

Mid Sussex District Council
Planning
Oaklands
Oaklands Road
Haywards Heath
RH16 1SS

Our ref: PR002181
Date: 14th July 2026

Sent via e-mail

Dear Sir/Madam,

Prior Approval (Class MA) of a proposed change of use of from first floor commercial unit (Use Class E) to 2no. self-contained flats (Use Class C3)

6 Crescent Way, Burgess Hill, RH15 8RH

INTRODUCTION

On behalf of my client Martin Homes Burgess Hill Limited, I submit an application under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The application is submitted for a change of use at the above site, in respect of the existing first floor commercial unit (unfettered Class E) to provide 2no. self-contained flats.

The remainder of this letter explains how the proposal addresses the key legislation and why the proposal does not require express planning permission.

SITE AND LOCAL CONTEXT ASSESSMENT

The application site formerly housed a single-storey restaurant. Planning permission was granted in 2018 (ref: DM/17/4575) for its demolition, and the erection of a new four-storey building comprising a ground floor restaurant, ground floor retail unit, and ten self-contained flats (four at first and second floor levels, and two at third floor level).

A revised scheme was submitted to the Council in 2020 (ref: DM/20/2740) which proposed a commercial unit at first floor level (replacing two of the flats), and splitting the two flats at third-floor

level into four (with minor amendments at second floor level). This was approved in 2021 . The scheme was completed in January 2023 and first occupied in February 2023. The first-floor office unit has been occupied since the 1st April 2023, by Franove Holdings Ltd.

An application to sub-divide the first-floor commercial unit into two self-contained flats was submitted to the Council in March 2023 (ref: DM/23/0617) and withdrawn in April 2024.

The site falls within the Burgess Hill designated town centre area, and the built-up area. It is in Flood Zone 1, there are no Tree Preservation Orders on the site, and the building is not nationally or locally listed, nor within a Conservation Area. No other policy designations apply.

RELEVANT LEGISLATION

This application is submitted under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015.

Class MA states that development consisting of a change of use of a building (or part of a building) and any land within its curtilage from a use falling within Class E (commercial, business and service) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule does not require an express application for planning permission. As of 4th March 2024, there is no longer a requirement for the building to have been vacant for three months prior to the submission of prior approval.

The Act states that 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;	The building was erected as ten flats and three Class E units. The use of the first-floor office unit commenced in April 2023, and therefore the unit has been in use for at least two years. A copy of the lease accompanies this application.
(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	The land is not covered by any of the listed designations.

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;	The building is not within the AONB, the Broads, a National Park, a WHS or a site covered by the WCA.
(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained	The site 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 3.	Not applicable

Class MA requires that the developer 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; (not applicable)

(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; (not applicable)

(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 (not applicable)

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building (not applicable).

These details are provided below, where applicable.

THE PLANNING JUSTIFICATION

Transport impacts

The change of use from office use to C3 residential would not be considered an intensification of use and being sited in sustainable town centre location with a suitable and up to standard access arrangement, and good public transport infrastructure, raises no transport impact concerns.

The parent scheme was approved as car-free, with twenty-four cycle spaces. The Class MA proposes replacing 156sqm of commercial floor space with two, two-bedroom flats. West Sussex County Council's Guidance on Parking at New Developments (September 2020) requires 1.3 car parking spaces for two-bedroom dwellings within PBZ3. The requirement for Class E office space is 1 space per

30sqm. As such, the proposal would result in a reduction in parking requirement, from 5 spaces to 2.6 spaces. In this context, it cannot be said that the proposal would increase on-street parking.

The requirement for cycle parking is 0.5 spaces per two-bedroom flats, where communal bike storage is proposed. As such, twenty-four spaces for twelve, two-bedroom flats, would be an appropriate level of provision. Similarly, in respect of refuse and recycling storage, the approved communal store has sufficient capacity.

Contamination risks on the site

Contamination was addressed through the standard conditions as part of the 2020 permission. The unit is at first floor level, and no further excavations are required for any of the site. As such, the proposal raises no new contamination risks.

Flood risk

The building is located within Flood Zone 1 as shown on the Environment Agency map, which is land at the lowest probability of flooding.

Noise

The noise-related prior approval requirement for Class MA is for an assessment of the impacts of noise from **commercial premises** on the intended occupiers of the development. Therefore, noise from nearby commercial activities would need consideration, but the impact of general environmental noise, e.g. road traffic noise, is not a planning consideration under the prior approval scheme.

The noise impacts from commercial premises would be no greater than for the ten existing flats, approved by the Council in 2021. That parent permission included conditions relating to noise from plant and machinery (from the approved commercial units), and soundproofing, which have been discharged. The site is surrounded on three sides by a public car park, with the Orion Cinema adjoining the site to the south, the Salvation Army Hall to the southeast, and a car park associated with a florist, café, and interior designer to the southwest. None of these commercial premises would result in significant noise impacts that would warrant refusal.

Natural light

Both units would have large windows and balconies providing good levels of natural light to all habitable rooms. A near-identical layout at first floor level was approved as part of the 2017 scheme, to which no objections were raised.

National Space Standards

Paragraph 3.9(A) of the GPDO states that Schedule 2 does not grant permission for new dwellinghouses where (a) the gross internal floor area is less than 37 square metres in size; or (b) that do not comply with the nationally described space standard (NDSS). The NDSS states that relating internal space to the number of bedspaces is a means of classification for assessment purposes only when designing new homes and seeking planning approval. It does not imply actual occupancy or define the minimum for any room in a dwelling to be used for a specific purpose other than in complying with this standard.

Flat 3 is proposed as a two-bedroom, four-bedspace unit, with 75 sqm of internal floorspace, in excess of the 70sqm requirement. Both bedrooms would exceed the 11.5sqm requirement for a double bedroom. Flat 4 is proposed as a two-bedroom, three-bedspace unit, with 77 sqm of internal floorspace, in excess of the 63sqm requirement. Bedroom 1 would exceed 11.5sqm, and bedroom 2 would exceed the 7.5sqm requirement for a single bedroom.

Fire safety impacts

For the avoidance of doubt, the building measures 11.3 metres in height and comprises four storeys, and therefore a Fire Safety Impact Assessment is not required.

Conclusion

This application addresses the requirements of Class MA of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 and for this reason, we would respectfully request that the Council confirms that planning permission is not required for this proposal.

If there are any further information is required in order to clarify the above, please contact us as soon as possible so that we are able to provide this prior to a decision being made.

Yours faithfully,

Stokes Morgan Planning Ltd