

**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/92087/W**

Site Address: Rose And Crown Inn, 132, Knowl Road, Golcar,
Huddersfield, HD7 4AN

Description: Non material amendment to previous permission
2024/90839 for erection of 7 dwellings and associated
infrastructure following partial demolition of existing
public house (within a Conservation Area)

Recommending Officer: John Holmes

DECISION – REFUSE NON-MATERIAL AMENDMENT

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 19-Aug-2025

Application no: 2025/92087

Rose and Crown Inn (former) Golcar.

THE SITE

The application relates to the Rose and Crown Inn, 132 Knowl Road, Golcar, a two-storey detached building, constructed from stone and faced in render, located to the south west of the site. To the north east is the car park associated with the Public House. Boundary treatment consists of stone walling and timber fencing.

The site is situated within Golcar Conservation Area and is surrounded by residential properties to the south, west and east. Golcar Conservative Club is situated to the south east, with Golcar Liberal Club (including Bowling Green) to the north. Furthermore, the land adjacent to the Bowling Green and directly to the north of this site, is designated as a Small Open Space on the Kirklees Local Plan. A Public Footpath COL/51/20 runs adjacent to the eastern boundary of the site.

THE PROPOSAL

The application seeks consent for a non material to permission 2024/90839. Specifically the proposal seeks to modify the house type to plots 1, 2, 3 and 4.

The proposed amendments are set out as follows:

| Drawing Submitted as part of 2025/92087 (NMA application) | Drawing Submitted as part of 2024/90839 (Approved planning permission) | Amendments proposed |
|---|--|--|
| 08Rev C | 08RevB | <ul style="list-style-type: none">- Eaves increase by 0.3m.- Ridge increase by 0.3m.- Increase from 2 bedroom to 3 bedroom property- 4.no new roof lights to front elevation- 2.no new windows to side elevation |
| 03RevC | 03RevB | <ul style="list-style-type: none">- Internal alterations to create additional floor containing an additional bedroom.- 4.no roof lights shown on the floor plan (omitted from elevation plan) |

| | | |
|--------|--------|--|
| 04RevC | 04RevB | <ul style="list-style-type: none"> - Eaves increase by 0.3m - Ridge increase by 0.3m - 4.no new roof lights shown on - Alteration to front elevation window - floor plan but omitted from this plan |
|--------|--------|--|

PLANNING HISTORY

The most relevant planning history relates to the following planning application:

2024/90839: Erection of 7 dwellings and associated infrastructure following partial demolition of existing public house (within a Conservation Area): Conditional Full Permission granted 25th September 2024.

CONSULTATIONS

None

ALLOCATION AND POLICIES

The following were relevant to the consideration of the original permission:

Kirklees Local Plan (2019):

The site is situated within Golcar Conservation Area on the Kirklees Local Plan.

The following policies are most relevant to the consideration of this application:

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development
- LP 4 – Providing Infrastructure
- LP 7 – Efficient and effective use of land and buildings
- LP 11 – Housing mix and affordable housing
- LP 20 – Sustainable travel
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 26 – Renewable and low carbon energy
- LP 27 – Flood risk
- LP 28 – Drainage
- LP 30 – Biodiversity and geodiversity

- LP 32 – Landscape
- LP 33 – Trees
- LP 34 – Conserving and enhancing the water environment
- LP 35 - Historic environment
- LP 43 – Waste Management Hierarchy
- LP 48 – Community facilities and services
- LP 51 – Protection and improvement of local air quality
- LP 52 – Protection and improvement of environmental quality
- LP 53 – Contaminated and unstable land

National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision-Making
- Chapter 5 – Delivering a Sufficient Supply of Homes
- Chapter 8 – Promoting Healthy and Safe Communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 11 – Making Efficient Use of Land
- Chapter 12 – Achieving Well-Designed and Beautiful Places
- Chapter 14 – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- Chapter 15 – Conserving and Enhancing the Natural Environment
- Chapter 16 – Conserving and Enhancing the Historic environment

Supplementary Planning Guidance / Documents:

- Kirklees Housebuilders Design Guide (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- Kirklees Highways Design Guide (2019)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)
- Kirklees Climate Change Guidance for Planning Applications (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

Other:

Golcar Conservation Area Appraisal

Climate change

On 12/11/2019 the Council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Insofar as the amendments relate to matters which affect the consideration of the above policies, these are discussed within the ‘Assessment’ section of this report.

ASSESSMENT

The 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.

With regard to the protocol for non-material amendments, paragraph 2.3 sets out four key tests for assessing the acceptability of proposed changes to the approved scheme. These are as follows:

Is the proposed change inconsequential in terms of its scale (magnitude, degree etc.) in relation to the original approval?

No, the proposal would increase the height of the proposed development from that as approved. The quantum of the proposed development would increase in terms of residential accommodation provided.

The proposed amendments are unclear in terms of the additional bedroom to plots 1 and 2 and whether this would be windowless or served by roof lights. In either event such an amendment to the scheme needs to be assessed fully as part of an application for planning consent and the necessary consultation undertaken with the Conservation and Design Team.

Amendments to the roof lights added to plots 3 and 4 and also additional windows to these plots need to be assessed in terms of visual amenity and residential amenity and whether such amendments would be acceptable (or if conditions required to ensure they are).

Increase in height of the scheme needs to be assessed in terms of whether acceptable visually and also in terms of impact to neighbouring occupiers.

The changes to fenestration to plots 1 and 2 need to be considered in terms of visual amenity / impact to the historic asset.

In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions?

There is potential for the proposed amendments to have a significant impact, particularly if no openings are to serve a bedroom. Consideration of the impact of the amendments in terms of heritage, visual amenity and residential amenity considerations is required.

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?

Yes - Neighbouring occupiers would not have the opportunity to comment on the impact in terms of additional openings / scale and massing of the buildings.

In the Authority's view would the amendment be contrary to any policy of the Council?

There is potential the impact of the development upon a historic asset may not be considered acceptable and/or the impact upon the setting of the Conservation Area may not be considered supportable.

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 e.g. by seeking to add a pitched roof to an extension described on the Notice as a 'flat roof' extension. – *The proposal would remain within the constraints of the description.*
- The proposed change must not contravene any condition attached to the original permission. – *The proposal would adhere to the conditions.*
- The proposed change should not require a further restriction to make it acceptable (e.g. an amendment seeking to introduce a window which would only be acceptable if it is kept obscurely glazed.) – *There is the possibility that additional conditions would be required.*
- The proposed change would not result in any material increase in height, scale, width or depth of a building. – *the proposal is seeking consent to do this.*
- The proposed change would have been likely to have been approved had it formed part of the original application. – *Without further consultation undertaken and consideration as a planning application a conclusive conclusion cannot be drawn in this respect.*

CONCLUSION

The proposed amendments are not considered to constitute a non-material amendment to the previous planning approval (application 2024/90839).

DECISION NOTICE LETTER:

The amendments shown on drawing No's. 08RevC, 03RevC and 04RevC are not considered appropriate to be regarded as a non-material amendment to the previous planning approval 2024/90839.