

Delegated Decision

Sign off Sheet

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| Ref. No: | DM/25/2049 | Case Officer: | Stefan Galyas |
| Application Type: | Prior Not. Comm. to Dwell house Class MA | | |
| Proposal: | Conversion of existing first floor (salon) and internal alterations to provide 2 bedroom residential accommodation. | | |
| Site: | Loriner House, Broad Street, Cuckfield, West Sussex, RH17 5LJ, , , | | |
| Validation Date | 19 Aug 2025 | Overall Expiry Date: | 19 Sep 2025 |
| Pre-Commencement Conditions Required: | | Pre-Com Conditions Date Agreed: | |
| Recommendation: | Prior Approval is Granted | Recommendation Date: | 13 Oct 2025 |
| Target Date: | 14 Oct 2025 | Recommending Officer Signature: | <i>Stefan Galyas</i> |

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| Date Legal Agreement Completed: (if applicable) | | No of Representations: | 0 |
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| Signed and Agreed By: | <i>Stephen Ashdown</i> | Date: | 13 Oct 2025 |
| Comments: | | | |

MID SUSSEX DISTRICT COUNCIL

DM/25/2049

**Loriner House, Broad Street, Cuckfield, West Sussex, RH17 5LJ, ,
Conversion of existing first floor (salon) and internal alterations to provide 2 bedroom residential accommodation.**

Mr David Thackeray

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

Environmental Protection: *'The applicant should be aware that standards of sound insulation specified in the Building Regulations only relate to domestic premises and that between commercial and domestic units a higher level of sound insulation may be required.'*

Conservation Officer: *'The proposal is not considered to adversely affect the character and appearance of the Conservation Area'*

West Sussex County Council Highways: *'The prior approval is therefore considered acceptable in highways terms'*

Mid Sussex District Council Street Naming and Numbering: Recommended informative.

Flood Risk and Drainage: No objection.

Contaminated Land: *'There is a concern that the property may contain asbestos, which should be viewed as possible contamination. Having previously been in commercial use there should already be an asbestos risk register relating to the premises in line with the Control of Asbestos Regulations 2012. This register is essential to assess potential contamination risks and inform appropriate remediation measures.'*

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: No objection.

INTRODUCTION

The application seeks a determination under Part 3, Class MA of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) whether prior approval is required for the change of use of the existing Class E commercial space at first floor to provide a two bedroom residential flat (Class C3).

RELEVANT PLANNING HISTORY

DM/25/2048 - Provision of external gas box meter. Permission 08.10.2025.

SITE AND SURROUNDINGS

The application relates to Loriner House, an end of terrace three storey building with a hipped roof form. The existing building contains an existing salon at both ground and first floor level as well as a residential flat at second floor level. The existing building appears to date from the early 20th century and utilises a generally traditional design. In terms of existing facing materials, the building is composed of brick

exterior walls and features partially tile clad first floor bay windows. The existing building abuts to the pavement edge to the northern side of the highway and is set within a village centre location, where local services and provisions feature regularly within the locality.

With regard to policy constraints, the site is located within the Cuckfield Built-Up Area Boundary. The site is also set within the Cuckfield Conservation Area as well as the village wide Article 4 Direction. There are a number of grade II listed buildings located nearby to the north, south and west of the site.

APPLICATION DETAILS

It is proposed to convert the first-floor commercial element of the building from commercial (Class E) to a two-bedroom flat (Class C3).

The submitted plans show that the flat would have two bedrooms, a lounge area, a bathroom and a hallway. The proposed flat would have a total gross internal floor area of 62m².

LEGAL FRAMEWORK AND LIST OF POLICIES

As this is not a planning application, the Mid Sussex District Plan and the East Grinstead Neighbourhood Plan are not relevant to the determination of this application.

The application falls to be assessed against Part 3, Class MA of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such any matter raised that falls outside of these considerations cannot be taken into account. Class MA relates to commercial; business and service uses to dwellinghouses and states:

Class MA - Commercial, Business and Service Uses to Dwellinghouses

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—

(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;

(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;

(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;

(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

(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.

(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.

Conditions

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

(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 -

- (a) for paragraph (e) of sub-paragraph (2) there were substituted—
 - "(e) where—
 - (i) sub-paragraph (6) requires the Environment Agency⁵⁸ to be consulted, a site-specific flood risk assessment;
 - (ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,";
 - (b) 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";
 - (c) after sub-paragraph (6) there were inserted—
 - "(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.";
 - (d) in sub-paragraph (7) for "(5) and (6)" there were substituted "(5), (6) and (6A)";
- (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.

Interpretation of Class MA

MA.3 Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

- (a) contain two or more dwellinghouses; and

(b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

When determining the application, the Local Planning Authority should also have regard to the National Planning Policy Framework as far as relevant to the subject matter of the prior approval, as if the application were a planning application.

ASSESSMENT

Having regard to the permitted development criteria as set out under Class MA.1, the land covered by or within the curtilage of the building does not fall within an SSSI, nor does it form part of a listed building or land within its curtilage, nor form part of a scheduled monument or land within its curtilage, nor form part of a safety hazard area, nor form part of a military explosives storage area. The building is not located within an AONB, National Park or any of the other designated sites set out under criteria MA.1. (e). In addition, the site is not occupied under an agricultural tenancy.

It is also a requirement that 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. After the 1st September 2020 this relates to Class E (commercial, business and service). The Order defines the term 'building' as follows:

"building"—

a) includes any structure or erection and, except in Class F of Part 2, Classes P and PA of Part 3, Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16, Class T of Part 19 and Class ZA of Part 20, of Schedule 2, includes any part of a building; and

b) does not include plant or machinery and, in Schedule 2, except in Class F of Part 2 and Class C of Part 11, does not include any gate, fence, wall or other means of enclosure'.

The accompanying application form sets out that the building has been used in as a commercial use for at least 2 years.

In light of the above, it is considered that the proposed change of use under Class MA would constitute permitted development and the proposal therefore falls to be considered against the following matters set out below:

Transport Impacts of the Development

The Local Highways Authority (WSCC) have been consulted on the proposal and has confirmed that the proposal is acceptable in terms. Whilst no off street parking provision is proposed, the flat would likely utilise nearby on street parking or paid for provision as per the existing arrangement. Due weight has been afforded towards the sites sustainable location within a walking and cycling distance of local services.

Contamination Risks

The Council's Contaminated Land Officer has considered the application and noted the following:

'There is a concern that the property may contain asbestos, which should be viewed as possible contamination. Having previously been in commercial use there should already be an asbestos risk register relating to the premises in line with the Control of Asbestos Regulations 2012. This register is essential to assess potential contamination risks and inform appropriate remediation measures.

To ensure the safety of future residential occupiers, who may not be equipped to manage or monitor asbestos risks in the same way as commercial company, a copy of the existing asbestos register should be submitted. If the register indicates the presence or likelihood of ACMs, further investigation and a remediation strategy will be required prior to occupation.

At present, no asbestos register has been submitted with the application. Therefore, in the absence of this information, in order to allow the application to proceed as it is, I would recommend applying precautionary conditions to ensure the safety of future residential occupiers/

Should the applicant later provide a copy of the asbestos register confirming that no ACMs are present or likely to be present, the conditions below may be reviewed or removed.'

As such, a pre commencement condition has been recommended to secure this additional information.

Flood Risk

The proposal would not increase the existing footprint of the building and would be set at first floor level. Accordingly, no objection was raised from the Council's Drainage Engineer consultant and the proposal is considered to be acceptable in terms of potential flooding risks.

Noise From Commercial Premises

The Council's Environmental Protection Officer has considered the application. Concerns had been raised with regard to the noise impact of the current commercial premises on ground floor. It was also noted that noise from the salon would be likely audible in the proposed flat unless suitable sound insulation is provided. However, it was raised that the Applicant should be aware of the Building Regulations standards for domestic premises and that the level of insulation may have to be increased between commercial and residential premises.

Accordingly, it is considered that the noise insulation measures can be covered off at the Building Regulations stage of the development and that no pre-commencement condition has been recommended by the Council's Environmental Protection Officer.

Provision of Adequate Natural Light in All Habitable Rooms

Paragraph X of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that *'habitable rooms' means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms'.*

It is considered that the Lounge/ kitchen room would be served by two front bay windows and two side windows, resulting in ample natural light received. Furthermore, bedroom 2 would utilise an adequately sized window opening. Bedroom 1 would utilise a narrower window, however this is considered to be sufficient with regard to the natural light levels.

To this end, it is considered that the proposal would accord with condition MA.2(2)(f) of Schedule 2, Class MA.

Impact on Loss of Service

The development does not involve the loss of a registered nursery or health centre.

Dwelling Space Standards

Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) sets out in relation to permitted development that:

'(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.

(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.'

This requirement came into effect for prior approval applications submitted from the 6th April 2021.

The proposal would constitute a two-bedroom, three person dwelling and the submitted floor plans include details of the floor areas for each unit.

The technical housing standards require any two bed, three person dwelling to measure at 61m².

The submitted floor plans shows that the flat would comply with the minimum requirements set out in the national guidance.

National Planning Policy Framework

The site lies within a sustainable location and would assist in meeting a housing need of smaller units within Cuckfield. It is not considered that the proposal would conflict with any of the policies within the NPPF.

CONCLUSION

In conclusion, it is considered that there are no flooding or contamination risks in relation to this proposal and that the transport and highways impacts and potential noise from nearby commercial premises are acceptable. In addition, it is considered that the proposal would result in adequate light to the habitable rooms proposed.

The proposal accords with the criteria set out under Class MA, Part 3, Schedule 2, of the GPDO (as amended), and it is considered to be acceptable with regards to the considerations under this prior approval. On this basis, prior approval for the proposed change of use is required, and can be granted, in accordance with the details submitted.

Decision: Prior Approval is Granted

Case Officer: Stefan Galyas