

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

REFERENCE: DM/25/2095

DESCRIPTION: NON MATERIAL AMENDMENT TO PLANNING APPLICATION
DM/23/3210 - CHANGE TO THE APPROVED APPLICATION
DESCRIPTION TO OMIT THE REFERENCE TO AMENDED PLANS
IN BRACKETS

LOCATION: STABLE BLOCK, BORDE HILL GARDEN, BORDE HILL LANE,
HAYWARDS HEATH

DECISION DATE: 21 AUG 2025

CASE OFFICER: ANDREW WATT - ANDY.WATT@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 19 August 2025 for the following reason(s):

1. This application seeks consent as a non-material amendment to remove the bracketed wording from the original description of the development of planning permission DM/23/3210, which reads:

'Variation of condition no. 2 relating to planning application DM/23/0421 - to amend the approved plans to include revisions to the design of the extension, increased soft landscaping and reduction in hard landscaping, and modest increase in size of the external plant room (Amended plans received 21 March 2024).'

The application has been submitted to allow a subsequent Section 73 application to be submitted to make modifications to the original planning permission in relation to the approved plant room.

Removal of the bracketed wording from the description of the approved development is permitted under Section 96A of the Town and Country Planning Act 1990 (as amended) and confirmed in *Finney v Welsh Ministers & Ors* [2019] EWCA Civ 1868

para 45 as being a lawful way to make a change to a decision notice provided it is not 'material'. The reference to the updated plans is not considered to be material in this case, as the decision notice explicitly refers to the final (approved) plans via condition 2 of the planning permission.

On this basis the alteration can be treated as non-material revision to the original application DM/23/3210, such that the description will now read:

'Variation of condition no. 2 relating to planning application DM/23/0421 - to amend the approved plans to include revisions to the design of the extension, increased soft landscaping and reduction in hard landscaping, and modest increase in size of the external plant room.'

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.



Ann Biggs
Assistant Director Planning and Sustainable Economy

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