

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 96A

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
NON-MATERIAL AMENDMENTS**

Reference No: **2022/NM/92423/E**

Site Address: 23A, Barnsley Road, Flockton, Huddersfield, WF4
4DP

Description: Non material amendment to previous permission
2022/91404 for demolition of existing outbuilding and
erection of replacement outbuilding

Recommending Officer: Craig Hewitt

DECISION – APPROVE NON-MATERIAL AMENDMENT

**I hereby authorise the approval of this application for the reasons set
out in the officer's report and recommendation annexed below in
respect of the above matter.**

Kirsty Nicholls

AUTHORISED OFFICER

Date: 11-Aug-2022

Overview

This application seeks a non-material amendment to application 2022/91404, which approved the erection of a replacement outbuilding.

The amendment seeks to change the materials of the flat roof of the outbuilding from a green roof to stone tiled roof. The amendments are shown on plan JTD_245_02_100 submitted 19/07/2022.

This application will be assessed having regard to S96A of the Town & Country Planning Act 1990: *“In deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with previous changes made under this section, on the planning permission as originally granted”* and the Council’s **Protocol for dealing with non-material amendments**.

The four key tests in the Protocol are:

1. Is the change inconsequential in terms of its scale in relation to the original approval? **Yes**
If so, three further tests need to be met:
 1. Would the change result in a detrimental impact either visually or in terms of living conditions? **No**
 2. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way? **No**
 3. Would the amendment be contrary to any policy of the Council? **No**

Assessment

The alterations do not cause the proposal to fall out of the original application’s description.

The existing approval did not include the materials of the flat roof within the description. Given that the proposed change of materials would be to a flat roof, and in particular the siting of the proposed outbuilding, there would not be a detrimental impact either visually within the street-scene or in terms of neighbouring amenity. No representations were received for the original application, and the alterations proposed would not increase the impact on any neighbours. None of the original application’s conditions are breached by the proposal, nor are any further conditions required for the amendments to be acceptable. No council policies are contradicted by the amendments.

Conclusion

On the basis of the above, the proposed change would be acceptable under the non-material amendment procedure and as such is recommended for approval.

Report Dated: 09th August 2022

