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

REFERENCE: DM/25/1838

DESCRIPTION: NON MATERIAL AMENDMENT TO APPLICATION DM/20/1333 -
TO REMOVE THE BRACKETED WORDING FROM THE ORIGINAL
DESCRIPTION

LOCATION: LAND AT JUNCTION OF BLACKWELL FARM ROAD AND
HOLTYE ROAD, EAST GRINSTEAD, WEST SUSSEX,

DECISION DATE: 13 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 17 July 2025 for the following reason(s):

1. This application seeks consent as a non-material amendment to remove the latter two parts of the bracketed wording from the original description of the development of planning permission DM/20/1333, which reads:

'Construction of 10 affordable dwellings (6 x 3 bed houses and 4 x 2 bed houses) with associated car parking, landscaping and creation of new access onto Blackwell Farm Road (Updated Road Safety Audit received on 6 July; Amended site and location plans received on 7 July incorporating footpath link and amended boundary treatments; and Flood Risk Assessment and Drainage Strategy received on 24 July) (Amended access plan received on 3 December 2020).'

For clarity, the first element of the bracketed wording (i.e. '6 x 3 bed houses and 4 x 2 bed houses') will be retained in the description, as confirmed by the agent.

The application has been submitted to allow a subsequent Section 73 application to be submitted to make modifications to the original planning permission to reposition a

revised hammerhead and parking space and change the position of the retaining wall on the northern boundary to avoid a high voltage cable.

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 reports and 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 and the specialist reports were assessed as part of the committee report and decision.

On this basis the alteration can be treated as non-material revision to the original application DM/20/1333, such that the description will now read:

'Construction of 10 affordable dwellings (6 x 3 bed houses and 4 x 2 bed houses) with associated car parking, landscaping and creation of new access onto Blackwell Farm Road.'

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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