Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/1148
Dems House, Units 1 and 2, Old Mill Drive, Storrington, Pulborough, RH20 4QD

DESCRIPTION:
Prior notification for the change of use from Class E (units 1 and 2) to a 2no. dwellinghouses (Use Class C3).

RELEVANT PLANNING HISTORY:

| | | |
|---|---|---|
| DC/25/0518 | Prior Notification for the Change Of Use from Units (Use Class E) to residential (Use Class C3) to form 4no. dwellinghouses. | Prior Approval Required and REFUSED on 30.05.2025 |

SITE AND SURROUNDINGS:

The application site relates to Units 1 and 2 on the ground floor of Dems House, a two-storey commercial building within the Old Mill Drive commercial area of Storrington. The wider building comprises four units, though only Units 1 and 2 form part of this application. The site is within a mixed-use area characterised by retail, commercial and residential uses, and is flanked by a car park to the north and further commercial premises to the east and west.

DETAILED DESCRIPTION:

A previous application (DC/25/0518) sought prior approval for the change of use of all four ground floor units at Dems House to residential (Class C3). That application was refused on 30.05.2025 on the basis that Units 3 and 4 did not benefit from permitted development rights. The refusal arose from restrictive planning conditions which prevented reliance on Class MA of the GPDO and because the lawful use of Units 3 and 4 had not been in continuous Class E use for the required two-year period.

The current submission (DC/25/1148) has narrowed the scope of development to Units 1 and 2 only. Both of these units have been in lawful Class E use for well over two years and are not subject to restrictive conditions removing PD rights. Accordingly, the present application avoids the impediments that resulted in the refusal of DC/25/0518.

This application seeks prior approval under Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of Units 1 and 2 (Class E) to two self-contained residential dwellings (Class C3). No external alterations are proposed, with the conversion involving internal works only.

Consultations:

**Environmental Health**: No Objection
The asbestos survey reports confirm that no asbestos-containing materials or suspected asbestos-containing materials were identified in the buildings proposed for conversion.

Regarding noise impacts, the Noise Impact Assessment by Venta Acoustics highlights a potential adverse effect from nearby commercial plant during nighttime hours. To mitigate this, the report recommends installing appropriately specified double glazing and attenuated trickle ventilators, as well as enhancing the insulation of separating floors. These measures are considered suitable for addressing the acoustic concerns. However, as openable windows cannot be relied upon for nighttime ventilation, there is a need to consider the risk of overheating, since trickle vents alone may not provide adequate airflow. Suggested pre-commencement condition applied.

**West Sussex Highway Authority:** No Objection
This application seeks prior approval to convert Units 1 and 2 from commercial use (Class E) to residential use (Class C3), resulting in the creation of two dwellings. The site is located off Old Mill Drive, a C-classified road with a 30-mph speed limit. West Sussex County Council (WSCC), acting as the Local Highway Authority (LHA), was previously consulted on a similar application (DC/25/0518) for four dwellings at the same site and raised no objections on highway grounds. That earlier application was refused by the Local Planning Authority (LPA), but the refusal was unrelated to highway issues.

Under the General Permitted Development Order (GPDO), highway considerations for prior approval applications are limited to assessing whether the proposal would lead to a material increase or change in the character of traffic in the area. In this case, no changes are proposed to the existing vehicular access from Old Mill Drive, and the conversion to residential use is not expected to intensify traffic or alter its character significantly.

Parking provision has been addressed, with four spaces shown on the plans—meeting the requirement of two spaces per dwelling as indicated by the WSCC Car Parking Demand Calculator. The layout also allows for on-site turning, enabling vehicles to exit the site in a forward gear. Additionally, the site is in a sustainable location, within walking and cycling distance of local amenities and public transport. Secure bicycle storage is also included in the proposal.

In conclusion, the proposed change of use is considered acceptable in terms of highway impact.

Parish Comments:
None Received

Representations:
None received

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Paragraph W of Part 3 within Schedule 2 of the GPDO sets out the procedure for applications for prior approval (under Part 3), stating: -

*(11) The development must not being before the occurrence of one of the following –*

*a) The receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;*

*b) The receipt by the applicant from the local planning authority of a written notice giving their prior approval; or*

*c) The expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.*

In this case, the application has been duly made and assessed against the requirements of Part 3, Class MA of the GPDO. The Local Planning Authority is satisfied that the proposal relates only to Units 1 and 2, both of which fall within continuous Class E use and are not subject to conditions removing permitted development rights. Accordingly, the proposal is capable of being considered under the prior approval process, and an assessment has been undertaken against the relevant matters set out under MA.2.

Notwithstanding the above, the following assessment is based on the limitations / criteria set out in MA.1: -

**Permitted development**

**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.

**MA.1** (1) Development is not permitted by Class MA—

*~~(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;~~*

*(deleted following the 2024 update to the order on 05.03.2024)*

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

Units 1 and 2 have been in continuous Class E (retail/commercial) use for more than two years and are not subject to restrictive planning conditions.

*(c) ~~if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;~~*

*(deleted following the 2024 update to the order on 05.03.2024)*

**(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;**

The building is not listed, and is not located on a site of special scientific interest or other excluded categories.

**(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;**
- **(iii) the Broads;**
- **(iv) a National Park; or**
- **(v) a World Heritage Site;**

N/A

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

N/A

**(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 cancelled in accordance with the provisions of Schedule 3.**

N/A

**MA.2(1) 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;**

The proposal provides 2 spaces per unit (4 total) with turning provision and cycle storage. WSCC Highways raises no objection.

**(b) contamination risks in relation to the building;**

Asbestos survey confirms no ACMs present. No other risks identified.

**(c) flooding risks in relation to the building;**

The site is in Flood Zone 1, indicating very low flood risk. No mitigation is required.

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

Acoustic report identifies potential disturbance from nearby commercial uses. Mitigation measures (enhanced glazing, trickle vents, insulation) are proposed, with a condition requiring detailed noise and ventilation scheme prior to occupation. With this in mind, subject to the satisfaction of the attached condition, no adverse impact is envisaged.

**(e) where—**
- **(i) the building is located in a conservation area**
- **(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.**

**the impact of that change of use on the character or sustainability of the conservation area**;

Although a conservation area is located to the front (south) of the site, Dems House itself is not within the designated area. Furthermore, there are no external alterations proposed. The internal-only nature of the conversion ensures there will be no harmful visual impact. Not applicable.

**(e) the provision of adequate natural light in all habitable rooms of the dwellinghouses;**

The submitted plans demonstrate that all habitable rooms will be served by existing windows, ensuring adequate natural light to meet the requirements of this condition.

**(f) 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;**

The site is located in a mixed commercial and residential area, but not in an area designated for heavy industry or similar uses.

**(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, the impact on the local provision of the type of services lost and**

None of the units comprise or previously comprised a nursery or NHS-maintained health centre. Not applicable

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

The proposal comprises fewer than 7 storeys and is under 18 metres in height. A fire statement is therefore not required.

**Other Matters**

Water Neutrality

Article 3(1) of the Order grants planning permission for the classes of development specified in Schedule 2 subject to Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017. Regulation 75 provides that it is a condition of any planning permission granted by a general development order made on or after 30 November 2017 that development which (a) is likely to have a significant effect on a European site or a European offshore marine site, alone or in combination with other plans or projects, and (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 77. This above process is administered under separate specific legislation, and is therefore distinct from the scope of this prior notification. It is not therefore necessary to consider the issue of water neutrality further as part of this application. An informative is instead recommended to advise that the presence of a prior approval does not confirm that a development is permitted under the GPDO, and that further written notification is required from the Local Planning Authority under Regulation 77 of the Regulations.

National Space Standards

In accordance with Section (9A) of Article 3 of the General Permitted Development Order (2021 Amendment), Schedule 2 of the Order only permits development for the creation of new dwellinghouses:

*'(a) Where the gross internal floor area is less than 37 square metres in size; or*
*(b) That does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.'*

The proposal incorporates the creation of 2x dwellings which exceed the 37m2 standard (67.2m2 and 66.8m2 respectively). Each unit would benefit from the required built-in storage as per the National Space Standards, and would have adequate space to incorporate freestanding storage for additional needs. The proposed conversion of the building is therefore considered to provide adequate living space in accordance with national space standards, in accordance with Section (9A) of Article 3 of the Order.

**Conclusion**

Unlike the earlier refused scheme, the present proposal applies only to Units 1 and 2, both of which qualify for permitted development under Class MA. The development satisfies all relevant limitations of MA.1 and prior approval matters under MA.2 have been ad-dressed, with conditions proposed where necessary (notably in relation to noise and ventilation).

The proposal is therefore considered to benefit from permitted development rights and prior approval is recommended as required and granted, subject to conditions.

**Recommendation: Prior Approval Required and Permitted**

Conditions:

1 **Pre-Commencement Condition**: Prior to the commencement of development, a scheme of noise and vibration attenuation and ventilation sufficient to prevent overheating and maintain thermal comfort shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that CIBSE TM59 compliance would be achieved with the proposed design, and that CIBSE TM49 has been considered as part of the modelling. The scheme also implement the recommendations detailed in the Venta Acoustics Noise Impact Assessment report, dated 29 August 2025, reference VA6030.250827.NIA.

The scheme shall achieve the habitable room standards as detailed in BS8233:2014 with no relaxation for exceptional circumstances and appropriate consideration of LAmax with suitable measures to ensure the thermal comfort of occupiers. Any mechanical ventilation shall be designed and installed in accordance with the ANC Acoustics Ventilation and Overheating: Residential Design Guide 2020. The scheme as approved shall be fully implemented and thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

Reason: As this matter is fundamental in the interests of residential amenities by ensuring an acceptable noise level for the occupants of the development in accordance with Policy 33 of the Horsham District Planning Framework (2015).

**Note to Applicant – Water Neutrality**
*The applicant is advised that this decision relates solely to whether the Prior Approval of the Local Planning Authority is required, it does not confirm that the proposal represents Permitted Development.* The site lies within the Sussex North Water Supply Zone where Natural England has advised that water extraction cannot be concluded as having no adverse effect on the integrity of the Arun Valley Special Area Conservation (SAC), the Arun Valley Special protection Area (SPA) and the Arun Valley Ramsar Site.

It is a condition of Permitted Development (Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended) that development likely to have a

significant effect on a European Site “must not be begun” until an application has been made to Natural England for its opinion as to whether the development is likely to have a relevant effect. Following this an application must be made to the Local Planning Authority for its approval. No development must be begun until the developer has received written notification of the approval of the local planning authority. For further information on this process see Regulations 75 to 77 of the Conservation of Habitats and Species Regulations 2017 (general development orders).

*The applicant is advised that any development commenced without compliance with Regulation 75 of the Conservation of Habitats and Species Regulations 2017 would be in breach of the GPDO and would be subject to potential future enforcement action.*

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

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**Plans list for: DC/25/1148**

Schedule of plans/documents **approved**:

| Plan Type | Description | Drawing Number | Received Date |
|---|---|---|---|
| Supporting Statement | Water neutrality statement | NONE | 10.07.2025 |
| Supporting Statement | Planning | NONE | 10.07.2025 |
| Location plan | | C3588-3 REV A | 10.07.2025 |
| Block plan | Proposed | C3588-6 | 19.09.2025 |
| Elevation plan | Existing and proposed | C3588-7 | 19.09.2025 |
| Floor plan | Existing | C3588-1 | 19.09.2025 |
| Floor plan | Proposed | C3588-8 REV A | 19.09.2025 |

**DELEGATED**

Case Officer sign/initial Shazia Penne Date: 19.09.2025

Authorising Officer sign/initial RHERMITAGE Date: 19.09.2025