



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0146
30 West Street, Horsham, West Sussex, RH12 1PB

DESCRIPTION:

Prior approval for the part change of use of the ground floor and change of use of the first and second floor retail space (Class E(a)) to 8no. residential dwellings (Class C3).

RELEVANT PLANNING HISTORY:

DC/22/2135	Formation of one flat above the existing ground floor retail use fronting West Street and the construction of 9 flats on four floors above a retained ground floor (following demolition of existing floors) fronting Blackhorse Way.	Application Refused on 30.06.2023
DC/25/1391	External alterations including installation of new windows and doors and alterations to existing windows and doors at ground, first and second floors.	Application Permitted on 23.10.2025
DC/26/0141	Construction of first floor courtyard, installation of new windows and doors, associated external alterations, and rendering of the rear elevation.	Pending Consideration

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 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 Team: Comment

- There are concerns that if the ground floor is used for a more intrusive use, such as a restaurant/bar with loud music or gym with associated impact noise, neither we understand would require a separate planning permission, then even with sound insulation between the ground and 1st floor there is likely to be an impact on residential amenity.

- It is noted that one of the bedrooms on the first floor is directly over the ground floor 'storage area' which given that this area may be used early in the morning or late in the evening is a concern.
- From looking at the internal layout, one of the second-floor bathrooms is directly above a bedroom. This is incompatible stacking, poor acoustic design and not in accordance with Approved Document E.
- It is understood that the above matters in relation to controlling the use of the ground floor space and changing the internal layout cannot be addressed through this current application.
- The principle of converting this building into residential could be acceptable, however given the above, the view is that the dwellings as proposed will be poor quality and there are concerns in relation to the potential noise impacts on residential amenity. If, however the LPA are minded to approve this application, the recommended pre-commencement condition should be imposed.

WSSC Highways: No Objection

- The site is in a highly sustainable town centre location, located near local services, amenities, and employment. The site is accessible by sustainable modes of transport and future occupiers will not be reliant on the use of a private motor vehicle, but should they own a vehicle parking restrictions apply within the area to control unsafe parking, there are also several multi-storey car parks located in the Town Centre should parking be required.
- The LHA do not anticipate that the proposed nil parking provision would be harmful to the safe use and operation of the highway network.
- Adequate secure cycle parking appears to have been provided for in the drawings.
- The LHA note the comments made about the construction phase with regards to construction traffic and workers parking. Given the location and the site being so close to the bus station the LPA may wish to secure a Construction Management Plan if that is possible under a Prior Notification application, to ensure any construction and disruption remains at an absolute minimum.

Parish Comments:

None received

Representations:

3 letters of Objection have been received from 3 addresses, objecting to the application on the following grounds:

- No parking provision available, with the existing parking situation being acute. This development will exacerbate the problem.
- Overlooking and privacy issues caused by the proposed boundary wall height
- Noise impacts arising from the proposed terrace
- Noise impacts from air conditioning/heating system serving the retail space
- Access issues caused by construction workers, relating to parking and obstructions
- Noise impacts from construction activity
- Loss of daylight to neighbouring properties
- Impact on day to day living and mental wellbeing of the occupants of the neighbouring properties

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 building has been in long term retail use including for a continuous period of 2 years prior to this submission.

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 application is supported by a submitted Transport Assessment. The site does not have a vehicular access, with no existing or proposed parking arrangements. In line with WSCC

Highway's comments, the site is in a sustainable town centre location, with local services, amenities and employment. The site is accessible by sustainable modes of transport, with good bus and train links close by and adequate secure cycle parking being provided. Whilst the site does not have parking provisions, the surrounding area has parking restrictions in place to control unsafe parking, including multiple public car park options. As such, the LHA does not anticipate that the proposed nil parking provision would be harmful to the safe use and operation of the highway network. The objectors' comments relating to construction traffic and parking are noted, alongside the LHA's comments, and as such, a pre-commencement condition has been imposed seeking the submission of a Construction Management Plan.

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 raised no comments relating to contamination risks and the previous applications associated with the premises also did not raise any contamination risks. It is advised that buildings constructed, extended repaired or refurbished before 2000 may contain asbestos materials. As such, 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.

(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 which comprises a mix of uses, including retail, commercial and business premises, as well as residential uses such as a hotel and dwellinghouses. The Council's Environmental Health Team has raised concerns with the potential noise impact on the intended occupiers of the development, from the ground floor remaining in a Class E Use. The Team has concerns relating to the potential use of the ground floor as a restaurant/bar/gym, if a future change was to occur, and state that even with sound insulation, there will be impacts on the residential amenity. Concerns relating to the layout of the development have also been raised.

These concerns are acknowledged. Given the site's location, it is common to find residential uses situated above commercial premises, with numerous examples in close proximity. Whilst some of the concerns raised by the Environmental Health Team cannot be addressed as part of the Prior Approval process, for example the hours and use of the ground floor, they have advised that if the LPA are minded approving this application, a high level sound insulation and construction condition be imposed, to which the applicant has agreed to.

(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.**

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;

West Street comprises a mix of uses, including retail, commercial and business premises, as well as residential uses such as a hotel and dwellinghouses. There are no heavy industrial, waste management, or storage/distribution uses in the immediate vicinity. This mix is typical of a town centre location, and the proposed residential use of the unit would not be expected to adversely affect the amenity of future occupants. 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 8 dwellings, as set out below –

Unit	Unit Size (Internal)	Nationally Described Space Standards
First Floor		
1 Bedroom 2 Person	55 sqm	50 sqm
1 Bedroom 2 Person	64 sqm	50 sqm
1 Bedroom 2 Person	53 sqm	50 sqm
1 Bedroom 2 Person	54 sqm	50 sqm

2 Bedroom 3 Person	75 sqm	61 sqm
2 Bedroom 3 Person	72 sqm	61 sqm
Second Floor		
1 Bedroom 2 Person	55 sqm	50 sqm
1 Bedroom 2 Person	62 sqm	50 sqm

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.

Other Matters

The proposal includes the provision of outdoor amenity space on the first floor in the form of a terrace. This area would meet the definition of “curtilage” as defined by paragraph X.

It is recognised that concerns have been raised by neighbours with respect the use of this space and potential noise impacts. It is noted that roof terraces such as that proposed are established within the immediate locality, with the residential use of such area not considered to be out of character in this context. As such, no objections are raised to this part of the proposal.

It is noted that the plans indicate operational development, comprising various external alterations, that are required to facilitate the conversion. These matters are subject of a separate full planning application under reference DC/26/0141.

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	490	490	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:** Prior to commencement of development, details of a scheme of sound insulation and construction, including mechanical ventilation sufficient to prevent overheating and maintain thermal comfort within the dwellings, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the sound insulation of the party floors is 5dBA or better than normal Building Regulations, and shall also include details of post construction verification to be carried out. The development shall be carried out in strict accordance with the approved details and shall 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).

- 2 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
- (a) the location for the loading and unloading of plant and materials, site offices, parking and storage of plant and materials
 - (b) Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
 - (c) Details regarding contractors' parking

The approved details shall be adhered to throughout the construction period.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 3 **Pre-Occupation Condition:** Prior to occupation of the development, the Post Construction Verification Report, as required by Condition 1, shall be submitted to and approved in writing by the Local Planning Authority. The premises shall not be occupied until any necessary remedial work has been satisfactorily completed.

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 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/26/0146

(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
Location plan	Location Plan	HOR/001	29.01.2026
Site plan	Proposed Site Plan	HOR/PD2/100 REV B	29.01.2026
Floor plan	Existing Floor Plans and Roof Plan	HOR/EX/500	29.01.2026
Elevation plan	Existing Front, Rear and Street Scene Elevations	HOR/EX/510 REV A	29.01.2026
Elevation plan	Existing Side Elevations	HOR/EX/511 REV B	29.01.2026
Floor plan	Proposed ground floor, first floor, second floor and roof	HOR/PD2/500 REV B	29.01.2026
Elevation plan	Proposed Front, Rear and Street Scene Elevations	HOR/PD2/510 REV D	29.01.2026
Elevation plan	Proposed Side Elevations	HOR/PD2/511 REV C	29.01.2026
Section plan	Proposed Sections/Elevations A-A, B-B, C-C	HOR/PD2/512 REV C	29.01.2026
Supporting Statement	Covering letter	25.5063	29.01.2026
Supporting Statement	Transport Statement	T1342-001 REV 02	29.01.2026
Supporting Statement	Noise Impact Assessment	230517-R001A REV A	29.01.2026
Supporting Statement	Daylight Survey Report	NONE	29.01.2026

DELEGATED

Case Officer sign/initial Sam Nye Date: 23/03/2026

Authorising Officer sign/initial Tamara Dale Date: 25/03/2026