

Joseph Swift
Mid Sussex District Council
Oaklands Road
Haywards Heath
RH16 1SS

12 March 2025

Reference:
PP- 13794280**Submission of Application for Non-Material Amendment Following Grant of Planning Permission Under Section 96a of the Town and Country Planning Act 1990 (TCPA); in relation to the description of development for the Bookleigh Outline Planning Permission.**

Dear Joseph,

Following the granting of outline planning permission for the Brookleigh scheme, I write on behalf of our client ('Homes England') to submit a Non-Material Amendment (NMA) to the description of development under outline planning permission ref. DM/18/5114 (dated 04 October 2019), as amended by planning application ref. DM/21/3279 (09 December 2022).

Application context

Outline planning permission was granted for:

"Comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3) and 13 permanent gypsy and traveller pitches, including a Centre for Community Sport with ancillary facilities (Use Class D2), three local centres (comprising Use Classes A1-A5 and B1, and stand-alone community facilities within Use Class D1), healthcare facilities (Use Class D1), and employment development comprising a 4 hectare dedicated business park (Use Classes B1 and B2), two primary school campuses and a secondary school campus (Use Class D1), public open space, recreation areas, play areas, associated infrastructure including pedestrian and cycle routes, means of access, roads, car parking, bridges, landscaping, surface water attenuation, recycling centre and waste collection infrastructure with associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works."

In relation to Phase 1Da of the scheme (which includes the Western Neighbourhood Centre), design development requires flexibility to allow for the delivery of the community building as either a 'stand-alone' facility (set out in the original description of development) or a mixed-use community building which also includes employment floorspace within Use Class B1.

Proposed amendment

It is proposed the description of development is amended to the following:

*"Comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3) and 13 permanent gypsy and traveller pitches, including a Centre for Community Sport with ancillary facilities (Use Class D2), three local centres (comprising Use Classes A1-A5 and B1, and **community facilities within Use Class D1, Community building 2 as a stand-alone building and Community building 1 as either as a stand-alone or mixed-use building**, healthcare facilities (Use Class D1), and employment development comprising a 4 hectare dedicated business park (Use Classes B1 and B2), two primary school campuses and a secondary school campus (Use Class D1), public open space, recreation areas, play areas, associated infrastructure including pedestrian and cycle routes, means of access, roads, car parking, bridges, landscaping, surface water attenuation, recycling centre and waste collection infrastructure with associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works."*

Legislation

Section 96A(1) of the TCPA states 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.”*

Subsection (2) confirms that in coming to a decision on whether a change is material, the local planning authority *“must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted”*.

The National Planning Policy Guidance confirms that there is no statutory definition of ‘non-material’ for the purposes of section 96A, explaining that *“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 another¹”*.

Whether or not a proposed amendment is ‘non-material’ will depend on the effects of the amendment, bearing in mind its context. Section 96A (2) of the TCPA is clear that *“in deciding whether a change is material a local planning authority must have regard to the effect of the change, together with any previous changes made under this section on the planning permission as originally granted”*.

No previous changes have been made to the outline planning permission (ref. DM/18/5114) pursuant to section 96A.

Materiality

To confirm, in relation to the proposals subject to this application, the following would be applicable:

- The community facilities are a small part of a far larger development at Bookleigh.
- The community facilities will still be provided, albeit in a different format than that originally envisaged, such that the change in the context of the overall scheme is minimal.
- There would be no alteration to the site boundary as defined by the approved red line.
- The amendment would not conflict with any conditions of the planning permission or introduce a requirement for additional conditions.
- The amendment would not conflict with the adopted development plan policies.
- The amendment would not alter the size of the approved development.

On 19 February 2025, Officers at Mid Sussex District Council (‘the local planning authority’) discussed the proposal and confirmed, via email, that change can be sought through a Section 96A application to enable the variation of the outline planning permission in relation to the western neighbourhood centre community building. Based on the information provided, it is considered that the amendment included within this NMA application is ‘non-material’.

Summary

This NMA application complies with national guidance which advocates flexibility and pragmatism when applicants seek to secure minor amendments to approved schemes. Given the ‘non-material’ nature of the proposed amendments and the provisions of section 96A (1) of the TCPA, we request this NMA application be approved to assist in the delivery of this element of the Brookleigh scheme.

The fee has been calculated as £363.00 for this NMA Application and has been paid via the Planning Portal by our client.

If you have any queries, please do not hesitate to contact me.

¹ Paragraph: 002 Reference ID: 17a-002-20140306

