

Delegated Report

Planning Ref: 25/00177/NMA
Applicant: Mr Andrew Hutchinson
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: The Elms Farm Ratcliffe House Lane Ratcliffe Culey

Proposal: Non-material amendment to planning permission 24/00218/HOU. Amendment to materials, openings, scale of utility and patio area, roof design over utility, addition of a flue and erection of a wall to connect the dwelling to the existing outdoor arch and doorway.

1. Recommendations

1.1. Grant Non-material amendment subject to:

- The original conditions attached to planning permission 24/00128/HOU and amended planning condition 2 (Approved Plans) and amended planning condition 3 (Materials) outlined at the end of this report.

2. Planning application description

2.1. This application seeks a non-material amendment to planning permission 24/00218/HOU, which was for the construction of a single storey rear extension and other alterations at The Elms Farm, Ratcliffe House Lane, Ratcliffe Culey.

2.2. The proposed non-material amendment seeks to;

- Remove the stone headers, sills and columns;
- Remove the aluminium fascia's and replace with a parapet roof with exposed brick detailing and buff coping stone. Ridge height to be reduced by 0.20 metres;
- Replace the three individual bi-fold doors to the rear elevation with a singular set of six bi-fold doors, a single door and a window;
- Replace the set of bi-fold and French doors to the side elevation with a window;
- Reduce the scale of the roof lights hosting the kitchen/dining area;
- Reduce the total of roof lights hosting the utility from three to one;
- Reduce the total of windows hosting the utility from two to one;
- Increase the width of the utility by 1.00 metre;
- Reduce the width of the patio by 1.07 metres;
- Add a flue to the rear elevation hosting the living/dining area to accommodate a log burner. To sit above existing overall ridge height by 0.72 metres;
- Replace the hipped form over the utility to a mono-pitched form. Eaves height to be increased by 0.10 metres and ridge height to be increased by 0.75 metres;
- Raise a section of the patio off the living/dining space by 0.17 metres to be flush with the level of the bi-fold doors;

- Construct a 1.30 metre brick wall to the utility elevation to connect the existing arched timber/brick access with the main dwelling;
- Amend the colour of the windows, doors, roof lights, gutters, soffits and rain water pipes to Jet Black (RAL 9005).

3. Description of the site and surrounding area

- 3.1. The application dwelling is located in an isolated position in the open countryside to the east of Ratcliffe Culey. It is a period two storey detached farmhouse style dwelling with gable sided dual pitched roof form. It has a two storey and single storey range with dual pitched roof form extending from its rear elevation along its north side and a lean-to roofed single storey extension across its rear elevation. The rear elevation has a cat-slide roof with three gable fronted dual pitched roof dormer windows constructed with lead walls and grey plain clay roof tiles. There is an open porch to the front elevation constructed with a low level red brick wall with dark stained timber framing above and a dual pitched gable fronted plain clay tiled roof. There is also a small single storey lean-to roofed addition to its south side elevation. The dwelling is constructed with red multi rustic facing bricks, grey plain clay roof tiles and white uPVC windows. It has three feature red brick chimney stacks, brick corbelled eaves and arched brick headers. It is set within a large plot enclosed by field hedgerows and ranch style timber fencing. There is a detached red brick double garage with dual pitched gable sided roof form to the north side with a 15 metres wide and 6 metres deep hard surfaced parking area adjacent to it.
- 3.2. The site lies to the west of a long hard-surfaced single width access track serving the application dwelling, the domestic barn conversion immediately to the northwest and two other isolated dwellings/farmhouses at distance to the south and southeast. There are agricultural fields surrounding the site.

4. Relevant planning history

88/01123/4

- Single storey extension to rear elevation
- Planning Permission
- 10.10.1988

92/00375/4

- Conversion of barn to dwelling
- Planning Permission
- 23.06.1992

08/00593/GDO

- Erection of agricultural building
- General Development Order
- 18.07.2008

13/00404/FUL

- Conversion of outbuildings to form dwelling
- Planning Permission

- 06.08.2013

13/00894/FUL

- Conversion of outbuildings to form dwelling
- Planning Permission
- 03.12.2013

19/00460/FUL

- Conversion of outbuildings including extensions and alterations to form dwelling
- Planning Permission
- 18.11.2019

20/00967/DISCON

- Application to discharge conditions 3 (materials) attached to planning permission 19/00460/FUL
- Discharged
- 08.10.2020

21/00467/HOU

- Installation of a low carbon Stiebel Eltron WPL15 8kW air source heat pump to provide space heating and hot water to the new conversion.
- Planning Permission
- 13.07.2021

24/00218/HOU

- Single storey rear extension and other alterations
- Planning Permission
- 16.04.2024

5. Publicity

- 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 case no publicity or consultations have been undertaken.

6. Consultation

- 6.1. No consultations are necessary or 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 local development plan or national planning policies that would be material to the outcome of the assessment of the application in this case.
- 7.3. Core Strategy (2009)
- No relevant policies
- 7.4. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.5. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.6. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide

8. Appraisal

- 8.1. Key Issues
- Assessment
 - Conditions

Assessment

- 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 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.
- 8.3. In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendment needs to be considered in the context of the overall scheme for extensions and alterations to the existing dwelling.
- 8.4. With the above in mind it is necessary to consider what the existing planning permission grants permission for. Planning permission 24/00218/HOU approved a single storey rear extension with other alterations at The Elms Farm, Ratcliffe House Lane, Ratcliffe Culey.
- 8.5. The main issue in respect of this application is whether or not the proposed amendments are considered to be non-material to the approved planning permission with regard to visual appearance and surrounding amenity. The proposed amendments to the previously approved scheme would not result in any significant or material change to its character, appearance or the site's surrounding amenity when considered against the development originally approved. The amendments are therefore considered to be non-material in the context of the overall scheme.

- Increase the width of the utility by 1.00 metre;
 - Replace the hipped form over the utility to a mono-pitched form. Eaves height to be increased by 0.10 metres and ridge height to be increased by 0.75 metres;
- 8.6 The utility would be extended by 1.00 metre in width and would be altered to host a mono-pitched design which would host an increased eaves height of 0.10 metres and increased ridge height of 0.75 metres. These alterations would be visible from the adjacent highway, however, would remain subordinate and in keeping with the application dwelling especially when taking into consideration the existing mono-pitched design (albeit of a smaller scale) to this elevation. As such, the proposed changes would not be a significant material alteration to the design already approved. No further enlargements to the floorplan of the structure have been proposed.
- Remove the aluminium fascia's and replace with a parapet roof with exposed brick detailing and buff coping stone. Ridge height to be reduced by 0.20 metres;
- 8.7 The flat roof over the kitchen/dining space would be altered to host a parapet roof instead of the previously proposed flat roof and would host a 0.20 metre reduced ridge height. The alteration would not be greatly visible from the adjacent highway and would not differ significantly to the proposed roof form and scale. As such, the proposed changes would not be a significant material alteration to the design already approved.
- Construct a 1.30 metre brick wall to the utility elevation to connect the existing arched timber/brick access with the main dwelling;
- 8.8 A 1.30 metre high brick wall is proposed to the front elevation to connect the existing arched timber/brick access with the main dwelling. The additional wall would be viewed against the existing wall and would have no significant material visual impacts upon the design or appearance of the approved scheme.
- Add a flue to the rear elevation hosting the living/dining area to accommodate a log burner. To sit above existing overall ridge height by 0.72 metres;
- 8.9 A flue is proposed to the rear elevation of the existing dwelling to accommodate a log burner. The flue would be visible from the adjacent highway as it would sit 0.72 metres above the dwellings overall ridge height, however, is considered to be a minor addition which would be non-material in the context of the overall scheme and would not significantly alter the scheme such that it would affect the original consideration of the acceptability of the approved development. Aside from the above it is also important to note that the flue would also be considered permitted development under 'The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, G'.
- Amend the colour of the windows, doors, roof lights, gutters, soffits and rain water pipes to Jet Black (RAL 9005).
- 8.10 The majority of the proposed construction materials are to remain as previously approved, with the exception of a Jet Black (RAL 9005) finish instead of the previously approved white to the windows, doors, roof lights, gutters, soffits and rain water pipes. When comparing the approved materials against the revised, the changes are, however, considered to be minor and would be non-material in the context of the overall scheme and would not significantly alter the scheme such that it would affect the original consideration of the acceptability of the approved development. Furthermore, the revised colour way is also considered to be a more

a complementary addition to the dwelling as it would host a similar finish to that of the existing openings.

- Replace the three individual bi-fold doors to the rear elevation with a singular set of six bi-fold doors, a single door and a window;
- Replace the set of bi-fold and French doors to the side elevation with a window;
- Reduce the scale of the roof lights hosting the kitchen/dining area;
- Reduce the total of roof lights hosting the utility from three to one;
- Reduce the total of windows hosting the utility from two to one;
- Reduce the width of the patio by 1.07 metres;
- Raise a section of the patio off the living/dining space by 0.17 metres to be flush with the level of the bi-fold doors;
- Remove the stone headers, sills and columns;

8.11 The remainder of the alterations would not significantly alter the character or appearance of the development previously approved. The application site hosts no immediate neighbours to the south therefore there are no adjacent neighbouring properties to consider

8.12 It is considered that the proposed amendments would have no material impacts upon the overall character, design acceptability or appearance acceptability of the approved scheme, the residential amenity or privacy of any neighbouring occupiers or off-street parking provision to serve the resulting dwelling. It is therefore considered that the proposed amendments would be non-material in the context of the overall scheme in planning terms.

Conditions

8.13 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. It is, however, necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.

8.14 Planning permission 24/00218/HOU was subject to three conditions. The development has not begun therefore Condition 1 (Time) of the original planning permission remains reasonable and necessary and the development would need to be commenced prior to the expiry of three years from the 16th April 2024, the date of the original planning permission. Condition 2 (Approved Plans) and Condition 3 (Materials) would need to be amended to refer to the development being carried out in accordance with the approved amended/revised proposed plans. No additional conditions are necessary to make the amended scheme acceptable in planning terms.

8.15 By virtue of the above, the proposal is therefore considered acceptable subject to conditions as imposed on application 24/00218/HOU, and amended condition detailed below;

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the Proposed Site, Site Location Plan, Drg No. 23 22 09A and Proposed Floor Plans, Elevations, 3D View, Drg No. 23/22 13A as received by the Local Planning Authority on the 25th February 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, DM10 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved Proposed Floor Plans, Elevations, 3D View, Drg No. 23/22 13A as received by the Local Planning Authority on the 25th February 2025.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM1, DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

- 8.16 This non-material amendment should be read in conjunction with the decision notice for 24/00218/HOU.

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.

10. Conclusion

- 10.1 In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendment to planning permission reference 24/00218/HOU has been considered in the context of the overall scheme. It is considered that the amendment proposed would not result in any significant or material visual impacts or any material impacts upon the residential amenity or privacy of any neighbouring occupiers or off-street parking provision to serve the resulting dwelling. It is therefore considered to be non-material to, and acceptable in the context of, the overall scheme in planning terms subject to previously imposed conditions on planning permission 24/00218/HOU and the revised wording for condition 2 and 3 at the end of this report.

11. Recommendation

11.1 Grant Non-material amendment subject to:

11.2 Conditions and Reasons

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the Proposed Site, Site Location Plan, Drg No. 23/22 09A and Proposed Floor Plans, Elevations, 3D View, Drg No. 23/22 13A as received by the Local Planning Authority on the 25th February 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, DM10 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved Proposed Floor Plans, Elevations, 3D View, Drg No. 23/22 13A as received by the Local Planning Authority on the 25th February 2025.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM1, DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
- b) The property may be suitable for roosting bats, which are protected by law from harm. It is the applicant's responsibility to ensure that bat legislation is not breached, and therefore may need to consult with a licensed bat ecologist prior to commencement to ensure that bats will not be impacted by the works. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as all works must cease if bats are found during the course of the works whilst advice from a licensed bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area etc. but may also be present in crevices in stone or brickwork and in cavity walls.