

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/2128	Case Officer:	Andrew Horrell
Application Type:	Prior Not. Comm. to Dwell house Class MA		
Proposal:	Change of use from Class E to create 2 residential units.		
Site:	4 Cantelupe Mews, Cantelupe Road, East Grinstead, West Sussex, RH19 3BG, , ,		
Validation Date	28 Aug 2026	Overall Expiry Date:	25 Sep 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval is Granted	Recommendation Date:	5 Oct 2026
Target Date:	23 Oct 2026	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Joanne Fisher	Date:	7 Oct 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/2128

**4 Cantelupe Mews, Cantelupe Road, East Grinstead, West Sussex, RH19 3BG, ,
Change of use from Class E to create 2 residential units.
Shujat Khan**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTATIONS

From DM/25/2603 application the following comments were received:

WSCC Highways

As part of the prior approval process, there are a number of matters to be considered. This includes matters relating to highways and transport. However, the GPDO is quite clear as to what highway matters can be considered, namely whether the proposal is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

No alterations are proposed to the existing vehicular access arrangement. The proposed change of use to residential is not anticipated to give rise to a material intensification of movements to or from the site.

Three allocated car parking spaces are proposed to serve this site, which would be in accordance with WSCC Parking Standards for a development of this size and location. On-site turning appears achievable, allowing cars to exit the site in a forward gear.

The site is situated in a sustainable location, within walking/cycle distance of local services, amenities and public transport links. Cycling is a viable option in the area, and the LPA may wish to secure cycle parking provision if there is space within the site to do so.

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

MSDC Environmental Protection

No objection or concerns re noise impacts.

MSDC Contaminated Land

A review of the Council's records has been undertaken in relation to the proposed change of use from Class E to Class MA to create two residential units. There is no evidence within our records to suggest that the site is affected by land contamination or that there are any potential sources of contamination associated with its historical use.

As such, Environmental Health has no comment to make on this application in relation to contaminated land.

However, the applicant is reminded that absence of evidence is not evidence of absence. It remains their responsibility to ensure that the site is suitable for its proposed end use. Should any contamination be identified during development, appropriate investigation and remediation must be undertaken.

MSDC Drainage

No comment.

MSDC Street Naming and Numbering Officer

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

This application seeks a determination under Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) whether prior approval is required for the conversion of the first and second floors of 4 Cantelupe Mews, East Grinstead to create 2 flats.

RELEVANT PLANNING HISTORY

DM/16/2432 - Proposed change of use from office B1(A) use, to 4 number residential studio apartments C3 with associated car parking (Prior Approval is granted).

DM/25/2603 - Change of use from Class E to Class MA to create 2 residential units. (Prior approval is granted)

SITE AND SURROUNDINGS

4 Cantelupe Mews is a mid-terrace two storey hipped roof. The walls are a mix of face brickwork and tile hanging with timber doors and windows. Offices are on the ground and first floor.

To the south of the site is a courtyard with Regal House beyond, to the north of the site is Institute Walk footpath between Cantelupe Road and London Road/King Street, to the west is the adjoining No.3 Cantelupe Mews and to the east of the site is the adjoining 5 Cantelupe Mews both of which have been converted to residential use.

The site is within the built up area of East Grinstead.

APPLICATION DETAILS

The application relates solely to the change of use of the building and includes minor internal alterations to divide the offices for residential uses. Both flats have one bedroom, a living room, kitchen and shower room. The only changes from the 2025 application is that the first floor flat will include a study with the internal arrangement altered on both flats but aside from the creation of a study in the first floor flat room use will remain the same.

No external changes to the appearance of the building are proposed.

The units are served by 3 allocated parking spaces within the private car park.

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:

'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 sub-paragraph (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 Agency 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.

ASSESSMENT

Having regard to the permitted development criteria as set out under Class MA.1., the land does not fall within a 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). The site is not occupied under an agricultural tenancy and the floor space would not exceed 1,500 square metres.

It is also a requirement that the building is vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval. Whilst the application relates to the first floor of the building only, 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 and Class T of Part 19, 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 Planning Statement submitted with the 2025 application set out that the space was used continuous within two years of the application as Class E of the Use Class Order. It is therefore concluded that the development would satisfy the requirements of the Order in this regard.

In view 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 Highways Authority have been consulted on the proposal previously and has advised that they had no objection with sufficient parking spaces provided. It is noted that the site is within the town centre of East Grinstead with various forms of transportation (buses and train) available.

Contamination Risks

The Councils Contaminated Land Officer previously gave no objection to the proposal. The proposal seeks to undertake few internal works to the building and, as such, any likely risk is not considered to be significant enough to warrant the refusal of this application. Should any contamination be discovered on site then there is other legislation in place that would relate to this.

Flooding Risks

The site is within flood zone 1. No objection has been raised by the Drainage Engineer. On this basis, the proposal is deemed acceptable in terms of potential flooding risks.

Noise from Commercial premises

The Councils Environmental Protection Officer previously considered the application and raised no objection. Therefore, in terms of noise the proposal is deemed acceptable.

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'.*

Floor plans have been provided showing the layout of the flats. This shows that all habitable rooms are to benefit from natural light through the windows on the front and rear elevations of the building.

As such it is considered that there would be adequate light to the flats proposed

Impact on loss of services

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 3 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 comprise of two one-bedroom flats which would have to be a minimum of 50sqm. The footprint of the proposed matches the previously approved application, this outlined that flats 1 and 2 measure 54sqm.

It is noted that the first floor flat with the internal alterations proposed from the previously approved creates a study which theoretically could be used as a bedroom as greater than 7.5sqm in size which would mean that as a two bedroom dwelling it would not comply with national space standards in size. It is also noted that whilst the flat would have two bedrooms it would not have a double (or twin) bedroom so would not comply with the technical requirements of the national space standards.

However, as noted by the need for this application, informative 2 of any approval outlines that the development shall be carried out with accordance with the approved plans.

The flats are therefore deemed to be one bedroom each and therefore meets the national dwelling space standards.

National Planning Policy Framework

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

Ashdown Forest

The application site is situated within 7 kilometres of the Ashdown Forest, which is a Special Protection Area and Special Area of Conservation. Residential development within 7km of Ashdown Forest is required to mitigate the potential impacts of the development to ensure the effects of any increase in visitors to Ashdown Forest are addressed. For this type of development contributions towards both the Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) would be required.

The SANG Capacity Prioritisation Document states:

'SANG capacity is assigned to development with a valid planning application or Regulation 77 application and pending determination; this helps with monitoring the pipeline of proposed development and the remaining capacity. SANG capacity will not be assigned at the pre-application advice stage or the prior approval application stage. SANG capacity is formally allocated to development that has been

granted planning permission or approved under Regulation 77 in the case of prior approvals, and has a signed Section 106 planning obligation to secure and fund the SANG mitigation. The Council actively monitors both the pipeline of proposed development and the development that has formally been allocated SANG capacity'.

An informative will be placed on any permission to advise the developer of this requirement.

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 commercial premises are acceptable. In addition, it is considered that the flats 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: Andrew Horrell