

DELEGATED DECISION REPORT

NMA/2024/0025
Valid 17/10/2024

OUTLANDS
340 CHEADLE ROAD
CHEDDLETON

APPLICATION FOR A NON-MATERIAL AMENDMENT IN RELATION TO APPLICATION SMD/2022/0391 TO MOVE THE PROPOSED DWELLING 3M BACKWARDS (TO THE WEST) TO AVOID A FAULT LINE IN THE GROUND BUILD UP.

(NON MATERIAL AMENDMENTS)

MAIN ISSUES

Whether the re-positioning is non-material

There is no statutory definition of 'non-material'. The PPG confirms that 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 LPA 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.

DESCRIPTION OF SITE

The site of this approved development for a large detached dwelling (under SMD/2021/0391) is within an extensive mature garden serving 'Outlands', itself a substantial detached dwelling set back from the main road. The site of the approved new dwelling is to the north side of Outlands and set behind a neighbouring dwelling at 334 Cheadle Road – Prospect House. Behind Prospect House is a stone out-building until recently within the residential unit of 334 and currently in use, or last in use, to provide bed and breakfast accommodation. This ancillary out-building was subject to an application for planning permission (SMD/2022/0462) for change of use from bed and breakfast to dwellinghouse and this was approved by delegated decision 17th November 2022.

Occupying land adjacent to the north of the site (and north of Prospect House) is the former Staffordshire Farmers Site. Running between the application site and Staffordshire Farmers is a single track lane which wraps around the application site perimeter and leads to Shrubbery Cottage which stands in a lone position south of Outlands.

The site location is within the North Staffordshire Green Belt. The surroundings outside of the above-described cluster of development to the north, west and south comprise open rural countryside. Opposite the site, across the road to the east is an area of existing development lying within the Cheddleton South development boundary of the Local Plan.

There is a large mature beech tree in the side garden to Prospect House which is protected by TPO (SM.269 T1) and which overhangs towards the approved driveway access to the site. There is also a large conifer on the corner of the existing entrance to Outlands. There are further trees lining the lane to Shrubbery Cottage. The garden area of the application site is dominated by well grown shrubs and minor trees. The rear (west) site boundary is a clipped garden hedge with a mature tree (or trees) only to its north end.

PROPOSAL

That the site position of the approved dwelling be adjusted by re-positioning the dwelling 3m west as shown in the here submitted drawing PL 06 in which the current approved position is shown in shadow line.

Also submitted with this NMA is a Ground Investigation Report which gives the background as to why the re-positioning is proposed.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
H1 New Housing Development
DC1 Design Considerations
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework (Dec 2023)

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places and beautiful places; 13 – Protecting Green Belt Land; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2016/0652 – detached new 4 bedroom dwelling with detached 2 bay garage – withdrawn

SMD/2017/0738 – detached 4 bedroom dwelling on the land adjacent to Outlands – withdrawn

NB – the layout proposal plans for the above 2016 and 2017 schemes were essentially the same bearing the same plan number and origination date but with minor amendment in 2017.

The SMD/2022/0391 layout drawing PL 02 appears essentially the same but is dated 01.07.22 and has a new job reference 2234.

On the adjacent former Staffordshire Farmers Site: SMD/2016/0434 – outline application for residential development, all matters reserved – approved (Planning Applications Committee, 19th January 2017). NB the permission has not as yet been issued as the decision is dependent on the completion of a s.106 agreement.

SMD/2022/0391 – Proposed detached 4 bedroom dwelling on land adjacent to 340 Cheadle Road – approved 15.12.2023

DOC/2024/0049 – discharge of condition 7 – landscaping scheme – approved

CONSULTATIONS**Publicity**

Whether publicity is required is addressed at PPG 005 Reference ID: 17a-005-20140306. The paragraph reads:

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011.

Taking the above into account no publicity or consultation has been undertaken in this case.

OFFICER COMMENTS

Principle of Development

The acceptability of the development in principle is confirmed by the grant of consent under SMD/2022/0391.

The Government's Planning Practice Guidance (PPG) 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.

Wording in the above referenced legislation (96A) says:

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.

The legislation at s.96A sub-section 3 includes the power:

- (a) to impose new conditions;
- (b) to remove or alter existing conditions.

The PPG says:

This procedure, which has no consultation requirements and minimal notification requirements, cannot be used to make a material amendment.

Design

The NMA design differs from that approved solely with regard to the re-alignment 3.0m to the west. This would result in the rear garden being narrowed somewhat and the front space being made deeper. There would still be ample space to separate the dwelling and its construction from the mature trees in the north west corner, part of G1 in the arboriculture impact assessment which accompanied the approved application.

Amenity

The approved building position was found acceptable in relation to both Outlands (no. 340) and Prospect House, along with the at that time ancillary building to its rear. It can be seen from the amended layout there are unlikely to be any changed implications for Outlands and if anything the relationship to Prospect House and its rear ancillary building would be improved.

Highway Safety

There would be no effect on highway connection as the property is some way off the road and the approved parking and turning areas are not affected.

CONCLUSION / PLANNING BALANCE

From the above consideration it is concluded there would be no changes of any 'material' consequence relative to the approved scheme under SMD/2022/0391.

OFFICER RECOMMENDATION : **Approve**

Case Officer: Arne Swithenbank

Recommendation Date: 23.10.2024

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council