

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

25th March 2026

Dear Sir/Madam,

Section 96A Application for Non-Material Minor Amendments to Planning Permission DC/21/2172 ('Erection of 6 No. 3-bed dwellings (including 1 No. retirement property), creation of an access drive and landscaping works (Resubmission of DC/20/2454))'
Site Address: Land South of East Street, Rusper, West Sussex

The Site benefits from Planning Permission for the above detailed development, which was granted by Horsham District Council (HDC) on 10th July 2025 (reference DC/21/2172).

On behalf of our Clients, Mansion Acquisitions Ltd, we are now instructed to submit an application to HDC for non-material amendments (NMA) via Section 96A of the Town & Country Planning Act (as amended) to amend the description of the Planning Permission in order to omit the reference to '**... (including 1 No. retirement property) ...**'

In this respect, the Planning Practice Guidance (PPG) sets out the following:

"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...

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply...

As by definition the changes sought will be non-material, consultation or publicity are unlikely to be to be necessary...

As an application for a non-material amendment is not an application for planning permission, the normal provisions relating to notification do not apply...

The time period for determination is 28 days...

The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply."

The revision outlined above has been discussed with the HDC Planning Officer (Tamara Dale) who advised that given that the provision of a retirement property is not dealt with in the S106 agreement or controlled via a planning condition relating to permission DC/21/2172, and it is therefore just mentioned in the permission description, she considers that an NMA application submission is the

correct procedure to amend the description (i.e. to remove the reference to '1 No. retirement property').

Ms. Dale further explained that she considered this approach is appropriate given that HDC's grant of planning permission did not rely upon the provision of the retirement dwelling, and it was not referenced in the officer report as justification for granting planning permission.

Indeed, and aside from the Planning Application description, there are only two references to the provision of a retirement dwelling within the Officers Report. At paragraph 1.3 it says, *"It is noted that one of the proposed dwellings is proposed to be a retirement dwelling, where that property would have to be occupied by at least one person over 60 years of age."*

Within the 'Principle of Development' section of the officer's report (pages 6-7), there is no mention of the provision of a retirement unit and nor is there any reference to any planning policies that refer to the need (or otherwise) of such provision.

Within the 'Planning Balance and Conclusions' section of the Officer's report (see para 6.48) and when referring to a previously refused Planning Application at this site, the Officer does refer to the retirement unit meeting an identified need, but states that when considering the refused application (DC/20/2454) *"it was considered that the need would not outweigh the conflict with the overall aims of the HDPF..."*

With respect to the need for retirement housing, we have referred to the Horsham District Planning Framework (HDPF), and under Chapter 6: 'Housing' it says: *"... The population of the district will continue to rise. There is a need to ensure that everyone can access good quality housing to meet the needs of a mixed population and support the local economy. The population of the district is ageing faster than the national average, and there is a need to plan for the specific needs of an increasingly elderly population, including a growing requirement for retirement homes, residential care homes and smaller units that meet the needs of the elderly. People are living longer in the district which will result in far more people in our community aged over 70. This could result in less homes for working age people unless sufficient housing provision is made. It may also result in community that has a high proportion of people enjoying retirement. Although there is a high percentage of elderly residents, there are also a large numbers of families. Housing that is provided must also meet the needs of families. The high cost of housing can act as a barrier to suitable housing for many people who wish to live and work in the district (eg young people). Housing needs to be available to all. This includes providing social rented housing but also looking at measures to ensure that housing is more generally affordable (e.g. to first time buyers) and through other mechanisms including self and custom build..."*

Elsewhere, HDPF Policy 18 entitled 'Retirement Housing and Specialist Care', says: *"1. Proposals for development which provide retirement housing and specialist care housing will be encouraged and supported where it is accessible by foot or public transport to local shops, services, community facilities and the wider public transport network. The Council will particularly encourage schemes that meet identified local needs for those on lower incomes and provide affordable accommodation for rent or shared ownership/equity."*

2. Large scale 'continuing care retirement communities' will be supported in appropriate locations, normally within defined built-up areas, where they can be justified in terms of meeting identified need, and:

- a. Provide accommodation for a full range of needs, including care provision separate from the self-contained accommodation;
- b. Include 'affordable' provision to meet identified local needs, or where this is not possible, provide an appropriate commuted sum in lieu of on site units; and
- c. Include appropriate services and facilities, including transport, to meet the needs of residents/staff and which contribute to the wider economy."

The Glossary to the HDPF specifies as follows: "Retirement Housing: Housing often as a group of purpose built flats or bungalows, usually for private sale or rent, designed to meet the needs of elderly people by having independent self contained homes with their own front doors, usually with some common facilities that all residents can use, e.g. common room, laundry and sometimes a level of direct support but no on site personal care or medical support."

In our opinion the provision of 1 no. 2-storey semi-detached property as part of an otherwise open market housing development, with no common/shared facilities being provided, does not meet the definition of 'retirement housing' in terms of the HDPF. The Council did not place any weight on the provision of a retirement dwelling when justifying the grant of planning permission for 6 houses at this site. There is no planning condition relating to this provision, nor is there any requirement within the S106 agreement that references a retirement dwelling being provided.

Section 96A powers were introduced with the intention of building flexibility into the planning system. This section allows the Local Planning Authority to make changes to a planning permission "if they are satisfied that the changes are non-material". The requested changes must be "non-material" and what that means will depend on the specific scheme and planning permission. Changes could be made to the conditions or the description of the development but must be "non-material". In our opinion, the hereby submitted proposed alteration to the description of the permitted scheme is a very minor change, which constitutes a 'non-material minor amendment'.

As a consequence of the proposed change to the description of the development, we consider it is clear that the scale and nature of the approved housing is not materially different from that which was previously approved by HDC. The S96A application therefore accords with the guidance set out in the PPG. As the proposal meets all the necessary requirements, and will cause no harm to any matter of identified acknowledged importance, it is our opinion that the overwhelming weight of evidence supports the approval of this NMA application.

We trust that this information is of assistance, and will aid your consideration of the application proposals. However, should you require any clarification or further information, then please do not hesitate to contact us.

Yours sincerely,

Rodway Planning Consultancy Limited

c.c. Mansion Acquisitions Limited (the Applicant)