RODWAY PLANNING
CONSULTANCY LIMITED

Horsham District Council
Albery House
Springfield Road
Horsham
West Sussex
RH12 2GB

4th April 2025

Dear Sir/Madam,

Section 96A Application for Non-Material Minor Amendments to Planning Permission DC/24/0462: *'Demolition of existing garage and annexe and construction of 1 No. 3 bedroom detached house with residential amenity areas, car parking and turning, together with hard and soft landscaping and new access'.*
Land adjacent to Sailtops, Church Street, Cox Green, Rudgwick, RH12 3DE

I refer to the above project, which was granted planning permission by Horsham District Council on 8th August 2024.

This letter accompanies a submission via Section 96A of the Town & Country Planning Act (as amended) for 'non-material minor amendments' (NMA) to the above planning permission.

In this respect, the National Planning Policy Guidance (NPPG) sets out the following:
"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…
As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply…
As by definition the changes sought will be non-material, consultation or publicity are unlikely to be to be necessary…
As an application for a non-material amendment is not an application for planning permission, the normal provisions relating to notification do not apply…
The time period for determination is 28 days…
The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply."

The application site is located on the eastern side of Church Street (B2128), in the Cox Green area of Rudgwick. The site comprises residential garden land to the side of the existing host dwelling, 'Sailtops'. The site is formed in part by the demolition of the existing garage and associated annexe,

and in part by garden land. The application site is set within the hamlet of Cox Green, close to the West Sussex/Surrey border. Cox Green is immediately north of the adjoining larger village of Rudgwick, which is a settlement that offers a range of facilities and services for daily needs including shops, a church, Post Office, medical centre and primary school.

With regard to site designations, the Horsham District Planning Framework Proposals Map determines that the land on which it is proposed to add a new dwelling, is located outside of, (albeit immediately adjoining) the settlement boundary. It should be noted however, that Horsham District Council have consulted on their Reg 19 Local Plan, and this confirms that the built up area is to be extended to include 'Sailtops' and neighbouring properties to the north. This Horsham District Local Plan 2023 - 2040 was formally submitted to the Planning Inspectorate on Friday 26 July 2024, and the examination in public has commenced, but has more recently been placed 'on hold' by the examining Inspector. Further updates are awaited.

This NMA application relates to full planning permission **DC/24/0462** for a single dwelling with provision of a new access, following the demolition of an existing garage and annexe on the site.

A current S73 application (**DC/25/0294**) is under consideration by the Council, which proposes a variation of Condition 4 of this previously approved application. Specifically this current S73 application seeks to amend Condition 4 so that is a pre-demolition condition rather than a pre-commencement requirement as originally worded. We anticipate that this application should be supported by the Council's Ecology Consultee, and therefore approval should soon be confirmed.

Recently there was another S73 application for alterations to the approved red line and the inclusion of a different access position adjacent to a Public Right of Way. This was refused by the District Council's Planning Committee (application **DC/24/1967** refers). This S73 application also included minor elevational revisions to the previous approved dwelling – as set out below:

- Side (Eastern) elevation - pantry window omitted on ground floor plan and elevation;
- Rear (Southern) elevation - additional window added to the dining/family area;
- Front and rear elevation chimney height corrected to match side elevations;
- First floor and roof plans hipped lines over single storey section replaced with ridge line to match elevations.

Although the S73 application was refused by the District Council, the reason for refusal only refers to the proposed access changes stating that it *"would result in harm to the Public Right of Way (449Sy) and would not enhance the character of the District…"*

The Applicant still wishes to make the above detailed changes to the elevations of the previously consented dwelling, and given the nature of these alterations, we consider that these can be satisfactorily dealt with via a S96A/Non-material Amendment (NMA) application.

Section 96A powers were introduced with the intention of building flexibility into the planning system. This section allows the Local Planning Authority to make changes to a planning permission *"if they are satisfied that the changes are non-material".* The requested changes must be "non-material" and what that means will depend on the specific scheme and planning permission. An example in certain cases might be phasing, although this would depend on the materiality of such changes. The

changes could be made to the conditions or the description of the development but must be *"non-material".*

It is our firm opinion that in this case, the proposed alterations to the new dwelling does constitute very minor changes to the previously approved designs, and we consider that in combination this comprises a 'non-material minor amendment'.

The description of the development is not proposed to be altered. The scale and/or nature of the proposed amendments result in a development which is not materially different from the one which has been approved. The S96A application therefore accords with the guidance set out in the NPPG. As the proposal meets all the necessary requirements, and will cause no harm to any matter of identified acknowledged importance, it is our opinion the overwhelming weight of evidence supports the approval of this application.

We trust that this information is of assistance, and will aide your consideration of the application proposals. However, should you require any clarification or further information, then please do not hesitate to contact me.

Yours sincerely,

Rodway Planning Consultancy Limited

c.c. Mrs. Jean Gorton (Applicant)