
Delegated report Officer: Steven Hoang

Application ref. DMOT/2022/1531

Non material amendment to planning permission ref. DMPA/2019/1288 (The erection of a rural workers dwelling and associated works to support the existing kennels and cattery), dated 01/04/2021 to allow changes to external materials, windows/doors and position of chimney at Ash Farm Kennels, Ingleby Lane, Ticknall, Derby, DE73 7HW

Valid date: 29/11/2022

Consults expired:

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

DMPA/2019/1288 - The erection of a rural workers dwelling and associated works to support the existing kennels and cattery. Approved 01.04.2021.

Description of site and proposed development

The site is located adjacent to an existing farmstead (Ash Farm), on the outskirts of Ingleby and in the open countryside. The site is located on a gradient which slopes down towards the highway but is largely obscured from views by existing trees and hedgerows. Access to the dwelling would be through the existing farm access, which would serve the kennels and provide a connection to the proposed dwelling.

The application proposes changes to the consented dwelling under permission ref. DMPA/2019/1288, to allow the repositioning of the chimney stack, replacement of proprietary coloured render on part of front, rear and side elevations to facing, replacement of brick to match dwelling and reconfiguration/alteration to windows and doors.

Responses to consultations and publicity

In accordance with the Council's SCI and the legislation, there is no consultation requirement to s96a submissions and based on the change being proposed there is no need to consult on this amendment.

Relevant policy, guidance and/or legislation

Town and Country Planning Act 1990 (as amended)

S96A - Power to make non-material changes to planning permission or permission in principle.

(1) A local planning authority may make a change to any planning permission, or any permission in principle (granted following an application to the authority), relating to land in their area if they are satisfied that the change is not material.

(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 or permission in principle as originally granted.

(3) The power conferred by subsection (1) includes power to make a change to a planning permission

(a) to impose new conditions;

(b) to remove or alter existing conditions.

(4) The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission or permission in principle relates.

(5) An application under subsection (4) to a local planning authority in England must be made in the form and manner prescribed by development order.

National Guidance

National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (NPPG)

The Development Plan

For the purposes of s38(6) of the Act the Development Plan is the South Derbyshire local Plan (SDLP) part 1 and part 2.

Planning considerations

The only planning consideration is whether the proposed changes to the dwelling amount to a non-material amendment to the permission.

Planning assessment

The amendments seek to move the chimney stack to the other side of the roof slope, the height and design would remain the same as the consented scheme and would retain this design feature of the dwelling. The other changes sought including the removal of render to parts of the front, rear and side elevations to be replaced with brickwork, and also the replacement/repositioning and alteration of doors/windows are not considered to significantly alter the design strategy of the consented building. The scale and massing of the building would not be altered.

The proposed amendments outlined above are considered to be of a non-material amendment to the consented scheme as the changes will not alter the principal determination or the environmental factors associated with the permission.

Conclusion

Approve the proposed change as a Non-Material Minor Amendment.

Recommendation

Having considered all relevant matters, including the requirements of legislation in s96A and previous non-material amendments, the proposed changes are considered to be non-material to the planning permission when considered individually and cumulatively and would not affect the scope of the planning permission, the associated conditions.

Recommendation

Approve

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	24/02/2023
Report agreed:	27/02/2023
Authorised officer:	Steffan Saunders
