

Case Officer: Matthew Chadwick

Recommendation: Application
Permitted

Applicant: Mrs Kate Allen

Proposal: Addition of a shower room and made two larger WC's; addition of a laundry, wash room and storage room; swapped the vet's office with the store room; addition of a window in the vet's office; put treatment room 1 (T1) and 2 next to each other and increase their size; addition of a larger rest room; addition of 2 extra stables; moved the personnel door on the SW elevation and addition of stairs and first floor storage (proposed as non-material amendments to 19/00171/F)

Expiry Date: 12 November 2019

1. APPLICATION SITE AND APPROVED DEVELOPMENT

- 1.1. The application site is located on the corner of Park Lane and Grange Lane, in close proximity to the existing farriery business and stables on the site. The site is located approximately 500m from Swalcliffe and 1.1km from Sibford Ferris. Under 19/00171/F planning consent was approved for a new veterinary building on the site. Development has commenced under this approval.

2. DESCRIPTION OF PROPOSED AMENDMENTS

- 2.1. The majority of the changes proposed are internal alterations, which would provide 2 extra stables, a laundry, wash room storage room, a larger rest room and the addition of stairs to access first floor storage. Externally, a new door and window would be created on the south east elevation and on the southwest elevation a door would be moved.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

19/00171/F : Erection of a veterinary building

19/00835/F : Removal/Variation of Condition 8 (Opening Hours) of 19/00171/F - We would request that the wording of Condition 8 is amended to include a 24-hour exemption to the opening hours for ongoing welfare and emergency care cases

4. PUBLICITY AND CONSULTATION

- 4.1. There is no statutory requirement to consult on, or publicise, applications seeking approval for non-material amendments to an existing planning permission.

5. RESPONSE TO CONSULTATION

- 5.1. No comments have been received in relation to this application.

6. APPRAISAL

- 6.1. The key issue for consideration in this case is whether the proposed changes can be accepted as non-material. There is no consideration of the planning merits of the proposed changes (or rather, if there does need to be assessment of the planning merits, this is one indication that the change(s) might be material).
- 6.2. Section 96A of the Town and Country Planning Act 1990 (as amended) states that: "A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material". It is also stated that: "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".
- 6.3. The National Planning Practice Guidance 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".
- 6.4. The judgement on materiality in any particular case is one of fact and degree, also taking into account the likely impacts of the amendment. Materiality is considered against the development as a whole, not just part of it. The benchmark for forming the judgement on materiality is always the original permission.
- 6.5. The external changes are minor alterations that relate to new doors and windows that would not significantly affect the design of the building, would have no impact on the scale of the building or its visual effects and would not impact on neighbours or raise any new issues requiring further assessment.
- 6.6. The changes to the interior of the building do not amount to development and thus fall outside the scope of planning, and are therefore considered non-material alterations acceptable under this application.

7. CONCLUSION

- 7.1. The proposed changes are non-material and the application is therefore recommended for approval.

Case Officer: Matthew Chadwick

DATE: 12/11/19

Checked By: Nathanael Stock

DATE: 12.11.2019
