



BUNDLE 1.3 (17/12/25)

Portway House, Old Sarum Park, off Lysander Rd, Old Sarum, Salisbury SP4 6EB

Class MA application for 20 flats

1.3 Introduction

1.3.1 Changes to Class MA (Use E to Residential)

The much-anticipated amendments to Permitted Development Right Class MA were laid before Parliament on 13th February 2024. The latest changes came in the form of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 [SI 2024 No. 141], and came into force on 5th March 2024.

1.3.2 There is now no limit to the floor space that can be converted under Class MA and there is no requirement for the building to be vacant for 3 months.

1.3.3 What does this mean for Portway House?

Portway House falls comfortably into Class E by virtue of its lawful primary use being for office. However, Class MA still requires assessment with respect to the ground floor of Portway House and The Old Sarum Conservation Area (Old Sarum CA). Indeed, we have submitted a separate Heritage Report dealing with this matter in detail, by Wessex Archaeology.

1.3.4 We now deal with Class MA's provision line by line to demonstrate compliance.

1.3.4	 legislation.gov.uk STATUTORY INSTRUMENTS 2021 No. 428 The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021
	<i>“Class MA – commercial, business and service uses to dwellinghouses</i> Permitted development <i>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.</i> Development not permitted
1.3.5	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; (Accord – same lawful primarily office use for more than 30 years - see Bundle 1.4) (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; (Accord not SSSI - see Bundle 1.1) (ii) is or forms part of a listed building or land within its curtilage; (Accord not LB or LB's curtilage - see Bundle 1.5) (iii) is or forms part of a scheduled monument or land within its curtilage; (Accord no SAM even near - see Bundle 1.5) (iv) is or forms part of a safety hazard area; or (Accord not part of a safety hazard area - see Bundle 1.1) (v) is or forms part of a military explosives storage area; (Accord not part of an explosives area- see Bundle 1.1)

	(e) if the building is within— (i) an area of outstanding natural beauty; (Accord not within AONB/NL area - see Bundle 1.1) (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(1); (Accord not within S41 (3) area - see Bundle 1.1) (iii) the Broads; (iv) a National Park; or (v) a World Heritage Site; (Accord not within iii, iv or v areas - see Bundle 1.1) (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 (Accord not under an agricultural tenancy) (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? (Accord not relevant.)
1.3.6	(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? (Accord not relevant.)

1.3.7	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; (Accord: Lysander Rd and then Old Sarum Park Road – where there is traffic-light-controlled access onto “Portway” – which is a safe access.) (b) contamination risks in relation to the building; (Accord not relevant.) (c) flooding risks in relation to the building; (Accord not relevant – see Bundle 1.7) (d) impacts of noise from commercial premises on the intended occupiers of the development; (Accord not relevant – see land use plan at Bundle 1.1 land use plan and 1.7 – no known noisy commercial neighbours.) (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; (Accord – relevant and dealt with in detail at Bundle 1.5 – see WA Heritage Report.) (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses; (Accord relevant – see existing and proposed architect's plans and photographs – to demonstrate adequate light in all flats.) (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 (Accord - relevant – see land use plan at Bundle 1.1 – no known B.2 or B.8 or heavier specialist commercial neighbours within proximity.) (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. (Accord not relevant.)
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(3) An application for prior approval for development under Class MA may not be made before 1 August 2021²

(Accord not relevant.)

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if 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”²

(Accord not relevant – see above.)

(5) Development must be completed within a period of 3 years starting with the prior approval date²

(Accord and noted – will comply.)

(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^{2,2}

(Accord and noted – will comply.)

**Richard Greenwood BA (Hons) BPI MRTPI
Director**

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