

**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/91067/W

Site Address: Land off, Hermitage Park, Lepton, Huddersfield, HD8 0JU

Description: Non material amendment to previous Reserved Matters approval 2025/92242 (including consideration of appearance, scale and landscaping) for erection of 80 dwellings, pursuant to Section 73 approval 2025/90105 pursuant to previous outline permission 2022/91735

Recommending Officer: Victor Grayson

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: 11-May-2026

Officer Report

Site Description

The application site forms part of a wider site (HS3 – land southeast of Hermitage Park) allocated for residential development in the Kirklees Local Plan. It is largely as per the description provided in section 2.0 of the committee report (dated 06/04/2023) for application 2022/91735, although the application site red line boundary was amended under application 2025/90105.

Work has commenced at the application site.

The application site's physical context has not significantly changed since application 2022/91735 was considered and determined, although work has commenced on part of the adjacent allocated site (HS2 – land adjacent to Penistone Road / Woodsome Park). On 20/06/2025, a Tree Preservation Order (13/25/w1) was confirmed, covering the entirety of Lepton Great Wood (the ancient woodland adjacent to the application site).

Description of Proposal

Non material amendment to previous Reserved Matters approval 2025/92242 (including consideration of appearance, scale and landscaping) for erection of 80 dwellings, pursuant to Section 73 approval 2025/90105 pursuant to previous outline permission 2022/91735.

The amendments proposed are as follows:

- Boundary between plots 9 and 10 amended, and boundary treatment set back from the road.
- Side door to house at plot 12 replaced with window.
- House at plot 15 handed, front parking spaces moved southeastwards.
- House at plot 16 moved southwards, garage moved northwards.
- Plot widths changed at plots 18 to 21.
- Houses at plots 19 and 20 (and detached garage at plot 20) moved eastwards.
- House at plot 21 changed from Greyford to Denford house type and moved northwards, garage (previously to be attached to garage of plot 22) and side driveway deleted, front hedge deleted.
- Garage at plot 22 now detached (no longer attached to garage at plot 21).
- Boundaries between plots 23, 24 and 33 to 36 amended.
- 1200mm vertical railings added to gardens of plots 6, 7, 8, 9 and 24 (and this newly-introduced railing added to drawing key).
- Houses at plots 23, 35 and 36 moved westwards.
- House at plot 33 moved northeastwards (away from the road).
- Garage at plot 34 moved northwards.
- Curtilage to plot 40 amended.

The proposed amendments are illustrated in the following drawings:

- Site Layout (drawing 22:5611:01 rev AD)
- Greyford Plans and Elevations (drawing 22 5611 402 rev B) – plots 16 and 47
- Greyford Plans and Elevations (drawing 22 5611 400 rev C) – plot 12
- Denford Plans and Elevations (drawing 22 5611 405) – plots 11, 19, 21, 41 and 54

Relevant Planning History

2022/91735 – Outline planning permission (with access and layout) for the erection of 80 dwellings and associated works. Concerned northern part of HS3 site. Approved 10/11/2023.

2025/90105 – Variation of conditions 6 (PROW), 9 (boundary treatment), 38 (bin collection), 40 (car parking) and 41 (access) of previous outline permission 2022/91735 (with access and layout) for the erection of 80 dwellings and associated work. Approved 29/08/2025.

2025/92242 – Reserved Matters application (including consideration of appearance, scale and landscaping) for the erection of 80 dwellings, pursuant to Section 73 approval 2025/90105 pursuant to previous outline permission 2022/91735, and the discharge of outline conditions 6, 7, 8, and 9. Approved 11/11/2025.

Various Discharge of Conditions applications have been submitted pursuant to the conditions of the above permissions.

Negotiations

On 17/02/2026, the applicant team raised queries regarding potential amendments to the approved development, and later emailed a revised site layout plan and an overlay plan comparing the approved and revised layouts. The case officer provided responses in meetings and in an email dated 25/02/2026, confirming that the proposed changes to plots 14 to 22 could be recommended for approval.

Further emailed responses were also provided (including in an email dated 30/03/2026, in which the case officer advised that a larger garage at plot 1 would not be considered non-material).

Following the submission of this application, on 20/04/2026 the applicant submitted a revised site layout plan (illustrating changes at plot 12).

On 06/05/2026 the case officer raised queries regarding amendments that were shown on the submitted site layout plan. To address these queries, the applicant submitted a further site layout plan (rev AD) on 07/05/2026.

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**

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**
- 2) 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**
- 3) In the council’s view would the amendment be contrary to any policy of the council? **NO**

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 be the same**
- The proposed changes must not contravene any condition attached to the original permission – **no condition would be contravened**
- 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 – **the change to the house type at plot 21 (which would have a different footprint and roof shape to the house type previously approved) is not considered material**
- The proposed changes would have likely to have been approved had it formed part of the original application – **it is likely that the changes would have been approved**

Of the proposed changes, the most significant are at plot 21, where the house type would be changed from a Greyford to a Denford, the house would be moved northwards, the garage (previously to be attached to garage of plot 22) and side driveway would be deleted, and the front hedge would be deleted to allow access to the repositioned driveway. During pre-application discussions, the case officer queried whether the move northwards was necessary, however the applicant advised that the front driveway length is proposed at

6m, and it is accepted that, in order to accommodate the Denford house type, this driveway length cannot be reduced without rendering the parking space deficient in terms of its size. It is also noted that the deletion of the garage from plot 21, and the proposed change of roof shape from pitched to hipped, would help reduce the massing seen from the north. While the proposed 1.15m northwards move is over (but close to) the limit of what would normally be accepted under an NMA application, given all the relevant considerations, it is considered that the impacts on 34 Rowley Lane (in terms of sense of enclosure and outlook) are, on balance, acceptable. Regarding privacy and overlooking, the house at plot 21 would be nearer to 34 Rowley Lane and would have three rear bedroom windows (looking north) at first floor level (instead of the two rear bedroom windows of the Greyford unit previously approved here), however – taking into account the locations of the windows of other plots along this northern boundary – it is considered that the proposed changes at plot 21 would not materially affect the degree of overlooking that would be experienced by existing neighbouring residents to the north. It is further noted that – according to the applicant, as stated in an email dated 25/02/2026 – a distance of 26m would be maintained from the rear windows of the house at plot 21 to the habitable windows of the neighbouring dwelling to the north, exceeding the 21m normally required.

In aesthetic terms, there is no concern regarding the introduction of a Denford unit at plot 21. That house type has already been previously approved elsewhere within the site and its siting here would not detract from the visual amenity of the Streetscene or wider development.

The loss of the front boundary hedge from plot 21 (a hedge that would have been approximately 6m long) is unfortunate given the importance of boundary hedges to the development (and their role in addressing the development's shortfall in street trees), however the proposed extent of loss is not considered material in the context of what would be provided elsewhere within the site.

The other changes proposed along the northern boundary of the site (plots 15 to 22) are considered minor, and raise no concerns in relation to design or amenity.

The proposed changes would not affect the development's unit size mix. The 5-bedroom Denford unit proposed at plot 21 would replace a 5-bedroom Greyford unit previously approved at that plot.

Three off-street parking spaces would be provided within plot 21, which is considered acceptable. Other changes would not reduce the level of off-street parking previously approved. The minor amendments to two private drives (and the driveways and parking spaces accessed off them) raise no concerns in relation to highway safety.

Although Greyford and Denford house type drawings have previously been approved under Reserved Matters application 2025/92242, further versions

have been submitted to refer to the plots where these house types are proposed.

Away from the northern part of the site, the changes proposed at plots 6 to 10, 12, 23, 24, 33 to 36 and 40 raise no significant concerns. The proposed change of a door to a window in the side elevation of the house at plot 12 (facing the rear boundary of 16 Hermitage Park) raises no amenity or aesthetic concerns. The additional boundary treatment (a 1200mm vertical railing) would not adversely affect neighbouring amenity where it is proposed at plots 6, 7 and 8, given its limited height, its design, its proposed location, and the intervening vegetation. Other changes to plots involve adjustments to plot curtilages and minor changes to the locations of houses within plots, none of which would result in any dwelling being deficient in amenity, garden space or parking spaces.

It is considered that the proposed amendments would not have a detrimental impact on visual amenity or living conditions, 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 Amendments be approved.

Recommendation: Approve

Report Dated: 11/05/2026

Recommended decision notice text

Thank you for your application dated 17/04/2026 for non-material amendments to the above scheme.

The amendments proposed are as follows:

- Boundary between plots 9 and 10 amended, and boundary treatment set back from the road.
- Side door to house at plot 12 replaced with window.
- House at plot 15 handed, front parking spaces moved southeastwards.
- House at plot 16 moved southwards, garage moved northwards.
- Plot widths changed at plots 18 to 21.
- Houses at plots 19 and 20 (and detached garage at plot 20) moved eastwards.
- House at plot 21 changed from Greyford to Denford house type and moved northwards, garage (previously to be attached to garage of plot 22) and side driveway deleted, front hedge deleted.
- Garage at plot 22 now detached (no longer attached to garage at plot 21).
- Boundaries between plots 23, 24 and 33 to 36 amended.
- 1200mm vertical railings added to gardens of plots 6, 7, 8, 9 and 24 (and this newly-introduced railing added to drawing key).
- Houses at plots 23, 35 and 36 moved westwards.

- House at plot 33 moved northeastwards (away from the road).
- Garage at plot 34 moved northwards.
- Curtilage to plot 40 amended.

The proposed amendments are illustrated in the following drawings:

- Site Layout (drawing 22:5611:01 rev AD)
- Greyford Plans and Elevations (drawing 22 5611 402 rev B) – plots 16 and 47
- Greyford Plans and Elevations (drawing 22 5611 400 rev C) – plot 12
- Denford Plans and Elevations (drawing 22 5611 405) – plots 11, 19, 21, 41 and 54

I confirm that the changes may be considered as non-material amendments to the approved drawings. They are considered acceptable, and are hereby approved.

It should be noted that this letter relates only to the non-material amendments sought and it is not a re-issue of the original planning permission. The relevant previous permission and this NMA approval 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.