

**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: **2026/NM/90778/E**

Site Address: 7, Bank Grove, Earlsheaton, Dewsbury, WF12 8HQ

Description: Non material amendment to previous permission 2024/90574 for demolition of existing outbuilding and erection of single storey wraparound extension and associated alterations

Recommending Officer: Jennifer Booth

DECISION – REFUSE NON-MATERIAL AMENDMENT

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 23-Apr-2026

Overview

This application seeks a non-material amendment to application 2024/90574, which approved demolition of existing outbuilding and erection of single storey wraparound extension and associated alterations.

The amendment seeks to reduce the development to a small rear extension. The amendments are shown on plans 01, 02, 03, 04, 05, 06, 07, 08, 09 & 10 submitted 30/03/2026.

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? **No – there are significant changes**

If so, three further tests need to be met:

1. Would the change result in a detrimental impact either visually or in terms of living conditions? **n/a**
2. Would the interests of a third party who participated or were informed of the original decision be disadvantaged in any way? **n/a**
3. Would the amendment be contrary to any policy of the Council? **n/a**

Assessment

The alterations would cause the proposal to fall out of the original application’s description.

Conclusion

On the basis of the above, the proposed change would be unacceptable under the non-material amendment procedure and as such is recommended for refusal.

The applicant could be made aware that there is potential under permitted development for a single storey rear for which they could apply for a certificate of lawful development or alternatively they can submit a new planning application or a Section 73 application.

Report Dated

16/04/2026
