

Case Officer: Shona King

Recommendation: Permitted

Applicant: Mr Ryan Breslin

Proposal: Variation of Condition 4 of planning permission ref. 21/03450/F to replace the words "in limewashed rubble stone" with "in a 50/50 mix of natural ironstone and natural limestone" (proposed as non-material amendment to 21/03450/F)

Expiry Date: 28 June 2022

Extension of Time: No

1. APPLICATION SITE AND APPROVED DEVELOPMENT

- 1.1. The application relates to a detached dwelling in a substantial parcel of land, to the rear elevation of the dwelling the land extends approximately 114 metres to the north. The existing dwelling on site is constructed externally in brick under a clay tile roof.
- 1.2. Permission was granted for the replacement of the existing two-storey dwelling with a larger two-storey dwelling.

2. DESCRIPTION OF PROPOSED AMENDMENT

- 2.1. The application seeks approval as a non-material amendment for a variation to the condition relating to the stone sample panel, to substitute the requirement of a limewash finish with a 50/50 mix of ironstone and limestone. The description of development has been amended, including the planning permission to which this application, in consultation with the applicant's agent.

3. RELEVANT PLANNING HISTORY

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

21/01437/F - Two storey detached replacement dwelling with semi basement – granted with conditions, 14 July 2021

21/03450/F - RETROSPECTIVE - Two storey detached replacement dwelling, with semi-basement – granted with conditions, 21.01.2022

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. APPRAISAL

- 5.1. The key issue for consideration in this case is whether the proposed change can be accepted as non-material; there is no consideration of the planning merits of the proposed changes.

- 5.2. 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".
- 5.3. The National Planning Practice Guidance states that: "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". 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.
- 5.4. It is considered that the use of natural stone without a limewash finish is more appropriate in this location and the material itself (natural stone) is not changing. The condition as currently worded does not explicitly require the use of ironstone; however, Condition 3 requires a schedule of all externally facing materials. There is local precedent for the use of a mix of ironstone and limestone within the elevations of buildings and it on balance it is considered that a 50/50 mix here is acceptable and does not raise any new issues for the assessment of the planning application.

6. CONCLUSION

- 6.1. The proposal is considered to be non-material and the application is therefore recommended for approval.
- 6.2. Drawing Nos 043 and 044 and photographs of proposed stone accompanying agents email dated 14 June 2022.

Case Officer: Shona King

DATE: 15 June 2022

Checked By: Nathanael Stock

DATE: 16.06.2022
