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/91765/E
Site Address:	Land at, Owl Lane, Chidswell, Dewsbury
Description:	Non material amendment to previous permission 2019/92787 for erection of 260 dwellings with open space, landscaping and associated infrastructure
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: 03-Nov-2026

Officer Report

Site Description

The application site is bounded by Owl Lane, Windsor Road, Chidswell Lane and the Kirklees / Wakefield borough boundary. It is allocated for residential development in the Local Plan (site allocation: HS47). Works on site are well progressed, with several dwellings completed and occupied.

Description of Proposal, Negotiations and Amendments

Non-material amendment (NMA) to previous permission 2019/92787 for erection of 260 dwellings with open space, landscaping and associated infrastructure.

Under this current NMA application (2026/91765), the applicant initially proposed to replace the approved 2-bedroom Kewdale house types at plots 250 and 251 with 3-bedroom Fulwood house types. However, on 28/10/2026 the case officer pointed out that such an amendment had previously been proposed by the applicant under NMA application 2022/92938, that officers had advised (at the time) that such an amendment would move the development's private housing unit size mix even further away from compliance with the council's guidance (far beyond the range of percentages set out for 1- and 2-bedroom units in the Dewsbury and Mirfield sub-area in the council's Affordable Housing and Housing Mix SPD), and that the proposed changing of units 250 and 251 to 3-bedroom units couldn't be accepted under an NMA application. The applicant therefore withdrew that element from application 2022/92938, and left those two plots as Kewdales.

In light of this reminder, the applicant (under this current NMA application (2026/91765)) changed the proposals. 2-bedroom Littlewood house types are now proposed at plots 250 and 251. On 29/10/2026 the applicant explained that:

> *The Littlewood is a 2-bedroom version of the approved Fulwood house type, incorporating a revised first-floor arrangement whilst providing the housing mix sought by the Council. Externally, the Littlewood is identical to the Fulwood, with the distinction between the two house types being limited to the internal layout.*

In response on 29/10/2026, the case officer advised that the Littlewood house types were acceptable. Amended drawings were then submitted on 02/11/2026.

The applicant's submission under this current NMA application (2026/91765) now comprises:

- Site Layout Plan (drawing 1820-SI-01 rev ZD)
- Littlewood house type plans and elevations (drawing 01)

No other amendments were described in the applicant's application form.

Of note, only the amendments described above are to be considered under this application. Officers have not compared the submitted drawings with those previously approved to ascertain whether any other amendments (not listed above) have been illustrated. If there are indeed any such additional amendments, these would not be approved under this application, and a further amending application may need to be submitted in relation to them.

Relevant Planning History

2019/92787 – Permission granted on 24/06/2021 for erection of 260 dwellings with open space, landscaping and associated infrastructure.

Several Discharge of Conditions applications have been subsequently considered (or are being considered) by the council. An NMA application (2022/92938) was approved, another (2024/90086) was refused, and another (2025/90009) is currently under consideration.

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 **– minor changes to external dimensions are proposed: the approved Kewdale units had internal dimensions of 9.86m x 3.942m, while the proposed Littlewood units would have internal dimensions of 9.217m x 4.658m, and external dimensions would change accordingly**
- 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**

The two proposed Littlewood units would be similar in appearance to the two Fulwood units previously approved on the opposite side of the open space, at plots 236 and 237.

The submitted Littlewood house type drawing includes an 85.5sqm floor area figure, which appears to be based on the annotated internal dimensions. If this is a GIA figure, it would meet the 70sqm minimum expectation for a 2-bedroom, 2-storey dwelling (as set out in the Government's Nationally Described Space Standard). If this is an NIA figure, the NDSS expectation would also be met.

The proposed internal configuration of the Littlewood units raises no planning concerns.

Based on the internal dimensions provided on the submitted floor plans (external dimensions have not been provided), the proposed Littlewood units would be approximately 60cm less deep and approximately 70cm wider than the Kewdale units they would replace. These changes (and any roof ridge height change resulting from the depth reduction) are considered negligible in the context of the wider development, where very similar house types have previously been approved.

The roofs of the two affected units would remain pitched.

The development's affordable housing element would not be affected by the proposed amendments.

The current proposals raise no planning concerns in relation to the amendments already approved under NMA application 2022/92938 and the cumulative impacts of the amendments proposed under the two NMA applications.

Given the above assessment, it is not considered that the proposed amendments would have a significant detrimental impact on visual amenity or living conditions, nor would they be detrimental to a third party, and they are

therefore in accordance with protocol. It is therefore recommended that the proposed changes be approved as a non-material amendment.

Recommendation: **Approve non-material amendment**

Decision Authorisation: **Delegated Powers**

Application Number: **2026/91765**

Report Dated: 03/11/2026

Decision notice text

Thank you for your application received on 25/06/2026 for non-material amendments to the above scheme.

The proposed amendments are described as follows:

- Replacement of the approved 2-bedroom Kewdale units at plots 250 and 251 with 2-bedroom Littlewood units.

The proposed amendments are illustrated in the following drawings:

- Site Layout Plan (drawing 1820-SI-01 rev ZD)
- Littlewood house type plans and elevations (drawing 01)

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

This assessment takes into account the amendments already approved under NMA application 2022/92938 and the cumulative impacts of the amendments proposed under the two NMA applications.

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(s) and the various NMA 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.

Please also note that only the above-described changes to plots 250 and 251 are hereby approved. If any other amendments have been illustrated in the submitted drawings, these are approved under this application, and a further amending application may need to be submitted in relation to them.