

Planning Statement

Prior notification concerning the
**Change of use of Class E commercial, business and service to C3
residential within the provisions of Class MA of Schedule 2, Part 3 of the
GPDO 2015 (as amended) at**

26 Railway Approach, East Grinstead RH19 1BP

On behalf of
Mr E. Ciftdal

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1. **Introduction**

- 1.1. This Planning Statement supports the prior notification application relating to the change of use of a commercial, business and service unit (use Class E) to residential use (use Class C3). It is submitted that the works in connection with the change of use are compliant with the provisions of Class MA of the General Permitted Development Order 2015 (Part 3 of Schedule 2) and relate to the ground floor at 26 Railway Approach, East Grinstead RH19 1BP.
- 1.2. This statement will demonstrate that the proposed change of use is fully compliant with criteria of Class MA and should be read in conjunction with the application forms and submitted plans.

2. Site Description and Proposals

- 2.1. The application site is located on the western end of a terrace of properties on the southern side of Railway Approach. There is a flat above on the first and second floors and a flat on the lower ground floor below the premises. The unit occupies the ground floor and has been used as a tattoo parlour. There are a number of other shops at ground floor level on this part of the terrace. However, 38 to 48 Railway Approach inclusive are residential properties with no retail unit.
- 2.2. It is proposed to change the use of the shop to residential use as there is limited demand for retail premises of this size. The property is situated at the far western end of the primary shopping frontage, within the Town Centre Boundary. It is not located in a Conservation Area.
- 2.3. With there already being residential development near to the property the change of use is considered appropriate. The proposed change of use will take advantage of the permitted development rights which allow for the change of use of a shop to a residential use within the provisions of Class MA of the General Permitted Development Order 2015 (Part 3 of Schedule 2).
- 2.4. Planning history relating to the property on the Council's website shows that the property benefited from a three storey rear extension in 2007 under reference 07/03695/FUL and in 2009 the usage of the ground floor was changed from former A1 (shop) to A1/A3 (shop/café) mixed usage under reference 09/01549/COU. These uses now fall within the merged Class E to which the permitted development rights apply.

3. Statutory Instruments

- 3.1. The proposed change of use shall be considered against the criteria under Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
- 3.2. Class MA allows for ***“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.*”**
- 3.3. As part of the assessment, development is not permitted where the following applies:

<i>(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;</i>	<i>This criterion was deleted on 5th March by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 (SI No. 141)</i>
<i>(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;</i>	<i>The use of the premises as a shop within use Class E has taken place for a continuous period of over 2 years which is reflected in the planning history.</i>
<i>(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;</i>	<i>This criterion was deleted on 5th March by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 (SI No. 141)</i>
<i>(d) if land covered by, or within the</i>	<i>The site does not form part of a SSSI,</i>

<i>curtilage of, the building—</i> <i>(i) is or forms part of a site of special scientific interest;</i> <i>(ii) is or forms part of a listed building or land within its curtilage;</i> <i>(iii) is or forms part of a scheduled monument or land within its curtilage;</i> <i>(iv) is or forms part of a safety hazard area; or</i> <i>(v) is or forms part of a military explosives storage area;</i>	<i>listed building, scheduled monument, safety hazard area or military explosives storage area.</i>
<i>(e) if the building is within—</i> <i>(i) an area of outstanding natural beauty;</i> <i>(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;</i> <i>(iii) the Broads;</i> <i>(iv) a National Park; or</i> <i>(v) a World Heritage Site;</i>	<i>The building is not within an AONB, area specified under the Wildlife and Countryside Act 1981, the Broads, National Park or World Heritage Site.</i>
<i>(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</i>	<i>The site is not occupied under an agricultural tenancy.</i>
<i>(g) before 1 August 2022, if—</i> <i>(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</i> <i>(ii) the development would not</i>	<i>The use would not fall within Class O before 1st August 2021.</i>

<i>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.</i>	
<i>(2) The classes mentioned in subparagraph (1)(b) are the following classes of the Use Classes Order—</i> <i>(a) the following classes of the Schedule as it had effect before 1st September 2020—</i> <i>(i) Class A1 (shops);</i> <i>(ii) Class A2 (financial and professional services);</i> <i>(iii) Class A3 (food and drink);</i> <i>(iv) Class B1 (business);</i> <i>(v) Class D1(a) (non-residential institutions – medical or health services);</i> <i>(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);</i> <i>(vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;</i> <i>(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.</i>	<i>The shop falls within use Class E.</i>

- 3.4. It is confirmed that the proposed development will not be triggered by any of the above. The Conditions of Class MA are addressed in the following section of this statement.

4. **Conditions**

4.1 Development under Class MA.2.-(1) 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;

4.2 The site is located inside of the Town Centre Boundary in a highly sustainable location which is within walking distance of a full range of shops and services in East Grinstead, including the station. There are a bus stops along Railway Approach and London Road which provide regular services to the surrounding area. Future occupiers need not be reliant on a car.

4.3 The site does not include vehicular access nor space to park cars. However, the property is located in a highly accessible location within 480 metres from East Grinstead Railway Station. There are two bus stops located on Railway Approach and in addition King Street car park is located 320 metres from the property and cycle route 21 runs along Railway Approach. There is therefore sufficient sustainable access to the property without the need for the use of a car and the change of use would not give rise to transport impacts.

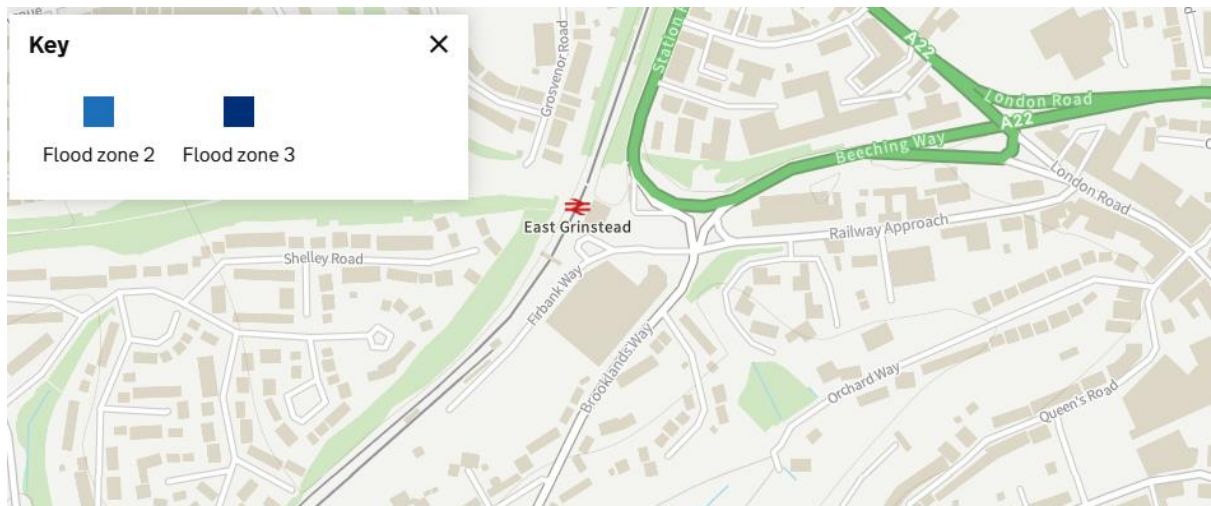
(b) contamination risks in relation to the building;

4.4 There is no historical evidence of contamination at the site or any evidence of asbestos being present. The site's former retail use would not result in any contamination at the site. When this is factored alongside the building and

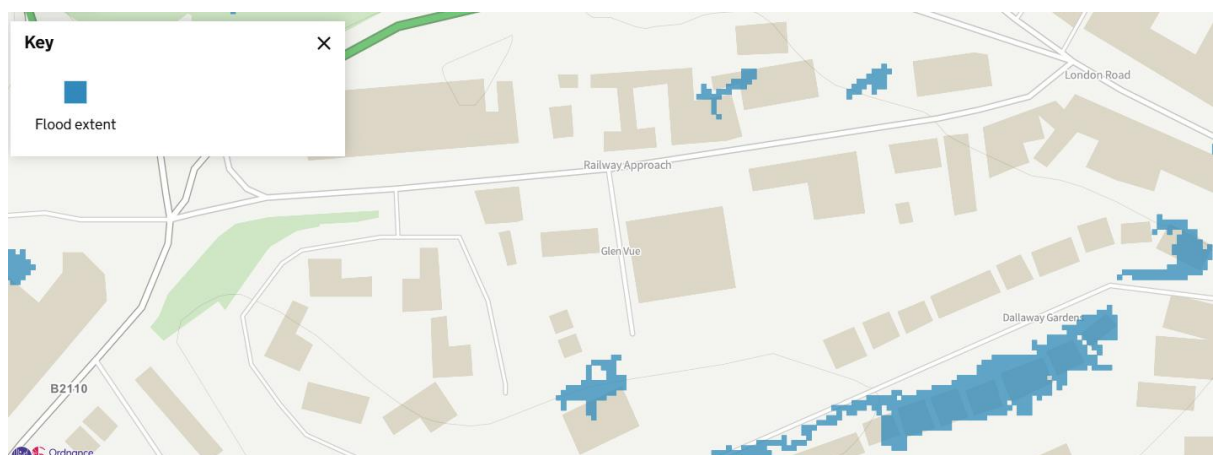
area being already partly residential in character, this helps to reaffirm that there would be no risk to future occupants.

(c) flooding risks in relation to the building;

4.5 The site has no historical evidence of flooding. The flooding maps from the Environment Agency indicate that the site is not within flood zones 2 or 3 or an area at risk of surface water flooding as confirmed in the extracts below.



Extract from the EA flood map



Extract from the EA surface water flood map

4.6 The application site is in an area of very low flood risk and is below the threshold of 1 hectare. There would be no increase in surface water runoff in the locality. It can be concluded that a flood risk assessment is not required.

(d) impacts of noise from commercial premises on the intended occupiers of the development;

4.7 There are no nearby commercial premises which are likely to give rise to any noise which would have an adverse impact on future occupiers.

(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;

4.8 The site is not located within the East Grinstead Conservation Area.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

4.9 The application retains all the existing windows which provide adequate natural light to all habitable rooms.

(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;

4.10 The area is not important for general or heavy industry, waste management, storage and distribution. The area is a mixture of shops, pubs and residential

properties in the wider area and therefore the future occupiers would not be adversely affected by any such surrounding 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

4.11 The proposal does not involve the loss of services provided by a registered nursery or health centre.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

4.12 Paragraph MA.3. states that “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.

4.13 The development would meet the fire risk conditions given that it does not contain 2 or more dwellings, or exceed 18m or 7 storeys in height.

4.14 It can be concluded that the development would satisfy all of the relevant conditions applicable to Class MA.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

4.15 The application is made after 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph.

4.16 This application seeks confirmation as to whether or not prior approval is required in line with the requirements of paragraph W.

(5) Development must be completed within a period of 3 years starting with the prior approval date.

4.17 The development can satisfy this requirement.

(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.

4.18 The development can satisfy this requirement.

5. Conclusion

- 5.1. This prior notification application is for the change of use of a Class E commercial, business and service unit to residential use at 26 Railway Approach, East Grinstead, RH19 1BP under Class MA, part 3, Schedule 2 of the GPDO 2015.
- 5.2. This supporting statement demonstrates compliance with the relevant criteria within the legislation and associated conditions for permitted development.
- 5.3. It can be concluded that the development complies with Class MA and that prior approval should either be assessed as not being required, or other otherwise prior approval given subject to conditions relating to the matters requiring prior approval.



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