

**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/91393/E**

Site Address: Foundry Street/Market Place/Longcauseway/Town
Hall Way, Dewsbury, WF12 8EN

Description: Non material amendment to previous permission
2022/92308 for temporary siting of Dewsbury Market

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: 23-Jun-2025

Officer Report

Site Description

This application relates to a plot of land in Dewsbury Town Centre, comprising Longcauseway, Crackenedge Lane, Market Place, Wakefield Old Road, Town Hall Way and the piazza the front of Dewsbury Town Hall. The land is predominantly hardstanding (some adopted highway, some unadopted).

The application site is within the Dewsbury Town Centre Conservation Area includes one Grade II listed telephone box, and is within the settings of several Grade II listed buildings.

The application site is partly located within the Primary Shopping Area of the Dewsbury Town Centre.

Description of Proposal

Non material amendments to previous permission 2022/92308 for the temporary relocation of Dewsbury Market to Foundry Street / Market Place / Longcauseway / Town Hall Way, Dewsbury.

The applicant's covering letter states that the previously approved drawing illustrated 51 container stalls and 2 storage containers (53 in total), and that the revised proposal seeks to reduce those numbers to 24 container stalls and 4 storage containers (28 in total). The locations of the proposed containers approximately align with those of the approved – there would simply be fewer of them.

The proposed amendments are illustrated in a revised Proposed Site Plan (drawing GR730141 P4 rev F).

Relevant Planning History

Application site

2022/92308 – Permission approved 11/11/2022 for the temporary relocation of Dewsbury Market to Foundry Street / Market Place / Longcauseway / Town Hall Way, Dewsbury.

On 16/05/2025, in response to a query regarding amending the approved scheme to include 24 container stalls and 4 storage containers, the case officer advised that the proposed changes appeared to be something that could be dealt with via a Non-Material Amendment application.

Related site (Dewsbury Market)

2021/20453 – Pre-application advice request relating to redevelopment of Dewsbury Market. Advice letter issued 20/08/2021.

2021/93368 – Planning permission granted 09/02/2022 for the redevelopment of Dewsbury Market with the addition of a mezzanine floor.

No discharge of condition applications (relating to conditions of the above permission) has been submitted.

2024/20417 – Pre-application advice request relating to redevelopment of the Market Hall and the Semi-covered Market to provide new retail, food and beverage, and café / bar facilities, and the redevelopment of the Outdoor Market and external area to provide a park. Meetings held 11/12/2023 and 17/07/2024. Advice letter issued 06/08/2024.

2024/92283 – Planning permission granted 13/06/2025 for redevelopment of market and creation of park.

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 spread of the temporary market would not extend further along the above-listed streets, and the dimensions of the containers and stalls would be as per the previously-approved scheme**
- 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 reduction in the number of containers is due to a change in demand and how the market is currently trading. The proposed layout is based on the discussions with traders and their preferences – of the containers which were approved in clusters (31 to 35, for example), their arrangement has been slightly amended based on traders' requests.

The applicant has also stated that containers have also been (re)positioned to avoid unnecessary clashes with street furniture and to ensure minimal disruption to the highway. Less street furniture removal would be required

Finally, the applicant has noted that day stalls are illustrated on the submitted plan for information, but that these do not require planning permission as they are Permitted Development (Class BA in Part 12 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015

It is acknowledged that the scale of the proposal would be notably changed, from 53 to 28 containers and therefore differ in scale compared to the original approval. However, given the nature of this proposal, including its temporary nature and as considered above, the reduction in scale raises no material concerns (i.e., an argument of inefficient land use).

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, or other material planning considerations. 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: 2025/91393

Report Dated: 19/06/2025

Decision notice text

Thank you for your application dated 20/05/2025 for non-material amendments to the above scheme.

The proposal seeks to reduce the numbers of containers within the temporarily relocated market to 24 container stalls and 4 storage containers (28 in total). The locations of the proposed containers would approximately align with those that were previously approved – there would simply be fewer of them.

The proposed amendments are illustrated in a revised Proposed Site Plan (drawing GR730141 P4 rev F).

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

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 and this NMA approval 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.