



Wednesday, 10 December 2025

Jason Hawkes
Planning Department
Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

Tom Davies MRTPI
Tomdavies@cala.co.uk
07345 287575
Cala South Home Counties Ltd
Dorking Business Park
Station Road, Dorking
RH4 1HJ

Dear Jason,

APPLICATION UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990

RM Area 5&6, Mowbray, Horsham, West Sussex.

On behalf of CALA Homes (South Home Counties) Ltd ("CALA"), please find an application pursuant to Section 96A ('S96A) of the Town and Country Planning Act 1990 (as amended) for non-material amendments to condition 1 of RM consent DC/24/1927 pursuant to Outline Planning Permission DC/16/1677.

Background

Outline Planning Permission was granted on the North Horsham strategic site (now known as Mowbray) on the 1st March 2018 for *Outline planning application with all matters reserved except access for a mixed use strategic development to include housing (up to 2,750 dwellings), business park (up to 46,450 m2), retail, community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure.*

A Reserved Matters application for RM Parcel 5 & 6 was submitted in 2024 for *Application for approval of Reserved Matters (internal access, appearance, landscaping, layout and scale) pursuant to Condition 5 of Outline Planning Permission reference DC/16/1677 for RM Areas 5 and 6 comprising 206 (C3 Use) residential units, car and cycle parking, new landscaping, drainage, access and internal roads, and associated infrastructure* (Application ref: DC/24/1927). The application was subsequently approved on the 9th May 2025 and is subject to 15 conditions.

A Non-Material Amendment (NMA) was submitted on the 28th May 2025 which sort an amendment to the parking arrangements for plots 109-114 and a swap in tenure of plots 129-134 from Shared

Ownership to Affordable Rent and plots 109-114 from Affordable Rent to Shared Ownership. The amendment was approved on the 18th July 2025 (Application ref: DC/25/0888).

Non-Material Amendment Sought

It is proposed to split the combined cycle parking and bin store south of plot 133 and move the bin store in front of plots 134-141 in order to comply with Building Regulation (Building Regs) Part H, as its approved location is over the 30m carry distance for residents allowed for under the aforementioned Building Regs.

As a consequence of this amendment one of plots 135 car parking is proposed to be moved adjacent to plots 136 car parking space. Plots 135 wheelchair accessible car parking space is unchanged and remains in the same place as approved. The bin collection point remains in the same place as originally intended, either side of the bell mouth into the parking court for apartment block 5 (Plots 134-141).

No layout changes are proposed on RM5 and that layout will remain as currently approved.

Legislative Context

Section 96A of the Town and Country Planning Act 1990 (as amended) ('S96A') provides for 'non-material amendments' to be made to planning permissions. There is no statutory definition of 'non-material' with the Planning Practice Guidance advising that 'an amendment that is non-material in one context may be material in another'.

In determining whether a change is non-material, the Local Planning Authority must take in to account the effect of the change and whether it materially alters the development. However, the merit of the change does not fall to be considered, nor should it be assessed against adopted or emerging planning policy.

Submission Documents

The application comprises the following documents:

- Application form
- Covering Letter
- 00345-RSK-ZZ-XX-DR-C-0003 P01
- 00345-RSK-ZZ-XX-DR-C-1008 C05
- 00345-KSA-XX-ZZ-DR-A-504 C1

As no changes are proposed for RM5 no drawings have been submitted seeking an amendment to that layout.

Under the provisions of Section 96A of the Town and Country Planning Act 1990, a Local Planning has the power to make changes to planning permission which can include imposing new conditions or to remove or alter existing conditions if they are satisfied that the change is not material. When considered against the approved development, the changes proposed are not material.

The application has been submitted electronically via the Planning Portal and credit card payment of £298 (plus Planning Portal Service Charge) has been paid.



I would be grateful if you could confirm receipt of this application and I look forward to receiving formal notification of validation in due course.

Thank you

Your Sincerely



Tom Davies MRTPI
Planning Manager
Cala Homes (South Home Counties)