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/92860/E**
Site Address:	178, Marsh Lane, Shepley, Huddersfield, HD8 8AY
Description:	Non material amendment to previous permission 2025/90047 for erection of extensions and alterations to dwelling, demolition of outbuildings and erection of detached garage
Recommending Officer:	Faiza Bano

DECISION – NMA APPROVED

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.

John Holmes

AUTHORISED OFFICER

Date: 17-Nov-2026

Application Reference: 2025/92860

Address: 178, Marsh Lane, Shepley, Huddersfield, HD8 8AY

The Site

The application site comprises a detached dwelling at 178 Marsh Lane, Shepley, Huddersfield, HD8 8AY, located within an established residential area characterised by similar family housing. The site benefits from existing vehicular access, off-street parking and private garden areas. The proposal relates to previously approved extensions and roof alterations within the curtilage of the property.

The Proposal

Non-Material Amendment Sought:

The application seeks a non-material amendment to planning permission 2025/90047 which granted permission for the raising of the roof height to form a first floor and the erection of two-storey and single-storey side extensions.

The amendment comprises a revision to the design of the roof serving the approved side extension, as shown on amended drawing 22-0027/03D, replacing the previously approved drawing 22-0027/03C. No other changes to the approved development are proposed.

Reason for Amendment:

The amendment is required as part of the ongoing design development of the scheme. The revised roof design will provide an improved and more practical architectural solution whilst maintaining the scale, form and overall appearance of the approved development.

Planning History

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

2025/90047: Raising roof height to form first floor and erection of two and single storey side extensions, demolition of outbuildings and erection of detached garage - Conditional Full Permission.

Consultations

Kirkburton Parish Council – Confirm they have no comment to make.

Allocation And Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the

Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is Green Belt on the Kirklees Local Plan Proposals Map

On 12th November 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.

Kirklees Local Plan Policies

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 22 – Parking
- LP 24 - Design

Kirklees Council adopted supplementary planning guidance on house extensions on 29th June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, and 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 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Accordingly, the application has been assessed having regard to the above development plan policies and material considerations relevant to the determination of this application and have informed the assessment of the proposed amendments.

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

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

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

2. 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?

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

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 proposed change must not contravene any condition attached to the original permission.
- 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 proposed change would not result in any material increase in height, scale, width or depth of a building.
- The proposed change would have been likely to have been approved had it formed part of the original application.

The proposed amendment is limited to a minor revision of the approved roof design and would not materially alter the nature, scale or extent of the development previously approved. The amendment would not result in any material increase in the height, width, depth or footprint of the development and is therefore considered inconsequential in relation to the original permission. Furthermore, the revised roof form would not give rise to any additional visual impacts or impacts on neighbouring residential amenity beyond those already assessed and accepted under the parent permission.

The amendment would not materially alter the relationship between the development and neighbouring properties and, as a result, would not disadvantage any third party who participated in or was informed of the original application. The site lies within the Green Belt; however, the principle, scale and form of the development have already been established through the grant of planning permission 2025/90047. The proposed amendment would not result in additional floorspace or a greater impact on the openness of the Green Belt and would not conflict with any condition attached to the original permission. The amendment also does not alter the description of the approved development and is considered to be a change that would likely have been accepted had it formed part of the original application. Accordingly, the proposal is not considered to conflict with Council policy.

Therefore, it is considered that the proposed changes are non-material in nature and can be accepted under Section 96A of the Town and Country Planning Act 1990.

Conclusion

The proposal constitutes a non-material amendment to the previous planning approval 2025/90047.

Decision Notice Letter:

The proposed revision to the roof design of the approved side extension, as shown on drawing 22-0027/03D, is considered to constitute a non-material amendment to planning permission 2025/90047, as it would not materially alter the approved development or its impacts.