of special scientific interest;
- (ii) is or forms part of a listed building or land within its curtilage;
- (iii) is or forms part of a scheduled monument or land within its curtilage;
- (iv) is or forms part of a safety hazard area; or
- (v) is or forms part of a military explosives storage area;

(e) if the building is within—

- (i) an area of outstanding natural beauty;
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(a);
- (iii) the Broads;
- (iv) a National Park; or
- (v) a World Heritage Site;

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(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

Criterion (g) is no longer relevant.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions – medical or health services);
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Conditions

MA.2.

(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;

- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;

3.0 ASSESSMENT

3.1 Prior approval applications are assessed as to whether the development qualifies for the permitted development allowance and an assessment of the pre-development criteria.

3.2 In respect of the qualification criteria the applicant states the following.

Criterion (a) was deleted from the legislation under SI 2024 No. 141 with effect from 5th March 2024.

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

3.3 The application site has been used as an office unit for over 20 years.

Criterion (c) was deleted from the legislation under SI 2024 No. 141 with effect from 5th March 2024.

(d) if land covered by, or within the curtilage of, the building—

- (i) is or forms part of a site of special scientific interest;**
- (ii) is or forms part of a listed building or land within its curtilage;**
- (iii) is or forms part of a scheduled monument or land within its curtilage;**
- (iv) is or forms part of a safety hazard area; or**
- (v) is or forms part of a military explosives storage area;**

3.4 The site is not a listed building and is not any of the land affected by this clause.

(e) if the building is within—

- (i) an area of outstanding natural beauty;**
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(a);**
- (iii) the Broads;**
- (iv) a National Park; or**
- (v) a World Heritage Site;**

3.5 The site is not within any land affected by this clause.

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

3.6 The site does not relate to agricultural land and there is no agricultural tenancy in place.

(g) before 1 August 2022, if—

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been canceled in accordance with the provisions of Schedule 3.

3.7 Criterion G is no longer relevant to Class MA applications as the dates within the parts g(i) and g(ii) have passed.

- 3.8 As such it is concluded that the development complies with the qualification criteria of Class MA.

Conditions

- 3.9 MA.2. requires that development under Class MA is permitted subject to assessment via a prior approval for the following pre-commencement criteria.

(a) transport impacts of the development, particularly to ensure safe site access;

- 3.10 This consideration relates to whether the conversion of the building would result in an impact on the safety and convenience of the highway.
- 3.11 The impact of the development on transport and highways is considered not to be detrimental or harmful due to the proposed development being a change of use from office to two 1no. bedroom dwellings.
- 3.12 The proposal does not include the provision of car parking spaces. As such, it would not be detrimental to highway safety.
- 3.13 Therefore it is highlighted that the proposed change of use will not amount to a substantive impact on the highway network.
- 3.14 The site is in a sustainable location close to the high street, local shops, and services, where modes of transport other than the private car should be encouraged. Therefore, it is considered that more than adequate opportunity exists for using sustainable transport methods within the vicinity of the site.

(b) contamination risks in relation to the building;

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3.15 The building was formerly used as offices within Class E and no excavations are proposed. Therefore, it is not considered that there would be any concerns regarding contamination.

(c) flooding risks in relation to the building

3.16 The site falls within a Flood Zone 1 (very low flood risk). As such, the flood risk requirement is met.

(d) impacts of noise from commercial premises on the intended occupiers of the development

3.17 There is not considered to be any concerns regarding noise, given the site being located in a residential area.

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground Floor,

the impact of that change of use on the character or sustainability of the conservation

area;

3.18 The change of use will be achieved through internal configurations; therefore, it will have no significant effect on the building's appearance and the character of the surrounding area.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses

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3.19 The bedroom and living spaces within the proposed dwellinghouse will have access to natural light via the existing windows and door of the building, which will be retained for this purpose.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses

3.20 The site is not within a designated area and as such, this clause has no effect.

3.21 The bin storage is located at the back of the property.

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006(a), the impact on the local provision of the type of services lost.

3.22 The development does not affect the uses named above.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

3.23 Since the building's height is below 18m, the fire risk conditions do not apply in this case.

Application of the National Space Standards

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- 3.24 The two-storey building has a total gross internal area (GIA) of 140m². This would provide a ground floor unit of approx. 83m² and a first floor unit of approx. 57m². As such, this exceeds the allowable space for a 2no. person, 1no. bedroom, dwellinghouse of 50m².

4.0 CONCLUSION

- 4.1 In conclusion, the proposed change of use from an office (Class E) to 2 no. one-bedroom dwellinghouses falls squarely within the scope of Class MA of the GPDO. The building meets all of the qualification criteria, is not subject to any of the exclusions set out within the legislation, and has been in lawful office use for well in excess of the required two-year period. On this basis, the proposal is acceptable in principle as permitted development.
- 4.2 The prior approval matters have been carefully considered and are all satisfied. The change of use will not give rise to any unacceptable transport or highway impacts, particularly given the sustainable location close to the high street, shops and services, and the absence of on-site parking will not compromise highway safety. There are no contamination or flooding concerns, with the site located in Flood Zone 1 and no groundworks proposed.
- 4.3 The building is not located within a sensitive designation such as a conservation area, nor within an area important for general or heavy industry, waste management or storage and distribution uses. The proposal does not result in the loss of any health or nursery facilities. There are no adverse noise implications for future occupiers, given the established residential context, and the bin storage arrangements are appropriate to the scale and nature of the development.
- 4.4 The proposed units will benefit from adequate levels of natural light to all habitable rooms by virtue of the existing openings, which are to be retained.

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Furthermore, the internal layouts comfortably meet and exceed the Nationally Described Space Standards for 2-person, 1-bedroom dwellings, ensuring a good standard of accommodation for future occupants.

- 4.5 Overall, the proposal represents an efficient and sustainable re-use of an existing building to provide two well-sized residential units in a highly accessible location, without giving rise to any harm in respect of the prior approval matters. It is therefore considered that the proposal fully complies with Class MA of the GPDO, and prior approval should accordingly be granted.