

DELEGATED DECISION REPORT

NMA/2025/0004
Valid 27/03/2025

APPLE TREE COTTAGE
SUTHERLAND ROAD
LONGSDON

NON MATERIAL AMENDMENT
IN RELATION TO
SMD/2023/0471

(NON MATERIAL
AMENDMENTS)

MAIN ISSUES

- Whether the amendments are material.

DESCRIPTION OF SITE

The site consists of a two storey detached redbrick faced dwellinghouse, built c.1985 with a detached redbrick faced garage and plain tile roof (SMD/2023/0471). The site is situated within the Green Belt.

PROPOSAL

The application seeks to confirm whether the proposed changes would amount to a material amendment. The new plans differ from those approved with the addition of windows in each gable end, a smaller garage door (3 metres down from 4.2 metres), as well as a slight relocation of the personnel door approximately 0.5 metres closer to the corner wall.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

DC1 Design Considerations

National Planning Policy Framework

Paragraph(s) 1 -14, 47, 109, 131, 135.

Section(s) 4 – Decision making, 9 – Promoting sustainable transport, 12 – Achieving well designed and beautiful places.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- SMD/2023/0471

CONSULTATIONS

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

The principle of the development is confirmed to be acceptable by the grant of the 2023 consent SMD/2023/0471.

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

Essentially this is about a design change. A smaller garage door and the slight relocation of the personnel door would not be a material change, as the doors would still largely be where they were located on the approved plans.

The application also seeks approval for the insertion of who small uPVC windows in the apex of both gable ends. This is again not considered to be a material change as the windows would not materially change the overall form, function or design of the garage as a domestic outbuilding.

Amenity

The additional windows would face the road and the house, with the centre of the window approximately 2.8m above the natural ground level along Southerland Road, and approx. 3.78 metres above the ground floor of the garage. The garage windows would be at approximately the same level as the first floor windows in the associated dwellinghouse, due to the change in levels on the site. It is not considered that the windows would have any impact on the residential amenity of the area.

CONCLUSION / PLANNING BALANCE

The amendments are not considered material, and therefore confirm acceptance of the proposed NMA.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Reuben Berriman
Recommendation Date: 25/04/2025

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council