



**Horsham
District
Council**

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0061
70 Park Street, Horsham, West Sussex, RH12 1BX

DESCRIPTION:

Prior Notification for conversion of offices to create two new dwellings.

RELEVANT PLANNING HISTORY:

HU/109/96 Change of use from b8 storage to b1 office use Application Permitted on 10.06.1996

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 O - Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

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 Team: Comment

The application site is located immediately adjacent and overlooking an established business selling and maintaining gardening equipment, power tools and grounds maintenance machinery. There is also a car rental company located on the junction of Wellington Road and Park Street. Noise from these commercial activities may prejudice the amenity of future occupiers of the development. It is recommended that an environmental noise survey prepared by a competent person be provided. The proposed dwelling is likely to be exposed to high levels of environmental noise from road traffic, but this cannot be considered under the prior approval process.

Buildings constructed, extended repaired or refurbished before 2000 may contain asbestos materials. The asbestos register for the building should be provided, or an asbestos survey should be undertaken by a competent person to identify any suspected or confirmed asbestos containing materials in the part of the building to form the proposed dwelling.

WSCC Highways: Advice

There is no vehicular access associated with this property and no existing or proposed parking arrangement. The proposed change of use to residential is not anticipated to give rise to a material intensification of movements to or from the site. Two one-bedroom properties in this location would be anticipated to generate the requirement for 1 parking space each. This will need to be accommodated within existing on-street parking provisions or journeys accommodated by sustainable transport alternatives.

Office uses tend to be higher traffic generators than that of a C3 residential use. There are no known highway capacity concerns with the existing use as an office at this location to flag an existing concern with the publicly maintained highway in proximity of the site.

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 area, and the LPA may wish to secure cycle parking provision if there is space within the site to do so.

In summary, the prior approval is considered acceptable in highway terms.

Southern Water: Objection

Insufficient information provided. Pre-commencement condition relating to foul/surface water drainage disposal requested.

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

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;

The unit has been in a Class E Use, Commercial, Business and Service for the last 2 years prior to the date of this application.

~~(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;**

None.

(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;**

None.

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

None.

(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 under a Class E use, with consent granted for the building to be used as offices, in 1996, reference HU/109/96. The agent confirms that the building has been used as offices for over 20 years, with evidence before the Council, available online, confirming as such.

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;

The site does not have a vehicular access, with no existing or proposed parking arrangements. WSCC Highways have advised that the proposed conversion of the unit to residential use is not anticipated to give rise to a material intensification of movements to or from the site. Furthermore, Highways have advised that there are no known highway capacity concerns with the existing use as an office at this location to flag an existing concern with the publicly maintained highway in proximity of the site. As the site is located centrally within Horsham Town, it is anticipated that occupants would be reliant on the use of sustainable and public methods of transport.

In summary, the prior approval is considered acceptable in highway terms

(b) contamination risks in relation to the building;

No asbestos survey has been submitted as part of this application. Given its previous use, it is likely that the site is not subject to any ground-based contamination arising from a previous use. The Council's Environmental Health Team have advised that buildings constructed, extended repaired or refurbished before 2000 may contain asbestos materials. The Team have advised that the asbestos register for the building should be provided, or an asbestos survey should be undertaken by a competent person to identify any suspected or confirmed asbestos containing materials in the part of the building to form the proposed dwelling. As such, an informative has been attached to this consent informing the applicant as such.

(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 site is located within a town centre location, on a street that is predominantly formed of existing residential properties in addition to some examples of commercial uses. The Council's Environmental Health Team has raised concerns with the potential noise impact from a neighbouring commercial practice at 72-74 Park Street, which is currently occupied by a lawnmower sales company and a car rental company located on the junction of Wellington Road and Park Street. Whilst there are surrounding residential properties, the application site would be situated immediately adjacent to this commercial site and therefore noise from these commercial activities may prejudice the amenity of future occupiers of the development, especially as the Council is aware of noise complaints regarding this neighbouring commercial use. As such, an appropriate pre-commencement is recommended seeking details of a scheme of sound attenuation against external noise.

(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 site is not located within a Conservation Area. Therefore, no objection is raised on these grounds.

(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 habitable rooms would have adequate natural light.

(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;

As above, the site is located within a street predominately formed of residential properties with some examples of commercial uses nearby. No heavy industry, waste management or storage / distribution uses occur nearby. The proposed arrangement is not unusual for a town centre location – 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) 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 proposal would not result in the loss of a registered nursery or health centre.

(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. The ground floor will provide living space totalling 89m², comprising 1 bedroom, a dining room, kitchen and a bathroom/WC. The first floor living space will total 60m² and will comprise 1 bedroom, a combined living and dining area, kitchen and a bathroom/WC. 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

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.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
District Wide Zone 1	149	149	0
Total Gain			
Total Demolition			

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Prior Approval Required and PERMITTED

Conditions:

- 1 **Pre-Commencement Condition:** No development shall commence until a scheme for sound attenuation against external noise has been submitted to and approved by the Local Planning Authority. The approved sound attenuation works shall be completed before the dwelling is occupied and be retained thereafter.

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

The applicant is advised, in line with Environmental Health's comments, that buildings constructed, extended repaired or refurbished before 2000 may contain asbestos materials. The asbestos register for the building should be provided, or an asbestos survey should be undertaken by a competent person to identify any suspected or confirmed asbestos containing materials in the part of the building to form the proposed dwelling.

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/26/0061

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date
Floor plan	Existing Floor Plans	182/2025/2	15.01.2026
Location & Site plan	Site & Location Plan	182/2025/1	15.01.2026
Floor plan	Proposed Floor Plans	182/2025/2	15.01.2026

DELEGATED

Case Officer sign/initial Sam Nye Date: 10/03/2026

Authorising Officer sign/initial Tamara Dale Date: 11/03/2026