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/93455/W
Site Address:	Wappy Springs Inn, Lindley Moor Road, Lindley Moor, Huddersfield, HD3 3TD
Description:	Non material amendment to previous permission 2024/92553 for erection of mixed industrial development (Use Classes E(g)(ii, iii), B2 and B8); including demolition of existing structures, new yard, parking, landscaping, drainage features and ancillary structures
Recommending Officer:	Louise Bearcroft

DECISION – Non-Material Amendment – Approve

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.

Nick Hirst

AUTHORISED OFFICER

Date: 04-Feb-2026

Application: 2025/NMA/93455/W

Site: Wappy Springs Inn, Lindley Moor Road, Lindley Moor, Huddersfield, HD3 3TD

Proposal: Non material amendment to previous permission 2024/92553 for erection of mixed industrial development (Use Classes E(g)(ii, iii), B2 and B8); including demolition of existing structures, new yard, parking, landscaping, drainage features and ancillary structures

Overview

The application seeks a non-material amendment to approved planning application 2024/92553 which granted permission for the erection of a mixed industrial development comprising of 14 small units (nano park).

The proposed amendments are as follows:

Reconfiguration of the approved layout of the south-western block (units 9-14) to include:

- Removal of unit 14 (previously approved at 125 sqm) and redistribute the floor space
- Redistribution of floor space to increase ground floor space of unit 12 from 85 sqm to 127 sqm
- Redistribution of floor space to increase ground floor space of unit 13 from 85 sqm to 172 sqm
- Removal of upper floor to units 12 and 13
- Reconfiguration of parking layout and external works

Amendments to the approved elevations of the south-western block including:

- Removal of window openings to the front elevation
- Addition of overhead door to the front elevation to serve reconfigured unit 12
- Repositioning of door opening and windows and addition of overhead door opening to side elevation to serve reconfigured unit 13

The amendments are shown on the following drawings:

- Proposed Site Plan, Drawing Ref 2002 Rev F
- Units 9 to 15 Building Plans, Drawing Ref 2015 Rev B
- Units 9-15 Elevations, Drawing Ref 2017 Rev B

This application must be assessed having regard to Section 96A of the Town and Country Planning Act 1990 which states:

"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"

In addition, regard is given to the council's adopted protocol for dealing with Non-Material Amendments. This protocol states that the four tests as to the acceptability of a change to an approved scheme under the Non-Material Amendment procedure are:

1. Is the proposed change inconsequential in terms of its scale (magnitude, degree… etc) in relation to the original approval? If so, then three further tests need to be applied as follows:
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?

The NMA protocol also identifies that, in considering these tests, the following factors will be 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.

Assessment

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

The amendment is for a re-configuration of the approved layout of the south-western block (units 9-14) to include the removal of unit 14, and the redistribution of the floor space via an increase in the ground floor space of units 12 and 13, as well as removal of the upper floors (ancillary office space). The reconfiguration would be inconsequential in terms of the overall scale of the approved development, with a net zero floor space change for the overall development.

The reconfiguration of the parking layout/external space would also be inconsequential in terms of the scale of the development.

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

The proposed amendments to the fenestration detailing include the removal of window openings to the front elevation, the addition of an overhead door to serve the reconfigured unit 12, the repositioning of door opening and windows, and the addition of an overhead door opening to the side elevation to serve unit 13. It is considered these amendments would not have a detrimental impact on the appearance of the building as approved, or the visual amenity of the site and its surroundings.

In respect of living conditions, there are no neighbouring residential properties which would be impacted by the proposed amendments.

In the Authority's view would the interests of a third party or body who participated in or were informed of the original decision by disadvantaged in any way?

It is considered the interests of third parties would not be disadvantaged in any way by the proposed amendments.

In the Authority's view would the amendment by contrary to any policy of the council?

The site is within the Green Belt. The original application was approved in accordance with paragraph 155 of the National Planning Policy Framework (NPPF), on the grounds that the site was considered to meet the tests for grey belt, including that the applicant could evidence an unmet need for the small business units proposed. The applicant's proposal was as follows:

> *The "Nano Park" concept looks to provide highly flexible, short term space for companies that are a combination of new start-ups, or that are testing new ideas. The units are "hybrid" in nature with either storage or light industrial space on the ground floor and office space above.*

Evidence was reviewed in the original planning application regarding a need for the small units proposed, however this application now seeks to merge three small units into two larger ones. The justification stated on the application form is "to suit occupier demand" and the applicant was asked to provide further clarity. They have responded as follows:

> *"Since the previous consent, the developer has had interest from some local companies, but the demand is for a slightly larger unit. The unit sizes are small in market terms (being less than 2000 sq ft) and no additional floor area is being sought, it is simply providing more options*

on site for occupiers in response to enquiries. The request to make the two units slightly larger than the typical nano unit is to accommodate the demand currently in the area and to ensure the local companies stay within Huddersfield"

Consideration must be given as to whether a proposal to amend three units into two larger units still meets the tests in paragraph 155 of the NPPF in respect of unmet need. In the supporting evidence for the original application, the applicant provided a statement as to why the demand identified could not be met by the adjacent MXS3 Lindley Moor mixed use development site. Within this statement, the following was stated:

"Your email to Mr Hall mentions 11 small B2 / B8 units. It is assumed that these are:

- *Unit A: 4 units totalling 525sqm- considered above*
- *Units D and Da: 2 units of 260sqm and 330sqm respectively*
- *Unit E: 525sqm*
- *Units H-L: 5 units of 471sqm each.*

This is a total of 12,508sqm. There is an issue of comparability here. The Nano Park units are much smaller- Only Unit A is the equivalent to the application site"

And

"a Nano unit is 170sqm, the units are MXS3 are 3 times that size"

And:

"The developer is regularly fielding queries from interested tenants for this site. Clearly, a wider need exists- for smaller employment units"

The evidence presented stated that the units were not comparable in size, and therefore this adjacent site could not meet the demand identified. The general comments now made by the applicant that interest/demand received is for a larger unit, and within a relatively short time since permission was granted, doesn't wholly align with the evidence presented to justify the application against the tests in paragraph 155 of the NPPF. However, it is considered the change to increase just two of the units would on balance still meet the tests, although no further increase in the size of any unit would likely be considered without a review of up-to-date evidence of the demand.

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 mixed industrial development (Use Classes

E(g)(ii, iii), B2 and B8); including demolition of existing structures, new yard, parking, landscaping, drainage features and ancillary structures".

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

The proposed amendments would not directly contravene conditions attached to the development as previously approved.

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 changes are considered to be acceptable without a further restriction.

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

The proposed change would not result in an increase in height, scale, width or depth of the block of units.

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

The proposed revisions would likely have been approved had they formed part of the original application. However, as noted above, no further increase in the size of any unit would likely be considered without a review of up-to-date evidence of demand.

Conclusion

It is considered that the proposed amendments would have been approved had they formed part of the original planning application. Officers do not consider the alterations to be material in nature and are satisfied that they do not alter the form, scale, character or environmental impacts of the permitted development.

In accordance with Section 96A of the Town and Country Planning Act 1990 and the Council's adopted protocol for dealing with Non-Material Amendments, the proposed changes are considered to be non-material in scale and effect. They do not prejudice the interests of third parties, do not conflict with adopted planning policy, and do not require the imposition of additional planning conditions.

On this basis, officers conclude that the proposed amendments are acceptable under the Non-Material Amendment procedure.

Recommendation: Approve

Report Dated: 03/02/2026

Recommended Decision Letter Text

The proposed amendments sought are as follows:

Reconfiguration of the approved layout of the south-western block (units 9-14) to include:

- Removal of unit 14 (previously approved at 125 sqm) and redistribute the floor space
- Redistribution of floor space to increase ground floor space of unit 12 from 85 sqm to 127 sqm
- Redistribution of floor space to increase ground floor space of unit 13 from 85 sqm to 172 sqm
- Removal of upper floor to units 12 and 13
- Reconfiguration of parking layout and external works

Amendments to the approved elevations of the south-western block including:

- Removal of window openings to the front elevation
- Addition of large overhead door to the front elevation to serve reconfigured unit 12
- Repositioning of door opening and windows, and addition of large overhead door opening to side elevation to serve reconfigured unit 13

The amendments are shown on the following drawings:

- Proposed Site Plan, Drawing Ref 2002 Rev F
- Units 9 to 15 Building Plans, Drawing Ref 2015 Rev B
- Units 9-15 Elevations, Drawing Ref 2017 Rev B

The proposed amendments are considered acceptable.

Consideration has been given as to whether the proposal still meets the tests in paragraph 155 of the NPPF in respect of unmet need. On balance, this has been considered to be acceptable, however please be aware it is unlikely any further revisions to increase the size of units would be considered without a review of up-to-date evidence of an unmet need. This is to ensure the principle of development in the Green Belt would remain in accordance with paragraph 155 of the National Planning Policy Framework.