



ALLEN PLANNING Ltd
Town Planning and Development Consultants

Horsham District Council
Planning Department
Via Planning Portal Only

22nd April 2026

Dear Sirs

Prior Notification requirement under Part MA of the GPDO for the change of use of Class E space to form 4 apartments.

Site at Rear of Ground and First Floor only, 84 High Street Billingham RH14 9QS

This Prior Notification submission relates to the rear element of both the ground and first floors of this two storey building used under Class E of the UCO to form 4 apartments under Part MA of the GPDO.

The application is accompanied by a site plan together with the application forms and also the proposed and existing detailed floor plans and the completed CIL forms. In addition, the application is also supported by a Flood Risk Assessment and also a Waste Management Strategy for the collection of domestic waste.

The site frontage is shown in Figure 1 below.



Figure 1 - Site Frontage

The application site lies within the Billingshurst Conversation Area which features a number of specialist shops, retailers and public houses to the north, and residential to the south of the site. 84 High Street, Billingshurst was previously operated by Barclays Bank with car parking to the rear of the site.

It is located on the west side of the High Street with access to the car park via an existing private road to the south of the building. To the south of the site the properties are predominantly residential and to the north there are a number of specialist shops, retailers and public houses.

The Bank use on the site has been closed since 24th November 2017 and the building has been unoccupied since.

The existing building is of facing brickwork construction with a plain clay tiled mansard roof to the east, with small false dormer window/rooflights to the front elevation and a felted flat roof behind.

At the rear over the two-storey element is another mansard roof in plain clay tiles with a felted flat roof above. The existing soffit of the mansard is painted timber and the existing hopper and downpipe is cast iron. There are a mix of metal and white UPVC windows throughout the building.

The existing tarmac drive to the South of the building leads to the tarmac carpark to the rear and the general location of the site is shown in Figure 2 below.

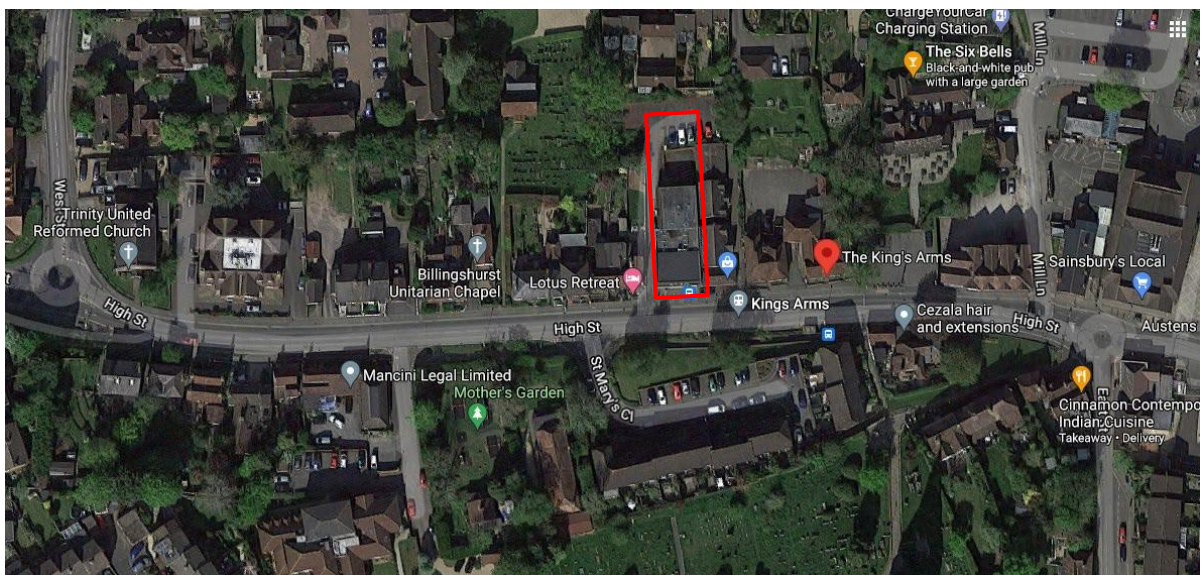


Figure 2 - Site Location

Turning to the recent planning history on the site, under LPA reference DC/25/1141 planning permission was refused for the change of use and external alterations to provide 1no. retail/commercial unit and 6no. 1 bedroom flats.

The reasons for refusal of that application are set out below:

“1 The proposed development would result in the introduction of a residential use within a known area of surface water flooding without the submission of a site-specific flood risk assessment or sufficient information to demonstrated to the satisfaction of the Local Planning Authority that the proposed development would prove safe for its lifetime. The proposal

therefore fails to accord with Policy 38 of the Horsham District Planning Framework (2015) and paragraphs 170, 176, 181 and 182 of the National Planning Policy Framework (2024).

2 Insufficient information has been submitted to demonstrate the potential ecology impact of the proposed development including the potential impacts on statutory protected species, the Mens Special Area of Conservation or the Ebernoe Common Special Area of Conservation. The proposal therefore fails to accord with Policy 31 of the Horsham District Planning Framework (2015) and paragraph 193 of the National Planning Policy Framework (2024).

3 The proposal fails to provide a functional site layout so as to facilitate domestic waste collections for the life time of the development. The proposal therefore fails to accord with Policy 32 of the Horsham District Planning Framework 2015 and paragraph 135 of the National Planning Policy Framework (2024)."

Previous to this under LPA reference DC/21/0909 an application was subsequently withdrawn for the change of use of existing building to provide 1no. commercial unit (Class E) and 6no. 1-bedroom flats with associated external alterations.

This application was withdrawn on the basis of "water naturality" issues, and we are advised that in other respect officers were supportive of the development save for the ecology issues.

The site has also been granted planning permission twice for a mix of residential and retail space as set out below:

DC/20/2378 Change of use to provide 1No. retail/commercial unit, 1 No. 2-bedroom flat and 1No. 4-bedroom dwelling and erection of a double garage.
Application Permitted (03.02.2021)

DC/18/1761 Demolition of existing building and redevelopment of the site to provide 1x retail / commercial unit, 5 x dwelling (comprising 5x2-bed houses) parking and revised access road.
Application Permitted (21.06.2019)

Permitted Development

Class MA of the amended General Permitted Development Order, which came into force on the 1st August 2021 states that a development consisting of would constitute 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.

Paragraph MA.1 identifies that development is not permitted by Class MA if:

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 building has been used for bank/office purposes falling now within Class E of the UCO for many years

(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 site is not covered by 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 1981*
 - (iii) the Broads;*
 - (iv) a National Park; or*
 - (v) a World Heritage Site;*

The site is not covered by any of the above listed 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*

The building is not occupied under an agricultural tenancy

- (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*

Not applicable

Conditions

This permitted development is also subject to conditions as identified in paragraph MA.2 namely that 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;*
- (b) contamination risks in relation to the building;*
- (c) flooding risks in relation to the building;*
- (d) impacts of noise from commercial premises on the intended occupiers of the development;*
- (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;*
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;*
- (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; and*
- (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(a), the impact on the local provision of the type of services lost.*

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”.

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse

(a) Transport

The use of this floorspace as residential would be likely to generate less traffic when compared to the former Class E office use which operated from the site. On that basis the traffic created by this proposed development would not lead to situations detrimental to highway safety.

Turning to matters of car parking the NPPF in matters of sustainable development, transport and car parking advises at paragraph 112 of the revised Framework advises that if setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Paragraph 113 advises that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

In addition, paragraph 116 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In terms of local policy, Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. In addition, Policy BILL14 of the Neighbourhood Development Plan outlines that development proposals must provide suitable off-street parking that meets the minimum number of parking spaces as determined by the West Sussex Residential Parking Demand Calculator.

The site is highly sustainable nature with easy access to all the town's amenities and public transport opportunities. This is a scheme comprising solely of the re-use of parts of the building to form 4 flats.

The application site seeks to utilise the existing vehicle access that runs along the southern boundary of the site with an area of hardstanding which provides for 9no. vehicles, along with a double garage.

The proposal would provide 6 parking spaces allocated to the proposed 4 flats with the remaining spaces retained for the retail/commercial space.

A view of the rear parking area and access is shown in Figure 3 below.



Figure 3 - Photograph of the Rear (West) Elevation showing the rear façade of the building and part of the car park to the rear of the site

In terms of standards, it is noted that the West Sussex Parking Demand Calculator anticipates a demand for 6 no. off-street parking spaces for the proposed residential development,

The site is located within Billingshurst Village Centre and is thereby a sustainable location. There are a number of public transport options within proximity to the site, and it is likely that trips to the retail/commercial unit would be shared with trips elsewhere within the Village Centre.

The proposal would result in a potential shortfall of spaces for the retail/commercial unit, it is submitted that there is sufficient availability nearby, to accommodate the shortfall without harm to matters of highway safety.

In addition, adequate cycle parking and refuse storage is also provided on site to serve the proposed apartments and such is shown on the proposed block plan below in Figure 4.



Figure 4 – Proposed Block Plan

Cycle parking is provided in a secure and enclosed shelter and also “visitor” provision to the rear of the building.

In terms of refuse storage appropriate provision is provided to the rear of the building. In order to allow for the Council’s refuse operatives to serve the domestic refuse from these proposed flats a letter from the Managing Agents of the site clearly identifies that they will be responsible for moving the refuse contained to the site’s frontage on collection day and returning them to the storage area at the rear of the site.

Overall, therefore it is concluded that the proposed development would fulfil sustainable development planning policies and would avoid any adverse impacts upon the local highway network.

(b) Contamination risks in relation to the building

Turning now to matters of contamination the site lies in an area where matters of land and ground contamination have been previously raised in applications on the site and it is therefore highly unlikely that these proposals would lead to matters of contamination.

The application proposes the conversion of the existing building only with no “ground break” or indeed any alterations to the building.

The building has been the subject of significant human work/habitation as offices which have existed satisfactory with no issues of contamination.

In light of the above we therefore respectfully suggest that there are no material issues relating to the change of use proposed on matters of ground contamination. This was accepted by the LPA in terms of its previous decisions on the site.

(c) Flood Risk

The Environment Agency flood risk mapping identifies that the site would fall entirely within Flood Zone 1 where the probability of fluvial flooding is low. The proposed development is

therefore appropriate at this location. Information from the Environment Agency and the Local Authority Strategic Flood Risk Assessment confirms that there are no recorded historical flooding events at the site, and flood mapping indicates a less than 0.1% annual probability of river flooding.

The site is predicted to remain within Flood Zone 1 when climate change allowances are applied for the 2070-2125 epoch. Environment Agency surface water flood mapping shows that the site lies within the predicted flood extents for the 1 in 30-year, 1 in 100-year, and 1 in 1,000-year rainfall events, indicating a high risk of surface water flooding.

As a result, appropriate flood resilience measures will be incorporated to minimise potential damage and enable rapid recovery following a flood event. Flood risk from other sources, including groundwater, sewers, reservoirs, and artificial structures, is assessed as low. The proposed development will not increase the impermeable area of the site and will therefore not increase surface water runoff, cause backwater effects, or divert floodwaters to third-party land.

The application is supported by an FRA and for the sake of ease we set out its conclusions below:

“The planning application is for a Prior Notification requirement under Part MA of the GPDO for the change of use of Class E space to form 4 apartments at the rear of Ground and First Floor only at 84 High Street, Billingham RH14 9QS.

In accordance with the NPPF Guidelines, the proposed development use is categorised as ‘more vulnerable’. As the site is located in Flood Zone 1 (i.e. low probability flooding), the proposed development is appropriate at this location.

According to the information available from the Local Authority’s SFRA and the Environment Agency, there were no records of flooding events at the site.

The Environment Agency’s Flood Maps show that the site lies within the Flood Zone 1 (i.e. low probability flooding). Flood Zone 1 is an area where flooding from rivers is very unlikely. There is less than a 1 in 1000 chance of flooding occurring in any one given year (i.e. a less than 0.1% annual probability of flooding).

The Environment Agency’s flood risk map also indicates that the site will remain within the Flood Zone 1 (i.e. low probability flooding) when climate change is considered for the future 2070-2125 time frame.

According to the Environment Agency’s surface water flood maps, the site lies within the predicted flood extents for surface water flooding during the 1 in 30-year, 1 in 100- year, and 1 in 1,000-year rainfall events. This implies that the risk of surface water flooding is high.

As the site is subject to flood risk from surface water, flood resilient measures will be adopted for minimising the damage and to enable quick recovery and clean up after the flooding event.

The flood risk from other sources including underground water, sewer and reservoir and artificial structures is low.

The proposed development will not lead to any increase in the surface runoff from the site.

The development will not give rise to backwater effects or divert water towards other properties.

This report demonstrates that the proposal will be safe, in terms of flood risk, for its design life and will not increase the flood risk elsewhere.”

We therefore submit that the conversion of the identified parts of this building to form 4 apartments would not result in any unacceptable impacts in terms of potential flood risk.

(d) Noise

In terms of the impacts of noise from commercial premises on the intended occupiers of the development, in this respect traffic noise cannot be an issue for consideration in Prior Notification applications under Part MA. When considering potential noise disturbance, the revised NPPF at paragraph 180 advises:

180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

Paragraph 191 adds:

“191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”

The site lies in a mixed-use area with predominantly Class E commercial units and this application however none would constitute noise generating uses.

In light of the above we submit that there is no reason to resist the change of use proposed in terms of matters of potential noise disturbance from commercial buildings and/or land uses in close proximity to the site and indeed this was accepted by the LPA in terms of its previous determination of the application for residential conversion.

(e) Conservation

The site lies within a defined Conservation Area and this application does seek a change of use of part of the ground floor and thereby an assessment of criterion (e) is required in terms of these proposals.

It is proposed to convert the rear part of the ground floor into two apartments retaining the frontage and indeed the majority of the ground floor in a commercial use. It is submitted that the retention of the building's frontage and that part of the ground floor as a commercial unit would retain the character of the Conservation Area, even though that is somewhat mixed in terms of land use.

At the present time the entirety of the building is currently vacant, and has been for many years, and fundamentally fails to add to the vitality of the conservation area.

The conversion of the rear part of the ground floor to form two flats would not adversely impact either the character of the conservation area or indeed its vitality and as such there is no conflict with this criterion of the prior notification procedure.

(f) Adequate Natural Light

This criterion requires an assessment in terms of each flat to be created relating to the provision of adequate natural light to proposed habitable rooms. There is no definition of *adequate* within the regulations, however only natural light is to be considered as opposed to direct sunlight or daylight. Reference to 'adequate' suggests merely satisfactory or acceptable in quality.

Flat 1 is proposed as a 1bed 1 person unit in the rear of the ground floor with two large windows with one each serving the bedroom and living area. Flat 2 is also proposed as a 1bed 1 person unit in the rear of the ground floor with three large windows and would be dual aspect. The flat would have two windows for the proposed bedroom and one for the living area.

Flat 3 is proposed as a 1bed 1 person unit in the rear of the first floor with three large windows with one serving the bedroom and two serving the living area. Flat 4 is proposed as a 1 bed 2 person unit in the rear of the first floor with three large windows and would be dual aspect. The flat would have two windows for the proposed bedroom and one for the living area.

Given this detailed assessment it is submitted that the proposed scheme would provide adequate natural light into all of the habitable rooms of all 4 of the proposed apartments.

(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; and

The site does not lie within such an area

(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(a), the impact on the local provision of the type of services lost.

The previous land use was not as a nursery or health centre and it is **therefore submitted that in such circumstances there is no conflict with this criterion.**

Apartment sizes

A further requirement of prior notification is that each flat proposed must achieve the minimum size standards as set out below:

. In article 3, after paragraph (9) insert—

“(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(a).

(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.”.

In terms of the above we therefore assess the 9 proposed dwellings against the NDSS standards.

Flat No	Type	NDSS Requirement	Size
1	1b1p	37m ²	45.92m ²
2	1b1p	37m ²	48.57m ²
3	1b1p	37m ²	42.35m ²
4	1b2p	50m ²	50.48m ²

On the basis of the above all 4 of the flats proposed are therefore compliant with NDSS standards.

Part M.2.A requirements

Paragraph M.2A.(1) requires that the following provisions apply where a developer is required under paragraph M.2(f) to make an application to a local authority for a determination as to whether the prior approval of the authority will be required.

Sub paragraph (2) advises that the application must be accompanied by—

(a) a written description of the proposed development;

a detailed description of the proposal is set out on the application forms and within this covering letter as the conversion of this floorspace into 4 apartments.

(b) a plan indicating the site and showing the proposed development;

a plan indicating the location of the site and the floorspace within the building proposed to be converted accompanies this application.

(c) drawings prepared to an identified scale and showing—

the drawings have been prepared to an identified scale and show the detailed internal layout of the proposed dwellinghouse including window position and sizes.

(i) in the case of a building to be erected, the proposed external dimensions and elevations of that building; and

(ii) in the case of a building to be extended or altered, the external dimensions and elevations of that building both before and after the proposed extension or alteration;

It is not proposed to extend, alter or erect buildings on the site

(d) a written statement in respect of the heritage and archaeological considerations of the development;

The site does lie within a conservation area and this statement assesses this criterion and concludes that there would be no adverse impacts upon the conservation area.

(e) the developer's contact address;

Horsham Estates Ltd c/o Allen Planning Ltd, Harrogate Business Centre, Hammerain House, Hookstone Avenue, Harrogate. HG2 8ER

(f) the developer's email address if the developer is content to receive communications electronically; and

Horsham Estates Ltd c/o Allen Planning Ltd– tony.allen@allenplanning.co.uk

(g) any fee required to be paid.

The fee of £1040.00 will be paid via the planning portal.

Conclusions

In light of the information contained within this letter we submit that the change of use of the rear of the ground and first floors of this building to **form 4 apartments** from their permitted Class E use is wholly in accord with Class MA of the amended General Permitted Development Order and the Prior Notification Procedure.

If the Council require any further information, then please do not hesitate to contact me.

Yours sincerely

A black rectangular box used to redact the signature of Mr A.M. Allen.

Mr A.M Allen
Managing Director