

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3227	Case Officer:	Deborah Lynn
Application Type:	Prior Not. Comm. to Dwell house Class MA		
Proposal:	Partial Change of Use under Class MA from Class E commercial to Class C3(a) Dwellinghouse.		
Site:	Nationwide, 58 High Street, Hurstpierpoint, Hassocks, West Sussex, BN6 9RG, ,		
Validation Date	18 Dec 2025	Overall Expiry Date:	6 Feb 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval is Granted	Recommendation Date:	6 Feb 2026
Target Date:	12 Feb 2026	Recommending Officer Signature:	Deborah Lynn

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	9 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3227

**Nationwide, 58 High Street, Hurstpierpoint, Hassocks, West Sussex, BN6 9RG,
Partial Change of Use under Class MA from Class E commercial to Class C3(a) Dwellinghouse.
Black Horse Investments Ltd**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

WSCC - Highways

This application seeks prior approval for the partial change of use from Class E to Class C3. The site is located on High Street, a B-classified road subject to a speed restriction of 20 mph in this location.

For context, WSCC in its role as Local Highway Authority (LHA) was previously consulted regarding highway matters for this site for application DM/25/2629 (Partial change of use under Class MA from Class E commercial to class C3(a) Dwellinghouse), of which no highway safety or capacity concerns were raised. The Local Planning Authority (LPA) approved the application.

Having reviewed the submitted application documents, the proposals appear to be identical to those of approved application DM/25/2629, except the omission of cycle parking due to site constraints. Given the nature of prior approval applications, the LHA would not insist that cycle parking would have to be provided. As all other aspects of the proposals remain the same, and these were previously assessed and accepted by the LHA, no highway safety or capacity concerns are raised.

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

MSDC Environmental Protection

My comments on the previous application under planning reference DM/25/2629 relating to noise and asbestos remain valid and I will reiterate these for ease of reference.

The change of use of part of the building will create two types of activity within the building and adequate sound separation will be required to prevent noise from the commercial activities adversely affecting the residential use. The occupier of the commercial unit is unknown at present and therefore I recommend a standard of sound insulation that goes beyond the Building Regulations. The condition I recommend is as follows:

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a report by a competent person demonstrating that any sound attenuation measures between commercial and residential are effective and achieve a minimum airborne sound insulation value of 50dB (DnTw+Ctr dB). Post completion testing shall be required to show this has been achieved. This shall be submitted to the LPA and approved in writing.

MSDC Contaminated Land

I note the Asbestos Reinspection Report dated 10 Dec 2021 (Job ref no. 492967) submitted following my previous comments dated 23/10/25.

The asbestos containing materials identified in the report were found in the basement and in the stairwell from the ground floor down to the basement. These parts of the building are not to be converted to residential use and therefore the requirement to remove all asbestos containing materials does not come into effect. However, the development as proposed creates an opportunity to remove the asbestos containing materials and I would suggest this is actioned as part of the development. If the asbestos containing materials are left, then the asbestos register must be presented to any new occupants of the commercial unit.

MSDC Flood Risk and Drainage

We understand the proposed application is for the partial Change of Use under Class MA from Class E commercial to Class C3(a) Dwellinghouse.

The residential element is limited to first and second floor level.

We have reviewed the information submitted and have no objection to the proposed development.

Any drainage amendments to the premises may be managed via building regulations and building control, as necessary.

MSDC Housing Standards

1. Building Control will cover the required fire precautions included a protected means of escape, but there needs to be at least one hour fire resistance between residential and commercial uses;
2. There seems to be no doors on the second floor store and study which I would suggest are fitted;
3. I can't see sections of the property, so the bedroom must offer at least 10.5m² of useable space with a minimum headroom of 1.5m

MSDC Street Naming and Numbering

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved.

HURSTPIERPOINT AND SAYERS COMMON PARISH COUNCIL OBSERVATIONS

The committee recommends that MSDC grant permission.

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 partial change of use from a building society (class E) to a residential use (class C3).

RELEVANT PLANNING HISTORY

HP/068/81 - Change of use from retail shop and offices to building society. Permission granted 24.11.1981.

HP/012/87 - Change of use of 1st and 2nd floors from building society offices to offices. Permission granted 25.03.1987.

DM/22/3312 - Prior Approval change of use from a Building Society (Class E) to residential (Class C3). Prior Approval is Granted 13.12.2022.

DM/25/2629 - Partial Change of Use under Class MA from Class E commercial to Class C3(a) Dwellinghouse. Prior Approval is Granted 04.12.2025.

SITE AND SURROUNDINGS

The application site is an end of terrace 2 ½ storey building located on the southern side of the High Street, with garden area to the rear. The building is set over four floors with rooms in the roof space and a basement. The building was formerly occupied by Nationwide Building Society, however has been vacant for some time.

The building lies at the end of a row of commercial properties with flats above.

Residential flats lie opposite the site at Chantry House, with a listed terrace of 3 houses located immediately to the east of the site.

APPLICATION DETAILS

Plans show that the first and second floors of the building are proposed to be converted to create a single residential unit, while retaining the ground and lower ground floors in the existing Class E use.

Plans show that the proposed residential unit will form a 1 bed dwelling comprised of a living room, kitchen / dining area and bathroom at first floor level, and a bedroom, study and store at second floor level.

The application relates solely to the change of use of the building and includes minor internal alterations.

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

This application is identical to that considered under prior notification application DM/25/2629. The application has been resubmitted as the applicant was unable to provide covered cycle parking as required by condition 2 of permission DM/25/2629 and therefore permission is sought to carry out the development without the need to provide cycle parking.

LEGAL FRAMEWORK

As the application is not a planning application, the development plan (Mid Sussex District Plan and the made Hurstpierpoint and Sayers Common 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—

(a).....)

(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;

(c).....)

(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; and
- (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 Supporting Statement submitted states that the site comprises a vacant building, previously occupied as a building society (falling under class E), which closed over four years ago. Land covered by or within the curtilage of the building 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.

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 Highways Authority at West Sussex County Council has been consulted on the proposal and has raised no highway safety or capacity concerns. Given the nature of the prior approval applications, the LHA has advised that they would not insist that cycle parking has to be provided.

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 Asbestos Reinspection Report dated 10 Dec 2021. This shows that asbestos containing materials were found in the basement and in the stairwell from the ground floor down to the basement. The Council's Contaminated Land Officer has advised that as these parts of the building are not to be converted to residential use as part of the application, the requirement to remove all asbestos containing materials does not come into effect. However, they advise that the development as proposed creates an opportunity to remove the asbestos containing materials and recommend that this is actioned as part of the development. They advise that if the asbestos containing materials are left, then the asbestos register must be presented to any new occupants of the commercial unit.

Flood risk

The site is within flood zone 1 and therefore lies within an area of low probability of flooding.

The Council's Flood Risk and Drainage Team has been consulted on the application and raise no objection. They advise that any drainage amendments to the premises may be managed by building regulations and building control, as necessary.

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

Noise from commercial premises

The property lies within a village location and is surrounded by a mix of commercial (class E) and residential properties. A class E use will remain at the ground and lower ground floor level.

The Council's Environmental Protection Team has advised that the proposal will create two types of activity within the building and as such, adequate sound separation will be required to prevent noise from the commercial activities adversely affecting the residential use. The occupier of the commercial unit is

unknown at present and therefore they recommend a standard of sound insulation that goes beyond the building regulations; this can be secured via a planning condition.

Subject to condition, this aspect of the proposal is deemed acceptable.

Impact on conservation area

As the proposal concerns the first and second floors of the building and the class E commercial use will remain at ground, the proposal is not considered to have an adverse impact on the character and sustainability 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.

Proposed floor plans show that the main habitable rooms will be served by windows, with the exception that the second floor study will be served by a rooflight.

It is considered that adequate natural light levels shall be provided by the development.

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 1 bed dwellinghouse which would meet the nationally described space standards as it has a gross internal floor space greater than 37 square metres.

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, the proposal is not considered to have a detrimental impact upon the character and sustainability of the conservation area and should provide adequate natural light in all habitable rooms.

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 partial change of use is required and can be granted in accordance with the details submitted.

Decision: Prior Approval is Granted

Case Officer: Deborah Lynn

