

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3178	Case Officer:	Joanne Fisher
Application Type:	Prior Not. Comm. to Dwell house Class MA		
Proposal:	Change of use from offices to 7 self contained flats.		
Site:	The Changing Workplace Ltd, 1 Boltro Road, Haywards Heath, West Sussex, RH16 1BY, , ,		
Validation Date	12 Dec 2025	Overall Expiry Date:	6 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval is Granted	Recommendation Date:	24 Feb 2026
Target Date:	6 Feb 2026	Recommending Officer Signature:	Joanne Fisher

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	24 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3178

**The Changing Workplace Ltd, 1 Boltro Road, Haywards Heath, West Sussex, RH16 1BY, ,
Change of use from offices to 7 self contained flats.
Mr Stephen Thorley**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

WSCC - Highways

No objection. Informative on licence from Highways Authority for temporary works.

MSDC Environmental Protection

No objection. Suggested recommendations in relation to the installation of enhanced glazing as specified in section 9.6 of the Noise Impact Assessment produced by Environmental Assessment Services Ltd ref 682/1-3 dated Nov 2022 and reviewed March 2024; and the installation of the ventilation system detailed in the Ventilation System Design Statement produced by Zahid Rahman dated July 2025.

MSDC Contaminated Land

No objection.

MSDC Flood Risk and Drainage

No objection subject to condition on a flood warning and evacuation plan.

MSDC Street Naming and Numbering

Informative required on address allocation.

Southern Water

Condition requested in respect of drainage details and any new connection to the public sewerage system require a S106 connection application.

HAYWARDS HEATH TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

This 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) as to whether prior approval is required for the change of use from offices to 7 self-contained flats at The Changing Workplace, 1 Boltro Road, Haywards Heath.

RELEVANT PLANNING HISTORY

DM/21/2418 - Change of use from offices to Use Class E, excluding uses E(b) (sale of food and drink for consumption (mostly) on the premises), E(d) (Indoor sport, recreation or fitness), E(e) (medical or health services), E(f) (Creche, day nursery or health services) E(g)(ii) (research and development) and E(g)(iii) (industrial processes). Approved.

DM/22/2802 - Change of use from offices to 7 self-contained flats, including cycle parking and refuse storage area. Prior approval is granted.

DM/24/1076 - Conversion of part of first and second floors to create two self-contained flats. Cycle parking and bin storage facilities. Prior approval is granted.

DM/25/1647 - Discharge of planning conditions 1 and 3 relating to planning application DM/22/2802. Approved.

SITE AND SURROUNDINGS

The site is an irregular-shaped building arranged over 3-storeys including within the mansard roof, plus a small basement, and set within a wedge-shaped site on the eastern side of Boltro Road opposite the junction with Market Place. No. 3 is raised on higher ground than no. 1, with land levels rising from north to south more generally. The site backs onto the main London-Brighton railway line, with Haywards Heath train station immediately north, beyond an electricity sub-station.

The site is located within the built-up area of Haywards Heath as defined in the District and Neighbourhood Plans.

APPLICATION DETAILS

Prior approval is sought to convert the existing building into 7 flats with cycle parking and a refuse storage area. No external alterations are proposed to the building.

The proposal would comprise of 1 no 1-bed and 6 no 2-bed flats.

Prior approval has previously been granted for the same development under reference DM/22/2802 with pre-commencement conditions in relation to contamination and noise discharged under DM/25/1647. This is a re-submission of the 2022 scheme which has lapsed.

LEGAL FRAMEWORK

As the application is not a planning application, the development plan (Mid Sussex District Plan, the Site Allocation Development Plan Document, and the made Haywards Heath Neighbourhood Plan) is 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):

'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 Agency to be consulted, a site-specific flood risk assessment;

(ii) sub-paragraph (6A) requires the Building Safety Regulator 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 Building Safety Regulator.";

(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 so 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 covering letter accompanying the application states that the building has been in use as offices since around 2001 (the original grant of planning permission for offices) and were still in use as offices when the latest grant of planning permission (DM/21/2418) was approved. The premises have therefore been in Class B1 business use or Class E commercial use for at least two years prior to this application being made. The site does not form part of a SSSI, nor is a listed building or a scheduled monument or land within such curtilages. The building does not form part of a safety hazard area, military explosives storage area nor lies within an AONB or an area specified for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(1) or the Broads or a National Park. The site does not form part of an agricultural tenancy.

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.

Transport impacts of the development

The location of the existing offices is adjacent to Haywards Heath train station. The change in use from office to flats will create 7 independent flats with cycle parking. A nil car parking provision is proposed for the new development.

The Highways Authority has been consulted on the proposal and has raised no highway safety or capacity concerns.

In view of these comments the transport impacts of the development are deemed acceptable.

Contamination risks

The Council's Contaminated Land Officer has been consulted on the proposal and has reviewed the submitted Preliminary Contamination Risk Assessment prepared by EAS Ltd, dated November 2022 in support of the proposed change of use. The report concludes that, based on the desk study and site appraisal, there are no significant contamination risks that would require further investigation to ensure the development is suitable for the proposed residential end use.

Flood risk

The site is within flood zone 1 and therefore lies within an area of low probability of flooding. However, it is situated within an area at risk from surface water flooding as shown on the EA flood maps. A Flood Risk Assessment has been submitted during the course of the application which sets out that the flood maps do not reflect the actual levels of the converted building, where the floor level of the building is at least 525mm higher than the external levels to the north, which is shown to be outside the flood extent. It goes on to state that due to no flooding to the external areas north of the building, and the floor level being higher than these levels, it is deemed that there will be no flooding at the being in the 1 in 1000 annual likelihood event. As such the site is as low probability of flooding. It sets out that safe access and egress from the site can be made during storm events.

The Council's Flood Risk and Drainage Team has been consulted on the application and raise no objection on flood risk grounds subject to a condition in relation to a flood warning and evacuation plan.

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.

On this basis, the proposal is deemed acceptable in terms of potential flood risk.

Noise from commercial premises

Adjoining the building is a hairdressers at number 5 Boltro Road with residential accommodation above. In addition, opposite the site is Owen Garages Ltd. The railway station to the east can be considered to be a commercial premises.

The Council's Environmental Protection Officer has considered the application and notes that the development will be exposed to noise on all facades due to the building being close to the railway and station, a busy road and a commercial garage. They acknowledge that in the consideration of such an application the Council can only consider commercial noise sources, not noise from road traffic or trains.

The acoustic report submitted states that noise from the commercial garage will not have a significant impact on the amenity of future residents. The report makes little comment regarding noise due to customer announcements at the railway station. However, these would probably not be considered as having a significant adverse effect on residents as they are intermittent and generally occur during the day. The Council's Environmental Protection Officer notes that the Council do receive complaints from time to time from existing residents close to the station regarding these announcements

The submitted acoustic report submitted recommends that the development is provided with enhanced glazing and mechanical ventilation to protect future residents from noise generated by road traffic and trains.

A condition to ensure works are carried out in accordance with the recommendations of the acoustic report can be attached to an approval.

For these reasons, and with this safeguard, it is considered that the noise levels from commercial premises would be acceptable.

Impact on conservation area

The site does not lie within a Conservation Area, and therefore consideration in respect of the impact of that change of use on the character or sustainability of the conservation area is not considered relevant.

Provision of adequate natural light in all habitable 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 elevations of the building.

Whilst it is acknowledged that one kitchen (serving flat 4) will not benefit from windows, kitchens are not defined as a habitable room under Paragraph X of Schedule 2, Part 3 of the General Permitted Development Order (as amended by statutory instrument S.I. 202/632). The definition states: *"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;*

In light of the above it is considered that there would be adequate light to the flats proposed.

Impact on intended occupiers on area

The surrounding area comprises a mix of residential and commercial properties. As such there would be no impact on the amenities of the intended occupiers of the development from general or heavy industry, waste management or storage and distribution.

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 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 comprise of a 6no 2-bed and 1no 1-bed flat. The submitted plans sets out that each flat would meet the nationally described space standards.

Fire Safety Impacts

This is not relevant in relation to this application as the building does not contain 7 storeys or is 18 metres or more in height.

National Planning Policy Framework

The site lies within a sustainable location and would assist in meeting a housing need of smaller units within Haywards Heath. 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.

PLANNING BALANCE AND 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: Joanne Fisher