

Development Management – Delegated Officer Report

Application Number: NOTICE/0025/25 **Recommendation: – Prior Approval Required and Granted**

Site: Site Of 30 And 30A Lyndhurst Road And 40 Selden Road Worthing West Sussex

Proposal: Application for prior approval for proposed change of use at ground floor from commercial (Use Class E) to one residential flat (Use Class C3)

Date of Site Visit: 27.01.2026

Neighbours Checked: Y

Additional Neighbours Notified: N

Site and Surroundings

The site relates to a two storey building at the end of a terrace within a parade of shops located on the corner of Lyndhurst Road at its junction with Selden Road. There is a vehicular accessway from Selden Road running along the rear of the terrace which provides access to the rear of the site and other properties within the terrace as well as dwellings at Fisherman's Mews, a residential development, to the east. The site comprises two commercial units at ground floor level with shopfronts onto Lyndhurst Road and Selden Road and there is an external staircase at the rear that provides access to a separate 3-bedroom flat at first floor level. The flat also has a roof terrace area at the rear.

Proposal

An application for Prior Approval is sought under the provisions of Class MA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

The application proposes the conversion of the rear portion of the ground floor to form one 2-bedroom 3 person dwelling. A ground floor commercial unit would be retained to the Lyndhurst Road frontage. A waste and recycling bin store is indicated within a rear store room. No external alterations are proposed.

A supporting statement has been provided.

Relevant Planning History:

AWDM/1570/25 First-floor rear extension alongside change of use of first-floor flat from Use Class C3 to Use Class C4 and other alterations Pending Consideration

WB No.	DESCRIPTION	PLOT OR HOUSE Nos.	DATE	RESULT	LIFE	ZONE	Res/PTR	Map
82 53	Outline application for the covering in of additional yard space at rear of property ✓	No.30 Lyndhurst Road. No.30A	17.2.53	Refused.				Map 48
929 58	Alterations & additions to form single-storey warehouse, new shop window, alt. to staircase & improvements on 1st floor etc. ✓	No.30, Lyndhurst Road. No.30A No.40, Selden Road.	18.11.58	Cond.C.				
929A 58	Rev. props. for alts & addns to form s/s warehouse, new shop window, alt. to staircase & improvements on 1st floor etc. ✓	No.30, Lyndhurst Road. No.30A No.40 Selden Road.	16.12.58	Consent.				
227 69	Change of use from sub post office to printing business,	No.40 Selden Road.	15.4.69	Refused.				
147 78	C/U of grd. flr. from retail shop (vacant) to retail sale & repair of secondhand furniture & upholstery sundries (within Use Classes I and III) ✓	No. 30 No 40 SELDEN RD	7.3.78	Cond.C.				

30 A –

WB/10/1038/FULL - Replacement metal railings to existing rear external staircase and first floor roof terrace. Approved 21.01.2011

Consultations

The **Highway Authority** has commented as follows:

This application seeks prior approval for the change of use of existing commercial (Use Class E) to residential to form a two-bedroom flat. The site is located on Selden Road, an un-classified road subject to a speed limit of 30mph.

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.

The proposal will retain approx. 30sqm of commercial (Use Class E) to the front of the site – accessed from Lyndhurst Road. The site does not currently benefit from existing vehicular access or off-street parking provision, and no alterations to this arrangement are proposed. As such, a nil car parking provision is proposed for the new development. Under the WSCC Car Parking Standards, two car parking spaces may be provided for the proposal. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking from an amenity point of view.

The site is situated in a sustainable location, within walking/cycle distance of local services, amenities and public transport links. Cycling is a viable option in the area, and the LPA may wish to secure cycle parking provision if there is space within the site to do so.

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

Southern Water - no objections

Environmental Protection, Environmental Health & Licensing - no comments

The Council's **Drainage Consultant** has made the following comments:

The applicant is applying for prior approval for the proposed change of use at ground floor from commercial (Use Class E) to one residential flat (Use Class C3). The application is to Worthing Borough Council.

Following a review of the submitted information, we have no objection on surface water grounds. Due to the size, site location and type of development, we would recommend the approval of the application.

Environmental health: I have just spoken with Michael and agreed the following should be added:

"Construction work shall not commence until a scheme for protecting the residential units above and adjacent to the commercial unit, which is the subject of this application, has been submitted to and approved by the local planning authority. All works which form part of the scheme shall be completed before the development opens for business. The scheme shall be designed to achieve a minimum airborne sound insulation value of 48dB (DnTw+Ctr dB) for walls. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and achieve the specified criteria. Should this test show that the criteria has not been complied with and notwithstanding the development hereby approved, a further scheme of attenuation works capable of achieving the criteria shall be submitted to and agreed by the Local Planning Authority and completed within 3 months of the installation and thereafter retained."

Neighbour Representations

Two representations have been received objecting to the application on the following grounds as summarised:

- Impact on the local community and surrounding area - several properties nearby have already been converted into Houses in Multiple Occupation (HMOs), and the continued loss of standard residential dwellings is steadily eroding both the social and economic balance of the neighbourhood. The area loses what made it a true community rather than a collection of temporary living spaces.
- Loss of commercial variety/business diversity in the area. When commercial premises and residential homes are repeatedly converted into high-occupancy or one single type of housing, the result is a decline in local business variety, independent shops/services, community services/ spaces, reducing the

opportunity for a thriving and socially connected high street, and reducing resilience.

- With reduced permanent residents and fewer diverse businesses, the area faces a damaging cycle of declining community sociability, weakening social connection, neighbourhood interaction and cohesion
- Lower participation in local economy as temporary residents do not invest into the area, reduced support for local businesses
- Increased pressure on limited parking, waste services, and local infrastructure
- Ongoing decline in the character, stability, and economic vibrancy of the neighbourhood
- The neighbourhood is already experiencing the effects of over-conversion, including reduced foot traffic for local businesses and a noticeable decline in the social environment that once made the area attractive, welcoming, and commercially active. Approving further conversions of this kind will only accelerate the loss of business variety and weaken the economic sustainability of the entire area. Cumulative impact on community wellbeing and local commerce must be considered. In this case, that cumulative impact is clearly harmful.

Relevant Planning Policies:

Worthing Local Plan policies (WBC 2023):

SP1 (Presumption in Favour of Sustainable Development)

SS1 (Spatial Strategy)

DM1 (Housing Mix)

DM2 (Housing Density)

DM5 (Quality of the Built Environment)

DM13 (Retail and Town Centre Uses)

DM15 (Sustainable Transport and Active Travel)

DM16 (Sustainable Design)

DM17 (Energy)

DM20 (Flood Risk and Sustainable Drainage)

DM22 (Pollution)

National Planning Policy Framework (MHCLG 2024)

National Planning Practice Guidance

Planning Assessment:

The application is made under the Prior Approval procedure and consideration is restricted to the limitations, restrictions and conditions as set out in respect of Class MA, Part 3, Schedule 2 of the GPDO 2015 as amended and the provisions of Paragraph W.

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.

These provisions are subject to the limitations sets out in MA.1 and conditions set out in MA.2

Development not permitted

MA.1.

(1) Development is not permitted by Class MA—

~~(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;~~

(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) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;~~

(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(a);
- (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 conditions

(2) Before beginning the development, 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(a), the impact on the local provision of the type of services lost.

(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 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)(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

Assessment against the legislation

The starting point for consideration of the proposal is whether it can lawfully take advantage of the procedures under Class MA.

There have been no recent planning applications in relation to the use of the property. However, the planning history indicates that the ground floor premises

have been in commercial use since at least the 1950's. The latest application was in 1978 which approved a change of use to retail sale and repair of furniture and upholstery. This stated it was within Use Classes I (shop) and III (light industrial) at that time. More recently the premises have been in use as an upholstery business (No.30) and a hairdressing salon (No.40). The former uses would have been reclassified under class E following the September 2020 changes to the use classes.

The application form states that the use of the building has been in continuous use as an eligible use for at least 2 years prior to the date of the application. At the time of visiting No. 30 appears to have been recently vacated but there has been no apparent change of use outside of Class E. Class MA can apply to any part of a building under the definitions of Article 2 of the GPDO. On that basis it is considered that the use of the building has fallen within an eligible Class E use for at least 2 years prior to the date of the application and as such complies with MA.1 (1) (b).

The application forms state that the building is not covered by or within an SSSI, a Listed building, a Scheduled Monument, within a safety hazard area, a military explosives area, an AONB, a National Park, the Broads, a World Heritage Site or area specified under Section 41(3) of the Wildlife and Countryside Act.

The limitations set out in MA.1(1)(d)(e)(f) and (g) do not apply.

Consideration of the planning merits of the proposal is restricted to those matters set out in MA.2.

(a) transport impacts of the development, particularly to ensure safe site access

The Highway Authority has raised no objection to the proposals on parking or Highway safety grounds. The site is in a sustainable location, within walking/cycling distance of local services and facilities and public transport connections to the wider area. No car parking is available within the site. The site is within the controlled parking zone where restrictions are in place. However future occupants need not be reliant on the use of the private car. There is a rear door opening directly onto the rear access, but this is an existing arrangement.

There is no space for cycle parking to be stored within the site boundary.

(b) contamination risks in relation to the building,

The site is not identified as potentially contaminated land and no groundworks are proposed.

(c) flooding risks in relation to the building,

The site is within flood zone 1 and is not identified as being susceptible to surface water flooding. No objection or concerns have been raised by the Council's Drainage Consultant.

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

The site is within a predominantly residential area but there is a mix of commercial uses within the shopping parade at ground floor level which include residential flats

in the floor above. The retained class E unit could cause some noise and disturbance to future occupiers. The EHO has recommended a condition for noise insulation to protect the residential unit from noise from the retained commercial unit

(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;

The site is not within a conservation area.

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

Each of the habitable rooms as indicated would receive natural light from the existing windows. The double bedroom is considered acceptable on balance due to the number of windows albeit these are all small and mainly obscure glazed and is just considered acceptable.

(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 in this case.

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

Not applicable in this case.

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

Article 9A:

(3) The height condition is that—

(a) the building is 18 metres or more in height; or

(b) the building contains 7 or more storeys.

The building is below the relevant thresholds and therefore the fire risk condition does not apply.

In addition, Article 2(9a) and (9b) of the GPDO states the following:

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 2015.

(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.

The proposed dwelling would have an overall GIA of approximately 72 square metres excluding the shared bin storage room, meeting the minimum requirement of 61sqm for a 2-bedroom 3-person dwelling and with adequate bedroom sizes and built-in storage areas indicated.

Recommendation:

APPROVE subject to condition(s):-

Prior Approval is required because of the relevant issues raised above and is recommended for APPROVAL subject to the following conditions:-

1. Approved Plans
2. Sound insulation

Informative

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant prior approval in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Private sector housing – hazards
3. New address
4. CIL

Is recommendation contrary to letter(s) of representation? Y

Case Officer: Rebekah Hincke

Date:05.02.2026

Authorised by: Louise Prew

Date:09/02/2026