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

REFERENCE: DM/25/1499

DESCRIPTION: NON-MATERIAL AMENDMENT RELATING TO DM/20/0965 TO AMEND THE WORDING OF CONDITION 3 (FOUL AND SURFACE WATER DRAINAGE) TO ALLOW FOR OTHER COMMENCEMENT WORKS, NAMELY, THE DRAINAGE DITCH DIVERSION.

LOCATION: BRAYDELLS, HURSTWOOD LANE, HAYWARDS HEATH, WEST SUSSEX

DECISION DATE: 12 JUN 2025

CASE OFFICER: STUART MALCOLM - STUART.MALCOLM@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 10 June 2025 for the following reason(s):

1. The applicant is proposing to amend condition 3 of planning permission DM/20/0965. The original wording of condition 3 of this consent reads:

"3. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with Policy DP41 of the District Plan and Policy E7 of the Neighbourhood Plan."

The applicant's justification for the proposed amendment to this condition includes the following:

"This application seeks to amend the wording of condition 3, to allow for other commencement works to take place prior to the agreement of the foul and surface water drainage information.

In terms of the phasing of works, it is intended that the implementation of the planning permission will be via works to divert the drainage ditch and not involve works to construct the dwelling house (either below or above ground).

If the revised wording is accepted, the intended commencement of other works - namely to the drainage ditch diversion - would not materially impact on the drainage design of the proposed dwelling house.

The drainage ditch diversion was agreed with the approval of the Ordinary Watercourse Land Drainage Consent, reference: LDC/MID/2021/001 dated 22 March 2021.

Accordingly, the following variation of condition 3 is proposed:

3. Other than works associated with the diversion of the drainage ditch, the development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with Policy DP41 of the District Plan and Policy E7 of the Neighbourhood Plan."

The drainage ditch diversion was a fundamental part of the original planning approval and the applicant has confirmed that the necessary Ordinary Watercourse Consent (which falls outside of planning control) was obtained.

As such an amendment to the condition in line with the applicant's request is consistent with the drainage information submitted and approved with the planning application and the works to the new dwelling cannot take place until condition 3, and the drainage works associated with the house, is approved in full.

Overall, this change is so minor that there would be no affect on any other person. Therefore in this instance the revisions detailed in the applicant's submissions received 10th June 2025 can be considered as a non-material amendment to planning permission DM/20/0965.

Condition 3 of DM/20/0965 should therefore be updated to read as follows:

"3. Other than works associated with the diversion of the drainage ditch, the development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with Policy DP41 of the District Plan and Policy E7 of the Neighbourhood Plan."

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.

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

Ann Biggs
Assistant Director Planning and Sustainable Economy

PENONMZ

