



FAO: Susan Dubberley
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Planning Portal Ref: PP-14392900
Our Ref: JK/KF/35239

13 October 2025

Dear Susan,

RE: APPLICATION UNDER S96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) FOR NON-MATERIAL AMENDMENTS TO PLANNING PERMISSION REF. DM/23/0532 AT LAND REAR OF 96 FOLDERS LANE, BURGESS HILL, WEST SUSSEX, RH15 ODX.

On behalf of our client, Jones Homes (Southern) Ltd, we hereby submit an application under Section 96A of the Town and Country Planning Act 1990 (as amended) seeking non-material amendments ("NMAs") to planning permission ref. DM/23/0532.

The amendments relate to the location of the apartment block's refuse and cycle store due to the approved plans not being compliant with building regulations regarding travel distances.

Submission Documents

This application is supported by the following amended plans:

Plan Name	Approved Plan Reference	Amended Plan Reference (Subject to this Application)
Coloured Site Layout	22130-C101K	22130-C101L
Coloured Street Scenes	22130-C109H	22130-C109J
Proposed Site Layout	22130-P101J	22130-P101K
Boundary Types Layout	22130-P102G	22130-P102H

Kent

01622 776226

Gatwick

01293 221320

London

020 3005 9725

Leeds

0113 323 6669

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Dwelling Materials Layout	22130-P103F	22130-P103G
Surface Materials Layout	22130-P104H	22130-P104J
Tenure Layout	22130-P105H	22130-P105J
Refuse Strategy Layout	22130-P106F	22130-P106G
Parking Strategy Layout	22130-P107F	22130-P107G
Garden Lengths Layout	22130-P108F	22130-P108G
Air Source Heat Pump Location Layout	22130-P109J	22130-P109K
Ancillary Buildings	22130-P130	22130-P130A

Table 1: Approved and Amended Plans

The statutory application fee has been paid via the Planning Portal.

Amendments Sought

The primary amendment relates to the location of the external refuse and bicycle store serving the apartments in the north of the site. Approved Document H of the Building Regulations sets out that householders should not have to carry refuse more than 30m to their waste storage area. As such the originally approved location is not deliverable due to being in excess of the required carry distance.

Figure 1 below shows a comparison of the approved layout and proposed solution to relocate the refuse and bicycle store and associated changes to the parking layout, landscaping and the pump station location.



Figure 1: Approved Site Layout (Left) and Amended Site Layout (Right)

In addition, the turning head and parking court adjacent to the flats have been slightly increased in size to ensure refuse and fire vehicles can safely access and manoeuvre on site. The improved refuse strategy is illustrated on plan ref. 22130-P106G as submitted.

For completeness and consistency, all approved plans that depict the layout and are impacted by the proposed amendments (as outlined in Table 1) have been revised and included with this application.

Mechanism for Securing Amendments

Section 96a of the Town and Country Planning Act grants the flexibility to make non-material amendments to an existing permission, allowing changes that do not result in a significant impact on the planning context of the approved development.

There is no statutory definition of 'non-material' which is dependent on the context of the overall scheme with an amendment being non-material in one context may be material in another. It is typically considered that examples of what might constitute "non-material" amendments include those which do not breach or contradict any conditions of the approved planning permission, do not alter the height and scale of the approved development, and those which do not make material changes to the description of the approved development in the planning permission.



Justification for Amendments

Section 96A provides the appropriate mechanism for securing non-material amendments where the proposed changes do not materially affect the permission as granted. The current amendments clearly fall within this definition:

- No other NMAs have been approved under ref. DM/23/0532.
- There is no change to the description, height, scale, or massing of the approved development.
- The amendments do not breach or contradict any conditions from the original decision notice.
- The amendments are de minimis in the context of what has been approved.
- Amendments are essential for building regulation compliance, thereby ensuring the lawful and safe delivery of the scheme and are considered an enhancement.
- The parking quantum and layout remains consistent with the approved conditions and meets regulations.

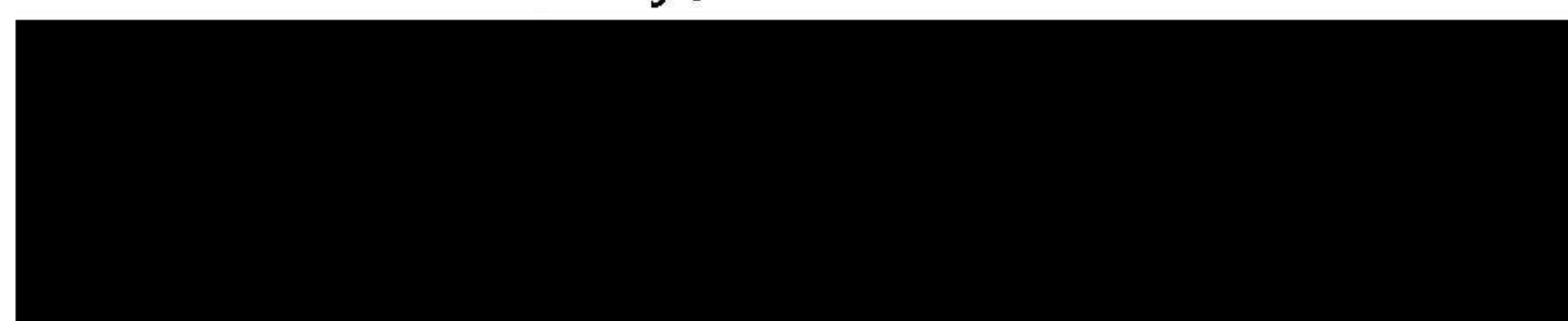
No changes have been made to the Mid Sussex Council District Plan or Supplementary Guidance since the consent was granted, therefore the amendments remain wholly consistent with the local and strategic planning policy objectives.

Conclusion

We respectfully submit that the amendments sought are non-material, contextually appropriate, and necessary to ensure compliance with building regulations.

I trust the enclosed is satisfactory and you have sufficient information to validate this application. However, should you require any further information or clarification, please do not hesitate to contact me.

Yours sincerely,



Jack Karagoz MRTPI
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