

Mr Michael Maskew
Elivia Homes
6 Alexander Grove
Kings Hill
West Malling
Kent
ME19 4XR

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

REFERENCE: DM/26/0707

DESCRIPTION: NON MATERIAL AMENDMENT TO APPLICATION DM/22/0640 -
AMENDMENTS TO SITE LAYOUT

LOCATION: LAND TO THE NORTH OF LYNDON, REEDS LANE, SAYERS
COMMON, WEST SUSSEX

DECISION DATE: 31 MAR 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 19 March 2026 for the following reason(s):

1. This application seeks to make the following amendments to the previously approved scheme (DM/22/0640) for the redevelopment of the site for a hybrid application for 36 dwellings and an outline application for 2no self/custom build plots:
 1. Re-positioning of the garden boundary fence to Plot 38 to include the area to the rear of the two external parking bays which is part of the curtilage for the plot.
 2. Re-positioning of the boundary walls to Plots 6/7 and 14/15 to reconfigure the division of the rear gardens and to form larger garden areas for Plots 7 and 15.
 3. Amendments to the front garden paths to Plots 1, 7, 10, 15, 19 and 20.

The Planning Practice Guidance (PPG) contains the governments guidance on how a proposal that has planning permission can be amended. The guidance advises that *'There is no statutory definition of 'non-material'. This is because 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 local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.'* Paragraph: 002 Reference ID: 17a-002-20140306.

Having regard to the scale and nature of the proposal, it is not considered that in the context of the overall development the changes would impact on the overall character and appearance of the scheme as originally approved. As such, it is considered that the proposal can be considered to be a non-material amendment to the original planning permission.

Notwithstanding the above, the change to Plot 10 cannot be considered as part of this application as this plot was granted planning permission separately under reference DM/25/0292. Therefore, a separate non-material application will be required to be submitted in respect of Plot 10.

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.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Planning Layout	TSP.01	P16	19.03.2026



Eric Owens
Interim Assistant Director Planning and Sustainable Economy

PENONMZ