

DELEGATED DECISION REPORT

NMA/2025/0019 Valid 23/09/2025	CHEDDLETON COMMUNITY CENTRE HOLLOW LANE CHEDDLETON	NON-MATERIAL AMENDMENT IN RELATION TO SMD/2024/0126 FOR REPOSITIONING OF SOLAR PANELS FROM FLAT ROOF LOCATION TO PITCHED ROOF LOCATION
		(NON MATERIAL AMENDMENTS)

MAIN ISSUES

- Whether the proposal is non-material

DESCRIPTION OF SITE

Approval was granted under SMD/2024/0126 for “Installation of solar panels (24 total)”.

As reported at the time:

The site is within Cheddleton village and comprises a community centre on the north side of Hollow Lane. There are two distinct buildings: one is a modern single-storey brick and timber-clad building with a very low-pitched roof with slopes facing the front (towards the road) and rear and in the west part of the site; secondly, adjoining it, is a taller more traditional brick building with a steep pitched roof with slopes facing the sides and a large gable facing the road to the front. There is car parking to the east side (where the access off the road is located) and to the rear. To the east side and rear (north) of the site lie the grounds of St Edwards church. The church itself is Grade II* Listed. Dwellings lie to the west. A school, a dwelling and Ostlers Lane lie on the opposite side of the road to the south. The site is in the Cheddleton Conservation Area.

The approved scheme involved the installation of 24no. solar panels on the low-pitched roof of the more modern lower building. They would be on the front slope closest to the road facing south. This was to be done in two clusters with three or four rows.

PROPOSAL

In this proposed amended scheme panels would instead be attached to the north east facing roof slope of the pitched roof element – ie. the second of the two buildings

described above as the taller more traditional brick building with a steep pitched roof with slopes facing the sides.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS8 Larger Villages Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
NE1 Biodiversity and Geological Resources
T1 Development and Sustainable Transport

National Planning Policy Framework (Dec 2024)

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; 9 – Promoting sustainable transport; 11 – Making effective use of land; 12 – Achieving well designed places; 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/2024/0126 – Installation of solar panels (24 total) – 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 – though the fact of the application will have appeared on the Council's web pages for applications received.

OFFICER COMMENTS

Principle of Development

There are two considerations: (i) the relevance or otherwise of the SMD/2024/0126 consent and (ii) the scope of Permitted Development under the GPDO(2025).

SMD/2024/0126

The acceptability of the development in principle at this location is broadly confirmed by the grant of consent under SMD/2024/0126 subject to any implication from the specific changes such as from low pitched roof to steeply pitched roof.

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.

GPDO(2015) Schedule 2 Part 14 Class J

The heading for Class J is: – **installation or alteration etc of solar equipment on non-domestic premises**. Class J is further sub-divided and J(b) provides for: **microgeneration solar PV equipment on a building**. This distinguishes photovoltaic (PV) panels (which is the proposal here) from 'solar thermal equipment' and reference to microgeneration is defined in the Interpretation of Part 14 given at section

P as follows: “microgeneration” has the same meaning as in section 82(6) of the Energy Act 2004¹⁵⁰; footnote 150 clarifies by referring the reader to 2004 c. 20. From the Act s.82(6) refers the reader on to s.82(8) which places a defining capacity limit with regard to microgeneration of **50 kilowatts**. In other words in order to qualify as permitted development termed ‘microgeneration’ the maximum output threshold realisable from the development must not exceed 50kW at any one moment in time. On enquiry to the agent the LPA has been advised that the predicted output is between 6.4 and 9.6 kW maximum.

Development is not permitted if the equipment would project more than 0.2m from the plane of the roof slope. [In the SMD/2024/0126 it appears the panels would have been raised to about 0.5 to 0.6m above the roof plane.] Scaling from the submitted paper copies of the drawings for this proposed amendment it appears the panels would not project more than 0.2m and would thus be PD-compliant on this point. They must also not be within 1m of the external edge of the roof – again compliant.

For roof-mounted panels there is no Conservation Area restriction (Article 2(3) land).

Design / Heritage

Whilst on the one hand there are readily identifiable specific differences between the approved scheme and this proposed amendment these needn’t necessarily prevent it being considered non-material in terms of its overall design effects.

The approved scheme involved semi-upright panels mounted on and projecting above the roof slope of the ‘lower building’ as it is referred to in the site description. The arrangement would thus be visible in the street scene. In this amendment the panels would also be visible in the street scene but would be mounted in line with the plane of the steeper roof of the older taller building. It could be argued that this proposed amendment is better placed and more satisfactorily integrated with the overall building than in the first approved scheme. Despite perhaps an increased prominence the amended arrangement could be considered less obtrusive overall.

In any event, having found the amended scheme to be PD-compliant under GPDO(2015) Schedule 2 Part 14 Class J there is no purpose served in the LPA assessing the scheme further.

CONCLUSION / PLANNING BALANCE

For the avoidance of doubt and for the benefit of the applicant and any interested party it is recommended that the NMA be accepted. The effect of the change is non material because the panels could be erected under the permitted development regime

OFFICER RECOMMENDATION : **Approve**

Case Officer: Arne Swithenbank

Recommendation Date: 19.11.2025

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council