DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0860
Wilberforce House, Wilberforce Way, Southwater, West Sussex, RH13 9RS

DESCRIPTION:
Non Material Amendment to previously approved application DC/22/2077 (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): Removal of reference to '3no' units in the description of development.

RELEVANT PLANNING HISTORY:

DC/22/2077	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.	Application Permitted on 04.06.2024

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 25- Strategic Policy: The Natural Environment and Landscape Character
Policy 26- Strategic Policy: Countryside Protection
Policy 32- Strategic Policy: The Quality of New Development
Policy 33- Development Principles
Policy 34- Cultural and Heritage Assets

Neighbourhood Plan: Southwater Neighbourhood Plan (2019-2031)
SNP1 – Core Principles
SNP16 – Design
SNP21 – A Growing Economy

Parish Design Statement:
Southwater 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 agent cover letter indicates the proposal seeks to remove the reference to three units from the description. Further clarification has been sought from the agent and they have confirmed the proposed amendment to the description would be:

Demolition of existing building and the erection of 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 amended description would remove any reference to the number of buildings proposed on the site. It would not change the number or quantum of buildings previously approved under DC/22/2077 to the site. Given the description for DC/22/2077 proposed a minimal number of units (3) the removal of the exact number is not considered to warrant refusal in this instance. The proposed amendment would not alter the design or scale of the buildings approved or the amount of commercial floorspace under Class B2/B8 approved. The number of units within each building is to remain the same.

The purpose of this amendment is to allow a further application to be submitted 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 material minor amendments to the proposal. This requires the removal of reference to ‘3’ buildings in the description of development. This would not be permitted under a S73 application for material amendments. However, the removal of reference to ‘3’ buildings is appropriate in the context of this non-material amendment.

Overall, the proposed amendments to the description to remove the reference to the number of units would not appreciably impact on the appearance of the building or amenities of adjacent occupiers, and would give rise to no other material impacts. The amendments are therefore considered non-material under Section 96A of the Town and Country Planning Act 1990.

Recommendation: Application Permitted

Conditions:

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/25/0860
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

No plans

Case Officer sign/initial	Alice Johnson	Date:	02/07/2025
Authorising Officer sign/initial	J Hawkes	Date:	10.07.2025