

**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/93415/W**

Site Address: land at, Mount Pleasant, Plains Lane, Marsden,  
Huddersfield, HD7 6AN

Description: Non material amendment to previous permission  
2024/93046 for outline application (access, layout,  
scale, appearance) for demolition of stables and  
erection of residential development for 3 self-  
build/custom build dwellings including associated  
works

Recommending Officer: Kerri Simpson

**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: 09-Jan-2026**

## **Officer Report – 2025/93415**

### **Land at, Mount Pleasant, Plains Lane, Marsden, Huddersfield, HD7 6AN**

#### **Site Description**

The application site is circa 0.94 Hectares located on the northern side of the unclassified Road, Plains Lane. The site is of an equestrian use, comprising a single storey timber cladded L-shaped stable block with pitched roof and roof lights, accompanied by a compact area of hard standing and a former store building. Access to the site is attainable from Plains Lane and there is an existing circa 15m long track within the application site. Topographically, the site slopes from the east to the west, with a mixture of shrub, stone wall, and temporary fencing on the boundaries.

The site is located approximately 1.1 Kilometres (0.7 miles or 4 minutes' drive) from Marsden District Centre. It is situated on the edge of a built-up area, bounded by vacant grassland in the applicant's ownership, denoted by the blue line boundary on the site location plan. Beyond the application site and other land owned by the applicant, there are circa 1940's to 19060s two storey semi-detached and terrace blocks of post war dwellings on Dirker Bank Road, Dirker Avenue and Plains Lane to the southwest, to the north are semidetached pair "Mount Pleasant Barn" and "Mount Pleasant Farm", while to the northeast to southeast is greenfield land.

#### **Description of Proposal**

Non-material amendments to previous permission 2024/93046 for outline application (access, layout, scale, appearance) for demolition of stables and erection of residential development for 3 self-build/custom build dwellings including associated works.

The submitted information indicates following amendments are sought:

1. Alterations to external openings and roof detailing
  - Changes to the location and detailing of doorways and fenestration across elevations;
  - Introduction of larger rooflights across the roof plane;
  - Inclusions and/or rationalisation of in-line photovoltaic solar panels within the roof covering.
  
2. Changes to the internal layout of the dwellings:
  - House One: Formation of an additional bedroom at lower level and internal reconfiguration.
  - House Two: Internal reconfiguration including omission of the approved study to create a larger Bedroom 1.

- House Three: Formation of an additional bedroom at lower level and internal reconfiguration to adjust room sizes and internal circulation.

### 3. Increase in ridge height:

- Increase in the ridge height of circa 403mm compared with the approved scheme.

## **Relevant Planning History**

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

2025/93348 – Discharge of details reserved by conditions 4 (CEMP), 8 (Boundary Treatment) on outline permission 2024/93046 (access, layout, scale, appearance) for demolition of stables and erection of residential development of 3 self-build/custom build dwellings including associated works – Pending Consideration

2025/93349 – Reserved matters application (Landscaping) pursuant to outline permission 2024/93046 (access, layout, scale, appearance) for demolition of stables and erection of residential development for 3 self-build/custom build dwellings including associated works – Pending Consideration.

2024/93046 – Outline application (access, layout, scale, appearance) for demolition of stables and erection of residential development for 3 self-build/custom build dwellings including associated works – Conditional Outline Permission Granted (06.06.2025).

This is the application for which consent is being sought for amendment, and is referred to as the original consent / permission in this report.

2023/90238 – Certificate of lawfulness for proposed creation of new hardstanding and means of access – Withdrawn (24.11.2024).

99/90696 – Erection of stables and formation of caravan space – Granted (13.05.1999)

99/90699 – Agricultural notification for the prior approval of details for the erection of tractor garage – Granted (01.04.1999)

## **Consultation Responses**

None.

## **Allocation and Policy**

The site is subject to the following planning policy designations and constraints:

- Green Belt

The following legislation, policy and guidance was considered relevant to the determination of the original application: -

#### *Kirklees Local Plan*

LP1 Achieving Sustainable Development  
LP2 Place Shaping  
LP3 Location of new development  
LP7 Efficient and effective use of land and buildings  
LP11 Housing Mix and Affordable Housing  
LP20 Sustainable travel  
LP21 Highway and Access  
LP22 Parking  
LP24 Design  
LP28 Drainage  
LP30 Biodiversity and Geodiversity  
LP32 Landscape  
LP38 Minerals safeguarding  
LP52 Protection and Improvement of Environmental Quality  
LP53 Contaminated and Unstable land  
LP59 Brownfield sites in the Green Belt

#### *National Policies and Guidance*

This application was submitted prior to the publication of the updated National Planning Policy Framework (December 2024), which came into effect on 12<sup>th</sup> December 2024. However, in accordance with national guidance, the application is assessed against the most up-to-date version of the NPPF.

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. In this case the Technical housing standards – nationally described space standard guidance document (dated March 2015) is considered to be of relevance.

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 9 Promoting sustainable transport  
Chapter 11 Making effective use of land  
Chapter 12 Achieving well-designed places  
Chapter 13 Protecting Green Belt land

- Chapter 14 Meeting the challenge of climate change, flooding, and coastal change
- Chapter 15 Conserving and enhancing the natural environment

### *Supplementary Planning Documents / guidance*

- Kirklees Highway Design Guide (adopted November 2019)
- Housebuilders Design Guide SPD (adopted June 2021)
- Holme Valley Neighbourhood Development Plan –
- The Biodiversity Net Gain Technical Advice Note (June 2021)

### *Legislation*

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.
- The Conservation of Habitats and Species Regulations 2017
- Biodiversity Net Gain Technical Advice Note 2021

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### **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 2.5 sets out that the decision whether a proposed change qualifies as a non-material amendment rests with the Local Planning Authority and there is no right of appeal if an application is not accepted. In the absence of any definition of a non-material change, the protocol sets out examples to give guidance about changes unlikely to be accepted as ‘non-material’.

This includes but is not limited to:

- New or enlarged windows/openings/balconies resulting in loss of privacy or amenity to neighbours
- Any material increase in height, scale, width or depth of a building.
- Change in house type

In this instance, the submitted amendments include alterations to window and door positions, the introduction of large rooflights, and the creation of additional habitable accommodation within the dwellings. In addition, the proposal seeks to increase the ridge height by approximately 403mm compared with the approved scheme.

These changes directly align with the categories of development identified within the Council's protocol as being unlikely to be accepted as non-material amendments, namely a material increase in the height of the building. Furthermore, the internal reconfiguration resulting in additional bedrooms (House 1 and House 3) materially alters the functional form and typology of the approved dwellings and the scheme would require assessment of the impact in terms of the amenity of future occupiers.

Whilst the proposed alterations to external openings, roof detailing and larger roof lights across the roof would be acceptable in isolation, in terms of visual and neighbouring amenity impacts. The overall quantum of the development is considered to fall outside the scope of that which can be considered a non material amendment in this case.

Accordingly, the proposal falls outside the scope of what can reasonably be regarded as non-material within the meaning of Section 96A of the Town and Country Planning Act 1990.

## **8. Conclusion**

The proposed amendments are not considered to constitute a non-material amendment to the previous planning approval (application 2024/93046).

### **Decision Notice Letter:**

The amendments shown on drawing No 37/2405/10 are not considered appropriate to be regarded as a non-material amendment to the previous planning approval (reference 2024/93046).