

Development Control – Delegated Officer Report

Application Number: NOTICE/0023/25 Recommendation: Prior Approval Required and Granted

Site: Sussex Travel Clinic 23 Farncombe Road, Worthing

Proposal: Application for Prior Approval for Proposed Change of use from Commercial, Business and Service (Use Class E) to form one residential unit (Use Class C3)

Date of site visit: 06.01.2026

Neighbours checked: Y

Additional neighbour notifications: N Site notice posted 20.11.2025

Site and Surroundings

The application site is located on the west side of Farncombe Road, to the south of its junction with Lyndhurst Road. It contains a two storey building with single storey addition at the rear. A flat roofed single storey building abuts at the rear but is outside of the site boundary and appears to be part of No.21. Fencing to the south side of the building separates the site from the neighbouring 1960's office block and parking area. There is a hardstanding for parking to the site frontage with low wall separating it from No.25A to the north. It is understood that the building has been in commercial use since the 1980's, and from 2013 until recently has been in use by 'City Doc' which is a vaccination clinic.

The site is within the Farncombe Road Conservation Area and is identified as a Local Interest Building. There are no Tree Preservation Orders relevant to this specific site. The site is identified as potentially contaminated land. The site is within a Key Office Location where policy DM11 applies.

Proposal

An application for Prior Approval is sought under the provisions of Class MA of the GPDO as amended.

The application proposes the conversion of the building to form one 2-bedroom 3 person dwelling. The existing hardstanding and vehicular access would remain for the use of the new dwelling with parking spaces indicated. No external alterations are proposed.

A supporting statement has been provided.

Relevant Planning History:

90/05197/FULL - REPLACEMENT OF EXISTING TRANSLUCENT ROOF AT

REAR WITH FLAT FELT ROOF, 2 NO. ROOF LIGHTS
LOWER THAN EXISTING ROOF AND INTERNAL
ALTERATIONS
STATUS: CCN 20th August 1990.

08/1127/FULL - Proposed conversion of office building to provide three self contained flats.
STATUS: CCN 9th January 2009.

08/1127/FULL/COND1 - Approval of details pursuant to conditions 3, 5, 6, 7 and 9 of WB/08/1127/FULL.
STATUS: COMP 7th October 2009.

09/0980/FULL - Proposed conversion of office building to provide 2 No. self contained flats.
STATUS: CCN 23rd December 2009.

09/1090/FULL - Change of use from office (class B1) to Dentist Surgery (class D1).
STATUS: CCN 18th February 2010.

AWDM/0071/12 - Installation of new oil tank replacing temporary tank, enclosed by palisade fencing in the position of parking bays 58 & 59 in existing car park, to the southwest of the building.
STATUS: APP 26th March 2012.

AWDM/1105/14 - Advertisement consent for pole mounted sign on front boundary.
STATUS: APP 7th October 2014.

WB/1044/84 - Change of use from residential to offices
STATUS: APP 22nd January 1985.

Consultations:

Southern Water has commented as follows:

Thank you for your correspondence. Please see our comments below regarding the above planning consultation application.

Southern Water has determined that the flow rate for the above site will remain consistent, so capacity is not an issue, and no Southern Water assets will be affected. Therefore, Southern Water has no objections to this proposal. Please note surface water should not be disposed of into a public foul sewer and must comply with the Hierarchy of H3 of the Building Regulations. For more details, refer to the Drainage and Waste Disposal: Approved Document H on the GOV.UK website. Any new connections to the public sewerage system will require a New Sewer Connection application (also known as a Section 106) to be submitted and approved by Southern Water. Due to legislative changes effective from 1st October 2011 regarding the ownership of sewers, it is possible that some previously private sewers, now deemed public, could be crossing the above property and may not be shown on Southern Water records. Therefore, if any additional sewers are discovered during construction, an

investigation will be required to determine their condition, the number of properties served, and potential access methods before any further work can proceed on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

*Website: southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk*

The **Highway Authority** has raised no objection and has provided the following comments:

This application seeks prior approval for the change of use of existing commercial, business and service (Class E) to residential to form a two-bedroom house. The site is located on Farncombe Road, a C-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 proposed change of use to residential is not anticipated to give rise to a material intensification of use of the existing access over the potential of the existing Class E use.

The plans indicate that the site frontage will provide parking space for two vehicles. This is considered to sufficient provision for a dwelling of this size and location.

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.

The Supporting Statement indicates that the site frontage will also provide cycle parking provision, however this has not been demonstrated on the proposed plans. The LPA may wish to secure this via condition.

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

Worthing Society – no comment

The Council's **Drainage Consultant** has commented as follows:

Thank you for your consultation on the above site. We have reviewed the application as the drainage consultant acting on behalf of the Council and wish to make the following comments.

The applicant is applying for prior approval for proposed change of use from Commercial, Business and Service (Use Class E) to form one residential unit (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 site, size, location, and type of development we would recommend the approval of the application.

The Council's **Environmental Health Officer** has requested a precautionary contaminated land condition.

Representations:

None received.

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)
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

Procedure for applications for prior approval under Part 3

W.— (1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

(2) The application must be accompanied by—

(a) a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must in the same application include any building or other operations;

(b) a plan indicating the site and showing the proposed development;

(ba) in relation to development proposed under Classes G, M, MA, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);

(bb) in relation to development proposed under Class Q of this Part, a statement specifying—

- (i) the number of dwellinghouses proposed, and
- (ii) whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of dwellinghouses and the cumulative floor space developed under Class Q;

(bc) in relation to development proposed under Class M, MA, N, O, PA or Q of this Part, a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;

(c) the developer's contact address;

(d) the developer's email address if the developer is content to receive communications electronically; and

(e) where sub-paragraph (6) requires the Environment Agency to be consulted, a site specific flood risk assessment, together with any fee required to be paid.

(2A) Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions except for conditions in paragraph M.2(1)(f), G.1(d)(iv), paragraph M.2(1)(f), paragraph MA.2(2)(f), paragraph N.2(1)(e), paragraph O.2(1)(e), paragraph PA.2(1)(v), or paragraph Q.2(1)(g),, limitations or restrictions specified in this Part as being applicable to the development in question.

(4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

(a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;

(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and

(c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is—

- (a) in an area within Flood Zone 2 or Flood Zone 3; or
- (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

(7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

(8) The local planning authority must give notice of the proposed development—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

- (i) describes the proposed development;
- (ii) provides the address of the proposed development;
- (iii) specifies the date by which representations are to be received by the local planning authority; or

(b) by serving a notice in that form -

- (i) on any adjoining owner or occupier; and
- (ii) where the proposed development relates to part of a building, on any owner or occupier of the other part or parts of the building.

(9) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—

- (a) assessments of impacts or risks;
- (b) statements setting out how impacts or risks are to be mitigated; or
- (c) details of proposed building or other operations.

(10) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);

(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and

(c) in relation to the contamination risks on the site—

- (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(4), and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012(5), and
- (ii) if they determine that the site will be contaminated land, refuse to give prior approval.

(11) The development must not begin before the occurrence of one of the following—

- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
- (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
- (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(12) The development must be carried out—

- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
- (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1),
unless the local planning authority and the developer agree otherwise in writing.

(13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

(14) When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded

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.

The original approval (WB/1044/84) permitted the change of use from residential use to use as offices with no removal of permitted development rights, and subsequent permissions to revert to residential use do not appear to have been implemented with a later permission in 2009 (09/1090/FULL) permitting a change of use from offices (class B1) to a dental surgery (class D1). Permitted development rights for future changes of use were not removed. The use under class B1 for office use, or D1 for a medical/health service use at that time, would have been re-classified 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 the building appears to be vacant but there has been no apparent change of use since the travel vaccination clinic. On that basis it is considered that its use 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 site is in a sustainable location, well connected to town centre facilities and services and public transport connections to the wider area. Future occupants need not be reliant on the use of the private car.

The supporting statement indicates that the front forecourt would continue to be used for car parking, cycle parking and bin storage, and the existing vehicular crossover would be utilised. The Highway Authority has raised no objection to the proposals on parking or highway safety grounds. Cycling is a viable option in the area and the Highway Authority has noted that the LPA may wish to secure cycle parking by condition. Given that this is a single house, it is considered that there is sufficient space for the residents to provide for their own cycle spaces as required and a condition is not considered necessary.

(b) contamination risks in relation to the building,

The site is identified as potentially contaminated land. The Council's Environmental Health Officer has recommended a precautionary contamination condition which would ensure that any risks associated with potential contamination are appropriately dealt with if necessary in the interests of environmental protection and public health and safety.

(c) flooding risks in relation to the building,

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 an area comprising of predominantly residential uses with some commercial uses in the vicinity including the neighbouring offices to the south and west of the site and the St Johns Ambulance site to the north. These are also surrounded by other residential uses and appear to be compatible in that respect. The Council's Environmental Health Officer has raised no objection on noise grounds.

(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 within a predominantly residential street. No external alterations are proposed to the building. The change of use to residential would be in keeping with the character of the area. On this basis it is considered that there would be no detrimental impact on the character or sustainability of the 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.

(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. The company provides private services only.

(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 just under 120 square metres meeting the minimum requirement of 70sqm and with adequate bedroom sizes and built in storage areas indicated.

Recommendation

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. Contamination Precaution

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. Southern Water application
3. Southern water sewer investigation
4. CIL
5. New address

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

Case Officer: Rebekah Hincke

Date: 07.01.2026

Authorised by: Louise Prew

Date: 07/01/2026