

Mid Sussex District Council
Planning Department
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

14th February 2025

Dear Sir/Madam,

Section 96A Application for Non-Material Minor Amendments to Planning Permission DM/23/3218

'The provision of 5 No. Self-contained holiday lodges. Conversion of an existing structure to provide a new reception building. (Amended plans received 15/02/2024 to include the removal of the new access)'

Site Address: Land at Great Bentley Plantation, Borde Hill Lane, Haywards Heath, West Sussex, RH16 1XP

I refer to the above project, which was granted planning permission by MSDC on 15th May 2024.

This letter accompanies a submission via Section 96A of the Town & Country Planning Act (as amended) for 'non-material minor amendments' to the above planning permission.

In this respect, the National Planning Policy Guidance (NPPG) sets out the following:

"There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990...

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply...

As by definition the changes sought will be non-material, consultation or publicity are unlikely to be to be necessary...

As an application for a non-material amendment is not an application for planning permission, the normal provisions relating to notification do not apply...

The time period for determination is 28 days...

The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply."

We have recently submitted a Section 73 application for variation of the approved plans drawing included with planning permission DM/23/3218. However we have been informed that due to case law issued in December on the use of S73 applications, the District Council is currently unable to

validate the S73 application as it would seek to amend the description of the original application which specifically references “amended plans... to include the removal of the new access”.

We have been advised that on this basis the S73 application would therefore be inconsistent with the operative part of the original permission.

We have been advised by Officers that a way around this would be to submit a S96A application for a non-material amendment to remove the wording in the application description of the planning permission to delete the reference to amended plans.

Once this S96A application has been determined positively by the District Council, the Validation Officers can then proceed to validate the recently submitted S73 application. Therefore the applicant now wishes to make the following modest change to the original permission:

- The description of planning permission DM/23/3218 should be amended to omit the last sentence in brackets, which says “... (*Amended plans received 15/02/2024 to include the removal of the new access.*)”

As proposed, the new description of planning permission DM/23/3218 would therefore now read: “*The provision of 5 No. Self-contained holiday lodges. Conversion of an existing structure to provide a new reception building.*” ~~(Amended plans received 15/02/2024 to include the removal of the new access)~~”

Section 96A powers were introduced with the intention of building flexibility into the planning system. This section allows the Local Planning Authority to make changes to a planning permission “*if they are satisfied that the changes are non-material*”. The requested changes must be “*non-material*” and what that means will depend on the specific scheme and planning permission. The changes could be made to the conditions or the description of the development but must be “*non-material*”.

In our opinion, what is now being proposed is a very minor change to the approved description of the development, and we consider comprises a ‘non-material minor amendment’. The scale and/or nature of the proposed amendments result in a development which is no different from the one which has been approved. The S96A application therefore accords with the guidance set out in the NPPG. As the proposal meets all the necessary requirements, and will cause no harm to any matter of identified acknowledged importance, it is our opinion the overwhelming weight of evidence supports the approval of this application.

We trust that this information is of assistance, and will aide your consideration of the application proposals. However, should you require any clarification or further information, then please do not hesitate to contact me.

Yours sincerely,

