

**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: **2023/NM/93115/W**

Site Address: Clover Farm, Scout, Woods Mount, Marsden,
Huddersfield, HD7 6LD

Description: Non material amendment to previous permission
2023/90469 for demolition of stables/food store and
commercial workshop and erection of one dwelling for
holiday let

Recommending Officer: Kevin Walton

DECISION – Non-Material Amendment Approved

**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.**

Teresa Harlow

AUTHORISED OFFICER

Date: 18-Jan-2024

Planning Reference: 2023/93115
Non-material amendment to planning permission 2023/90469
Clover Farm, Scout, Woods Mount, Marsden, Huddersfield, HD7 6LD

Officer Report:

Original Permission

Planning permission was granted, subject to conditions, for the “demolition of stables/food store and commercial workshop and erection of one dwelling for holiday let.”. The building benefitting from the planning permission measures 13 metres in length, 6.6 metres in width, 4.5 metres to ridge height of the dual pitched roof and 2.5 metres to eaves level. It should be noted however, that approved plan ref: 2020-75-01 contained a discrepancy between the width as shown on the floor plan and the elevation detail. The floor plan annotated the width of the building as 7.5 metres whereas the elevation scaled a width at 6.6 metres. This discrepancy is part of the amendment currently being sought.

Proposed Amendment

The applicant has submitted an amended drawing indicating the height to ridge would increase from 4.5 metres to 4.8 metres. The width of the building is also shown to be 7.5 metres with height to the eaves remaining at 2.5 metres. The general design of the building will remain unchanged.

Assessment

Section 96A of the Town and Country Planning Act 1990 (as amended) provides a flexible option for planning permissions in so far as the Local Planning Authority may agree to an amendment to an approved development. In doing so the Local Planning Authority must be satisfied the amendment is non-material in the context of the overall scheme.

In considering such an application the Local Planning Authority must have regard to the effect of the change together with any previous changes made under section 96A. It must also take into account any representations made by anyone notified.¹ In this instance no previous amendments have been agreed.

The Council has also produced its own protocols for non-material amendments² which sets out four key tests as to the acceptability of a change to an approved scheme. These are listed as

- 1. Is the proposed change inconsequential in terms of its scale (magnitude, degree etc) in relation to the original approval? If so, then three further tests need to be applied as follows:*

¹ National Planning Policy Guidance (Flexible Options for Planning Permissions) paragraph 008.

² Kirklees “Protocol for non-material amendments following the grant of planning permission.”

2. *In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions?*
3. *In the Authority's view would the interests of a third party or body who participated in or were informed of the original decision be disadvantaged in any way?*
4. *In the Authority's view would the amendment be contrary to any policy of the Council?*

In this instance no publicity of the application has been undertaken. While representations were received on the original application which referred to the visual impact resulting from the height of the proposed building and impact upon privacy, the officers deemed the height and position of building would be acceptable given the significant separation distances from any nearby dwellinghouse. However, these representations will also be taken into account in this assessment although it is not considered necessary to re-consult.

With regard to the increase in the scale of the proposed building, the height to the ridge is to rise by 0.3 metres and the width by 0.9 metres leading to an increase by approximately 13%. However and as noted above, the increase in width is to address the discrepancy between floor and elevation plans. It is considered the discrepancy in the original plan is beyond any degree which could be considered de-minimis and as such the application for a non-material amendment is considered appropriate subject to the differences being consistent with the original assessment of the development.

It is accepted the increase in width has the effect of increasing the bulk of the building which in turn may have an impact upon the openness of the green belt. However, the consequence of any further impact would need to be material to be out of the scope of this application. The original assessment was based upon the building not having a greater impact upon the green belt than the original structures on the same land. It was considered the marginal decrease in the footprint of the original building had a neutral impact upon the openness of the building and was given little weight either for or against the impact upon the green belt. It can therefore be equally said that the marginal increase in the footprint of the former buildings as a result on the increase in width has a neutral impact upon the green belt and therefore not a material difference in so far as a different decision would have been reached should the 7.5 metre as shown on the approved drawing had have been assessed as such. Moreover, in design terms, as the visual appearance of the building will generally remain unchanged, the impact upon openness in the context of the surrounding character of surrounding land and buildings area as a result of the building being slightly larger is also considered to be negligible. Overall, therefore it is considered to regularise the discrepancy in the approved

drawing is inconsequential when having regard to the material impact upon the green belt.

In terms of any visual impact resulting from the change, the original assessment considered the building would not seem out of character or introduce an unusual feature within the surrounding grain of rural low housing density. It was considered the building would not impact upon views from public footpaths within the vicinity. When comparing the scale of the original approval it is considered the change to the size of the building and in particular the height would not be noticeable when viewed from the same public footpaths or other vantage points and neither would the scale affect the wider character of the area to the degree the proposed changes would be contrary to the same policies originally considered.

For the same policy reasons and by virtue of the significant separation distances, the change in the width of the building would also be negligible in terms of any impact upon residential amenity.

By reason of the above and with respect to representations previous made to the original planning application, it is considered the representee's visual and residential amenity would not be prejudiced through the proposed changes to the scale of the building.

Overall, it is considered the amendments to the original building remain consistent with relevant policies and do not impact upon the openness of the green belt or on visual or residential amenity.

Recommendation

Approve.

Letter Text

The height to ridge would increase from 4.5 metres to 4.8 metres. The width of the building is also shown to be 7.5 metres with height to the eaves remaining at 2.5 metres. The general design of the building will remain unchanged, as shown on the single elevation submitted.

The building benefitting from the planning permission measures 13 metres in length, 6.6 metres in width on the approved elevation, 4.5 metres to ridge height of the dual pitched roof and 2.5 metres to eaves level. It should be noted however, that approved plan ref: 2020-75-01 contained a discrepancy between the width as shown on the floor plan and the elevation detail. The floor plan annotated the width of the building as 7.5 metres, as now shown in elevation, whereas the elevation scaled a width at 6.6 metres. The correction of this discrepancy is part of the amendment currently being sought.

