Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0649
78A Trafalgar Road, Horsham, West Sussex, RH12 2QJ

DESCRIPTION:

Prior Notification for the Change Of Use from Retail Unit (Use Class E) to residential (Use Class C3) to form 1no. dwellinghouse.

RELEVANT PLANNING HISTORY:

No relevant planning history

RELEVANT PLANNING POLICIES

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015):
Policy 24 - Strategic Policy: Environmental Protection
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding
Policy 41 - Parking

The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
Schedule 2, Part 3, 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.

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

HDC Environmental Health: Comment

1. ***Fire:***
   Means of Escape from Fire is not protected from the First Floor Bedroom as it is via a high-risk room, ie. the Kitchen and Living room. In addition, there appears to be no door to secure fire separation between Ground and First Floor. Provide evidence to demonstrate how the means of escape from the First Floor sleeping accommodation would comply with Building Regulations and Housing Act standards.

2. ***Space/Head Height/Collision: Attic Bedroom - Restricted head height:***
   The plan shows the First-Floor area as 10.4m^2. However, it is not detailed which area this

covers and what the head heights are in this area. The roof is pitched, and so usable head heights will be restricted. Further information is required to comment on compliance.

Advisory Comment: The Council has currently been unable to adopt the National Standards while the District Plan is held, however, these standards (which are applicable under Planning legislation and not directly under Housing law) once adopted require that where the ceiling is sloping, a minimum floor to ceiling height of 2.3m for at least 75% of the gross internal area is required. Furthermore, they state that a single bedroom should have a floor area of at least 7.5m^2 and that it be at least 2.15m wide.

Housing standards are informed by a number of national standards, some statutory, and some as guidance, and through risk assessment. When measuring a habitable room we will seek to discount any area that has a ceiling height of less than 1.5m above the internal floor level. Ideally rooms should have a ceiling height of around 2.3m above the internal floor level, in line with the Technical Housing Standards- Nationally Described Space Standard. For a room to be considered usable then at least 75% of the ceiling area should be at least 1.9m above the internal floor level. The minimum (usable) floor area of a 'Single' habitable room under the Housing Act is 6.51m^2.

3. ***Total Space:***
Advisory Comment: The property is undersized when considered against the National Technical Housing Standards. The Applicant's stated sum of Ground and First floor areas is 42.4m^2. The National Technical Housing Standards list the minimal gross internal floor area of 1 bedroom, 2 storey accommodation as 58m^2. In calculating this the minimum floor to ceiling height to be 2.3m for at least 75% of the Gross Internal Area, (which we have already queried for the Attic).

4. ***Natural Light & Ventilation***
A 'rooflight' is proposed to provide the only natural light and ventilation to the Attic room. Rooflights can contribute to potential overheating issues and in addition, unlike a vertical window, they do not afford a view to connect the occupant with the external environment, only the sky. The Housing Health and Safety Rating System notes that provision of a view, from a seated position is strongly beneficial for mental wellbeing. Given that occupant's privacy in the Ground Floor Living Room appears to be severely compromised, provision of a view from the First Floor accommodation via a dormer would be very beneficial.

5. ***Falls on Stairs, and Falls Between Levels:***
The proposed staircase enters the First Floor Bedroom presenting a risk of falls.
The safety and pitch of these stairs is questioned. Access to the Attic Bedroom to be provided by a fixed staircase, complaint with current Building Regulations for gradient, tread size, rise and guarding etc.

6. ***Excess Heating, and Excess Cold:***
The property is Victorian and appears to have solid walls rather than modern insulated cavities. The roof also is slate and potentially uninsulated. In its current condition it would likely fail letting requirements of Energy Performance Certification and internal space lost in upgrading to modern standards. A scheme of insulation to bring the property up to Building Regulations compliance required and confirmation as to floor space and head heights on completion.

Ground Floor: Glass: It is not possible to comment on potential issues for natural ventilation, cold, or overheating as there are no drawings illustrating Proposed Elevations.
Further details required.

7. ***Privacy: for the occupants, and Entry by Intruders:***
There is no view to the rear garden. The Ground Floor Living area is open to the public street. The layout affords no privacy to occupants and potentially compromises their security, should they wish to open windows. A lack of privacy and security can lead to stress and contribute to psychological conditions.

8. ***Asbestos:*** *potential asbestos in the building but there is an "interesting" proposed bedroom arrangement in the loft space. A condition should be added requesting that prior to the commencement of development an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 shall be submitted to and approved in writing by the Local Planning Authority.*

WSCC Highways: Comment

In summary, the proposal is not anticipated to result in a material increase or change in the character of traffic. Consequently, no highway concerns would be raised. In principle, the current GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms.

HDC Conservation: Comment

As part of the consultation for the above application we have been asked to confirm that 78A Trafalgar Road is not a listed building. I can confirm that from the information we hold that the building is not listed.

Parish Comments:

No comments

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

'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.

Development not permitted

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;***~~

(section 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;

The application site is currently in use as Class E retail. The unit is owned and occupied by Trafalgar Television and has been in retail business since 1984. The main property is a single storey attached lean-to building positioned on a corner plot situated on the eastern side of Trafalgar Road and southern side of West Parade. There is no planning history relating to this premises as such there are no planning conditions found restricting the use of the premises.

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

(section 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 land covered by the building is not / within the curtilage of any of the above listed designations.

(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 198155;***
- ***(iii) the Broads;***
- ***(iv) a National Park; or***
- ***(v) a World Heritage Site;***

The site is not located within any of the above designations,

(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

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

(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.'

The application site is currently in use as Class E retail. The unit is owned and occupied by Trafalgar Television and has been in retail business since 1984. The main property is a single storey attached lean-to building positioned on a corner plot situated on the eastern side of Trafalgar Road and southern side of West Parade. There is no planning history relating to this premises as such there are no planning conditions found restricting the use of the premises.

Consideration

Paragraph MA.2 states that the an application to determine whether the prior approval of the authority will be required as to the following matters: the transport impacts of the development, particularly to ensure safe site access; contamination risks in relation to the building; flooding risks in relation to the building; impacts of noise from commercial premises on the intended occupants of the development; where the building is located within a conservation area and where the development involves a change of use for 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 provisions of natural light in all habitable rooms of the dwellinghouses; the impacts 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 impact on the local provision of the loss of a registered day nursery of health centre, and; where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building:-

(a) Transport Impacts

WSCC Highways were consulted on this proposal and raised no objection on the grounds of highway safety. It is acknowledged that no vehicular access is associated with this site. No traffic flow information has been provided with the current application; however, class E uses tend to generate greater material movements than C3 residential. Therefore, the Local Highway Authority (LHA) does not anticipate that movements associated with the site will exceed that of the existing use.

WSCC Parking Demand Calculator outlines that a property of this size in this location would generate the requirement for 1 parking space. The applicant proposes a nil car parking provision, consequently, parking would have to be accommodated on-street.

Comprehensive parking restrictions are in place on nearby roads, prohibiting parking in places that would be detrimental to highway safety. The LHA does not anticipate that the existing nil car parking provision would result in a highway safety concern or parking capacity issues in this instance. Due to the location of the development within a sustainable location in Horsham, it is not considered that occupants would be reliant on the use of a car. The LHA would request that secure and covered cycle storage be provided if there is space within the site to do so.

In summary, the proposal is not anticipated to result in a material increase or change in the character of traffic. Consequently, no highway concerns were raised by the LHA.

(b) Contamination Risks

There is potential asbestos in the building and it is noted that there would be a proposed bedroom arrangement in the loft space. Consequently, the Council's Environmental Health Officer have recommended, subject to the outcome of this application, a condition requesting that prior to the commencement of development an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 shall be submitted to and approved in writing by the Local Planning Authority.

(c) Flood Risks

The site is located in Flood Zone 1 according to the Environment Agency, thus there is no appreciable flood risk that requires mitigation or to warrant the refusal of prior approval.

(d) Noise Impacts

The application site is located in a predominantly residential area. It is noted that no objections were raised in regard to the impacts of noise from commercial premises on the intended occupiers of this proposal.

(e) Impact on the Conservation Area

The application site is not located within a Conservation Area, as such paragraph MA.2(2)(e) does not apply.

(f) Provision of Adequate Natural Light

The proposed first floor plan shows that a 'rooflight' to be installed to provide the only natural light and ventilation to the Attic room. Rooflights can contribute to potential overheating issues and in addition, unlike a vertical window, they do not afford a view to connect the occupant with the external environment, only the sky. Following consultation with the Council's Environmental Health Officer it is understood that the Housing Health and Safety Rating System notes that provision of a view, from a seated position is strongly beneficial for mental wellbeing. Given that occupant's privacy in the Ground Floor Living Room appears to be severely compromised, provision of a view from the First Floor accommodation via a dormer would be very beneficial. It is considered that the proposed dwelling would lack adequate natural light in all habitable rooms of the dwellinghouse for the intended occupiers.

(g) Introduction of a Residential Use

The application site is located within a predominantly residential area. There is no heavy industry, waste management or storage / distribution uses located nearby. The proposed arrangement is not unusual for a town centre location, and subject to the above provision for adequate natural lighting in habitable rooms, the occupation of the unit for residential purposes is not considered to adversely impact the future occupants of the dwelling. As such, no objection is raised on these grounds.

(h) Loss of a Registered Nursery or Health Centre Use

The proposal would not result in the loss of a registered nursery of health centre.

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

The application relates to the creation of a single dwelling of a height less than 18m therefore paragraph MA.2(2)(i) does not apply.

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 would instead be recommended to advise that the presence of a prior approval does not confirm that a development is permitted under the GPDO in the event that prior approval were to be granted, and that further written notification is required from the Local Planning Authority under Regulation 77 of the Regulations.

National Space Standards

According to paragraphs (9A) and (9B) of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020:

(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

- ***(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.***

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

The submitted plans shows the proposed dwelling would comprise of 1 bedroom over two storeys. The proposed floor plans states that the proposed gross internal area (GIA) would be 42.4 square metres (sqm).

The nationally described space standard requires that a 1 bed two storeys dwelling must have a minimum gross internal floor area of 58 sqm, plus 1.5 sqm built-in storage. Furthermore, the plan shows the First-Floor area as 10.4m^2. However, it is not detailed which area this covers and what the head heights are in this area. The roof is pitched, and so usable head heights will be restricted. Where the ceiling is sloping, a minimum floor to ceiling height of 2.3m for at least 75% of the gross internal area is required. For a room to be considered usable then at least 75% of the ceiling area should be at least 1.9m above the internal floor level. Additionally, a single bedroom should have a floor area of at least 7.5m^2 and that it be at least 2.15m wide.

According to the dimensions provided on the proposed plan, the gross internal floor areas of the proposed dwelling does not meet the nationally described space standard of at least 58 sqm. Furthermore, insufficient information has been provided in respect to the compliance of the attic room meeting the minimum floor to ceiling height and adequate usable gross internal floor area.

Therefore, this proposal is not considered to be in accordance with paragraph (9A)(b) of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and this application is refused.

Recommendation: Prior Approval Required and REFUSED

Reason for Refusal:

1. On the basis of the submitted information, the proposed dwelling would have lack of adequate natural light in all habitable rooms of the dwellinghouse. Furthermore, the gross internal floor

area to be formed for the proposed dwellinghouse, and the floor area to be formed for the proposed bedroom, would not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015. The proposal would therefore be in contrary to Article 3 (9A)(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Class MA.2.(2f) of Class MA of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

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.

Plans list for: DC/25/0649

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Floor plan	Existing & Proposed Floor Plans	118/2025/2	18.04.2025
Location & Site plan	Site & Location Plan	118/2025/1	18.04.2025

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 04.06.2025

Authorising Officer sign/initial Tamara Dale Date: 12.06.2025