Horsham District Council

Mr Clive Hawkins
Clive Hawkins Architects Ltd
114 Mackie Avenue
Brighton
BN1 8RD
United Kingdom

Application Number: DC/24/0953

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr Jamie Fatehnia J B F Building Contractors

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby REFUSE to permit the works specified hereunder, that is to say:

Non Material Amendment to previously approved application DC/17/2058 (Demolition of fire damaged redundant bakery and the construction of 4x one bedroom flats) External alterations to materials, walling and roof and frontage (retrospective).

Southwater Kebab Worthing Road Southwater West Sussex

as shown on Plan and Application Number DC/24/0953 submitted to the Council on 21/06/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 The proposed alterations to the previously approved development represent a level of change greater than can be considered as a non-material amendment under Section 96A of the Town and County Planning Act 1990.

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Elevation & Floor plan	Proposed	21	21.06.2024

Note to Applicant
As the changes proposed go beyond the scope of a non-material amendment, it is recommended that a full planning application is submitted urgently to rectify the breach of planning.

Note to Applicant
Whilst the proposal is not considered to represent a non-material minor amendment, it is open to the applicant to request consideration of the acceptability of the proposal under the minor material amendment procedure or submission of a full planning application. These comments are made on a without prejudice basis and it is suggested you contact the case officer should you wish to discuss this matter further.

Note To Applicant:
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.

Right of Appeals
There is no right of appeal against refusal of an application for a non-material amendment. This is because non-material amendments are not covered the relevant legislation which sets out which types of application can be appealed (section 78 of the 1990 Town and Country Planning Act).

If you are aggrieved by the decision to refuse permission for your application, you would need to submit a planning application to seek approval for the proposed amendments. Please speak to your Case Officer for more details.



Emma Parkes
Head of Development and Building Control

Date: 19/07/2024