

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

REFERENCE: DM/25/3168

DESCRIPTION: NON MATERIAL AMENDMENT TO PLANNING APPLICATION
DM/23/1262 - CHANGE THE DESCRIPTION OF DEVELOPMENT
TO EXCLUDE THE BRACKETED INFORMATION/REFERENCE TO
SPECIFIC DATED DRAWINGS LIST.

LOCATION: 23 - 25 BOLNORE ROAD, HAYWARDS HEATH, WEST SUSSEX,
RH16 4AB

DECISION DATE: 7 JAN 2026

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 10 December 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/23/1262, which reads:

'Variation of condition 2 of planning application DM/20/3310 - to allow for internal reorganisation of the lower ground, ground, first and second floors to provide a more efficient and operationally more appropriate layout (Amended plans received 14 July 2023 and 20 October 2023).'

The application has been submitted to allow a subsequent Section 73 application to be submitted to make modifications to the original planning permission in respect of elevational changes to the building.

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 references 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/23/1262, such that the description will now read:

'Variation of condition 2 of planning application DM/20/3310 - to allow for internal reorganisation of the lower ground, ground, first and second floors to provide a more efficient and operationally more appropriate layout.'

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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