

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/92024/E

Site Address: Yew Tree Farm, The Village, Farnley Tyas,
Huddersfield, HD4 6UQ

Description: Non material amendment to previous permission
2021/93006 for conversion of existing barn to form 8
dwellings, erection of 9 dwellings, demolition of
redundant agricultural buildings and associated works
(Listed Building within a Conservation Area)

Recommending Officer: Katie Chew

DECISION – Non-Material Amendment – Refuse

**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.**

Nick Hirst

AUTHORISED OFFICER

Date: 23-Jul-2026

Application: 2026/92024

Application Site: Yew Tree Farm, The Village, Farnley Tyas, Huddersfield, HD4 6UQ

Description of Proposal:

The application seeks a non-material amendment to previous permission 2021/93006 for conversion of existing barn to form 8 dwellings, erection of 9 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area).

The proposed amendments are as follows:

- Relocation of originally approved boundary to be positioned on the 'correct' legal boundary.

The proposed amendments are illustrated in the following drawings:

- Proposed Site Plan, Drawing No. (20)001, Rev I, received 20/07/2026.
- Proposed Site Plan, Drawing No. (20)001, Rev A, received 20/07/2026.

Relevant Planning History

2021/92969 – Demolition of agricultural buildings (within a Conservation Area). Approved 21/12/2023.

2021/93006 – Conversion of existing barn to form 8 dwellings, erection of 9 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area). Approved 21/12/2023.

2021/93007 – Listed Building Consent for conversion of existing barn to form 8 dwellings, erection of 9 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area). Approved 21/12/2023.

In addition to the above, several discharge of conditions applications have been submitted at the site, these can be viewed on the Council's planning portal.

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?

NO. The proposed changes are not inconsequential in relation to the original approval. The proposed amendments include a change of use of Green Belt land to residential, the impacts of which Officers, consultees and third parties have not had chance to formally assess. The amendments also affect the magnitude and degree of the original proposal and are all material considerations that need to be assessed via a full planning application.

Whilst the proposals do fail the above test, for clarity the three further tests have also been used to assess the proposals and are discussed 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?

Whilst the proposed amendments may not result in *detrimental impacts* either visually or in terms of living conditions, the proposals would result in a further encroachment into open Green Belt land to the south, bring residential development further into the open countryside, which may provide some negative impacts on visual amenity. In addition to this, the relocated boundary line would also provide an extended residential garden area for Plot 10, which is located directly adjacent to no. 4 New Lane Terrace (to the east), which may result in impacts on residential amenity, and therefore impacts, if any, should be assessed under a S73 application. It is also considered reasonable given the above, that third parties be notified of the proposed changes.

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?

YES. The proposals would result in the relocation of previously approved boundary wall to the south, this would lead to an extended residential garden area for Plot 10, which is located directly adjacent to no. 4 New Lane Terrace (to the east), this may result in impacts on residential amenity, and therefore for these reasons, third parties should be notified of the proposed changes and therefore they fall outside the scope of an NMA.

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

Without a full assessment being undertaken within a S73 application, Officers cannot confirm whether the proposals would be contrary to any policy of the Council at this time. It is acknowledged that the portion of land to be included within the revised plans comprises Green Belt land and therefore an assessment would need to be undertaken on its loss

for residential garden. Such an assessment could not be reasonably undertaken as part of this NMA assessment, given the lack of appropriate consultation or advertisement.

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.

Without a full assessment being undertaken within a S73 application, Officers cannot confirm whether any further restrictions would be required to make the proposals acceptable. However, it is acknowledged that permitted development rights for extensions, outbuildings, and alterations to boundary treatments were removed under the original applications (full & listed) to prevent any significant domestication and to reduce any future/additional impact on openness of the Green Belt.

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

No changes are proposed to the overall height, scale, width or depth of any of the buildings on site.

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

Without a full assessment being undertaken within a S73 application, Officers cannot confirm whether the proposed changes would likely have been approved had they formed part of the original application. However, it is noted that the applicant did initially submit a site layout plan under original application 2021/93006, which infringed further into the Green Belt than approved. This infringement matches what is proposed under this Non-Material Amendment application, in line with the legal ownership boundary. Following discussions between planning officers and the applicant on 2021/93006, the proposed infringement was significantly reduced, and then subsequently approved. Therefore, there are some concerns surrounding whether the further infringement would be deemed to be acceptable, should a S73 application be submitted. A

full assessment by officers would need to be undertaken at that time, should an application be submitted.

Conclusion

On the basis of the above, given the nature of the development, a full assessment would be required to ensure that the proposal would not have a detrimental impact on the Green Belt, visual amenity, residential amenity, nor that it would be detrimental to a third party. The proposed changes are also deemed to be not inconsequential in relation to the original approval and would affect the magnitude and degree of the original proposal. The proposed change would therefore not be acceptable under the non-material amendment procedure and as such is recommended for refusal.

These works fall outside the reasonable scope of a NMA application. The applicant would be required to submit a S73 application to enable this type of assessment to be undertaken.

For the above reasons, the proposal is not considered to comply with the Council's protocol and therefore would not be considered a non-material amendment, thus refusal is recommended.

Recommendation: Refuse NMA

Decision Authorisation: Delegated Decision

Report Dated: 23/07/2026

Recommended Decision Letter Text

The proposed amendments are identified as follows:

Modifications to past approval for the conversion of existing barn to form 8 dwellings, erection of 9 dwellings, demolition of redundant agricultural buildings and associated works (Listed Building within a Conservation Area), under application 2021/93006. Including:

- Relocation of originally approved boundary to be positioned on the correct legal boundary.

The proposed amendment is illustrated in the following drawings:

- Proposed Site Plan, Drawing No. (20)001, Rev I, received 20/07/2026.
- Proposed Site Plan, Drawing No. (20)001, Rev A, received 20/07/2026.

I can confirm that the proposed alterations as outlined above cannot be accepted to form a non-material amendment to the original proposal.

The level of changes proposed to the permitted scheme are considered to be material in nature and therefore, officers consider that due to the changes

proposed, third parties, planning officers and consultees should be formally given the opportunity to consider these changes further.

The application for a non-material amendment is hereby refused.