

**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/92571/E**

Site Address: 913, Halifax Road, Hartshead Moor, Cleckheaton,  
BD19 6PH

Description: Non Material Amendment to previous permission  
2019/92507 for erection of one detached dwelling and  
demolition of existing stable block

Recommending Officer: Emma Thompson

**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: 10-Oct-2025**

## **Overview**

The application is to seek a non-material amendment to application for previous permission 2019/92507 for erection of one detached dwelling and demolition of existing stable block.

The amendment seeks to install additional windows in the side elevation of the dwelling.

This 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**.

The four key tests in the Protocol are:

**1. Is the change inconsequential in terms of its scale in relation to the original approval?**

The amendment is for the installation of windows and not for any increase in the scale of the original approval.

If so, three further tests need to be met:

**1. Would the change result in a detrimental impact either visually or in terms of living conditions?**

Aside from the introduction of two new windows that match those already approved in the dwelling the appearance would remain as approved.

**2. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way?**

The dwelling is isolated with residential development to the north of the site. The introduction of windows in the side elevation in close proximity to the neighbouring dwelling and land would disadvantage the occupants due to a potential loss of privacy.

**3. Would the amendment be contrary to any policy of the council?**

The original application was assessed against the National Planning Policy Framework (NPPF) and Local Plan Policy LP24. The positioning of the new

windows requires further assessment due to the location and relationship to the neighbouring dwelling. It is noted that the two sites could be in the same ownership but this does not alter officer opinion that current and future occupants should retain a high level of amenity. Unless adequate screening can be provided, the relationship to the adjacent dwelling and private amenity space would remain a concern.

**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 proposed changes would not fall outside of the description of development, which is "erection of one detached dwelling and demolition of existing stable block".

**The proposed change must not contravene any condition attached to the original permission.**

The installation of windows would not contravene any specific condition but would result in a variation to the approved plans.

**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).**

The proposal may require mitigation and further restrictions to make it acceptable. Further assessment is necessary.

**The proposed change would not result in any material increase in height, scale, width or depth of a building.**

The proposal does not affect/would not result in any material increase in height, scale, width or depth of the building.

**The proposed change would have been likely to have been approved had it formed part of the original application.**

The proposed amendments need to be assessed further to establish whether there would be a loss of privacy.

### **Assessment**

The installation of windows in the position shown would require further assessment and potentially mitigation in the form of boundary treatment.

### **Conclusion**

On the basis of the above, the proposed change would not be acceptable under the non-material amendment procedure and as such is recommended for refusal.