

Mr Wayne Channon  
Mr Tom Norris  
Draw Plans  
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Beckenham  
BR3 1LR

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

**REFERENCE:** DM/24/2995

**DESCRIPTION:** NON MATERIAL AMENDMENT TO PLANNING APPLICATION  
DM/21/1118 - TO ALLOW CHANGES TO THE ROOF DESIGN.  
REDUCTION IN THE NUMBER OF WINDOWS AND  
REPOSITIONING OF WINDOWS.

**LOCATION:** CONTEGO SAFETY, WEARMASER HOUSE, MALTHOUSE  
LANE, HURSTPIERPOINT

**DECISION DATE:** 16 APR 2025

**CASE OFFICER:** STEVEN KING - [STEVEN.KING@MIDSUSSEX.GOV.UK](mailto:STEVEN.KING@MIDSUSSEX.GOV.UK)

In pursuance of its powers under the aforementioned Act, the Council hereby notify you that they **REFUSE to approve** the Non-Material Amendment for the above development in accordance with the plans and particulars submitted with your application received on 9 December 2024 for the following reason(s):

1. This application seeks to make a Non-Material Amendment to planning application DM/21/1118 to allow changes to the roof design, a reduction in the number of windows and repositioning of windows.

The approved building has a modern contemporary design, with the roof having a dual pitch, with the lowest point running down the centre of the building. The proposed non-material amendment seeks to change the roof design so that it is a mono pitched roof. The amended plans also show the removal of the first floor windows on the west elevation and a simplification of the windows on the east elevation.

The Planning Practice Guidance advises that 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.

In this case, it is considered that the proposed change would make a clear and noticeable difference to the design of the approved scheme. For this reason, the proposed changes are not non-material and cannot be approved as a non-material amendment.

It is considered that the proposed changes make a material difference to the originally approved scheme and therefore a planning application would be required to seek consent for these proposed changes.

**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. If you wish to substitute these latest plans in place of the original consent, then a new planning application will be required.**

**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 |
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Ann Biggs  
Assistant Director Planning and Sustainable Economy

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