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TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 96A)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE
ENGLAND) ORDER 2015

REFERENCE: DM/25/1395

DESCRIPTION: NON MATERIAL AMENDMENT TO APPLICATION DM/20/0254 -
VARIATION OF THE WORDING OF THE PLANNING PERMISSION
DM/20/0254 TO OMIT THE REFERENCE TO THE BRIDLEWAY
AND REFERENCE TO AMENDED PLANS.

LOCATION: LAND WEST OF BURGESS HILL BETWEEN THE A273 AND
A2300, BURGESS HILL, WEST SUSSEX,

DECISION DATE: 2 JUN 2025

CASE OFFICER: JOSEPH SWIFT - JOSEPH.SWIFT@MIDSUSSEX.GOV.UK

In pursuance of its powers under the aforementioned Act, the Council hereby notify you that they **APPROVE** the Non-Material Amendment for the above development in accordance with the plans and particulars submitted with your application received on 29 May 2025 for the following reason(s):

1. This application seeks to amend the description of the development that was approved under reference DM/20/0254. The original description was as follows:

Reserved Matters application for DM/18/5114 - the first phase of the Western Link Road, comprising the construction of a new all-movements roundabout on the A273 Jane Murray Way, a single-carriageway 7.3-metre wide highway link with two 3-metre shared footways/cycleways and two 2.75-metre verges, connecting to the A2300 via a new all-movements roundabout, junction to the UKPN electricity substation, junction to future employment uses, zones for two minor junctions, signalised crossing points, earthworks, surface water and foul drainage infrastructure, utilities corridors, lighting, and landscaping. Amended plans and updated supported documents received 17th March 2020 detailing amendments including the extension of the southern boundary of the site to accommodate increased drainage basins and inclusion of bridleway on north side of A2300. (Transport note received 30th April, Amended plans received 12th May showing minor increase in width of application

site area either side of the proposed link road corridor and amended biodiversity report, planning statement and additional sections received 29th May).

This application seeks to change this description to read as follows:

Reserved Matters application for DM/18/5114 - the first phase of the Western Link Road, comprising the construction of a new all-movements roundabout on the A273 Jane Murray Way, a single-carriageway 7.3-metre wide highway link with two 3-metre shared footways/cycleways and two 2.75-metre verges, connecting to the A2300 via a new all-movements roundabout, junction to the UKPN electricity substation, junction to future employment uses, zones for two minor junctions, signalised crossing points, earthworks, surface water and foul drainage infrastructure, utilities corridors, lighting, and landscaping. Amended plans and updated supported documents received 17th March 2020 detailing amendments including the extension of the southern boundary of the site to accommodate increased drainage basins.

The reference to the updated transport note, amended plans, biodiversity report, planning statement and additional sections are superfluous should not have been included within the description and the drawings were approved by condition 5 and listed on the decision notice.

Furthermore, as part of the wider Brookleigh development the location of the bridleway is to being removed from the northern side of the A2300 in line with the revised Access and Movement Parameter Plan and as such it is also being removed from the original description.

The power to make a non-material amendment is contained in section 96A of the Town and Country Planning Act 1990. There is no statutory definition of non-material as this will be dependent on the context of the overall scheme. In this case it is considered that the proposed amendment to the description to remove reference to the bridleway in the original planning application is non-material taking into account the scale of the wider Brookleigh Development. While the removal of the reference to the transport note, amended plans, biodiversity report, planning statement and additional sections will make no difference to the permitted scheme itself as the approved drawings are not changing as a result of this application. The amended description properly describes the application.

In light of the above, this non-material amendment application can be approved.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Please note that the existing planning permission still stands, and that the conditions imposed upon it continue to apply, except that the plans listed below can be substituted for the originally approved plans.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type

Reference

Version

Submitted Date

N/A

A handwritten signature in black ink, appearing to read 'Ann Biggs', with a stylized, cursive script.

Ann Biggs
Assistant Director Planning and Sustainable Economy

PENONMZ

