

**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/91324/E**

Site Address: Land adj, Inkerman Court, Barnsley Road, Denby Dale, Huddersfield, HD8 8XA

Description: Non material amendment to previous permission 2023/92871 for erection of 6 dwellings (modified proposal)

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: 16-Jun-2025**

## **Officer Report**

### **Site Description**

The application site is 1.02 hectares in size and is located on the north side of Barnsley Road, Denby Dale. It is allocated for residential development in the Local Plan (site allocation: HS141).

Work at the site is well progressed.

### **Description of Proposal**

Non material amendments to previous permission 2023/92871 for erection of 6 dwellings (modified proposal).

The proposed amendments are described in the applicant's submission as follows:

*U1 house type:*

- *Two windows added, to utility room and bedroom 3, on side elevation.*

Of note, only the amendments described above are to be considered under this application. Officers have not compared the submitted drawings with those previously approved to ascertain whether any other amendments (not listed above) have been illustrated. If there are indeed any such additional amendments, these would not be approved under this application, and a further amending application may need to be submitted in relation to them.

The proposed amendments are illustrated in a drawing titled HOUSE TYPE U1 (drawing 1903-HT-U1-01A).

The applicant has also submitted a Location Plan – Replan of Plots 26-30 and 9 (drawing 1903-SI-13 rev A) and a Site Layout Plan – Replan of 26-30 and 9 (drawing 1903-RP-10 rev E), however these drawings have previously been considered under application 2023/92871.

The development includes U1 house types at plots 29 and 30.

### **Relevant Planning History**

2019/91836 – Planning permission granted 06/10/2021 for erection of 34 dwellings.

2022/90955 – Non-Material Amendment approved 11/05/2022 to house types etc.

2023/90066 – Variation of conditions 2 (plans) and 6 (highway layout) of previous permission 2019/91836 for erection of 34 dwellings approved

25/05/2023 – variations to allow deletion of right-turn pocket and footway build-out.

2023/92772 – Non-Material Amendment approved 30/10/2023 to house types etc.

2023/92838 – Non-Material Amendment approved 01/11/2023 to house types and introduction of electricity substation.

2023/92871 – Erection of 6 dwellings (modified proposal) approved 28/06/2024.

2025/91323 – Non-Material Amendment approved 16/06/2025 to plots 10 and 11.

Various other Discharge of Conditions applications are under consideration, or have been determined.

### **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 – **no such changes are proposed – the external dimensions of the dwellings would remain as per those considered under application 2023/92871**
- 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 proposed addition of two side windows (one to the ground floor utility room, the other to a first floor bedroom) at plots 29 and 30, being secondary windows to the respective rooms, is considered inconsequential. The new windows would face the gabled side elevations of the adjacent dwellings.

It is considered that the proposed amendments would not have a detrimental impact on visual amenity or living conditions, nor would they be detrimental to a third party.

This assessment additionally takes into account the amendments already approved under NMA applications 2022/90955, 2023/92772, 2023/92838 and 2025/91323 and the cumulative impacts of the amendments proposed under the five NMA applications. The amendments are considered to be in accordance with protocol, and it is therefore recommended that the Non-Material Amendments be approved.

**Recommendation:** Approve

**Decision Authorisation:** Delegated Powers

**Application Number:** 2025/91324

**Report Dated:** 16/06/2025

**Recommended decision notice text**

Thank you for your application dated 14/05/2025 for non-material amendments to the above scheme.

The proposed amendments are described in your submission as follows:

*U1 house type:*

- *Two windows added to utility room and bedroom 3 on side elevation.*

The proposed amendments are illustrated in a drawing titled HOUSE TYPE U1 (drawing 1903-HT-U1-01A).

I confirm that the changes may be considered as non-material amendments to the approved drawings. They are considered acceptable, and are hereby approved.

This assessment takes into account the amendments already approved under NMA applications 2022/90955, 2023/92772, 2023/92838 and 2025/91323 and the cumulative impacts of the amendments proposed under the five NMA applications.

It should be noted that this letter relates only to the non-material amendments sought and it is not a re-issue of the original planning permission. The relevant previous permission(s) and the various NMA documents should be read together and as such, all conditions imposed on the original granting of planning permission apply to the proposal as now amended. A copy of this letter and the amended plans will be retained on the public record of approved documents.

You have also submitted a Location Plan – Replan of Plots 26-30 and 9 (drawing 1903-SI-13 rev A) and a Site Layout Plan – Replan of 26-30 and 9 (drawing 1903-RP-10 rev E), however these drawings have previously been considered under application 2023/92871, and have not been considered under this NMA application.