DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0229
Lower Broadbridge Farm, Billingshurst Road, Broadbridge Heath, Horsham, West Sussex, RH12 3LR

DESCRIPTION:
Non Material Amendment to previously approved application DC/22/1052 (Appeal Reference APP/Z3825/W/23/3321658) (Outline application for the development of the site to provide up to 133 dwellings including the creation of new vehicular access, public open space, landscape planting, surface water attenuation and associated infrastructure with all matters reserved except access.) to correct drawing references within conditions 1 and 23 in respect of the Five Oaks roundabout works.

RELEVANT PLANNING HISTORY:

DC/22/1052	Outline application for the development of the site to provide up to 133 dwellings including the creation of new vehicular access, public open space, landscape planting, surface water attenuation and associated infrastructure with all matters reserved except access.	Application Refused on 09.02.2023. Allowed on appeal on 07.032024.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (HDPF, 2015)
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles

Horsham District Local Plan (2023-40) (Regulation 19)
Policy 1: Sustainable Development
Policy 2: Development Hierarchy
Policy 3: Settlement Expansion
Policy 19: Development Quality
Policy 20: Development Principles

Slinfold Neighbourhood Plan (2018):
Policy 5: Development Principles

Slinfold Parish Design Statement

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
None received

Parish Comments:
None received

Representations:
None received

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT
The main consideration of this application is whether the proposed alterations can be considered as non-material amendments to the approved scheme in accordance with Section 96A of the Town and Country Planning Act 1990 (as inserted by S190 of the Planning Act 2008). The discretion rests with the Council to decide to whether the revisions would constitute a non-material amendment to a planning permission, which would not take it outside the scope of the original permission.

The applicant is seeking permission under a non-material amendment to correct drawing references in relation to proposed works to the Five Oaks Road roundabout. The change is sought so that these conditions refer to drawing 1902029-11 B which is the roundabout layout agreed with West Sussex County Council during consideration of the Planning Application.

Conditions 1 and 23 of the appeal decision reference an incorrect drawing number.

- Condition 1 refers to 1902029-21 A which relates to works to the Lawson Hunt roundabout which are not relevant to this scheme (but considered as part of a separate, refused application).
- Condition 23 refers to 1902029-11 A which in communication with West Sussex County Council was superseded by 1902029-11 B.

Both conditions should instead refer to drawing 1902029-11 B which is contained within the Motion Technical Note 1: Design Audit dated 25 August 2022. West Sussex County Council wrote to the Council in respect of DC/22/1052 on the 6 October 2022 confirming that this layout arrangement is acceptable.

This issue results from an error with the drafting of the Decision Notice and results in no material changes to the approved development and therefore the change is acceptable under s.96a. The amendments sought to the Decision Notice are:

- Replace reference to drawing 1902029-21 A in Condition 1 with drawing 1902029-11 Revision B (Motion Technical Note 1: Design Audit dated 25 August 2022).
- Replace reference to drawing 1902029-11 A in Condition 23 with drawing 1902029-11 B (Motion Technical Note 1: Design Audit dated 25 August 2022).

The proposed amendments to DC/22/1052 are to correct a drafting error and would not give rise to any material impacts. The amendments are therefore considered non-material under Section 96A of the Town and Country Planning Act 1990.

Recommendation: Application Permitted

Amended Wording Condition 1:

1. The development hereby permitted shall be carried out in accordance the following approved plans:
   - Location Plan, ref: 1273.S01 (dated 25.01.2022)
   - Indicative Access/Roundabout Arrangement, 1902029-11 Revision B (Motion Technical Note 1: Design Audit dated 25 August 2022).

Amended Wording Condition 23:

23. No part of the development shall be occupied until such time as the A264 Five Oaks Road Roundabout has been altered to enable access to the development in accordance with the details shown on the drawing titled Indicative Access/Roundabout Arrangement and numbered 1902029-11 B (Motion Technical Note 1: Design Audit dated 25 August 2022).

NOTE TO APPLICANT

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/25/0229
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Plans	Indicative Access / Roundabout Arrangement	1902029-11 REV B	13.02.2025
Supporting Docs	Technical Note 1: Design Audit	NONE	13.02.2025

DELEGATED

Case Officer sign/initial Jason Hawkes Date: 11.03.2025

Authorising Officer sign/initial Adrian Smith Date: 13/03/2025