

# Officer Recommendation: Prior Approval Refused

**DATE VALID - 18th November 2025**  
**TARGET DATE - 6th January 2026**

## **APPLICATION NUMBER – 25/02096/PAP3MA**

### **LOCATION:**

Utopia 35 Lesbourne Road Reigate Surrey RH2 7JS

### **APPLICANT:**

Nordic Estates  
Rydons  
Beech Drive  
Kingswood  
Tadworth  
Surrey  
KT20 6PS

### **AGENT:**

DTM Planning  
1 Newmans Mall  
Kinsale  
Ireland

### **PROPOSAL:**

Change of use of ground floor unit from Use Class E (retail) to Use Class C3 (residential).

**SITE VISIT DATE:** 27th November 2025

This application is made under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class M seeking the Council's approval in relation to transport and highways, contamination, flooding, noise, conservation areas, natural light, industrial use area, loss of indoor sports area and fire safety.

The application site is a modest sized Class E unit situated within the local centre boundary in Lesbourne Road, Reigate. The surrounding area is characterised by a mix of retail and residential uses, with several shops with flats above and numerous varying style of dwelling surrounding. The shopping parade has had extensions to the front of several of the units however this site still retains its forecourt and original building frontage.

### **PLANNING AND ENFORCEMENT HISTORY**

02/00570/F - Construction of dormer window in front roof plane - Approved with conditions.

09/00239/F - Front extension to hairdressing salon - Refused.

09/01556/F - Front extension to hairdressing salon - Approved with conditions.

25/01252/CU - Change of use from class E to Sui Generis (hot food takeaway) - Refused

### **CONSULTATIONS**

Objections have not been received from neighbouring properties

### **CONSULTEES**

Highway Authority - no objection subject to conditions

Environmental Protection - No comments received  
Contaminated Land Officer - No comments received

ASSESSMENT against Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class MA, Paragraph MA.1:

Development not permitted

MA.1 Development is not permitted by Class MA if—

a) (This part was omitted from the General Permitted Development Order in March 2024)

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;

It has been established through the planning history; the site of 35 Lesbourne Road has a lawful use of Class E - commercial.

The proposal therefore meets this criterion.

(c) (This part was omitted from the General Permitted Development Order in March 2024)

(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;

The site does not form part of any of the above

(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;

The application site does not fall within any of these designated areas.

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is not agricultural therefore the above criteria is not applicable.

(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

Not applicable

CONDITIONS, paragraph MA.2:

(1) Development under Class MA is permitted subject to the condition that 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 and highways impacts of the development:

The proposed development has been considered by the County Highway Authority (CHA). It is not considered that the application should be refused on grounds relating to highway safety. No objections were raised on this basis subject to a condition relating to bicycle storage. Within their response they also provide some additional comment:

'This proposal is for 1 bedroom dwelling and is [not] expected to lead to a meaningful impact on the highway network.'

It is equally noted that the site benefits from 1 parking space and that this circumstance would not alter as a result of the proposal. The proposal is stated to be for a 1 bed flat, however two bedrooms are shown on the plans. Nonetheless whichever it is taken to be it would meet the parking standards set out within annex 4 of the DMP which would require 1 space in this medium accessibility area.

The condition proposed appears reasonable and show that the development can be carried out without causing harm with regard to highway considerations. No changes are proposed to the access and therefore there is no concern in this regard.

The proposal is therefore considered acceptable on issues relating to transport and highways im-pacts of the development.

(b) Contamination risks in relation to the building:

No comments were received from the Contaminated Land Officer and on this basis, it is assumed that no objection is raised on this basis. Given the lack of required building works no significant issues are likely to arise with regard to such issues. The proposal is therefore considered acceptable on issues relating to contamination risk.

(c) Flooding risks in relation to the building:

The site is within Flood Zone 1 and no critical drainage problems (identified by the Environment Agency) exist on the site, and so no site-specific flood risk assessment is required as part of this application. Hence, there are no objections in respect of potential flood risks on the site.

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

The neighbouring properties are in a mix of commercial and residential use. Therefore, the proposal is considered to be in keeping with the neighbouring uses and these would not result in harmful noise impacts upon future occupants.

(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 in a Conservation Area.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses, From 1 August 2020, there is a requirement to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required in relation to the provision of adequate natural light in all habitable rooms of the dwellinghouses.

One unit would be created at ground floor and utilising the basement. All rooms would be provided with a suitably sized window for the use of the room. Habitable rooms would have windows of sufficient size to providing more than adequate light. The basement level is provided with a high-level window which isn't ideal but is sufficient to provide light levels which would be acceptable. As such, the proposal is acceptable in terms of natural light.

(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

The above criteria is not applicable in this case as the site is not located in an area considered important for general or heavy industry, waste management, storage and distribution, or a mix of such 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

The application does not involve the loss of these uses.

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

These criteria are not applicable. The development does not meet the fire risk condition because it is less than 18 metres and 7 storeys tall and therefore a consultation to the Health and Safety Executive is not required and no assessment of fire safety impacts on intended occupants is required.

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

This application was 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. Paragraph W:

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—

(bc) in relation to development proposed under Class G, 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 elevation of the dwellinghouses;

The applicant has provided this information. The plans state that the ground floor would be 36sqm and the basement 13sqm (although my measurements of the plans vary from this a little coming out at 41sqm and 14sqm respectively - it is however noted that the plans appear quite roughly drawn).

The design statement states that the dwelling would be a 1 bed 1 person flat and yet two bedrooms are shown on the proposed floor plans and one of these is shown to have a

double bed. Equally one is shown at basement level and therefore the proposal would be two storeys of accommodation.

Looking at the stated floor space for a two-bedroom (3 person being the minimum in the space standards for a two bed unit as any two bed unit requires at least one double room) unit this would need to be 70sqm to comply with a two-storey unit (or 61sqm if it were considered single storey). Whether the stated size or my calculations are taken the proposal fails to meet this requirement. Equally, even if the proposal was considered a one-bedroom unit it would need to be 58sqm over two storeys which would also not be met. This criterion would only be met for this unit if it was considered a 1 bed, 1 person unit over 1 floor. However, it cannot realistically be described as this when there is a second basement level, and a second bedroom identified on the plans. As a minimum it is shown to be a two storey development with two bedrooms.

The development would not therefore comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

#### CONCLUSION

Accordingly, objection is raised having regard to the proposed development failing to meet the minimum internal space standards contained within the nationally described space standards and hence **PRIOR APPROVAL IS REFUSED**.

#### **Permission be Prior Approval Refused**

1. The proposal, by virtue of the internal floor area, would fail to comply with the Nationally Described Space Standards (NDSS). The proposal would therefore fail to comply with condition (9A) of MA.2 of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.