

**Hempton Gate Land North Of Hempton Road And  
West Of, Wimborn Close, Deddington**

**23/00457/NMA**

**Case Officer:** Michael Sackey

**Recommendation:** Approval

**Applicant:** Mr Keir Price

**Proposal:** Amendment to Site Layout specifically relating to Plot 22 (proposed as non-material amendment to 22/02570/REM)

**Expiry Date:** 20 March 2023

**Extension of Time:** No

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## **1. APPLICATION SITE AND APPROVED DEVELOPMENT**

1.1. The application relates to an agricultural field located to the west of Deddington to the north of the Hempton Road. The site contains an agricultural building located towards the south-east corner of the site, which is served by an access from Hempton Road. The site is relatively flat, but the land beyond the northern boundary of the site falls away into a wide valley. To the east of the site is Wimborn Close which consists of a mix of relatively modern two storey properties and has a landscaping belt adjacent to the site. The 2 metre high hedge exists to the west of the site beyond which lies further agricultural fields. Deddington nursery and the recreation ground exist to the south of the site beyond Hempton Road.

## **2. DESCRIPTION OF PROPOSED AMENDMENT(S)**

2.1. The application seeks consent as a non-material amendment for a change to planning permission ref. 22/02570/REM which was for a reserved matters application to 20/02083/OUT for the approval of details of layout (internal access roads and footpaths), scale, appearance and landscaping relating to the erection of 14 dwellings including 5 affordable dwellings, together with the provision of parking, landscaping and other associated details.

2.2. The proposed changes relate to plot 22; this application seeks to regularise the site proposed roofs plan (201 P501 Rev E) to be in line with the approved elevation plan (201-P602 REVISION B) and floor plan (201-P601 REVISION A). The proposed dwelling is illustrated as having approximately (11m) width on the site proposed roofs plan (201 P501 Rev E) and (13m) width on the approved elevation (201-P602 Rev B) and floor plan (201-P601 REVISION A).

## **3. RELEVANT PLANNING HISTORY**

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

**Application: 22/02570/REM** Permitted 17 January 2023

Reserved Matters application to 20/02083/OUT for the approval of details of layout (internal access roads and footpaths), scale, appearance and landscaping relating to the erection of 14 dwellings including 5 affordable dwellings, together with the provision of parking, landscaping and other associated details

**Application: 22/02569/DISC** Permitted 17 November 2022

Discharge of Conditions 6 (potential contaminative uses), 7 (comprehensive intrusive investigation), 8 (scheme of remediation) and 9 (verification report) of 20/02083/OUT

**Application: 22/02757/DISC** Permitted 24 January 2023

Discharge of Conditions 5 (finished floor levels), 10 (detailed surface water drainage scheme), 12 (Construction Traffic Management Plan), 13 (Construction Environmental Management Plan), 14 (sustainability details), 15 (biodiversity details), 16 (Landscape and Ecology Management Plan) and 21 (electric vehicle charging plan) of 20/02083/OUT

**Application: 22/03230/DISC** Permitted 17 November 2022

Discharge of Condition 9 (remedial works) of 18/02147/OUT

**Application: 22/03589/M106** Current application

Modification of S106 of 18/02147/OUT - Amend the MIP clause at Schedule 1 Paragraph 6 to ensure the units can be charged at MVST by inserting the pro forma "SWG" wording in its entirety. Delete the definition of Mortgagee so it does not catch the lender of the SO dwellings. Insert an enforceability clause which removes liability from the owners and occupiers of the AH and the RP and RP Mortgagee in respect of the non-AH obligations. Insert a clause to allow the increase of AR by CPI + 1% each year. Insert a clause so the SO initial purchase accords with the Homes England model lease

**Application: 23/00343/DISC** Current application

Discharge of Conditions 2 (stone sample panel) and 3 (brick sample panel) of 22/02570/REM

**Application: 23/00499/DISC** Current application

Discharge of Condition 18 (Travel Information Pack) of 20/02083/OUT

**Application: 23/00500/DISC** Current application

Discharge of Condition 19 (Water efficiency calculation) of 20/02083/OUT

#### **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(s) 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. The site layout plan ("HEMP2-01-SP01 Revision B) would increase the width of the proposed dwelling over that shown on the approved site layout plan, but the increased width would match the width of the proposed dwelling as illustrated on the approved elevation (201-P602 REVISION B) and floor plan (201-P601 REVISION A) in relation to plot 22. That is, the substance of the proposed change has already been approved, and the effect of approving the current application would be to regularise the site layout plan to be in line with the approved elevation and floors plans in relation to plot 22.
- 5.5. In summary, the proposed changes would not raise any new issues and would not necessitate further consultation with any third party consulted at the time of the planning application.

## 6. **CONCLUSION**

- 6.1. The proposed changes are considered to be non-material and the application is therefore recommended for approval.

In accordance with drawing No "HEMP2-01-SP01 Revision B"

Case Officer: Michael Sackey

DATE: 20 March 2023

Checked By: Nathanael Stock

DATE: 20.03.2023

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