

18/09/2026

Our reference: P6046-SPA-LT-TP-001-A

Planning Portal Reference: PP-15203948

Dear Sir/Madam,

**RE: SECTION 73 APPLICATION TO VARY CONDITION 2 (APPROVED PLANS)
OF APPLICATION REFERENCE 2023/62/93783/E**

USE OF LAND FOR SITING OF FIVE STORAGE CONTAINERS, ERECTION OF DRYING
ROOM, RECREATIONAL SPACE AND ASSOCIATED CAR PARKING

BATTYEFORD PLAYING FIELDS, HUDDERSFIELD ROAD, MIRFIELD, WF14 0EE

Planning Portal REF: PP-15203948

Spawforths are instructed on behalf of Legal & General Homes Modular Ltd to submit an application to vary Condition 2 of application LPA reference 2023/62/93783/E under Section 73A of the Town and Country Planning Act 1990. In accordance with the agreed procedures of Kirklees Council, this application is submitted online via the Planning Portal (Ref: 15203948). The calculated fee of £757 will be paid via the Portal.

Condition 2 of application LPA Reference 2023/62/93783/E relates to the list of approved plans as referred to in the decision notice, the exact wording of which is shown below:

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence

Full planning permission Reference 2023/62/93783/E was originally approved on 29 January 2025. The scheme has since been subsequently implemented. It is noted that during the construction process, several deviations have been made from the plans as approved under application 2023/62/93783/E.

This application is therefore made under Section 73A of the Town and Country Planning Act and seeks to formalise changes to the approved plans to reflect the extent of development

undertaken. This application follows the submission and subsequent withdrawal of application 2025/NMA/91376/E in July 2025, after it was considered by the scheme's case officer the proposed amends would contravene the key tests of the acceptability of a change to an approved scheme under the non-material amendment procedure. Following this, the principle of formalising these changes via a S73 application was confirmed via email correspondence with the Scheme's Case Officer.

Government guidance on 'Minor Material Amendments' does not define what changes may be treated as 'minor material amendments' although the government has previously confirmed that they "agree" with the definition proposed by WYG (White Young Green Planning and Design): "A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved". This is not however a statutory definition.

A judgement on "materiality" in any particular case is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole, not just part of it.

We have summarised below some of the minor material changes and reasons for these below:

The amendments to the scheme firstly results in a decrease in the number of car parking spaces provided, representing a reduction from 15 no as approved under 2023/62/93783/E, to 12 no spaces, which is considered necessary in favour of retaining a mature tree. It is considered that the 12no. car parking spaces proposed as part of these amends will continue to be sufficient to serve the facility, and therefore will not result in any impact on the operation of the Site and will have no additional impact on the surrounding road network. The car park remains grasscrete, which is consistent with materials approved under application 2023/62/93783/E.

As demonstrated on the accompanying plans, the scheme has been amended to include a ramped access to both the drying room and recreational space, replacing the stepped access approved under 2023/62/93783/E. This amendment is considered necessary to ensure that the development does not discriminate against the use of the facilities by non-ambulant users, thus increasing the Site's overall accessibility. It is not considered that the introduction of the ramped access will have any negative impact on the amenity of the surrounding area due to the difference in levels from Huddersfield Road.

It will be noted that the updated Site Plan as Proposed (Ref: 6046-SPA-XX-ZZ-DR-A-10-002) submitted as part of this application also shows the re-size and minor re-position of the units on Site from what was approved under Application 2023/62/93783/E. Firstly, the containers occupying the northern extent of the Site are now proposed to measure 20ft each. These amendments represent an overall reduction in the footprint of the container units from what was approved under 2023/62/93783/E. In addition, the drying room is also proposed to be reduced

in Size under the updated proposals. The overall reduction in size of the onsite units is therefore considered to have no additional detrimental impact on the immediate surrounding area compared to what was assessed previously under application 2023/62/93783/E. The amends as shown on the accompanying plans also reflect a minor repositioning of the units, which is not deemed to have any resulting impact on the operation of the Site or on the surrounding area.

Spawforths have assessed the proposals enclosed and described above in this context and we consider these to be minor material changes therefore can be dealt with under a S73 application and remain in accordance with relevant Local Plan policies.

In addition to this Justification Letter, we submit the following package of plans along with this application for your approval:

Drawing	Reference Number	Scale
Location Plan	6046-SPA-XX-ZZ-DR-A-10-001	Scale @A4 1:1250
Site Plan as Proposed	6046-SPA-XX-ZZ-DR-A-10-002	Scale @ A1 1:100
Elevations as Proposed	6046-SPA-XX-ZZ-DR-A-10-003	Scale @A1 1:100

Condition 2 of 2023/62/93783/E refers to the approved plans as listed in the Plans and Specifications Schedule of the Decision Notice. It is therefore requested that Condition 2 and the subsequent Plans and Specification schedule which is referred to within is appropriately amended to reference the new plans listed above.

Conclusion

In conclusion, the proposed changes are considered to be minor amendments in nature to the original application and therefore can be dealt with via a S73A application. It is considered that the proposed amends will not have any greater impact than those assessed and considered acceptable with the previously approved application reference 2023/62/93783/E.

We trust that this information is sufficient for this application to be validated and therefore we anticipate that you will confirm this in due course and that a written confirmation of the target date for a decision will be issued shortly.

Should you require any further information or clarification then please do not hesitate to contact us on the attached details.

Yours faithfully,

Lucy Brown

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