

DELEGATED DECISION REPORT

NMA/2025/0017
Valid 29/07/2025

LAND OFF SMITHY LANE
MOBBERLEY

**NON MATERIAL AMENDMENT
RELATING TO SMD/2022/0509
TO AMEND THE POSITION OF
THE PROPOSED DWELLING
WITHIN THE SITE
BOUNDARIES**

**(NON MATERIAL
AMENDMENTS)**

MAIN ISSUES

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. The local planning authority must have regard to the effect of the change.

DESCRIPTION OF SITE

The approved site/plot originally provided a parking area and garage within the generous curtilage of the 'host' dwelling. The site provides what might be described as an obvious, albeit quite generous, plot between Mobberley Cottage and 2 The Cottage – dwellings that are served off the little unmade lane that joins the A522, an 18th Century turnpike route, between Cheadle to the north and Upper Tean to the South.

The site is on the fringe of the small hamlet settlement of Mobberley, to the north of where the Crown Public House once stood. The A522 forms the boundary to the Green Belt, which lies to the west.

The site/plot is roughly, but not perfectly, square shaped. At the front where it abuts the shared access drive the plot has a width of 22m. At the rear, to the north, the plot is 19m wide. At its mid-point, the plot is 20m wide.

PROPOSAL

This application proposes changes to the reserved matters approval SMD/2022/0509 (outline permission SMD/2019/0441) for the erection of a detached single dwellinghouse. It seeks approval of the changes as 'Non Material Amendments' to the planning permission and development to be carried out.

The 'change' as shown in the submitted revised plan would see the dwelling repositioned within the approved site/plot boundaries and built 2m further to the west,

closer to the boundary shared with 2 The Cottages. The application form states that the reason for this is 'site boundary constraints'.

The orientation of the dwelling would remain the same as current approval – slightly skewed to the rear and side boundaries to maintain a front elevation that would be parallel to the front boundary that abuts the access drive. Distance from front and rear boundaries would remain the same as the current approval.

Approved drawing under permission SMD/2019/0441/SMD/2022/0509: PROPOSED SITE PLAN: Drg no 6175-004

Submitted amended plan with this application – EXTERNAL WORKS PLAN – WORKING DRAWING Drg. no 6175-012

CONSULTATIONS

Public Comments

Public Comments 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.

The neighbour at the adjacent property 2 The Cottage submitted an objection to the reserved matters application. None of that objection related to the proximity of the proposed dwelling to their own dwelling. They were concerned that some demolition work had already commenced, traffic flow would increase, and that drainage would be inadequate.

OFFICER COMMENTS

Consideration is given to the effect of the changes having regard to the context of the overall scheme and the external appearance of the dwelling.

The maximum width of the plot, at the front, is 22m. Across its mid-point the plot is 20m wide. The dwelling itself would be 13m wide meaning that there would be ample space within the plot either side of the dwelling, whether it is positioned 2m further to the west or not.

Within that context a two-metre repositioning to the west would not result in a materially different appearance.

The planning officer's report noted that there are no windows proposed for the side elevation facing west and the nearest neighbour at No. 2 (this NMA revision does not seek to change that) and that the neighbour does not have any windows in their flanking side elevation. The rear of No2 also has rear outlook that angles away from the applicant's plot so that it is not directly flanked. The repositioning of the dwelling, 2m to the west and closer to the neighbour at No.2, would not affect the neighbour's outlook or privacy. There would remain a generous 9.2m spacing between the dwellings.

A small slim second ground floor window is proposed for the east elevation facing the

neighbour's dwelling to the east. The window would, with the revision, be increased to at least 17m from the neighbour's front elevation, the arrangement would be indirect. This window would in any event only have outlook onto the boundary treatment proposed hedge and close boarded fence.

Overall, the minor repositioning of the dwelling within a 22m plot width would not materially affect the external appearance of the development carried out or its impacts on neighbours.

CONCLUSION / PLANNING BALANCE

The proposed changes to the planning permission and the proposal to carry out the development in accordance with revised substitute plans would make nonmaterial changes that can be approved as such.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst

Recommendation Date:

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council