

Delegated Decision
Sign off Sheet

Ref. No:	DM/25/2880	Case Officer:	Peter Davies
Application Type:	Prior Not. Comm. to Dwell house Class MA		
Proposal:	Retention of existing warehouse and creation within it of 3 new dwellings.		
Site:	13 Beaconsfield Close, Burgess Hill, West Sussex, RH15 9AT, , , ,		
Validation Date	10 Nov 2025	Overall Expiry Date:	3 Mar 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval is Granted	Recommendation Date:	5 Mar 2026
Target Date:	5 Jan 2026	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	6
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Signed and Agreed By:	Stephen Ashdown	Date:	5 Mar 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2880

**13 Beaconsfield Close, Burgess Hill, West Sussex, RH15 9AT, , ,
Retention of existing warehouse and creation within it of 3 new dwellings.
Mr A Sideek**

SUMMARY OF REPRESENTATIONS

7 letters of representation were received raising objection to the application for the following reasons:

- Access issues during construction through the car park of Stockwell Court
- Increased traffic
- No services for the building including sewage
- Refuse collection
- Loss of privacy created by overlooking
- Noise and disturbance
- Visual impact on character of area
- Impact on wildlife
- Light pollution
- Impact on Conservation Area

SUMMARY OF CONSULTEES

Environmental Protection: Noise generated during construction of the development could impact neighbouring properties. Suggested conditions relating to construction and delivery hours have been recommended to minimise noise impacts.

Conservation Officer: Due to the existing site history an objection on grounds of impact on character and appearance of the Conservation Area may be hard to sustain. However, when viewed purely as new dwellings within the Conservation Area in design terms to be very poor and out of keeping.

West Sussex County Council Highways: The site is accessed via privately maintained road. No visibility concerns with access the London Road and the development will not give rise to material intensification of use of the existing junction.

The WSCC Car Parking Demand Calculator indicates that a development of this size should have 4 spaces. The proposal demonstrates 3 spaces however do not anticipate a shortfall of 1 space to cause a highway safety concern. Recommended conditions to secure car parking and cycle parking prior to occupation.

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

Flood Risk and Drainage: The site is flood zone 1 and is at low fluvial flood risk. As the proposed development would result in an increase in site vulnerability, any potential escape route from the site is shown to be at High Risk of surface water flooding (equivalent to Flood Zones 3a and 3b) under present-day (2025) and within the projected climate change scenario for 2040-2060. Request for further information.

Contaminated Land: Recommend approval subject to conditions.

Southern Water: Condition requested in respect of drainage details

TOWN COUNCIL OBSERVATIONS

The Committee of 16th February would Recommend Refusal on the grounds of:

DP26 Character & Design in relation to the skylight and overdevelopment of the plot;

DP29 Noise, Air and Light Pollution - light in particular;

DP21 Access for Servicing, refuse collections and deliveries;

DP22 Integrate refuse and recycling into the design of the new development

DG54 Office to residential conversion.

In addition at this meeting, the Committee noted the particular concerns raised by the Conservation Officer.

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 to provide a 3 no. 1 bed dwellings (Class C3).

RELEVANT PLANNING HISTORY

BH/098/99 - Proposed erection of storage building and 4 no. parking spaces. Appeal Allowed

DM/15/4766 - Demolition of existing warehouse and construction of two number three bedroom chalet bungalows. Permission

DM/18/0352 - Demolition of existing warehouse for the creation of 2 No. three bedroom dwellings with associated parking and landscaping. Refused

DM/25/1546 - New windows and doors to be added to existing warehouse. Permission

SITE AND SURROUNDINGS

The application site comprises of a single storey hipped roof storage warehouse currently not in use. The site has close board fencing around the boundary with an area of hardstanding to the front of the building which joins on to car parking serving the flats of Stockwell Court to the east. The site is accessed off London Road which leads behind the buildings that front onto London Road.

Surrounding the site is a mixture of residential development comprising of flats and also terraced two-storey dwellings. To the east of the site on London Road, there is a building comprising of a commercial units at ground floor and flats above. Both this building and that of Royal George Court to the north-east of the site are large 3-storey buildings.

The application site is situated within the built-up area of Burgess Hill and within the Fairfield Conservation Area.

APPLICATION DETAILS

It is proposed to convert the existing commercial storage building (Class E) to 3 no. 1 bed dwellings (Class C3).

The submitted plans show that the building would be internally divided to have 3 no. 1 bedroom dwellings. The dwellings on each end will have a total gross internal floor area of 62m² and have an open kitchen living room as well as 1 bathroom. The 1 bedroom dwelling in the centre will have a total gross internal floor area of 41m² and have a bedroom, bathroom and open kitchen living room. Each dwelling has 1 parking space to the front of the building.

Amended plans were received to revise the floor plans reducing the bedrooms of 2 of the dwellings from 2 to 1.

LEGAL FRAMEWORK AND LIST OF POLICIES

As this is not a planning application, the Mid Sussex District Plan and the Burgess Hill 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 raised that the site is accessed via privately maintained road. There are no visibility concerns with access to London Road and the development will not give rise to material intensification of use of the existing junction. The WSCC Car Parking Demand Calculator indicates that a development of 2 no. 2 beds and 1 no. 1 bed dwelling should have 4 spaces. The proposal demonstrates only 3 spaces however do not anticipate a shortfall of 1 space to cause a highway safety concern. Plans have since been amended to reduce the bedrooms to be 3 no. 1 bed dwellings which would reduce the parking demand. The dwellings would be sustainably located with local services in walking and cycling distances as well as bus stops located nearby. WSCC have recommended conditions to secure car parking and cycle parking prior to occupation.

Contamination Risks

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

The proposed development involves the conversion of an existing warehouse into three residential dwellings. Historical records indicate that the site and surrounding area were formerly occupied by a Brick, Tile & Pottery Works (circa 1897), and a historic pug mill remained on the site until its removal in 1999 as part of the application to construct the current warehouse. Such historic uses are commonly associated with potential contamination from heavy metals, hydrocarbons, and other industrial residues. Although the warehouse has been present since 1999, underlying soils may still be impacted by these historic activities.

Given the proposed change to a more sensitive end use of residential, it is important that the potential risks associated with the made ground are properly assessed and, if necessary, mitigated to ensure the site is suitable for its intended use. I would therefore recommend a phased contaminated land condition be attached.

Additionally, a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study, or site investigation is found, works stop until such time that a further assessment has been made, and further remediation methods are put in place if needed.'

As such, a pre commencement condition has been recommended to secure this additional information as well as a condition prior to commencement a verification report to be submitted as well as a condition should contamination not previously identified is found.

Flood Risk

The Council's drainage team were consulted on the proposal and noted that the site is located within flood zone 1 and therefore at low flood risk. However the comments noted that any potential escape route from the site is shown to be at high risk of surface water flooding (equivalent to flood zone 3a and

3b) further information was requested. However as stated in MA.2(2)(c), the assessment is to the flooding risks in relation to the building and therefore the proposal is considered to be acceptable in terms of flooding risks.

Southern Water has provided comments in respect of the application concerning insufficient information being provided concerning no drainage details. This is not a requirement as part of the application, and this would be dealt with by building regulations.

Noise From Commercial Premises

The Council's Environmental Protection Officer has considered the application. Concerns were raised that noise during construction could impact existing neighbouring residents. Conditions have been recommended for construction and delivery hours.

Impact on Conservation Area

The Council's Conservation Officer was consulted on the application. Due to the existing site history an objection on grounds of impact on character and appearance of the Conservation Area may be hard to sustain. However, when viewed purely as new dwellings within the Conservation Area in design terms to be very poor and out of keeping. The external changes to the building were approved in application DM/25/1546 and the current application is for a change of use only.

As there are no external alterations proposed and with the history of the site with the approval of the demolition of building and construction of 2 no. chalet bungalows it is not considered the proposal would result in a negative impact on the character of the Conservation Area.

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'*.

The kitchen/living room area for both of the larger dwellings would have double glazed doors to the front elevation, a window on the rear elevation and a rooflight on the front roof slope. The bedroom in both dwellings will each be served by a window on the rear and side elevations. The bathrooms would have a rooflight.

The smaller 1 bedroom dwelling would have double glazed doors and a rooflight to serve the kitchen/living room and a large rear window to serve the bedroom.

It is considered that the dwellings would have sufficient 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 2 no. 1 bedroom, 2 person dwellings and 1 no. 1 bedroom, 1 person dwelling. The plans show the 2 no. 2 person dwellings to be 62m² and the 1 no. 1 person dwelling to be 41m².

The technical housing standards require any 1 bed, 2 person dwelling to measure at 50m² and a 1 bed 1 person dwelling to measure at 39m².

The submitted floor plans shows that the dwellings 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 Burgess Hill. It is not considered that the proposal would conflict with any of the policies within the NPPF.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, **mitigation is not required.**

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Other Matters

The objections raised in the letters of objection and Town Council comments are noted however only what is set out in Class MA, Part 3, Schedule 2 can be taken into consideration and therefore not a material consideration to this application.

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: Peter Davies