

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

9 June 2025

Dear Sir/Madam,

BRAYDELLS, HURSTWOOD LANE, HAYWARDS HEATH, WEST SUSSEX, RH17 7QY
NON-MATERIAL AMENDMENT (S96a) TO PLANNING PERMISSION DM/20/0965

On behalf of my client, Dr John Silberbauer, I enclose an application that seeks a non-material amendment relating to planning permission ref. DM/29/0965 under Section 96a of the Town and Country Planning Act 1990. This NMA application seeks to amend the wording of condition 3 (Foul and Surface Water Drainage), to allow for commencement works – relating to the drainage ditch diversion - to occur elsewhere on the site that does not involve the construction (below and above ground) of the dwelling house.

As we have set out below, the amendments proposed as part of this NMA application will result in a negligible change to the overall approved scheme. Therefore, this application route is the most appropriate procedure for securing the minor non-material amendment.

The requisite application fee has been paid to Mid Sussex District Council via Planning Portal.

Background

Full planning permission (LPA ref. DM/20/0965) was granted by Mid Sussex District Council on 13 June 2022 for:

“Erection of a 3-storey detached dwelling house and garage; landscaping; and diversion of drainage ditch. (additional drainage details submitted 15/6/20) (viability review received 03/02/21)”

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.

Non-Material Amendment

CONDITION 3

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* ~~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.

Planning Considerations

In considering the acceptability of a proposed non-material amendment regard should be had to Section 96A of The Town and Country Planning Act (1990) (as amended), the National Planning Practice Guidance (NPPG - paragraph 002, ref. 17a-002-20140306, dated 6 March 2014) and the National Planning Policy Framework.

NPPG guidance on 'Flexible Options for Planning Permissions' states that there is no statutory definition of 'non-material'; because the definition would be dependent on the context of the overall development as approved.

The NPPG states that a local planning authority (LPA) 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; and that LPA's must have regard to the effect of the change, together with any previous changes made under Section 96A, on the planning permission as originally granted.

The amendments proposed are not material to the wider planning permission and, therefore, should be eligible for amendment through S96a. Overall, the proposed amendments to the wording of the conditions are minor in the context of the whole planning permission.

Conclusions

Overall, the amendments proposed as part of this NMA application will result in a negligible change to the overall approved scheme and will not compromise compliance with the to-be-agreed foul and surface water drainage details of the dwelling house, which are integral to the overall quality of the scheme.

We trust the above is clear, however if you require any further information, please do not hesitate to contact me.

Yours faithfully,

Phillip Taylor

Director
Planning Edge Ltd