

Our ref: OT/Holloway/Moralee Farm

2 September 2026

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Dear Sir or Madam

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Non-Material Amendment to DC/22/2322 (Erection of a rural worker's dwelling and agricultural building). The internal ground-floor plan is re-submitted to ensure the approved drawings accurately reflect the final internal arrangement previously accepted under a non-material amendment. The amendment relates solely to internal configuration and does not alter the approved external appearance, footprint, height, materials, or site layout at

Moralee Farm, Haglands Lane, West Chiltington, West Sussex, RH20 2QS.

We are instructed by the applicant, Mrs Claire Holloway, to prepare and submit this application for seeking non-material amendment to the approved development.

Please find enclosed in support of this application:

- The completed planning application form
- Planning Statement (this letter)
- The location plan, drawing no.: 001 Rev D
- Approved Revised Ground Floor Plan, drawing no.: 005 Rev K
- Approved Ground Floor Plan, drawing no.: 005 Rev G

Planning Statement

1.0 Introduction

- 1.1 This statement supports an application under section 96A of the Town and Country Planning Act 1990 seeking a non-material amendment (NMA) to remove condition 2 (see below), which was not imposed by the original planning permission, ref.: DC/22/2322, but was instead added through a subsequent Non-Material Amendment, ref.: DC/26/0971.

Regulatory Condition: The residential dwelling and the agricultural/commercial accommodation hereby approved shall be retained as a single planning unit at all times and shall not be occupied, sold, leased, let or otherwise disposed of separately from one another. The agricultural/commercial accommodation shall remain ancillary to and operated in association with the rural workers dwelling hereby approved and shall not be used as an independent planning unit.

Reason: To ensure the agricultural/commercial accommodation remains functionally associated with the rural workers dwelling, to safeguard the justification for the development in this countryside location, and to accord with Policies 20, 26 and 33 of the Horsham District Planning Framework (2015).

- 1.2 The condition requires the rural workers dwelling and the agricultural/commercial accommodation to be retained as a single planning unit, prevents either element from being occupied, sold, leased or otherwise disposed of separately, and restricts the agricultural/commercial accommodation to ancillary use only.
- 1.3 The applicant now seeks its removal on the basis that the condition was not part of the original decision framework, is not necessary to secure the approved development, and does not meet the statutory tests for planning conditions. Its deletion would not alter the approved plans, the description of development, or the functional or physical characteristics of the scheme as originally permitted. The proposed amendment is therefore minor, administrative, and falls within the established scope of a non-material amendment under s.96A.

2.0 Scope of Section 96A

Section 96A provides:

- (1) A local planning authority in England may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.
- (2) 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 or permission in principle as originally granted.
- (3) The power conferred by subsection (1) includes power to make a change to a planning permission—
 - (a) to impose new conditions;
 - (b) to remove or alter existing conditions.
- (4) The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission or permission in principle relates.

- 2.1 This statement sets out the background to the condition, explains why the imposed condition is not justified, and demonstrates that its removal is non-material in planning terms.

3.0 Background

- 3.1 Planning permission was originally granted for a rural worker's dwelling under ref.: DC/22/2322, subject only to the standard Regulatory Condition restricting occupation to those solely or mainly employed, or last employed, in agriculture or forestry in the locality, together with their dependants. (see below) This was the sole functional restriction considered necessary to make the development acceptable in a countryside location.

Regulatory Condition (11): The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015), development which cannot be justified as essential to the needs of agriculture or forestry would not normally be permitted.

- 3.2 A subsequent Non-Material Amendment, ref.: DC/26/0971, was approved to allow internal operational changes to the ground floor layout (see below figures). These included removal of the internal door between the residential kitchen and the agricultural kitchen/office; repositioning of internal walls to facilitate wine pallet manoeuvring; widening of the wine store entrance; reduction of the agricultural kitchen/utility area; modest reconfiguration of the residential hallway and living room; enlargement of the plant /storeroom; and slight repositioning of the principal entrance door. These changes were operational refinements intended to improve efficiency, security and functionality.



Figure A – Originally approved ground floor plan (DC/22/2322)



Figure B – Approved revised ground floor plan (DC/26/0971)

- 3.3 The LPA particularly considered the removal of the internal door and concluded that, although it increased physical separation, it did not alter the approved purpose of either element, **did not diminish the functional relationship**, and indeed provided a clearer distinction between the residential and agricultural/commercial facilities. The LPA further confirmed that “the amendments are therefore **not considered to materially alter the character or operation of the approved development.**”
- 3.4 Nevertheless, the Authority expressed concern that the original planning permission had been justified on the basis that the rural worker’s dwelling and associated agricultural accommodation would operate together in support of the established rural enterprise. To “safeguard that relationship” and to prevent any future severance or separate occupation of the agricultural / commercial accommodation from the dwelling, the LPA considered it “reasonable and necessary” to impose a condition requiring both elements to remain within the same planning unit and not be occupied, sold, leased or otherwise disposed of separately.

4.0 Justification for Removal of Condition 2 of DC/26/0971

- (i) Original permission already secured the necessary functional relationship
- 4.1 The original planning permission imposed only the standard Regulatory Condition limiting occupation of the dwelling to those employed in agriculture or forestry. This condition was expressly considered sufficient to secure the functional relationship between the approved rural worker’s dwelling and the rural enterprise.
- 4.2 If, at any point in the future, the application site or the approved buildings were proposed to operate other than as a single planning unit, a separate planning permission would be required. The approved changes to the ground floor plan should therefore be considered acceptable without any such restriction.
- (ii) The new condition is contrary to the conditions attached to the original permission
- 4.3 The condition introduced through the NMA is contrary to the conditions attached to the original planning permission. The original decision imposed only the Regulatory Condition controlling agricultural occupancy. The later condition therefore introduces a new and materially different form of control that was not part of the original permission and is inconsistent with the conditions previously judged sufficient to make the development acceptable.
- (iii) The description of development and approved plans already secure the relationship

- 4.4 The description of the approved development already identifies the respective purposes of the rural worker's dwelling and the agricultural/commercial accommodation, and the approved location plan clearly shows both elements within a single planning unit. The functional relationship between the two components was therefore inherent in the permission itself. No additional condition was required to secure that relationship, and the original Regulatory Condition already ensured that the dwelling would remain occupied in connection with the rural enterprise. The later condition is duplicative, unnecessary, and goes beyond what is required to make the development acceptable in planning terms.
- (iv) The condition fails the six tests for planning condition
- 4.5 The Planning Practice Guidance and established case law require all planning conditions to meet the six tests: necessary, relevant to planning, relevant to the development, enforceable, precise, and reasonable, and the recently published National Planning Policy Framework (2026) also re-emphasises these tests.
- **Not necessary:** The original permission already secured the rural worker occupancy through the Regulatory Condition. The description of the proposal and the approved plans already establish the relationship between the dwelling and the agricultural/commercial accommodation. **The Local Planning Authority has already agreed that the changes to the approved ground floor plan does not change the operation or the function of the approved rural enterprises.** Therefore, no further restriction should be required.
 - **Not relevant to the NMA:** The NMA related solely to internal operational changes. The LPA confirmed these did not materially alter the character or operation of the development. The new condition does not relate to the amendments and therefore fails the relevance test.
 - **Not relevant to the development as approved:** Introducing such a restriction retrospectively through an NMA goes beyond the scope of s.96A as it introduces a different form of control of the site and the building.
 - **Not enforceable:** The condition attempts to regulate future ownership and disposal of land, which is generally outside the scope of planning control and is more appropriately addressed through legal agreements if required.

- **Not precise:** The term “single planning unit” is not defined within the condition and relies on case law rather than clear, measurable criteria. This creates ambiguity in interpretation and enforcement.
 - **Not reasonable:** Imposing a new operational restriction through an NMA is unreasonable, particularly where the LPA has already found the amendments to be non-material. The condition imposes an unnecessary and disproportionate burden on the applicant.
- (v) The LPA’s own assessment confirms the amendments were non-material
- 4.6 The LPA concluded that the internal changes, including removal of the interconnecting door, did not alter the approved purpose of either element, did not diminish the functional relationship between them, and provided a clearer distinction between the residential and agricultural/commercial facilities. The LPA further confirmed that the amendments did not materially alter the character or operation of the approved development. This demonstrates that no additional condition was required.
- (vi) The condition exceeds the lawful scope of a Non-material amendment
- 4.7 Section 96A permits only amendments that do not materially alter the permission. It does not permit the introduction of new planning restrictions that were not part of the original decision framework and materially affect how the development may be occupied, operated, or disposed of. The condition introduced through the NMA materially affects future occupation and disposal of the land and therefore exceeds the lawful scope of s.96A.
- (vii) Removal of the condition is itself non-material
- 4.8 Deleting Condition 2 does not alter the approved plans, the description of development, the physical form of the building, or the rural worker occupancy restriction. Although the internal door would be replaced with a solid wall, this would not materially change how the approved dwelling and agricultural building operate, as **both already have their own main entrances as shown on the originally approved ground floor plan.** Furthermore, as already stated in the applicant’s supporting statement for the previous NMA, replacing the internal door with a solid wall is required for **security purposes** for both the approved dwelling and the agricultural/commercial operation. The approved development, as originally approved under DC/22/2322 and amended by the revised ground floor layout approved under DC/26/0971, will therefore **continue**

to operate in the same way. Accordingly, the removal of Condition 2 is itself non-material.

5 Conclusion

- 5.1 Condition 2 introduced through the NMA DC/26/0971 is unnecessary, inconsistent with the original permission, fails the six tests for planning conditions, and exceeds the lawful scope of s.96A. Its removal would not materially alter the approved development and is therefore fully justified as a non-material amendment.

We trust that you have all the necessary information to validate and determine this Section 73A application. If the officer requires any information or clarification on any element of the proposal, we welcome a discussion during the planning application process.

Yours faithfully,

Olivia Tresise, MSc, MA, MRTPI
Principal Planner