

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2629	Case Officer:	Catherine Cardin
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	17 Oct 2025	Overall Expiry Date:	2 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval is Required	Recommendation Date:	3 Dec 2025
Target Date:	12 Dec 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	<i>Steven King</i>	Date:	4 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2629

**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

One letter of representation was received in support of the application. This supported the application on the grounds that it would provide a much-needed small home in a redundant Building Society Office, considered an eye sore.

SUMMARY OF CONSULTEES

PARISH COUNCIL OBSERVATIONS

The committee recommends that MSDC grant permission.

Environmental Protection

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.

Contaminated Land

There is a concern that the property may contain asbestos, which should be viewed as possible contamination. Having previously been in commercial use there should already be an asbestos risk register relating to the premises in line with the Control of Asbestos Regulations 2012.

In order to make an informed decision a copy of the register is required. If the register details that there is likely asbestos in the property then further investigation, and a remediation strategy, if necessary, would also be required in order to protect future residents.

While asbestos may have been managed in the property when it was in commercial use, this is not always appropriate for residential, as occupiers cannot be expected to keep track of asbestos locations or integrity. If the risk register shows that there is potential asbestos containing materials in areas that will be being converted to residential, then the following conditions will be recommended:

a) Prior to commencement, a full asbestos survey of the premises, undertaken by a suitably qualified specialist shall be submitted in writing to the local planning authority for approval.

And if any asbestos containing materials are found,

b) Prior to occupation a report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials in residential premises have been removed from the premises and taken to a suitably licensed waste facility.

Further comments:

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.

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.

WSCC in its role as Local Highway Authority (LHA) was previously consulted regarding highway matters for this site for application DM/22/3312 (Prior Approval change of use from a Building Society (Class E) to residential (Class C3)), of which no highway safety or capacity concerns were raised. The Local Planning Authority (LPA) approved the application.

Under the current General Permitted Development Order (GPDO), it is permitted development to change use from Class E to Class C3 subject first to prior approval being granted. 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.

Generally, the change of use from Class E to Class C3 would generate a reduction in material use at the site. The existing use would create a certain number of movements throughout the day, whereas the movements associated with residential use would be anticipated within network peaks. Therefore, although the nature of trips would change, the frequency would likely not exceed that of the current use.

The WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least two car parking spaces. No vehicular access or parking is associated with this site and as such, parking would have to be accommodated on-street or within nearby public car parks.

Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the proposed nil car parking provision would result in a detrimental highway safety impact, nor lead to a parking capacity issue. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

The applicant has not provided details of cycle parking provision. If the LPA believes cycle parking is justifiable, the applicant should demonstrate this in the form of covered and lockable cycle storage, in accordance with WSCC Parking Standards.

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

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

RELEVANT PLANNING HISTORY

HP/031/81 - Change of use from retail shop and offices to Building Society. Refused.
HP/068/81 - Change of use from retail shop and offices to building society. Permission.
HP/012/87 - Change of use of 1st and 2nd floors from building society offices to offices. Permission.
HP/027/90 - Alteration to an existing shop front to reposition main entrance door. - Permission.
HP/066/91 - Non-illuminated shop signs. Permission.
HP/030/99 - Installation of cash machine. - Permission.
02/00303/ADV - ATM cash machine surround sign, internally illuminated. Refused.
02/02597/ADV - Replacement of non-illuminated signs. Permission.
DM/22/3312- Prior Approval change of use from a Building Society (Class E) to residential (Class C3). Permission.

SITE AND SURROUNDINGS

The application site is an end of terrace; 4 storey building located on the southern side of the High Street and includes a garden area to the rear. The building is set out 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 since the building society closed over 4 years ago.

The site is located within the built-up area boundary of Hurstpierpoint and lies within the Hurstpierpoint Conservation Area. 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 upper 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 building is proposed to be converted to 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.

LEGAL FRAMEWORK AND LIST OF POLICIES

As this 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):

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

(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 sub-paragraph (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(1);
 - (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

(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(2), the impact on the local provision of the type of services lost.
- (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

- 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 201560.

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 advised that the proposed nil car parking provision would not result in a detrimental highway safety

impact, nor lead to a parking capacity issue. They conclude that the prior approval is considered acceptable in highway terms. These views are shared and agreed with from a planning perspective.

Contamination Risks

The Council's Contaminated Land Officer has been consulted on the proposal and advised that the property may contain asbestos, which should be viewed as possible contamination.

During the course of the application, an Asbestos Reinspection Report was submitted. This showed 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 these parts of the building are not to be converted to residential use as part of the application and therefore the requirement to remove all asbestos containing materials does not come into effect. However, they have advised that the development as proposed creates an opportunity to remove the asbestos containing materials and suggest that this is actioned as part of the development. They advised 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. There is no increase in built footprint at ground level as part of the development. The site is at very low surface water flood risk, with areas of increased flood risk within the road adjacent to the property.

The Council's Drainage Engineers have been consulted on the application and raise no objection. On this basis, the proposal is deemed acceptable in terms of potential flooding risks.

Noise from Commercial premises

The property lies within a village location and is surrounded by a mix of commercial (class E) and residential properties.

The Council's Environmental Protection Team has commented on the proposal and advised that there should be no adverse effect on future occupiers of the property. This aspect of the proposal is therefore deemed acceptable.

Impact on conservation area

The building falls within Hurstpierpoint conservation area and therefore consideration should be given to proposed impact on the character or sustainability of the conservation area.

Planning records indicate that the ground floor of the building has been in use as a commercial premises for a long time, and it may be the case that there was a commercial shop unit in place when the building was originally built, having regard to the adjoining row of commercial properties.

Whilst the loss of the commercial unit is regrettable, this class E property has been vacant for 18 months, and in its current state, is not considered to make a positive contribution to the character or sustainability of the area.

The building is also considered to lie outside the main shopping area on the High Street, in an area where there are a number of residential properties. Therefore, the proposed change of use to a residential dwelling is not considered to be out of keeping or have a detrimental impact upon the character of the area.

As the proposal concerns the change of use of one building, it is considered that whilst the retention of a commercial premises at ground floor level would be preferable, the proposal would have a negligible impact on the sustainability of the conservation area.

Consequently, this aspect of 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.

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

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 Required

Case Officer: Catherine Cardin