

**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/92805/E**

Site Address: Hopton Mills Cricket Club, 18, Woodbottom, Lower
Hopton, Mirfield, WF14 8HG

Description: Non material amendment to previous permission
2025/90202 for partial demolition of existing buildings
and erection of single storey rear/side extension,
erection of external decking and associated internal
and external alterations

Recommending Officer: Edward Cheseldine

DECISION – NON MATERIAL AMENDMENT REFUSED

**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.**

John Holmes

AUTHORISED OFFICER

Date: 03-Nov-2025

Overview

The application is to seek a non-material amendment to application for previous permission 2025/90202 for partial demolition of existing buildings and erection of single storey rear/side extension, erection of external decking and associated internal and external alterations.

The amendment seeks to amend the shape of the extension by infilling sections of the extension approved under 2025/90202, reduce the height of the roof and change the internal layout of the building.

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 application site is located within the Green Belt. Application 2025/90202 was previously assessed against National Planning Policy Framework (NPPF) paragraph 154b, and Local Plan Policy LP56 in terms of Green Belt policy.

Amendments sought will increase the footprint of the extension by 13.55m² and alter the internal layout of the building.

LP56 of the Kirklees Local Plan relates to facilities for outdoor sport, recreation and cemeteries in the Green Belt.

"Proposals should ensure that;

- a. the scale of the facility is no more than is reasonably required for the proper functioning of the enterprise or the use of the land to which it is associated;*
- b. the facility is unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas;*
- c. in the case of all-weather riding arenas or other facilities for the exercising of horses, the degree of engineering operation required and the resultant regrading of land, including any earth mounding and retaining structures, does not result in incongruous or discordant landform out of character with its setting that cannot be mitigated through the use of appropriate hard and soft landscape techniques.*

This proposal seeks additions to the previously approved extension and internal layout changes that must be assessed against LP56.

Criterion a, calls for an assessment of whether the scale of the building is appropriate for the purposes of the outdoor sport it is associated with.

Criterion b relates to the appearance of the building which in this case, will be present from Woodbottom.

To meet the criteria of LP56 the material changes proposed would amount to a new Green Belt assessment due to the changes to the appearance and spatial confines of the building, which would in turn not be inconsequential in itself.

If so, three further tests need to be met:

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

The internal layout of the building will be altered to increase the floorspace of the public area, thereby increasing its capacity. Under application 2025/90202, KC Environmental Health raised concerns regarding potential noise emissions from the building. At that time, officers considered the proposed increase in floorspace acceptable. However, any further increase would require an additional noise assessment to ensure that neighbouring occupants are not adversely affected.

The application would therefore require a Green Belt assessment and an assessment of the impact on the amenity of neighbouring occupants.

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

The building is located 47.00m from the nearest residential dwelling. The application was previously advertised by a site notice. The building will benefit from an increase in capacity of patrons. The surrounding area is relatively isolated with a low level of background noise. An increase in capacity may be noticeable to surrounding neighbours due to this. For this reason, third parties should be notified of the proposed changes.

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

The application site rests in the Green Belt. Application 2025/90202 was previously assessed against National Planning Policy Framework (NPPF) paragraph 154b, and Local Plan Policy LP56 in terms of Green Belt policy.

A full assessment of NPPF paragraph 154b, and Local Plan Policy LP56 & LP24 should be undertaken through a Section 73 application.

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 “Demolition of existing buildings and erection of single storey rear/side extension, erection of external decking and associated internal and external alterations”.

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

In this case, the proposed changes would not contravene any of the attached original 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).

In this case, the proposed changes would require further details relating to the increase in the capacity of patrons to the building.

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

The proposal /would result in a material increase in scale, width and 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 in respect of NPPF paragraph 154b, and Local Plan Policy LP24, LP52 & LP56.

Assessment

The amendments would result in an increase in size, scale and changes to the internal layout of the building which would result in material changes to the application. The proposed amendments need to be assessed further in respect of NPPF paragraph 154b, and Local Plan Policy LP24, LP52 & LP56, they therefore do not benefit from an application for the non-material amendment application process. The applicant may wish to apply for these changes under a S73 application.

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.

