

Planning Services
Kirklees Metropolitan Council
PO Box 1720
Huddersfield
HD1 9EL

Planning Portal Reference PP- 15131368

11/08/2026

Dear Sir / Madam,

**SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
NON-MATERIAL AMENDMENT TO PERMISSION REF: 2022/62/93154/W TO AMEND APPROVED DRAWINGS TO
SUBSTITUTE HOUSE TYPES**

LAND AT PENISTONE ROAD, FENAY BRIDGE, HUDDERSFIELD, HD8 0WA

Please find enclosed a Section 96a application to amend permission ref. 2022/62/93154/W on the above site to amend approved drawings to facilitate the substitution of some of the house types.

The application has been made on behalf of the applicant, Newett Homes, and has been submitted online via the Planning Portal (PP-15131368). The application pack comprises this covering letter, the completed application forms and the revised drawings set out within this letter.

Background

On 2 July 2024 the following application (ref. 2022/93154) was approved by Kirklees Council:

"Erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank)".

Since that permission was granted, a non-material amendment (NMA) to update house types was received and subsequently approved (ref. 2025/91468, approved 15 July 2025). That application sought to update house types across 19 plots (45-46, 48-50, 53-64 and 67-68), with associated minor changes to layouts and car parking. In some cases this was as a result of maintenance issues and in others market interest.

Since that NMA was approved, it has been established that there are some further changes required to house types on plots 57-68 (12no. plots in total, including some of the plots that were amended by the previous NMA). This is again as a result of the marketability of house types across the site. The plots specified are split level properties, and despite offering substantial incentives, there is no further interest in the properties. The nature of the primary entrance being separate from the habitable rooms is a substantial draw, and the cost of retaining and delivering the ground floor that provides in essence purely additional storage, does not warrant the increased build costs and therefore inflated sale price.

The changes to house types also have a subtle impact on the site layout, resulting in minor movements of landscaping and parking left and right to accommodate the minor difference in widths of the proposed house types. The quantum of landscaping (areas and types) and parking remains the same across the site despite these slight changes.

This application therefore seeks to supersede some of the approved plans with updated versions to reflect the change to house types.

The officer's report for the previous NMA application concluded the following in relation to substituting house types and minor layout changes:

"The proposed changes are considered to be minor amendments which raise no significant concerns in relation to planning matters (including residential amenity, highway safety and design/streetscape considerations). The change in house types is not considered to significantly alter the core characteristics of the previously approved design and layout of the site, with the amended house types being similar in appearance to the originally approved house designs, utilising pitched roofs and gable front designs. ... Overall, the character and aesthetic design of the original approved scheme is considered to be retained".

The above confirms the Council's acceptance of the substitution of house types and minor layout changes as 'non-material'. This application seeks to substitute house types on a smaller scale and on plots where this has already been accepted (via the previous NMA). Additionally, the proposed house types are already approved house types proposed in the same materiality, in keeping with the character and appearance of the development. It is therefore considered that the changes are non-material and should be acceptable to the Council.

Proposed Drawing Amendments

The following amendments are proposed to the approved scheme:

- Changes to house types on a row of houses to the eastern boundary of the site (plots 57-68) including
 - o Plots 57-58 from Fewston to Dalton
 - o Plots 59-60 and 63-64 from Fewston to Ripponden
 - o Plots 61-62 and 67-68 from Middleham to Dalton
 - o Plots 65-66 from Rowan to Dalton
- Other minor layout changes as a result.

Plots 45-46, 48-50, 53-56 and 63-64 would remain as approved by the recent NMA (ref. 2025/91468) and the remaining plots would remain as approved by the original application (ref. 2022/93154).

As set out above, the house type change is required to increase marketability of homes in this part of the site which has significant topographic constraints, while also responding to market demand. The split-level dwellings as approved offer a greater urban town house appeal but in a conflicting countryside setting, which is what is believed to be reducing interest. The proposed changes results in the provision of more 'traditional' market housing aimed at families and more suited to modern semi-rural living.

The Dalton and Ripponden house types, which the relevant plots will be changing to, have been approved elsewhere on the site, and as such the Council has already accepted the principle of those house types in this location.

As a result in the change in house types, some other layout changes are also necessary albeit these are very minor, limited to movements of plots (left and right shuffles) to reflect the slight (circa 100mm) differences in plot widths. Fundamentally, these changes result in the same quantum of landscaping and parking achieved, and retain the same separation of the built form from plot 68 to the southern site boundary (as was the preference of the LPA in the original approval).

The changes are not considered to be significant, and the overall scale and nature of the development remains in line with the original planning permission; *“Erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank”*. It is also considered that the proposals remain in accordance with the Development Plan.

To simplify the proposed changes listed above, we are proposing to update the approved drawing references listed in the ‘plans and specifications schedule’ and in conditions on the permission for the development. This will allow approved plans to be superseded by new plans which show the updates to the scheme. The following section sets out which plans we are proposing to supersede, and the conditions affected.

Table of Approved and Proposed Plans and Documents

The below table confirms which plans we are proposing to replace, amalgamating the changes referenced in the above text:

Title	Approved Ref.	Proposed Ref.
Planning Layout	Z078-002 Rev. P	Z078-001 Rev. R
Proposed Elevations	Z078-004	House Type Pack
Materials Plan	Z078-006 Rev. D	Z078 – 006 Rev. E
Proposed Boundary Treatments	Z078-003 Rev. D	Z078 – 003 Rev. I
Proposed Landscaping Layout	H22-0016-003 Rev. F	H22-0016-003 Rev. F & H22-0016-003 Rev. G

Proposed Condition Amendments

The above amendments will require changes to the approved drawing list and referenced in condition 2, as well as the plans referenced in conditions 28 and 37.

Those conditions are proposed to be revised as follows:

Condition 2

Whilst condition 2 does not explicitly list the approved plans, it does make reference to that list which is contained further down in the decision notice. As such, this is included for information in the submission. The drawings to be substituted are set out in the above table.

Condition 28

Condition 28 makes reference to the materials plan, which specifies the primary material to be used on each plot. As the house types are changing on some plots, there are some subsequent changes to materials. We are therefore proposing to amend that condition to substitute the materials plan with a new version that reflects the changes. The condition wording will be as follows:

“Prior to their use, details of all the external materials and finishes, in accordance with the initial details contained in plan ref. ~~Z078-006 Rev.~~ Z078 – 006 Rev. E shall be submitted to and approved in writing by the Local Planning Authority. The finishes details shall include plans at a minimum 1:50 scale of the following:
a) Windows

b) Window reveals (minimum 75mm)

c) Cills and lintels

d) Eaves and verges

e) Entrance canopies

The dwellings shall thereafter be constructed in accordance with the approved details”.

Condition 37

Condition 37 which relates to boundary treatments also references the approved planning layout drawing. The proposed condition wording would be:

“Prior to the occupation of plots 36 – 42, further to the details approved pursuant to condition 25, the approved boundary treatment to all of the southern landscaped area as identified by green chequers between plots 42 and 43 on plan ref. ~~Z078-002 Rev. P~~ Z078 – 001 Rev. R shall be fully installed. Thereafter the southern landscaped area’s boundary treatment so installed shall be retained”.

Summary

This application seeks to make a non-material amendment to planning permission ref. 2022/93154, specifically to supersede approved drawings to utilise existing approved house types to replace 12no. plots currently shown as split level that are not reflective of market needs or desires. Drawing references in the plans and specifications schedule (referenced in condition 2) as well as conditions 28, and 37 would need to be updated to reflect the amended proposals.

The amendments sought by this application do not change the scale or nature of the development, but will improve the marketability of the development to ensure that it remains deliverable and attractive to potential home buyers, facilitating housing delivery and home ownership. A NMA has been approved on this site previously for the substitution of house types, and it was concluded by the Council that the changes raised no significant concerns in relation to planning matters nor did they alter the core characteristics of the previously approved design and site layout. Given that the proposal involves the substitution of house types on a reduced scale and only on plots where similar changes have previously been approved, and the changes utilise already approved, built, and occupied house types on the site, it is considered that the proposed development is acceptable, non-material, and should be supported by the Council.

We trust you have the necessary information to support the planning application, but should you require further clarification or additional information, we would be pleased to provide it to support the determination of this application.

Yours faithfully

Lydia Easten

Lydia Easten
Principal Planner