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Our Ref. 276/25/MS

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

Dear Sirs

LAND TO THE NORTH OF HIGH BAR LANE THAKEHAM WEST SUSSEX

RE: NON-MATERIAL AMENDMENT TO VARY PLANS RELATING TO PLOTS 1 - 3

CONSENT: Erection of 28 dwellings and associated engineering operations and works including an onsite borehole water supply

LPA REF: DC/23/2152

D&M Planning Ltd have been instructed by the applicant to submit this application seeking a non-material amendment to the vary the plans of the consented scheme. This variation being specifically for plots 1 – 3 of the approved development (these being the larger, detached units).

The application is made following the previous grant of planning permission granted in May 2025. The application granted permission for the erection of 28 dwellings with associated words including an onsite borehole.

This non-material amendment essentially seeks to alter the plans relating to the three detached units. The alteration principally relates to an increase in the size of wall thickness, both internal and external. The reason for such being that it would enable the units to be constructed using modular systems particularly that provided by Hemspan. Hemspan is a bio-based construction method which delivers significant benefits to the sustainability of house building, such achievements are undertaken through the use of Hemp in the construction materials. So that the units can be constructed in such a manner there is a need to alter the thickness of the walls so that the panels, constructed of site, can be utilised in the build.

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NMA Process

This application is made under Section 96(a) of the Town and Country Planning Act 1990 (as amended) and constitutes a submission to confirm that the proposed changes are non-material when considered against the parent permission.

In considering such a submission, regard should be given to National Planning Policy Guidance (NPPG). Case law¹, has determined that the NPPG has equal legal status as the NPPF and can be used together to assess planning application.

As set out in the NPPG a submission made under Section 96(a) of the Act is not an application for planning permissions and therefore, as set out within the Development Management Procedure Order there is no necessity for consultation or publicity.² It is clear from the NPPG that as it is not an application for planning permission then consultation or publicity is *unlikely to be necessary*. Any such consultation is therefore undertaken at the Local Authority's discretion. In this instance, despite what is stated on the Council's website that it will not engage with comments for such submissions, the LPA has used their discretionary powers to invite notification. The result of such has been to significantly push the determination of the application beyond the 28 day statutory deadline.

With regards to the nature of the application, the NPPG clearly sets out that there is no statutory definition of 'non-material' as it will be in the context of the overall scheme; what may be material to one scheme will not be for another. The NPPG advises that in reaching a determination the LPA must have regard to the effect of the change, together with any previous changes. It is not open to the LPA to revisit the original parent position but must only consider whether the changes as shown on the proposed plans are material or not.

As will be set out below, we essentially consider that when regard is given to the wider permission the proposed changes would be non-material.

Site Description

The site is located to the north of High Bar Lane and adjoins the former mushroom farm and the rear of Massey Close. The site also adjoins the local playground to the west.

A bridleway dissects the site on a north/south axis with an unadopted path crossing site on a east/west axis.

The site is currently undeveloped but located within the settlement of Thakeham surrounded by other residential development.

Summary of Changes proposed

The application seeks confirmation that the amendments to the approved plans would constitute a non-material amendment. The principal aspect of the amendment is a change in size to the detached units known as plot 1 – 3. These changes are most notably to the size of the walls as

¹ Mead Relisation Ltd v Secretary of State for Housing Communities and Local Government [2025] EWCA Civ 32

² NPPG Paragraph: 005 Reference ID: 17a-005-20140306

consented; the reason for such being that it enables the use of the Hemspan panels in the construction process. These panels are constructed off site and therefore the proposed plans need to reflect the limits of such construction processes and be sufficient to accommodate its use.

In addition, the following changes are sought under the NMA

- Installation of window to ground floor W/C
- Change of rear fenestration from bifold to French door
- Labels on external materials

Analysis

It is our contention that when read in the context of the proposal for the *erection of 28 dwellings and associated works* these alterations would constitute a non-material amendment.

In the context of the scheme at large these changes are entirely non-material in nature. The overall design approach, layout, form remains unchanged. Further conditions would be retained to cover the materials etc of the buildings and these still need to be discharged.

We consider that the only change to the consideration of the wider scheme as a result of these changes would be in relation to the benefits that could be delivered through the construction methods in line with those offered by Hemspan. Whilst these are clear benefits which would deliver significant benefits, particularly in the face of the climate emergency declared by the Council, the sustainability of construction did not feature as any real material factor in the determination of the application. Accordingly, whilst the revision would deliver benefits in such regard the scheme was not dependent on any such levels and accordingly the benefit would still be non-material in the wider determination of the scheme.

With the above in mind, it is our contention that the proposed changes should be considered non-material in nature.

We therefore respectfully request that the decision be issued as soon as possible to prevent any delays.

Yours sincerely

Matt Smith BA (Hons), MA, MRTPI

D&M Planning Ltd