Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/1969
68/70 High Street, Billingshurst, West Sussex, RH14 9QS

DESCRIPTION:
Prior Notification for the Change Of Use from first floor offices (Use Class E) to residential (Use Class C3) to form 2no. dwelling units.

RELEVANT PLANNING HISTORY:

DC/25/1560	Enlargement of existing window and installation of 1no. new window to the first floor north elevation.	Application Permitted on 21.11.2025

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 2021, 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 of Schedule 2 to a use falling within Class C3 (dwellinghouse).

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: No Objection, Advice
Given that no soft landscaping/garden areas are proposed and there no known on or off-site sources of contamination that would present a gas/vapour risks to future site users when they are inside the property. Given the age of the building and the potential for asbestos containing materials we would however recommend conditions for this.

WSCC Highways: No Objection, Comment
No traffic flow information has been provided with the current application; however, office uses tend to generate greater material movements than residential. Therefore, the LHA does not anticipate that material movements associated with the site will exceed that of the existing.

Two car parking spaces are proposed within the existing car parking area off of Mill Lane. From inspection of the plans, the parking area exhibits suitable space for on-site turning to be achievable, allowing cars to exit the site in a forward gear.

The WSCC Car Parking Demand Calculator indicates that a development of this size and location would require four car parking spaces. Therefore, any overspill vehicular parking would have to be accommodated on-street or within nearby paid-for provision.

There are comprehensive parking restrictions in place on the nearby roads that prohibit vehicles from parking in places that would be detrimental to highway safety. The LHA does not anticipate that the shortfall in parking would result in a highway safety concern or parking capacity issue in this location, but the LPA may wish to consider the potential amenity implications.

The site is situated in a sustainable location within walking/cycle distance of local services, amenities, and public transport links. Cycling is a viable option in the local area, and the
LHA would request that secure cycle parking provision be implemented if there is space within the site to do so.

Parish Comments:
At the Planning and Environment committee meeting of 7th October 2025, the committee resolved to SUPPORT to this application due to it providing additional flats within the village centre whilst retaining the ground floor retail space

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

The main issue is whether prior approval is required for the proposed change of use under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Schedule 2, Part 3, Class MA of the above Order states that the following constitutes permitted development:

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;***~~

(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;

Viewing both planning history of the site and Google Street View, it is considered that the current use of the building would fall under Class E. These include Mansell McTaggart, an estate agents that currently operates at the site and previously Global Financial, a financial planners that was wound up in February 2025. It is considered that these business fall within the specified uses approved.

As such, the development is in accordance with this criteria.

~~***(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;**

N/A

(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

(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.'

As above, the application site was most recently / currently falls under Class E.

Consideration

Paragraph MA.2 states that the development must apply to the Local Planning Authority for determination as to whether the prior approval of the authority will be required as to: 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:

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;

No transport statement has been submitted as part of the application. The LHA were asked to comment on the application and commented no highway concerns. The Council and the LHA recognise no parking provision. As commented by the LHA "Two car parking spaces are proposed within the existing car parking area off of Mill Lane. From inspection of the plans, the parking area exhibits suitable space for on-site turning to be achievable, allowing cars to exit the site in a forward gear.

The WSCC Car Parking Demand Calculator indicates that a development of this size and location would require four car parking spaces. Therefore, any overspill vehicular parking would have to be accommodated on-street or within nearby paid-for provision".

It is considered that there are no highways concerns with the development and that overspill parking could be accommodated on street or within a paid car park given the central Billingshurst locale.

(b) contamination risks in relation to the building;

Environmental Health were consulted regarding the application commenting "no soft landscaping/garden areas are proposed and there no known on or off-site sources of contamination that would present a gas/vapour risks to future site users when they are inside the property". However, the age of the property represents a contamination risk for asbestos and a condition is recommended to secure the safety of the property.

(c) flooding risks in relation to the building;

The application site is not considered to be at risk of flooding and as such accords with the criteria.

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

The 2 dwellinghouses are to be located above the commercial premises which occupy the ground floor. The area is of mixed use with both commercial enterprises and dwellinghouses located within the immediate vicinity of the dwellings. Given this, it is not considered that the proposal would result in unacceptable noise impacts for the future occupiers.

(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;

The development is within a conservation area, however, there is no change to the ground floor, with the commercial enterprise / offering to remain at ground floor and the dwellinghouses sited on the first floor.

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

All habitable rooms would benefit from fenestration such that it is considered that all rooms would have adequate natural light. Recent application DC/25/1560 (Enlargement of existing window and installation of 1no. new window to the first-floor north elevation) was approved for additional window.

(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;

There does not appear to be general or heavy industry, waste management, storage and distribution or a mix of such uses within the immediate vicinity.

(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

The development is in accordance with the above criteria.

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

A fire statement is not required given that the height is not more than 18 metres and would contain less than 7 storeys in height.

Other Matters

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 is for the creation two dwellings. Unit 1 is 2 bedroom, 3 persons unit at 63m^2. Unit 2 is a 2 bedroom, 3 person unit at 65m^2. Both dwellings meet / exceed minimum space standards for their respective size as per the National Space Standards. 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.

External Alterations

Class MA of the GPDO does not permit external alterations to existing buildings, and relates only to its use and its conversion. Bearing in mind A.1(a) of Schedule 2 Part 1 of the General Permitted Development Order, the dwellings would not benefit from permitted development rights. In addition, as the use would result in the creation of flats, and would not be considered 'single dwellinghouses' thus would not benefit from permitted development rights in any case.

However, DC/25/1560 (Enlargement of existing window and installation of 1no. new window to the first floor north elevation) has secured the alterations that have been put forward.

Conclusion

The proposal accords with the provisions of Paragraphs MA.1 and MA.2 of Schedule 2, Part 3, Class MA 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) Order 2015. Conditions relevant to the considerations of this class of the Order are attached as detailed below. Prior approval is therefore required and permitted.

Recommendation: Prior Approval Required and PERMITTED

Conditions:

1 **Pre Commencement Condition**: 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. All confirmed or suspected asbestos containing materials shall be removed from areas of the development which are to form private dwellings. A verification report prepared by a competent person which confirms all asbestos or suspected asbestos containing materials have been removed shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

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/25/1969
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Elevation plan	Proposed	PL/647-A/03	01.12.2025
Floor plan	Proposed	PL/647-A/04	01.12.2025
Elevation plan	Existing	PL/647-A/01	01.12.2025
Floor plan	Existing	PL/647-A/02	01.12.2025
Location plan		PL/647-A/06	01.12.2025
Block plan		PL/647-A/05	01.12.2025

DELEGATED

Case Officer sign/initial J.Burrowes Date: 23.01.2026

Authorising Officer sign/initial RHERMITAGE Date: 23.01.2026