Our ref: Q250737
PP ref: PP-15207411
Email: james.guthrie@quod.com
Date: 16 October 2026

Hinckley & Bosworth Borough Council
Planning Services
Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

Dear Sir / Madam,

APPLICATION FOR NON-MATERIAL AMENDMENTS TO RESERVED MATTERS APPROVAL 23/00080/REM PURSUANT TO SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT (AS AMENDED) AT WOOD FARM, STANTON LANE, ELLISTOWN, LE67 1FF

Quod act for Firethorn Trust ('the Applicant' or 'Firethorn'). On behalf of our client, we submit an application for non-material amendments to the reserved matters approval granted on 15 June 2023 for the following description of development at Wood Farm, Stanton Lane, Ellistown, LE67 1FF (the Site):

> *"Approval of Reserved Matters (Appearance, Landscaping, Layout, Scale) for planning permission 21/00531/HYB (Allowed under appeal APP/K2420/W/21/3279939) for the erection of buildings for storage and distribution uses (Class B8) and general industry (Class B2)" (reference 23/00080/REM).*

The application has been submitted electronically via the Planning Portal (application reference PP-15207411).

Application Submission

This application is comprised of the following information:

- Application form, prepared by Quod;
- Cover letter (i.e. this letter) and drawing schedule attached at Appendix 1, prepared by Quod;

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We're all in

- Schedule of changes (reference 32279 – List of Changes for Planning), prepared by Michael Sparks Associates; and
- Copies of the following drawings, prepared by Michael Sparks Associates, BCA and Burrows Graham:

Table 1 – Drawing List

Drawing Title	Drawing Reference	Revision	Scale
Site Layout Plan	BAR-MSA-ST-00-DR-A-20001	PL02	1:2000 @ A1
Gatehouse Details	BAR-MSA-ST-00-DR-A-20003	PL02	1:50 @ A1
Illustrative Site Plan (for information)	BAR-MSA-ST-00-DR-A-20005	PL01	1:2000 @ A1
Site Fencing Plan	BAR-MSA-ST-00-DR-A-20030	PL01	1:2000 @ A1
B8 Parking Site Layout Plan	BAR-MSA-ST-00-DR-A-20031	PL01	1:2000 @ A1
B2 Parking Site Layout Plan	BAR-MSA-ST-00-DR-A-20032	PL01	1:2000 @ A1
Unit 2 B2 Parking Tracking Plan	BAR-MSA-ST-00-DR-A-20034	PL01	1:2000 @ A1
Phasing Plan	BAR-MSA-ST-00-DR-A-20033	PL01	1:2000 @ A1
Unit 1 – GA Ground Floor Plan	BAR-MSA-U1-00-DR-A-20010	PL02	1:500 @ A1
Unit 1 – Office GA Floor Plans	BAR-MSA-U1-ZZ-DR-A-20011	PL03	1:100 @ A0
Unit 1 – Hub GA Floor Plans	BAR-MSA-U1-ZZ-DR-A-20012	PL03	1:100 @ A1
Unit 1 – GA Roof Plan	BAR-MSA-U1-ZZ-DR-A-20013	PL03	1:500 @ A1
Unit 1 – GA Elevations	BAR-MSA-U1-XX-DR-A-20014	PL03	1:500 @ A1
Unit 1 – Illustrative Colour Elevations (for information)	BAR-MSA-U1-XX-DR-A-20015	PL04	1:500 @ A1
Unit 2 – GA Ground Floor Plan	BAR-MSA-U2-00-DR-A-20020	PL02	1:500 @ A1
Unit 2 – Office GA Floor Plans	BAR-MSA-U2-ZZ-DR-A-20021	PL02	1:100 @ A1
Unit 2 – Hub GA Floor Plans	BAR-MSA-U2-ZZ-DR-A-20022	PL02	1:100 @ A1
Unit 2 – GA Roof Plan	BAR-MSA-U2-ZZ-DR-A-20023	PL02	1:500 @ A1
Unit 2 – GA Elevations	BAR-MSA-U2-XX-DR-A-20024	PL02	1:500 @ A1
Unit 2 – Illustrative Colour Elevations (for information)	BAR-MSA-U2-XX-DR-A-20025	PL02	1:500 @ A1
Unit 2 – Car Park Deck Details	BAR-MSA-U2-ZZ-DR-A-20026	PL02	As indicated @ A1
Detailed Planting Plan' sheet 1 of 5	2289-22-01D	D	1:1000
Detailed Planting Plan sheet 2 of 5	2289-22-02D	D	1:1000
Detailed Planting Plan sheet 3 of 5	2289-22-03F	F	1:1000
Detailed Planting Plan sheet 4 of 5	2289-22-04A	A	1:250
Detailed Planting Plan sheet 5 of 5	2289-22-05A	A	1:250
Proposed Site Level	30497-BGL-XX-XX-SK-C-SK0017	P02	1:1000 @ A0

In accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, the application fee is calculated at £408.00 (comprised of £309.00 plus the £99.00 Planning Portal service charge) and has been paid online.

Background

Hybrid planning permission was granted at the Site at appeal on 22 November 2021 for the following description of development:

> *"Hybrid application comprising of Outline permission for the erection buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved expect for access) and Full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures (Revised Scheme)"* (planning permission reference 21/00531/HYB; appeal reference APP/K2420/W/21/3279939) (the hybrid permission).

Reserved matters approval for *"approval of Reserved Matters (Appearance, Landscaping, Layout, Scale) for planning permission 21/00531/HYB (Allowed under appeal APP/K2420/W/21/3279939) for the erection of buildings for storage and distribution uses (Class B8) and general industry (Class B2)"* (the RMA) approved subject to conditions on 15 June 2023 (reference 23/00080/REM).

Two pre-commencement conditions attached to the RMA have been discharged, as follows:

- Condition 5, which required the submission of a scheme for the treatment of the Public Rights of Way, discharged on 14 November 2023 (reference 23/00981/DISCON).

- Condition 8, which required the submission of a Soil Management Plan, discharged on 23 November 2023 (reference 23/01502/DISCON).

The Applicant acquired the Site in February 2026. An application for non-material amendments to the hybrid permission was approved on 1 April 2026 (reference 26/00207/NMA). The approved amendments resolved discrepancies in levels across the Site and increased the permitted finished floor levels by 200mm (from 177.5m AOD to 177.7m AOD).

This application is being progressed in respect of the RMA to:

1. Update the RMA drawings so that they are consistent with the hybrid permission as non-materially amended under reference 26/00207/NMA;
2. Regularise a series of minor refinements to the appearance of the two units and to the external layout of the Site, identified as the scheme has been progressed towards delivery; and
3. Amend the wording of Conditions 1, 3, 4 and 9 of the RMA so that they refer to the updated drawings.

A full set of updated drawings has been prepared by Michael Sparks Associates (Table 1). An updated version of the Condition 1 drawing schedule is provided at Appendix 1.

Amendments to Drawings / Design

The amendments are described in full in the schedule of changes prepared by Michael Sparks Associates, which accompanies this application, and are summarised below.

Consistency with the Hybrid Permission

The updated drawings have been prepared on the basis of the finished floor level of 177.7m AOD approved under reference 26/00207/NMA.

Units 1 and 2 – Appearance

The elevational treatment of both units has been simplified to a restrained palette of two principal tones, metallic silver (Colorcoat Prisma Sirius, RAL 9006) and dark grey (Colorcoat Prisma Zeus), with anthracite (RAL 7016) cladding to the office and hub elements. A continuous white (RAL 9010) feature band wraps around each building and transitions into a feature flashing at the office. A high-level accent band and translucent polycarbonate wall panels have also been introduced to the upper part of the warehouse elevations.

The approved parapet has been replaced with a curved roof profile and defined eaves (Colorcoat HPS200 Ultra, Albatross), which softens the roofline and reduces the perceived mass of the buildings. The haunch level is 18.0m for both units and the ridge level is 20.8m (Unit 1) and 20.575m (Unit 2).

The office accommodation to each unit has been rationalised to accommodate a simpler ground and first floor element, with curtain walling retained as the principal material and rainscreen cladding used selectively. Glazing to the hub offices has been rationalised, with cladding introduced at the floor junctions. The rooflight layout has been updated (indicatively 15% of the warehouse floor area for Unit 1 and 12% for Unit 2), and a zone for roof-mounted PV is identified, subject to the detailed energy strategy.

Building signage has been updated to reflect the Applicant's branding. Signage is shown for illustrative purposes only and advertisement consent will be separately applied for.

Unit 1 – External works

Changes to the external works are limited to the area immediately adjacent to the office. The breakout area has been reconfigured to incorporate cycle parking, and the accessible parking bays have been rearranged to create a defined entrance area, with gates providing a controlled pedestrian route between the car park and the office entrance. The remainder of the external hardstanding is unchanged.

Unit 2 – External works

The car park has been reconfigured to provide a simpler and more efficient layout, with its access points adjusted accordingly. Accessible bays have been relocated immediately adjacent to the office, a cycle parking area has been provided close to the office entrance, and a substation has been incorporated within the car park.

Site Wide

The Site Layout Plan has been updated to show the terminal tower installed by National Grid as part of the overhead line diversion works required to deliver the development. The Ring Main Unit serving Unit 2 and the wider estate has been relocated further along the estate road, outside the landscaped bund, so that it does not affect the bund or its planting. The gatehouse and Unit 2 car park deck drawings have been updated for consistency with the revised scheme. The B8 and B2 parking site layout plans, the tracking plan, the phasing plan and the site fencing plan have also been updated to reflect the revised layout.

Amendments to Condition Wording

Conditions 1, 3, 4 and 9 of the RMA refer to specific drawings. Amendments to the wording of these conditions are proposed so that they refer to the updated drawings, as set out in Table 2 below (deleted text struck through in red; new text in bold green).

The opportunity has also been taken to correct a typographical error in Condition 4, which describes Class B8 as “General industrial”.

Table 2 – Amendments to Condition Wording

Condition Number	Current Condition Wording	Amended Condition Wording
1	Please refer to drawing schedule attached at Appendix 1.	
3	No individual unit shall be used at any time for any purposes falling within Class B2 (General industrial) as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) unless all of the car and HGV parking areas serving the relevant unit shown on Michael Sparks drawing ~~No. 30865 PL-342~~ (or any alternative car and HGV parking areas first submitted to and agreed in writing with the Local Planning Authority) have been provided, hard surfaced and marked out, and are available for use in association with the use of the development. Reason: To ensure that adequate off-street parking provision is made which is appropriate to the use of the building, to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework 2021.	No individual unit shall be used at any time for any purposes falling within Class B2 (General industrial) as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) unless all of the car and HGV parking areas serving the relevant unit shown on Michael Sparks drawing **No. BAR-MSA-ST-00-DR-A-20032 Rev PL01** (or any alternative car and HGV parking areas first submitted to and agreed in writing with the Local Planning Authority) have been provided, hard surfaced and marked out, and are available for use in association with the use of the development. Reason: To ensure that adequate off-street parking provision is made which is appropriate to the use of the building, to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework 2021.
4	No individual unit shall be used at any time for any purposes falling within Class B8 (~~General industrial~~) as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) unless all of the car and HGV parking areas serving the relevant unit shown on Michael Sparks drawing ~~No. 30865 PL-340A~~ (or any alternative car and HGV parking areas first submitted to and agreed in writing with the Local Planning Authority) have been provided, hard surfaced and marked out, and are available for use in association with the use of the development.	No individual unit shall be used at any time for any purposes falling within Class B8 (**Storage or distribution**) as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) unless all of the car and HGV parking areas serving the relevant unit shown on Michael Sparks drawing **No. BAR-MSA-ST-00-DR-A-20031 Rev PL01** (or any alternative car and HGV parking areas first submitted to and agreed in writing with the Local Planning Authority) have been provided, hard surfaced and marked out, and are available for use in association with the use of the development.

Condition Number	Current Condition Wording	Amended Condition Wording
	Reason: To ensure that adequate off-street parking provision is made which is appropriate to the use of the building, to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework 2021.	Reason: To ensure that adequate off-street parking provision is made which is appropriate to the use of the building, to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework 2021.
9	Planting of the landscaping areas (as defined by the Parameters Plan ~~ref. 30865-PL-202W~~, approved under the outline permission ref. 21/00531/HYB) will be delivered during the first available planting season - for the landscape bund and community woodland area this is following the completion of earthworks and cable works, and for areas around the Units this is following the completion of construction works. Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.	Planting of the landscaping areas (as defined by the Parameters Plan **ref. 30865-PL-202X**, approved under the outline permission ref. 21/00531/HYB**, as amended by ref. 26/00207/NMA**) will be delivered during the first available planting season - for the landscape bund and community woodland area this is following the completion of earthworks and cable works, and for areas around the Units this is following the completion of construction works. Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

Justification

Section 96A of the Town and Country Planning Act 1990, as amended, gives Local Planning Authorities ('LPA') the power to make non-material changes to a planning permission relating to land in their area if they are satisfied that the change is not material. In deciding whether a change is material, a LPA must have regard to the effect of the change, together with any previous changes made under Section 96A, on the planning permission as originally granted. Section 96A(3) provides that the power includes power to impose new conditions, and to remove or alter existing conditions. It extends to conditional approvals of reserved matters[1].

The 'Flexible options for planning permissions' Planning Practice Guidance[2] (PPG) confirms that "*there is no statutory definition of non-material. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another*" (Paragraph: 002 Reference ID: 17a-002-20140306).

[1] As confirmed by the Court of Appeal in *R (Fulford Parish Council) v City of York Council* [2019] EWCA Civ 1359.
[2] Ministry of Housing, Communities and Local Government, Planning Practice Guidance, *Flexible options for planning permissions* (last updated 26 July 2023).

As an application to make a non-material amendment is not an application for planning permission, the guidance also confirms that the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the 2015 Order), as amended, relating to statutory consultation and publicity do not apply. LPAs therefore *"have discretion in whether and how they choose to inform other interested parties or seek their views*" (Paragraph: 005 Reference ID: 17a-005-20140306).

The amendments described in this letter are sought to align the approved reserved matters drawings with the hybrid planning permission as non-materially amended, and to reflect design and technical refinements identified as the development has been progressed towards delivery.

Individually and cumulatively, the amendments do not alter the description of development, the use or number of units, the approved access, the footprint, floorspace or maximum height of either unit or the overall layout of the Site as approved. There is no change to the effects of the development on the amenity of neighbouring occupiers, on highway safety, on landscape and visual receptors, or on any other matter considered by the Inspector or by the Council in reaching their respective decisions.

Having regard to the effect of the amendments, and to the previous amendment made under reference 26/00207/NMA, the changes sought are regarded as non-material for the purposes of Section 96A.

Closing

We trust that the enclosed is sufficient for you to validate the application. If you require any further information at this stage, please do not hesitate to contact me or my colleague Rachel Mushet (rachel.mushet@quod.com / 07710 305 803).

Yours sincerely



James Guthrie
Director

Appendix 1: Condition 1, Drawing Schedule

The table below sets out the drawings listed in Condition 1 of reserved matters approval 23/00080/REM and the drawings proposed to be listed in their place. Drawings not affected by the amendments are retained.

Current Condition Wording	Amended Condition Wording
Site Location Plan Drg No. 30865-PL-300	No change
Proposed B8 Parking Site Layout Plan Drg 30865-PL-340A	B8 Parking Site Layout Plan Drg No. BAR-MSA-ST-00-DR-A-20031 Rev PL01
Proposed Site Levels Drg 19-7688 SK0017 P1: submitted 01/02/23	Proposed Site Level 30497-BGL-XX-XX-SK-C-SK0017 P02
Proposed B2 Parking Site Layout Plan Drg 30865-PL-342: submitted 21/04/23	B2 Parking Site Layout Plan Drg No. BAR-MSA-ST-00-DR-A-20032 Rev PL01
Proposed Phasing Plan Drg. 30865-PL-331	Phasing Plan Drg No. BAR-MSA-ST-00-DR-A-20033 Rev PL01
Tracking Plan Drg 30865-PL-343: submitted 25/04/23	Unit 2 B2 Parking Tracking Plan Drg No. BAR-MSA-ST-00-DR-A-20032 Rev PL01
Detailed Planting Plan (Sheet 1 of 5) Drg No 2289-22-01B	Detailed Planting Plan (sheet 1 of 5) Drg No. 2289-22-01D
Detailed Planting Plan (Sheet 2 of 5) Drg No 2289-22-02C	Detailed Planting Plan (Sheet 2 of 5) Drg No. 2289-22-02D
Detailed Planting Plan (Sheet 3 of 5) Drg No 2289-22-03E	Detailed Planting Plan (Sheet 3 of 5) Drg No. 2289-22-03F
Detailed Planting Plan (Sheet 4 of 5), ref. 2289-22-04	Detailed Planting Plan (Sheet 4 of 5), Drg No. 2289-22-04A
Detailed Planting Plan (Sheet 5 of 5), ref. 2289-22-05	Detailed Planting Plan (Sheet 5 of 5), Drg No. 2289-22-05A
Landscape Boundary Sections Drg No 2289-22-06B	No change
Broadleaf Woodland Core Schedule Drg No 2289-22-07A: submitted 14/04/23	No change
Proposed Unit 1 Ground Floor Drg 30865-PL-302	Unit 1 GA Ground Floor Plan Drg No. BAR-MSA-U1-00-DR-A-20010 Rev PL02
Proposed Unit 1 Office Floor Drg 30865-PL-303	Unit 1 Office GA Floor Plans Drg No. BAR-MSA-U1-ZZ-DR-A-20011 Rev PL03
Proposed Unit 1 Hub Floor Drg 30865-PL-304	Unit 1 Hub GA Floor Plans Drg No. BAR-MSA-U1-ZZ-DR-A-20012 Rev PL03
Proposed Unit 1 Elevations Drg 30865-PL-305	Unit 1 GA Elevations Drg No. BAR-MSA-U1-XX-DR-A-20014 Rev PL03
Proposed Unit 1 Roof Plan Drg 30865-PL-306	Unit 1 GA Roof Plan Drg No. BAR-MSA-U1-ZZ-DR-A-20013 Rev PL03
Proposed Unit 2 Ground Floor Drg 30865-PL-310	Unit 2 GA Ground Floor Plan Drg No. BAR-MSA-U2-00-DR-A-20020 Rev PL02
Proposed Unit 2 Office Floor Drg 30865-PL-311	Unit 2 Office GA Floor Plans Drg No. BAR-MSA-U2-ZZ-DR-A-20021 Rev PL02
Proposed Unit 2 Hub Floor Drg 30865-PL-312	Unit 2 Hub GA Floor Plans Drg No. BAR-MSA-U2-ZZ-DR-A-20022 Rev PL02
Proposed Unit 2 Elevations Drg 30865-PL-313	Unit 2 GA Elevations Drg No. BAR-MSA-U2-XX-DR-A-20024 Rev PL02
Proposed Unit 2 Roof Plan Drg 30865-PL-314	Unit 2 GA Roof Plan Drg No. BAR-MSA-U2-ZZ-DR-A-20023 Rev PL02

Current Condition Wording	Amended Condition Wording
Typical Gatehouse Details Drg 30865-PL-320	Gatehouse Details Drg No. BAR-MSA-ST-00-DR-A-20003 Rev PL02
Proposed Unit 2 Car Park Deck Drg 30865-PL-321	Unit 2 Car Park Deck Details Drg No. BAR-MSA-U2-ZZ-DR-A-20026 Rev PL02
Proposed Fencing Drg 30865-PL-322	Site Fencing Plan Drg No. BAR-MSA-ST-00-DR-A-20030 Rev PL01