

**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/93542/E**

Site Address: land opposite, 6, Long Moor Lane, Shelley,  
Huddersfield, HD8 8LY

Description: Non material amendment to previous permission  
2023/92165 for demolition of existing outbuilding and  
erection of detached dwelling

Recommending Officer: Elenya Jackson

**DECISION – NON MATERIAL AMENDMENT 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.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 19-Jan-2026**

## **Application: 6**

**Application Site:** Land opposite, 6, Long Moor Lane, Shelley, Huddersfield, HD8 8LY

### **Description of Proposal**

The application seeks a non-material amendment to previous permission 2023/62/92165/E for Demolition of existing outbuilding and erection of detached dwelling.

The proposed amendments are as follows:

- Reduction in eaves height to
- Alterations to door
- Internal floor plan changes

The proposed amendments are illustrated in the following drawings/documents:

- Proposed plans and elevations PAD.628.116

### **Relevant Planning History**

92/00116 Erection of agricultural storage building. Conditional full permission

95/92968 Agricultural notification for the prior approval of details for formation of access road and erection of agricultural building and erection of agricultural building. Approved

2016/92562 Prior approval for proposed change of use of agricultural building to two dwellings. Refused

2016/93324 Prior approval for proposed change of use of agricultural building to one dwelling. Refused

2022/91085 Prior notification for change of use from agricultural building to one dwelling with associated building operations. Refused.

### **Assessment**

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”*, and 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. Are the proposed changes inconsequential in terms of scale (magnitude, degree etc) in relation to the original approval? **Yes, the reduction in height of the eaves does not significantly impact the design of the proposal which can also be said of the changes to the door**

If so, the three further tests need to be applied as follows:

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

**NO. The reduction to the eaves improves the design of the proposal and would not reduce the amount of living accommodation. The scheme would still have been approved had it originally been received with the proposed design.**

1. In the Council's view would the interests of a third party or body who participated in or were informed of the decision be disadvantaged in any way?

**NO. There are no immediately adjoining neighbours to be impacted by the proposal.**

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

**NO. The proposal is deemed to adhere to all relevant policies.**

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 – **The description of development would remain the same.**
- The proposed changes must not contravene any condition attached to the original permission – **No, the proposal would not contravene any planning conditions attached to the original decision.**
- The proposed changes should not require a further restriction to make them acceptable – **No further restrictions would be required.**
- The proposed change would not result in any material increase in height, scale, width or depth of a building – **No increases are proposed.**
- The proposed changes would have likely been approved had it formed part of the original application – **It is likely that that proposed changes would have been approved had they formed part of the original application.**

The proposed changes are considered to be minor amendments which raise no significant concerns in relation to planning matters (including residential amenity and design/streetscape considerations). The removal of the chimneys

is considered to not significantly impact the appearance of the originally approved dwellings. Overall, the character and aesthetic design, of the originally approved scheme is considered to be retained.

## **Conclusion**

Given the above assessment, it is not considered that the proposed amendments would have a detrimental impact on visual amenity, nor would they be detrimental to a third party. The amendments are considered to be in accordance with protocol, and it is therefore recommended that the non-material amendment be approved.

**Recommendation:** Approve NMA

**Decision Authorisation:** Delegated Decision

**Application Number:** 2025/NMA/93542/E

**Report Dated:** 13/01/2026

## **Decision Letter Text**

The proposed amendments are identified as follows:

- Reduction in eaves height to
- Alterations to door
- Internal floor plan changes

The proposed amendments are illustrated in the following drawings/documents:

- Proposed plans and elevations PAD.628.116

I can confirm that the proposed alterations, as outlined above, are acceptable and may be considered as a non-material amendment to the approved drawings.

It should be noted that this letter relates only to the non-material amendment sought and it is not a re-issue of the original planning permission. The two documents should be read together and as such, all conditions imposed on the original granting of planning permission apply to the proposal as now amended. A copy of this letter and the amended plans will be retained on the public record of approved documents.

