

**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: **2025/NM/91299/W**

Site Address: Land at, Gilroyd Lane, Linthwaite, Huddersfield, HD7
5SR

Description: Non material amendment to previous permission
2018/90208 for erection of 18 dwellings – modified
house type (extension to garage) at plot 15

Recommending Officer: Victor Grayson

DECISION – Non-material Amendment - Approve

**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.**

Nick Hirst

AUTHORISED OFFICER

Date: 13-Jun-2025

Officer Report

Site Description

The application site is part of a wider site allocated for residential development in the Kirklees Local Plan (site allocation HS126). The site is located to the rear (west) of 164 to 172 Gillroyd Lane. The site slopes downhill from east to west.

Work on site is well progressed. The estate road has been named Hollin Way.

Description of Proposal

Non material amendment to previous permission 2018/90208 for erection of 18 dwellings – modified house type (extension to garage) at plot 15.

The proposed single storey lean-to addition to the front of the garage would provide direct indoor access for future occupiers between the main dwelling and the garage.

The same amendment has previously been proposed and approved at plot 12 (which is another E-type house in this development) under NMA application 2023/92454.

The proposed amendments are illustrated in a drawing titled “Plot 15 modified house type” (Sk P 15) and described in a document titled “Design Statement for Change of House Type”.

Relevant Planning History

2018/90208 – Planning permission granted 26/01/2022 for erection of 18 dwellings.

2022/90679 – Discharge of conditions application. Pending determination.

2022/91712 – Planning permission granted 27/06/2023 for the erection of one dwelling (modified house type). The wording of some conditions (of this permission) allowed for their discharge via the submission of details pursuant to the relevant conditions of permission ref: 2018/90208.

2023/92454 – Non-material Amendment granted 06/09/2023 for changes to plot 12.

Assessment

This application must be assessed having regard to Section 96A of the Town and Country Planning Act 1990 which states “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 adopted protocol

for dealing with Non-Material Amendments. This protocol states that the four tests as to the acceptability of a change to an approved scheme under the Non-Material Amendment procedure are:

- 1) Are the proposed changes inconsequential in terms of scale (magnitude, degree etc) in relation to the original approval? **YES**

If so, the three further tests need to be applied as follows:

- 1) In the council's view would the proposed changes result in a detrimental impact either visually or in terms of living conditions? **NO**
- 2) In the council's view would the interests of a third party or body who participated in or were informed of the decision be disadvantaged in any way? **NO**
- 3) In the council's view would the amendment be contrary to any policy of the council? **NO**

In considering the above, the following factors are relevant:

- The proposed changes to the permitted scheme must not result in the development falling outside the description of the development as set out on the decision notice – **the description of development would be the same**
- The proposed changes must not contravene any condition attached to the original permission – **no condition would be contravened**
- The proposed changes should not require a further restriction to make them acceptable – **no further restrictions would be required**
- The proposed change would not result in any material increase in height, scale, width or depth of a building – **the footprint of the dwelling would be enlarged, but only to a minor extent, and not beyond the previously-proposed front and side building lines.**
- The proposed changes would have likely to have been approved had it formed part of the original application – **it is likely that the changes would have been approved**

The applicant has explained that the proposed lean-to would be constructed with natural coursed stone to the walls and would have natural blue slate to the roof, all to match the main dwelling.

The applicant has added that the two parking spaces for the dwelling would be maintained. This is considered appropriate, given that plot 15 is a 3-bedroom house.

It is considered that the proposed amendment would not have a detrimental impact on visual amenity or living conditions, nor would it be detrimental to a third party. The amendment is considered to be in accordance with protocol, and it is therefore recommended that the Non-Material Amendment be approved.

Recommendation: Approve

Decision Authorisation: Delegated Powers

Application Number: 2025/91299

Report Dated: