

Delegated Report

Planning Ref: 25/00688/NMA

Applicant: LonXOne

Ward: Twycross, Sheepy and Witherley

Site: 8 Wood Lane, Norton Juxta Twycross, Atherstone



Hinckley & Bosworth
Borough Council

**Proposal: Non material amendment to planning permission 78/00014/4M.
Amendments to fenestration comprising replacement of wall and roof cladding;
installation of roller shutter doors to openings on gable elevations**

1. Recommendations

- 1.1. **Grant planning permission** subject to conditions as imposed on application 78/00014/4M and the additional condition as detailed below.

2. Planning application description

- 2.1. This application is for a proposed non-material amendment to planning permission 78/00014/4M which was for the extension to an agricultural building.
- 2.2. The proposed non-material amendment seeks to amend the approved plans, replacing the asbestos roof and walls with cladding, and installing roller shutter doors on the openings on gable elevation.

3. Description of the site and surrounding area

- 3.1. The site measures approximately 0.77 hectares and is located outside the settlement boundary of Norton Juxta Twycross, on the south side of Wood Lane and to the rear of a large farmhouse and range of former farm buildings. The application site comprises three large scale buildings associated with the former agricultural uses of the site and areas of overgrown scrub. There are residential properties to the west of the site, an established engineering factory and works to the east of the site and open agricultural fields to the south. The farmhouse and former farm buildings located to the north are subject to an extant planning permission (13/01095/FUL) for the conversion of former farm buildings into four residential dwellings, refurbishment of the farmhouse and the erection of one new dwelling with associated access drive and parking. There are a variety of boundary treatments enclosing the site. A public footpath crosses through the south west corner.

4. Relevant planning history

- **24/00130/NMA**
Non material amendment to planning permission 20/01250/FUL.
Amendments to Unit C (additional rooflights) and Unit D (Windows and doors) and Unit F (Additional rooflight and window)
Refused
01.05.2024
- **23/00962/DISCON**
Application to discharge conditions 3 (SuDS), 4 (SuDS Long Term Maintenance) 6 (Hard and Soft Landscaping), 7 (Landscaping Management Plan), 8 (Boundary Treatments), 9 (Bat/bird boxes), 10 (Materials), 17 (Waste and Recycling) attached to planning permission

20/01250/FUL
Discharged
23.02.2024

- **20/01250/FUL**
Conversion of agricultural buildings into 2 residential dwellings,
refurbishment of farmhouse and erection of 4 new dwellings with
associated access and landscaping
Planning permission
12.07.2023
- **15/00536/OUT**
Erection of 3 dwellings (outline - access and layout) (revised scheme)
Refused (Appeal Dismissed)
20.04.2016
- **13/01095/FUL**
Conversion of agricultural buildings into 4 residential dwellings,
refurbishment of farm house and erection of 1 new dwelling with
associated access drive and parking
Planning permission
23.01.2015
- **78/00014/4M**
Extension to agricultural building
Planning permission

5. Publicity/Consultation

- 5.1. A Section 96A application is not an application for a new planning permission and the existing Town and Country Planning (Development Management Procedure) Order (DMPO) provisions (Article 13 and Schedule 5) relating to publicity and statutory consultation do not apply. Therefore, local planning authorities can exercise discretion in whether and how they choose to inform interested parties or seek their views. In this no consultations were conducted. It is noted that as the site is sited within an Catchment Of Special Area Of Conservation and an SSSI, that often we would consult Natural England on amendments, however as the amendments are solely aesthetic and do not have any impact other than visually, this consultation is not required.

6. Policy

- 6.1. Greater Flexibility for Planning Permissions Guidance (non-material amendments) states that the local planning authority must have regard to the effect of the change, together with any previous changes made under this section.

- 6.2. The relevant legislation is:

Core Strategy (2009)

- Policy 13: Rural Hamlets

Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development

- Policy DM10: Development and Design

National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7. Appraisal

Key Issues

- Assessment

Assessment

- 7.2 Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission. There is no statutory definition of 'non-material'; this is because it is so dependent on the context of the overall scheme. That which may be non-material in one context may be material in another. It is for the Local Planning Authority to be satisfied that the amendment sought is non-material in order to grant an application under S96A.
- 7.3 With the above in mind, it is necessary to consider what the existing planning permission is for including its uses, and its scale. The planning permission (78/00014/4M) approved the extension of agricultural buildings.
- 7.4 The proposed plans include the replacement on the roof and upper walls with cladding as opposed to the existing asbestos, and the addition of roller shutter doors on the existing openings. The scale and form of the building would remain unaltered, and the design and appearance of the building would not be fundamentally altered.
- 7.5 The proposal is therefore considered to be non-material as there would be no material visual impact on the character of the area, no adverse impact on neighbouring amenity, and no other material planning implications.

8. Equality implications

- 8.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 8.3 There are no known equality implications arising directly from this development.
- 8.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and

family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

9. Conclusion

- 9.1 In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendment to planning permission 74/00014/4M has been considered in the context of the overall scheme. For the reasons given in the report above, the proposed amendment is non-material in respect of the impact of the development on the character and appearance of the site and surrounding area, and residential amenity of the occupiers of the neighbouring properties and therefore can be considered to constitute a non-material amendment to the approved scheme. It is therefore recommended that the application for a non-material amendment to planning permission 74/00014/4M approved.

10. Recommendation

- 10.1 **Grant planning permission** subject to conditions as imposed on application 78/00014/4M and the additional condition as detailed below:

1. The non-material amendment hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Site Location Plan Drg No. A-E10-001
 - Proposed Ground Floor, Roof Plan Drg No. A-P11-001
 - Proposed Site Plan Drg No. A-P10-001
 - Proposed Elevations Drg No. A-P12-001

Reason: To ensure a satisfactory appearance and impact of the development and to accord with Policies DM1 and DM10 of the Site Allocations and Development Management Development Plan Document (2016).