

Delegated Report

Planning Reference 25/00921/NMA
Applicant Mr Sukhdev Singh
Ward Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site 46C Mill Lane, Newbold Verdon,
Leicestershire, LE9 9PT

Proposal Non-material amendment to planning permission 22/00479/FUL.
Alterations to exterior wall finishes to match existing
neighbouring properties.

1. Recommendations

1.1. Approve the non-material amendment(s) subject to:

- Previously imposed conditions on planning permission 22/00479/FUL
- Amendments to exterior wall finishes to match existing neighbouring properties

2. Planning Application Description

- 2.1. This application proposes a non-material amendment to planning permission 22/00479/FUL, which was for the approval of the erection of two detached three-bedroom dwellinghouses. This non-material amendment seeks to amend the approved external appearance of the proposed dwellings in 22/00479/FUL by changing the previously approved facing brickwork external finish to a mix of monocouche render and facing brickwork.

3. Description of the Site and the Surrounding Area

- 3.1 The application site is located to the centre of Mill Lane within the settlement boundary of Newbold Verdon. The street scene comprises of a mix of dwelling types which varies in terms of scale and design, with a mix of red brick dwellings to the east of Mill Lane and the west having a mixed design of render and brickwork. There is a general consistency in roof form, with pitched roofing and the use of black or brown tiles being the dominant style within the vicinity.

4. Relevant Planning History

4.1 22/00479/FUL

- Proposed erection of 2no. detached three-bedroom dwellinghouses.
- Permitted
- 02.11.2022

4.2 18/01044/FUL

- Erection of one two-storey three-bedroomed house
- Permitted
- 19.12.2018

5. Publicity

- 5.1. No publicity is required for a non-material Section 96A application, and none has been undertaken.

6. Consultation

- 6.1 A Section 96A application is not an application for a new planning permission, therefore, the existing Town and Country Planning (Development Management Procedure) Order, 2015, provisions outlined in Article 13 and Schedule 5 relating to publicity and statutory consultation do not apply. The Local Planning Authority can exercise discretion in whether and how they choose to inform interested parties or seek their views.

- 6.2 In this instance, no consultations have been undertaken.

7. Policy

- 7.1. 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.
- 7.2. Since the original planning permission was issued there have been no significant changes to the policies within the development plan that would be material to the outcome of the assessment of the application in this case.

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:

- Assessment against strategic planning policies
- Conditions

Assessment against Strategic Planning Policies

- 8.2 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 will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another.

- 8.3 The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application under Section 96A of the Town and Country Planning Act 1990. This application type cannot be used to make a material amendment to an extant planning permission.
- 8.4 With the above in mind, it is necessary to consider what the existing planning permission is for including its uses, and its scale. Planning application 22/00479/FUL granted planning permission for the provision of two detached, two-storey, three-bedroom dwellings. The proposed dwellings both had pitched roof forms, with proposed materials consisting of white and black uPVC to the windows and doors and red bricks to the walls to match the existing dwellings in the area.
- 8.5 The proposed non-material amendment seeks to amend the approved external appearance of the dwellings titled 'Plot 2' and 'Plot 3' by changing the previously approved facing brickwork external finish to a mix of monocouche render above the facing brickwork. No other amendments are proposed.
- 8.6 The amendments to introduce a monocouche render and facing brickwork design would be considered to be consistent with the architectural character and design style along Mill Lane. As such, the proposed amendments would be considered minimal and non-material amendments to the extant planning permission that do not materially alter the approved development or cause significant adverse impacts to the character of the building or the surrounding area, or to neighbouring residential amenity or to highway safety.

Conditions

- 8.7 Under Section 96A of the Town and Country Planning Act 1990 any decision issued should only relate to the non-material amendments sought and is not a reissue of the original planning permission, which still stands. However, it is necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.
- 8.8 Planning permission 22/00479/FUL was subject to seven planning conditions. Condition 2 of this planning permission would need to be amended to identify the revised plans as part of this application. The Proposed Section Plans have not been included within the amended planning condition because they include amendments to the height of Plot 3 that do not comply with the details within the other plans. The plans provided within this application are to be read in conjunction with the plans submitted as part of the extant planning permission.

9. Equality Implications

- 9.1 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.

9.2 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.

9.3 There are no known equality implications arising directly from this development.

9.4 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).

10. Conclusion

10.1. In line with the provisions of Section 96A of the Town and Country Planning Act, 1990, it is considered that the proposed amendments to the approved full planning application at 46C Mill Lane, Newbold Verdon permitted under planning reference 22/00479/FUL are non-material in the context of the overall scheme.

10.2. It is considered that the proposed alterations do not have a material impact on the development as a whole and are non-material in the context of the overall scheme.

10.3. **This non-material amendment is not a separate planning permission and should be read in conjunction with extant permission 22/00479/FUL.**

11. Recommendation

11.1 **Approve the non-material amendment(s)** subject to:

- Previously imposed conditions on planning permission 22/00479/FUL
- Amendments to exterior wall finishes to match existing neighbouring properties

11.2 Conditions and Reasons

2. This non-material amendment is approved in accordance with the submitted application details received by the Local Planning Authority on 28 November 2025 and dated 14 November 2025, as follows:

- Proposed Elevations Plot 2 (1431/05)
- Proposed Elevations Plot 3 (1431/11)
- Proposed First Floor Plan Plot 2 (1431/03)
- Proposed First Floor Plan Plot 3 (1431/09)
- Proposed Ground Floor Plan Plot 2 (1431/02)
- Proposed Ground Floor Plan Plot 3 (1431/08)
- Proposed Roof Plan Plot 2 (1431/04)
- Proposed Roof Plan Plot 3 (1431/10)
- Site Location and Block Plan (1431/01)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. Notes to Applicant

1. Please refer to the requirements of Planning Condition 06 of Planning Permission 22/00479/FUL, which requires representative samples of the types and colours of materials to be used on the external elevations of the permitted dwellings to be submitted to, and approved in writing by, the Local Planning Authority prior to development commencing above foundation level on site.