Our ref: Q240610
Your ref: PP-14024787
Email: james.guthrie@quod.com
Date: 22nd May 2025

Alice Johnson
Planning Officer
Horsham District Council
Albery House
Springfield Road
Horsham
RH12 2GB

Dear Alice,

Wilberforce House, Southwater, Horsham, RH13 9RS
Application under S96A of the Town and Country Planning Act 1990 (as amended) for a Non-Material Amendment to DC/22/2077

On behalf of Graftongate and Legal & General (together 'the Applicant'), and further to our recent discussions, please find enclosed a non-material amendment ('NMA') application pursuant to Section 96A ('S96A') of the Town and Country Planning Act 1990 (as amended) in relation to the above site ('the Site').

This application ('the Application') seeks approval for a NMA to planning permission reference DC/22/2077 to amend the description of development to enable the Site to meet the requirements of a new future occupier, Chess Dynamics ('CD'), and to make best use of the employment land.

In accordance with best practice, the application has been submitted via the Planning Portal (PP-14006477). The requisite planning application fee of £383 (including the £85 service charge) has been paid to the Council via the Planning Portal.

1 Background

The Site has an extensive planning history, with the most relevant application being the full planning permission granted on 04 June 2024 (ref: DC/22/2077). This permission is extant ('the extant permission') and the approved Description of Development ('DoD') is copied below:

> *"Demolition of existing building and the erection of 3no buildings to provide flexible industrial and storage and distribution floorspace (Use Class B2/B8) and ancillary office floorspace, with associated hard and soft landscaping, car and cycle parking, supporting infrastructure and retention of existing attenuation pond."*

The approved site layout is shown on the overall block plan (21649-UMC-SI01-SI-D-A-0203 P07) and it set out in **Appendix 1**.

Following approval, the Applicant received interest from a new future occupier, CD, who propose to occupy a bespoke unit to the north of the Site, while the Applicant intends to build out the consented unit to the south of the Site on a speculative basis, noting the strong demand for units of this size in the local market.

CD is an engineering company in the defence sector, providing electro-optical solutions to defence companies globally. CD manufacture and test on site, in small quantities, with no hazardous material or operations. Currently, CD operate out of the North Heath Lane Industrial Estate ('NHLID'), occupying 14 of the 17 units within the estate – this is clearly not sustainable, and there is an urgent need to provide a bespoke facility, which would also importantly release the smaller units at NHLID to local occupiers, supporting growth in Horsham.

CD is keen to retain their operations within Horsham, with their site search concluding the Site represents the only opportunity in the borough. Should this project not be successful, alternative solutions have been identified in Reading and Plymouth, however CD's priority remains staying in Horsham. Staying in Horsham will ensure all local jobs are retained, with significant growth in recent years, with headcount growing from 235 (2023) to 250 (2024), with projected growth to 300 by the end of 2025.

The current extant planning permission does not meet the requirements of this operator, so an alternative approach is necessary.

2 Proposed Amendment

The Applicant is seeking to secure an amendment to the extant permission to enable the delivery of the Site and to meet the needs of future occupiers, which requires a configuration of two buildings, rather than the approved three.

It is proposed to amend the extant permission DoD as follows to remove reference to 3no. units, with old text shown in ~~**red.**~~

> *"Demolition of existing building and the erection of ~~**3no**~~ to provide flexible industrial and storage and distribution floorspace (Use Class B2/B8) and ancillary office floorspace, with associated hard and soft landscaping, car and cycle parking, supporting infrastructure and retention of existing attenuation pond."*

Following this and once the NMA has been determined, it is proposed to submit one material amendment ('MA') under S73 of the Town and Country Planning Act 1990 (as amended) to vary Condition 1 of planning permission (approved plans) of the extant permission to enable the delivery of the proposals.

This approach has been agreed with HDC via pre-application discussions.

3 Justification

S96A of the Town and Country Planning Act 1990 (as amended) gives power to local planning authorities (in England) to make NMAs to planning permissions. Section 96A(2) states:

> *"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 was originally granted".*

Further guidance on making a S96A NMA to planning permission is provided in the Planning Practice Guidance ('PPG') 2014 (as amended). When considering the definition of a NMA the guidance states:

> *"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"*

The amendment to the description of development is considered to be minor and simply removes reference to the number of units. This approach is proposed for the avoidance of doubt and has no material change to the effect of the permission, or the conditions attached to it.

It is therefore considered that this revision represents a NMA to the proposal and will not conflict with the principles of the approved development or adopted planning policy and should therefore be allowed.

On the basis of the above, it is considered that this Application is acceptable and should be approved without delay.

4 Summary

We trust that the enclosed information is sufficient to allow you to validate and consider this submission, however please do not hesitate to contact me or my colleague Hannah Swainston (hannah.swainston@quod.com) should you require any additional information at this stage.

Yours sincerely



James Guthrie
Director

cc. Alex Thomason (Graftongate)
James Martyn-Smith (Graftongate)

Appendix 1 - Approved Site Layout

