

Borde Hill Garden Charity
Mr Kai Penny
Whaleback
91 Boundary Road
Hove
BN3 7GA

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

REFERENCE: DM/25/3274

DESCRIPTION: NON MATERIAL AMENDMENT TO PLANNING APPLICATION
DM/24/0433 - TO REMOVE THE WORDING RELATING TO THE
AMENDED PLANS FROM THE ORIGINAL APPLICATION
DESCRIPTION.

LOCATION: BORDE HILL GARDEN, BORDE HILL LANE, HAYWARDS HEATH,
WEST SUSSEX

DECISION DATE: 7 JAN 2026

CASE OFFICER: JOANNE FISHER - JOANNE.FISHER@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 23 December 2025 for the following reason(s):

1. This application seeks to amend the description of the development that was approved under reference DM/24/0433. The original description was as follows:

'Visitor and community hub, outdoor learning and adventure playground, community growing area and historic botanical propagation polytunnels, new and improved access and connectivity infrastructure, wider landscaping and biodiversity enhancements and associated works. AMENDED PLANS received 28th May 2024 revising position of southern pay kiosk and bike parking, clarification on surface material, amendments to the eco lodge, removal of play equipment in Spring Copse, submission of Flood Risk Assessment and response and revisions to ecology / BNG. Additional information and amended plans received 18th and 30th July and 14th August in respect of a Water Vole Method Construction Statement, changes to the location of the southern pay kiosk to the south park and also a biodiversity enhancement layout plan and bat species response.'

This application seeks to change the description to remove reference to the amended plans and read as follows:

'Visitor and community hub, outdoor learning and adventure playground, community growing area and historic botanical propagation polytunnels, new and improved access and connectivity infrastructure, wider landscaping and biodiversity enhancements and associated works.'

The power to make a non-material amendment is contained in section 96A of the Town and Country Planning Act 1990. There is no statutory definition of non-material as this will be dependent on the context of the overall scheme. In this case it is considered that the proposed amendment to the description of the original planning application is non-material. The proposed change will make no difference to the permitted scheme itself as the approved drawings are not changing as a result of this application. The amended description properly describes the application.

In light of the above, this non-material amendment application can be approved.

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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