

11 August 2025

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

FAO: Katherine Williams

Dear Officers

Amendments to Planning Permission (s96a) | Havelock Farm, Wakehurst Place, Selsfield Road, Ardingly | Royal Botanic Gardens, Kew

Introduction

The enclosed application is made on behalf of Royal Botanic Gardens Kew (RBGK), in support of a non-material amendment (NMA) application to amend the description of development in relation to the existing planning permission ref: DM/22/1774 for the proposed works to develop the new Lansdown Conservation and Research Nursery (herein referred to as "LCRN") at their site at Wakehurst, Ardingly.

The application has been submitted via the Planning Portal (ref. PP-14241763) together with the planning administration fee. This letter provides the background to the project and details of the proposed amendment.

This application follows correspondence with MSDC in April 2025, where the principle of this NMA application was agreed in order to enable a future Section 73 (s73) application to come forward to facilitate some further design changes.

Background to the project

Planning permission ref: DM/22/1774 was granted in June 2023 for:

"Demolition of existing agricultural buildings (with those of heritage value to be retained), formerly known as Havelock Farm, and the development of a new Conservation and Research Nursery consisting of four glasshouses of varying size, polytunnels, shade structures, standout area, mechanical plant building, and associated hard and soft landscape works. (amended plans received showing Wakehurst Farmhouse accurately and amended certificate B received 26th July) (amended plans and further supporting info received 4th October) (ecological impact assessment received 16/02/23)."

Following the discharge of all pre-commencement conditions and commencement of demolition and enabling works, the team is now progressing the detailed design of the scheme. The overall brief remains unchanged, however, some specific requirements for the site have evolved and some amendments are required to the approved permission. A s73 application encompassing these amendments is forthcoming, but to secure the changes, MSDC has requested that the description of development must first be amended.

Proposed amendments

The description of development is proposed to be varied as follows (with new text highlighted in blue) to facilitate the forthcoming amendments to the permission:

"Demolition of existing agricultural buildings (with those of heritage value to be retained), formerly known as Havelock Farm, and the development of a new Conservation and Research Nursery consisting of four glasshouses of varying size, polytunnels, shade structures, standout area, mechanical plant building, associated hard and soft landscape works and associated infrastructure. ~~(amended plans~~

~~received showing Wakehurst Farmhouse accurately and amended certificate B received 26th July) (amended plans and further supporting info received 4th October) (ecological impact assessment received 16/02/23)."~~

NMA process

Section 96(a) of the Town and Country Planning Act 1990 confirms that a local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material. The power conferred by s96(a) includes power to remove or alter conditions.

For the purposes of the s96(a) application, assessing whether a change is non-material involves a judgment based on fact and degree, as well as an assessment of the impact of the change on the local environment. National Planning Policy Guidance (NPPG) (2023) identifies that there is no statutory definition of 'non-material' but states that 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 decision is to be based on the original planning permission and the development as a whole. The approved principles that are not altered are not to be reassessed, unless there has been a material change in circumstances.

Of relevance here, the proposed amendments relate to non-material and minor changes to the description of development only. The development as a whole will remain unchanged, and the red line boundary is not affected. There will be no material effect on third parties, and the scale and nature of the amendment is unchanged from the approved scheme in planning terms.

Assessment of proposed amendment

This application solely seeks to amend part of the description of development to remove reference to documents and Certificate B received at a later date than the initial submission. This amendment has been made at MSDC's request. Officers have confirmed that they will endeavour to determine this s96(a) application as soon as possible to not cause any delay in the consideration and determination of the forthcoming S.73 application.

The additional text proposed to be inserted has no impact on the substance of the description of development, and is proposed solely to ensure all associated elements of the scheme as approved are explicitly included within the permission.

No other amendments are proposed as part of this s96a application – there are no design changes and no third parties will be affected by the proposals. It is considered that the proposed changes to the description of development do not alter the substance of what was applied for originally, and the proposals are entirely non-material.

We trust the above is acceptable and look forward to receiving confirmation that our application has been validated.

If you have any questions, please contact henry@theplanninglab.com (020 7257 9363)

Yours faithfully

The Planning Lab