

## DELEGATED DECISION REPORT

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NMA/2018/0011  
Valid 01/08/2018

BARN CONVERSION  
SANDON ROAD  
CRESSWELL

NON MATERIAL AMENDMENT  
RELATING TO DET/2017/0022,  
REARRANGEMENT OF  
INTERNAL LAYOUT AND  
PROVISION OF CARPORT ALL  
RESULTING CHANGES TO  
FENESTATIONS ROOFLIGHTS  
AND DOOR OPENINGS

(NON MATERIAL  
AMENDMENTS)

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### MAIN ISSUES

- Whether this is indeed a non-material change
- Design

### DESCRIPTION OF SITE

The site is subject to an approved Class Q agricultural building conversion to residential use DET/2017/0022. The approved details are contained in drawing 2017-2231-02 rev A.

The building is a modern 20<sup>th</sup>C steel framed shed 13.5m x 18m with generally breeze block walls to c.2.0m to 2.5m and sheet cladding above and to the roof. It stands in relative isolation alongside the track to Paynsley Hall Farm some 750m from the farm. There are nearer residential neighbours at The Shippons c.100m to the WNW and at Leese House Farm c.150m WNW.

The building is orientated long side parallel to the track. The roof ridge of height 5.5m is off centre so that the eaves height alongside the track is lower at c.3.5m than the eaves to the north at c.4.6m. A single full height steel access door is positioned in the SE facing gable. A concrete apron yard links the gable access door with the track.

There is a strong and well grown hedge to the track boundary on the southerly side of the building separated by a gap of c.5.0m currently occupied by a lorry back container store.

The landscape is open and flat in marked contrast to the more typically undulating or hilly areas to the north and the Moorlands more generally. Dwellings and farmsteads are well dispersed and tend to stand alone rather than grouped. The Blythe Park Industrial Estate lies within short range of 500m to the NW. The Nottingham rail line and the A50 dual carriageway lie respectively within 550m and 1250m to the NE and along with overhead pylon lines create urbanising influences.

In considering the original approved scheme the officer report noted that the proposal was:

“To retain the existing structure and convert to a single residential unit. Glazed openings by way of windows and doors would be predominantly on the SW elevation. A discrete four windows and one solid door would be formed on the NE elevation. A large double height window similar in scale to the existing doorway would be formed on the SE gable elevation.”

## PROPOSAL

The application seeks the LPA’s confirmation that a series of proposed changes to the approved scheme would be considered non-material changes. The proposals are as detailed in drawing 2017-2231-02 Rev C.

The internal changes to the layout of the living accommodation do not give rise to any consideration in planning terms. The principal changes of potential planning consequence are those to the exterior and are principally about the size and distribution of windows and doors. The proposed changes are set out elevation by elevation below.

Approved scheme 2017-2231-02 Rev A	Proposed NMA 2017-2231-02 Rev C
Rear elevation – west facing	
<ul style="list-style-type: none"> <li>Single solid door with side window strip</li> </ul>	<ul style="list-style-type: none"> <li>Single glazed door – side glazing omitted</li> <li>Additional square form window to left end</li> <li>Additional square form window to first floor gable apex</li> </ul>
Front elevation – east facing	
<ul style="list-style-type: none"> <li>New opening to form floor to ceiling ground floor triple window set to left (S) section</li> <li>Single solid door with side window strip</li> <li>Large ground and first floor glazed unit in place of former floor to ceiling barn door</li> </ul>	<ul style="list-style-type: none"> <li>New floor to ceiling opening to form vehicular doorway across full width of left section</li> <li>Single solid door – side glazing omitted</li> <li>New opening to form floor to ceiling ground floor triple window set to right (N) section</li> <li>Single square form window to first floor gable apex</li> </ul>
Side elevation – north facing	
<ul style="list-style-type: none"> <li>A series of four square form ground floor windows (one per bay) more-or-less evenly spaced.</li> <li>One solid door</li> <li>No first floor openings</li> </ul>	<ul style="list-style-type: none"> <li>Two square form windows to first floor (left (E) bays)</li> <li>Two square form windows to ground floor (left (E) bays)</li> <li>Large ground and first floor glazed</li> </ul>

<ul style="list-style-type: none"> <li>Two pairs of skylights to westerly end of roof</li> </ul>	<ul style="list-style-type: none"> <li>unit incorporating solid pedestrian door at ground floor</li> <li>New opening to form floor to ceiling ground floor triple window set to right (W) section</li> <li>Three pairs of skylights to westerly end of roof</li> </ul>
Side elevation – south facing	
<ul style="list-style-type: none"> <li>Four glazed door-sized units</li> <li>Four square form windows</li> <li>Two pairs of rooflights to westerly end</li> </ul>	<ul style="list-style-type: none"> <li>Four square form windows re-positioned</li> <li>Single glazed doorway</li> <li>Three pairs of rooflights</li> </ul>

The majority of the openings in the approved scheme were new, the principal pre-existing opening being the large floor to eaves off-set gable door in the front (E) elevation.

## RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

TCPA (1990) s96A provides the LPA with a power to make non-material changes to a planning permission on application from a person with an interest in the land to which the planning permission relates.

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.

The power conferred by subsection (1) includes power— (a) to impose new conditions; (b) to remove or alter existing conditions.

NPPG (2014) states: 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. 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 procedure, which has no consultation requirements and minimal notification requirements, cannot be used to make a material amendment.

The decision only relates to the non-material amendments sought and the notice of the decision should describe these. It is not a reissue of the original planning permission, which still stands. The two documents should be read together.

An NMA is not an application for planning permission and is not subject to statutory publicity or consultation.

## **OFFICER COMMENTS**

### **Principle of Development**

As noted above, applications for a non material amendment are made under section 96a of the Town and Country Planning Act 1990 and the Government's current guidance on non-material amendments is given on-line at Paragraph: 002 Reference ID: 17a-002-20140306 onwards.

A Class Q prior approval application has at its core a limited range of six points which the LPA is expected to consider. These are set out at condition Q.2 (1) of Class Q and include a determination as to whether prior approval will be required as to:

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and

(f) the design or external appearance of the building,

The changes proposed here in this NMA application clearly concern design and external appearance and siting will also have a bearing on the assessment as a particular arrangement to one elevation may not be acceptable in another due to the building's positional situation and relationship to its surroundings.

### **Design**

In considering the original approved scheme the officer report noted of the design that:

"In external appearance the additional glazing will represent perhaps the main change although it is to be noted that the existing building is in effect glazed albeit with transparent corrugated sheeting along both its NE and SW elevations. The proportion of new glazing to blank wall is considered well moderated and avoids becoming an urban 'glass box' thereby retaining its functional characteristics in at least two key elevations – those to the NW and NE. The single piece of full height glazing has the proportions of the agricultural shed doorway it replaces (slightly repositioned) in the SE elevation."

Further, that:

"The building can be seen at distance from the north but due to the restraint in the proposed extent of glazing the form of the building would not be radically altered and would not become especially more noticeable eg due to illumination from windows."

Design is an important consideration for the Council in any planning application and specific design guidance has been adopted. In turn this guidance specifically

addresses rural building conversions. A particular principal is that windows and doors should utilise existing or former openings so far as possible and minimise the need for new openings.

## **CONCLUSION / PLANNING BALANCE**

This NMA application principally concerns window and access openings. It will be a matter of fact, scale and degree as to whether a particular change in such details amounts to a material consideration in so far as it deviates from an approved scheme.

A comparison of the original building, the approved scheme and the proposal accompanying this NMA application readily shows that the alterations in the NMA would differ significantly from those approved under DET/2017/0022 (dwg 2017-2231-02 rev A).

Further, the fact that design and external appearance are one of the six key considerations identified in the Class Q Prior Approval process for LPA determination and given that the LPA holds specific guidance for rural building conversion which has in turn a particular focus on the form and distribution of fenestration and seeks to minimise new openings all leads to the conclusion that the extent of the changes put forward here amount to material changes which must fall to be considered as such and cannot be accepted as non material.

**OFFICER RECOMMENDATION :     Refuse**

**Case Officer:** Arne Swithenbank

**Recommendation Date:** 28<sup>th</sup> September 2018

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**