

This matter is being dealt with by  
**Brian Mullin**

The Planning Department,  
Hinckley & Bosworth Borough Council,  
Hinckley Hub,  
Rugby Road,  
Hinckley,  
LE10 0FR

**One Colton Square,  
Leicester,  
LE1 1QH**

Our ref: 2501587.10

Your ref: PP-14169198

11<sup>th</sup> July 2025

Dear Planning,

**SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (As Amended)**

**Non-Material Amendment to Planning Permission Ref: 78/00014/4M, 'Extension to Agricultural Building'**

**Proposal: Amendments to fenestrations comprising replacement of wall and roof cladding; installation of roller shutter doors to openings on gable elevations**

**At: Manor Farm, Wood Lane, Norton Juxta Twycross, Atherstone, CV9 3QB**

**Introduction**

1. We write on behalf of LonXthree (c/o 2012 Partnership Homes Ltd) ("the Applicant") in respect of the above non-material amendment application made today under Section 96A of the Town and Country Planning Act 1990 (as amended, "the Act"). The application has been submitted electronically through the Planning Portal to Hinckley & Bosworth Borough Council ("the Council") and the correct fee of £383.00 (including the £85 admin fee) has been paid.
2. This application seeks to make non-material changes to planning permission ref: 78/00014/4M, comprising amendments to the existing fenestration of the building. The relevant drawings which show the current form and appearance of the existing buildings are listed below, prepared by Marrons Architects:
  - *Location Plan, drawing no. A-E10-001*
  - *Existing Site Plan, drawing no. A-E10-002*
  - *Existing Floor & Roof Plan, drawing no. A-E11-001*

- *Existing Elevations, drawing no. A-E12-001*
3. Under S.96A of the Town and Country Planning Act 1990 (as amended), power is given to the Local Planning Authority to agree non-material changes to approved schemes. Due to the age of the permission, there are no documents available on the public access page, nor is there any other planning history available for the barns, aged or otherwise.

### The Proposals

4. The drawings listed below illustrate the proposed amendments to the building fenestration, comprising the replacement of the existing asbestos corrugated sheeting with metal corrugated cladding of the same colour (dark grey); and, insertion of roller shutter doors to the existing openings on the gable elevations to provide a secure building:
- *Proposed Site Plan, drawing no. A-P10-001*
  - *Proposed Floor & Roof Plan, drawing no. A-P11-002*
  - *Proposed Elevations, drawing no. A-P12-001*

### Relevant Legislation

5. There is no statutory definition of what constitutes a ‘non-material’ amendment. This is because it will be dependent on the context of the overall scheme and an amendment that is non-material in one context may be material in another. 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 (PPG, paragraph: 002 Reference ID: 17a-002-20140306).
6. Section 96A was introduced by the Planning Act 2008. Its purpose was to plug a long-term gap in the statutory framework which had previously been filled by many Local Authorities adopting informal practices to ‘approve’ non-material changes to schemes by correspondence or other non-binding means.
7. Section 96A of the Town and Country Planning Act 1990 provides that a Local Planning Authority “*may make a change to any planning permission... if they are satisfied that the change is not material*”. In determining whether a change is material, a local planning authority must have regard to the effect of the change and any previous changes made

under section 96A to the original planning permission (“(2) *In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted*”).

8. We consider that the proposed changes are not material as the form and scale of the buildings will remain unaltered. The overall appearance of the buildings would be very similar to its existing appearance, with the existing cladding replaced with a like-for-like material (albeit non-asbestos containing). The colour of the proposed wall cladding would match the existing (dark grey). The roller shutter doors proposed to the gable elevations would simply serve to enclose the structure, and would match the wall cladding in terms of colour. In terms of the roof material, this would not be visible from within the public realm but the proposals simply propose the renewal of the existing fabric (including rooflights).

### Conclusions

9. We invite the Local Planning Authority to conclude that the design changes are not material and that the host permission can be altered to include reference to the new drawings as per the S.96A non-material amendment procedure.
10. We look forward to receipt and validation of the application. In the interim, if you have any queries relating to the application, then please do not hesitate to contact either Brian Mullin or Megan Simpson at this office.

Yours faithfully,

*Brian Mullin*

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