Philip Isbell - *Chief Planning Officer*
Planning – Place Directorate

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Please ask for: Jasmine Whyard
Your reference: NMA to condition 13 of outline permission
Our reference: DC/19/02090
E-mail: DC/26/02390
Date: planningyellow@baberghmidsuffolk.gov.uk
19th October 2026

Dear Sir/Madam

REFUSAL OF NON MATERIAL AMENDMENT
TOWN AND COUNTRY PLANNING ACT 1990

Proposal: Application for a Non-Material Amendment to DC/19/02090 (Allowed under Appeal Decision APP/W3520/W/23/3317494)- Amendment of Condition 13

Location: Land To The East Of, Ixworth Road, Thurston, Suffolk

I write to confirm that the following amendments to the above proposal have been determined to be refused as listed below.

Amendment Details Refused:

PROPOSAL:

Non-material amendment to permission DC/19/02090, seeks to alter the wording of condition 13 to amend the trigger point for delivery of the off-site highway works to become prior to occupation of the 100th dwelling rather than the current wording which is prior to first occupation.

The plans considered for the purposes of this non-material amendment are as follows:

PGTM.SHH.3225.005 received 7th September 2026
PGTM.SHH.3225.006 received 7th September 2026
PGTM.SHH.3225.005 received 7th September 2026
PGTM.SHH.322-007 revision 01 received 7th September 2026
PGTM.SHH.3225.007 Loading List received 7th September 2026
PGTM.SHH.3225.022 Sheet 1 received 7th September 2026
PGTM.SHH.3225.023 Sheet 1 received 7th September 2026
PGTM.SHH.3225.024 Sheet 1 received 7th September 2026
H9210-MBZH-011 received 4th August 2026

ASSESSMENT:

The proposed amendment to condition 13 is considered proportionately in relation to permission DC/19/02090.

The proposed amendments are assessed having regard to the original planning permission and are considered in full view of the Development Plan and all other material planning considerations. The test here is whether such change is considered material through a 'fact and degree' approach.

The difference between the approved condition 13 trigger point and the proposed later trigger point constitute a material change because condition 13 secures the delivery of pedestrian and cycle crossing improvements which were not solely required in response to traffic or existing highway safety concerns but were also a key component of sustainable and safe travel for future occupiers. Until the approved infrastructure is delivered, some future occupiers may be discouraged from travelling by sustainable modes, whilst those crossing the highway would not benefit from the priority and crossing facilities secured through the approved scheme. Whilst delivery challenges are noted, insufficient justification has been provided to demonstrate why the trigger point and delivery of these key improvements should be delayed.

The above amendments have therefore been **refused** as a non-material amendment.

If you consider that a particular amendment you have sought is not covered by the description of the amendment(s) above, you should not assume that it has been agreed. Written confirmation of approval of all amendments must be obtained before any such works take place on site.

This decision only relates to the non material amendment(s) listed above. It is not a reissue of the original decision which still stands. This document should therefore be read in conjunction with the original applications decision notice referenced above.

Yours faithfully

Philip Isbell
Chief Planning Officer