

Mr S Davis
Planning Services
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton

16 March 2022

Dear Mr Davis

Applicant: Dandara Southern Ltd
Site: Land at Stakers Farm, North End Road, Yapton
Proposal: Application under Section 96A for a non-material amendment to Y/72/20/RES to allow amendments to plot 131

Please find enclosed a completed electronic application seeking a non-material amendment to the proposed scheme, in line with Section 96A of the Town and Country Planning Act. The amendment proposed seeks to make amendments to the approved detail in relation to Plot 131. The proposed amendments are minor and comprise:

- Removal of bay window on right side elevation
- Handing of front elevation to reposition the two storey gable projection to the left side of front elevation

Section 96A (1) provides the power to make a change to any planning permission and section 96A (3) of the 1990 Act state that includes a power to “impose new conditions” and “to remove or alter existing conditions” of a planning permission. That power may be exercised where (Section 96A (1)) the Council “are satisfied that change is not material”.

As officers will be aware, there is not any definition of non-material. The planning practice guidance states that this is dependent upon the context of the overall scheme (Paragraph: 002 Reference ID: 17a-002-20140306). The overall scheme here is the erection of 70 dwellings. To make the alterations to the dwelling as proposed will not alter the context of the overall scheme to any degree and the scheme will remain as granted.

The court of appeal has considered section 96A in R (on the application of Fulford Parish Council) v City of York Council & Persimmon Homes (Yorkshire) Limited [2019] EWCA Civ 1359. That case was concerned with whether s96A could be used to alter the details approved under a reserved matter approval post implementation of the planning permission, specifically a change to the timing set out in the approval for the provision of a bat hopper. The case is relevant to the extent that it identifies what is and what is not material depends upon the context of the development. In the context of this development, it is our view that the amendment is minor in nature.

In light of the above, we have considered what needs to be changed to allow for the development to be phased.

We trust that the proposed amendments are agreeable as a minor amendment, for the reasons set out above. Should you require any further information; please do contact me on the number above.

Yours sincerely,



Peter Cleveland MRTPI
Partner, Head of Planning
Henry Adams LLP