Expiry Date – 16/09/2024

Development Control – Delegated Officer Report

Application Number: AWDM/1074/24 Recommendation – APPROVE

Site: Beechwood Hall Wykeham Road Worthing West Sussex BN11 4JD

Proposal: Application for a non-material amendment to previously approved AWDM/1923/18. Amendment: Removal of the faux chimney within the development description so that the description reads: External alterations plus single-storey extension with roof plant to west elevation plus kitchen extraction duct on west roof slope. Revised access arrangements, re-modelling of car park and garden area with formation of external seating areas including paved terrace and decking, covered booth seating and enclosed pergola at north end of the garden.

Planning history

AWDM/1923/18: External alterations plus single-storey extension with roof plant to west elevation plus kitchen extraction duct (enclosed within faux chimney) on west roof slope. Revised access arrangements, re-modelling of car park and garden area with formation of external seating areas including paved terrace and decking, covered booth seating and enclosed pergola at north end of the garden. Permitted 06/03/2020

Proposed amendments

The amendment is to the description to remove specific reference to the faux chimney. The proposed development description would be:

External alterations plus single-storey extension with roof plant to west elevation plus kitchen extraction duct ~~(enclosed within faux chimney)~~ on west roof slope. Revised access arrangements, re-modelling of car park and garden area with formation of external seating areas including paved terrace and decking, covered booth seating and enclosed pergola at north end of the garden.

Representations:
NA

Relevant Planning Policies

National Planning Policy Framework (2023)
National Planning Practice Guidance (MHCLG)

Planning Assessment

Section 96A of the Act allows a non-material amendment to be made to an existing planning permission via an application procedure. There is no statutory definition of 'non-material'. This is because it is so dependent on the context of a particular scheme – what may be non-material in one context may be material in another. In order to grant an application a local planning authority must be satisfied that the amendments sought are non-material.

In assessing applications for a non-material amendment the Government's National Planning Practice Guidance states that the local planning authority must have regard to the effect of the change, together with any previous changes made under s.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 s.38 (6) of the Planning Act 2004 does not apply. However, the extent to which the proposed amendments comply with the relevant Development Plan policies is a material consideration.

Assessment

The principal issue is whether the proposal is non-material in nature that the changes are not of consequence, significance or substance.

The change to the description solely relates to the development description. It is considered that the proposed description adequately addresses the development within the approved application.

The change to the description would not have an impact on the residential amenity of neighbouring properties or the visual amenity of the scheme. Any external changes would still require the relevant permissions but would allow amendments through a variation of condition where appropriate.

Recommendation

APPROVE the non-material amendments in accordance with the application, no change to the approved plans.

Informative

The application satisfies Section 96A of the Town and Country Planning Act (1990) as amended. The proposed amendments constitute non-material changes to that planning permission and will result in a development that is substantially the same as was originally granted planning permission.

This decision notice only relates to the non-material amendment sought. It is not a reissue of the original planning permission, which still stands. This decision notice must be read in conjunction with the planning permission AWDM/1923/18 referred to in the description above. All conditions dated 6th

March 2020 remain fully applicable to the development to which this non-material amendment relates

Is recommendation contrary to letter(s) of representation? N

Case Officer:	Louise Prew	Date: 13/09/2024
Authorised by:	Jo Morin	Date: 13.09.2024