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Date: 24-Sep-2026
Our Ref: 2026/92328

Dear Sir/Madam

**Application for a non-material amendment following a grant of planning permission,
Town and Country Planning Act 1990**

**Non material amendment to previous permission 2022/93154 for erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank)
Land at, Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW
Application Number: 2026/92328**

Thank you for your letter and plan received on 19-Aug-2026 regarding the above.

The application seeks a non-material amendment for the substitution of house types, together with associated amendments to site levels, plot positions, parking and bin storage arrangements, as well as the introduction of a new area of open space along the southern boundary. The pertinent changes are summarised as follows:

- Replacement of three storey spilt level house types with two storey house types
- Revised plot positions/layout
- Revised finished Floor Levels
- Introduction of stepped access arrangements to plots
- New retaining structures
- New area of open space in the southern area of the site
- Extension of private driveway towards southern boundary
- Amendments to parking arrangements /removal of integral garage
- Revised Bin Storage arrangements

Whilst not specifically referred to in the details provided as part of the application which set out the changes proposed, the submitted plans also indicate a change to the garden boundary of Plot 43.

The proposed amendments are illustrated in the following:

- Planning Layout, drawing ref Z078-001, rev R
- Landscape Masterplan, drawing ref H22-0016_003G
- Materials Plan, drawing ref Z078-006 Rev E
- Boundary Treatments Plan, ref Z078-003 Rev I
- House Type Pack received 19/08/2026
- External Works Layout Plots 57-68 NMA, drawing ref Z098-5001, Rev P02, received 04/09/2026.

Officers consider the alterations, when assessed cumulatively, are not inconsequential to the permitted development, and would represent material changes to the proposed development which would give rise to new material matters compared with the originally approved scheme, including with regard to visual and residential amenity. In accordance with Section 96A of the Town and Country Planning Act 1990 and the Council's adopted protocol for dealing with Non-Material Amendments, the proposed changes are not considered to be non-material in their scale and effect. They would potentially prejudice the interests of third parties who have not had the opportunity to comment on those changes as part of the non-material amendment procedure, and would conflict with existing conditions. They may also necessitate changes to the Section 106 agreement for the development. Officers conclude that the proposed amendments are not acceptable under the Non-Material Amendment procedure.

Therefore, this application for a Non-Material Amendment is hereby REFUSED.

However, please be aware that these comments are offered without prejudice to the future decision of this Authority on the formal planning application.

The application forms and guidance notes are available from the Council's website and applications can be made on line.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Yours faithfully

Mathias Franklin
Head of Planning and Development