



FAO: Susan Dubberley
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Planning Portal Ref: PP-14508016
Our Ref: JK/KF/35239

21 November 2025

Dear Susan,

RE: APPLICATION UNDER S73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) FOR LAYOUT AMENDMENTS TO PLANNING PERMISSION REF. DM/23/0532 AT LAND REAR OF 96 FOLDERS LANE, BURGESS HILL, WEST SUSSEX, RH15 ODX.

On behalf of our client, Jones Homes (Southern) Ltd, we hereby submit an application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeking amendments of planning permission ref. DM/23/0532.

The application seeks to revise the location of the apartment block's refuse and cycle store due to the approved plans not being compliant with building regulations regarding travel distances.

Prior to this submission, an application was refused (ref. DM/25/2597) under S96A of the Town and Country Planning Act 1990 (as amended) seeking non-material amendments ("NMAs"). The Decision Notice advised that the amendments sought would cumulatively present as visually different from the approved plans and therefore would not be non-material.

Following this decision, and further discussion officers, the application is being resubmitted as a Section 73 application.

Submission Documents

This application is supported by the following amended plans:

Plan Name	Approved Plan Reference	Amended Plan Reference (Subject to this Application)
Coloured Site Layout	22130-C101K	22130-C101L
Coloured Street Scenes	22130-C109H	22130-C109J

Kent

01622 776226

Gatwick

01293 221320

London

020 3005 9725

Leeds

0113 323 6669

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Proposed Site Layout	22130-P101J	22130-P101K
Boundary Types Layout	22130-P102G	22130-P102H
Dwelling Materials Layout	22130-P103F	22130-P103G
Surface Materials Layout	22130-P104H	22130-P104J
Tenure Layout	22130-P105H	22130-P105J
Refuse Strategy Layout	22130-P106F	22130-P106G
Parking Strategy Layout	22130-P107F	22130-P107G
Garden Lengths Layout	22130-P108F	22130-P108G
Air Source Heat Pump Location Layout	22130-P109J	22130-P109K
Ancillary Buildings	22130-P130	22130-P130A

Table 1: Approved and Amended Plans

The statutory application fee has been paid via the Planning Portal.

Amendments Sought

This application seeks to vary the existing Condition 2 of the original planning permission (DM/23/0532).

The primary amendment relates to the location of the external refuse and bicycle store serving the apartments in the north of the site. Approved Document H of the Building Regulations sets out that householders should not have to carry refuse more than 30m to their waste storage area. As such the originally approved location is not deliverable due to being in excess of the required carry distance.

Figure 1 below shows a side-by-side comparison of the approved layout and proposed solution to relocate the refuse and bicycle store and associated changes to the parking layout, landscaping and the pump station location.



Figure 1: Approved Site Layout (Left) and Amended Site Layout (Right)

In addition, the turning head and parking court adjacent to the flats have been slightly increased in size to ensure refuse and fire vehicles can safely access and manoeuvre on site. The improved refuse strategy is illustrated on plan ref. 22130-P106G as submitted.

For completeness and consistency, all approved plans that depict the layout and are impacted by the proposed amendments (as outlined in Table 1) have been revised and included with this application.

Mechanism for Securing Amendments

Section 73 of the Town and Country Planning Act (as amended) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted.

This grants the flexibility to make amendments to an existing permission, allowing changes to vary or remove conditions associated with the planning permission. The National Planning Practice Guidance states that there is no statutory limit on the degree of change permissible to conditions under Section 73, but the change must only relate to conditions and not to the operative part of the permission. Should permission be granted under Section 73, a new, independent permission will take effect to carry out the same development as previously permitted subject to new or, as in this case, amended conditions.



Justification for Amendments

Section 73 provides the appropriate mechanism for securing amendments where the proposed changes only affect the conditions and not the operative part of the permission. The current amendments clearly fall within this definition:

- The application seeks to amend Condition 2 of the original planning permission relating to approved plans. The operative part of the permission (i.e. the description of development) would not be affected by these amendments.
- The amendments are essential for building regulation compliance, thereby ensuring the lawful delivery of the scheme and are considered an enhancement compared to the approved scheme.

No changes have been made to the Mid Sussex Council District Plan or Supplementary Guidance since the consent was granted, therefore the amendments remain wholly consistent with the local and strategic planning policy objectives.

Conclusion

We respectfully submit that the amendments sought are minor material amendments that sought the variation of Condition 2.

I trust the enclosed is satisfactory and you have sufficient information to validate this application. However, should you require any further information or clarification, please do not hesitate to contact me.

Yours sincerely,

