

Development Management – Delegated Officer Report

Application Number:
NOTICE/0002/26

Recommendation – Prior Approval
not required

Site: **5 West Street, Shoreham-By-Sea**

Proposal: **Application for permitted development for prior approval for change of use from offices (Use Class E) to 1no. 1 bedroom flat (C3)**

Date of site visit: 25 February 2026

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a two storey building with accommodation within the roof. The building is currently in Class E office use on the ground floor with a 2 bed flat on the upper floors.

An application for Prior Approval is sought under the provisions of the Town and Country Planning GPDO 2015 Schedule 2 Part 3 Class MA for a change of use of the ground floor from commercial, business and service use (Class E) to 1no 1-bedroom residential flat (Class C3). No external works are proposed. The site lies within the Shoreham Conservation Area.

Permission has already been granted under NOTICE/0006/18 for the conversion of the ground floor to a 1 bed flat. The approved floor plan at that time showed a bedroom and separate living room at the front with a kitchen and shower room at the rear.

The current application seeks to amend that layout to retain an office at the front in the room previously shown as being a living room. The applicant wishes to retain the space until he retires and then convert the space into a living room as previously approved. In the interim, the new plan shows a bed/sitting room at the front with shower room and WC and a kitchen at the rear.

Relevant site history

SU/113/03 – Change of use of dwelling to offices on ground floor with maisonette above with rear entrance and external staircase - approved (no restrictive conditions).

NOTICE/0006/18 - Application for permitted development for prior approval for change of use from offices (Use Class B1) to 1no. 1 bedroom flat (C3) - approved

Consultations

West Sussex County Council: The **Highway Authority** has no objection. The application does not propose any parking provision or vehicular access to the dwelling. However the LHA appreciate the sustainable location of the site, situated within close proximity to local shops, bus services and a train station, and consider that there are viable options for sustainable modes of transport to reduce the reliance upon the private car. Furthermore, as parking within the vicinity is restricted, existing employees and visitors to the office would likely be by foot and considering that no parking is possible for the residential use the LHA anticipate that the level of traffic generated would be of a similar nature.

In principle, the current GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms.

If the Local Planning Authority is minded to approve the application, they may wish to condition cycle parking

Adur & Worthing Councils: The **Environmental Health Officer** has no objection

Drainage: No objection

Southern Water: No objection

Representations

None received

Relevant Legislation

The application is made under the Prior Approval procedure and the consideration is restricted to the limitations, restrictions and conditions 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) deleted

(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) deleted

- (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

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 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 2015⁵⁹.

Planning Assessment

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

The offices were first in use in 2003 (permission granted SU/113/03) and have been in use since. It is considered the limitations set out in MA.1(1) (b) are met.

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 4(3) of the Wildlife and Countryside Act.

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

Transport and safe site access

The Highway Authority has confirmed that it is not concerned at the highway aspects of this development due to its sustainable location and taking into account the existing use as an office.

No cycle storage provision is shown. There appears to be space for such provision within the rear garden.

No provision has been specifically identified for bin storage, although similarly there appears to be space within the rear garden. This can be secured by planning condition.

Contamination risks

The site is not on known contaminated land. The proposals involve a change of use on the ground floor of the building with no breaking of ground. No contamination risks are envisaged.

Flooding risks

The site is within Flood Zone 1 and there are no known drainage problems in the area.

Impact on the Conservation Area

The proposal would involve a change of use of part of the ground floor but would retain an office use. It is located on a side street set behind the main commercial frontage of the High Street. The proposal is not considered to

have an adverse impact on the character or sustainability of the conservation area.

Impact of noise from commercial premises in the intended occupiers

There are no concerns at the potential for noise from nearby commercial premises. The site is largely adjoined by residential properties although there are commercial premises to the south and west on Shoreham High Street. However, these are not noisy industrial-type uses and are unlikely to cause unacceptable disturbance. There are no Environmental Health Officer concerns.

The provision of adequate natural light to all habitable rooms

All rooms are considered to receive adequate light. The bed/sitting room has a window in the east elevation fronting the street and the kitchen is served by openings to the south.

Article 3(9A)

Article 3 (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 flat would have a floor area of 38m² which meets the national space standards for a 1 bed flat with shower room. The bed sitting room has a floor area of 15sqm. While smaller than the flat previously approved it is considered that the current proposal meets the requirements of Article 3(9A). Furthermore, there is a long term intention to convert the retained office space to a living room which will increase the size of the flat. This would however require a further permission as development must be completed within a period of 3 years starting with the prior approval date and the 2018 permission is now out of time.

Other

The building does not meet the fire risk condition (as it is not more than 18 metres tall).

The proposal does not involve the loss of a registered nursery or a health centre.

Recommendation

Prior Approval Required and Granted subject to Conditions:-

1. Approved plans
2. Cycle parking to be agreed/provided
3. Prior to first occupation provision shall be made for storage of bins within the site and shall thereafter be retained.

Informative: You are reminded that the development must be completed within a period of 3 years starting with the prior approval date. The future conversion of the retained office space to residential will therefore require a new application.

Recommendation

Prior approval not required

Case Officer: Peter Barnett

Date: 19 March 2026

Authorised by: Louise Prew

Date: 19/03/2026