Wiltshire Council

OFFICER REPORT – NON-MATERIAL AMENDMENT OF PLANNING CONSENT
SECTION 96A TOWN AND COUNTRY PLANNING ACT 1990

Planning consent:	PL/2022/03135
Address:	Land at Manor Farm, East Grafton, Wilts, SN8 3DB
Development approved:	Erection of a single dwelling with associated parking and private amenity space.
Current reference:	PL/2023/06623
Description:	Non-Material Amendment relating to PL/2022/03135

PROPOSED AMENDMENT (as declared on the NMA Statement):

- Dwelling has been turned 180 degrees with new access and parking area on the north side.
- Porch on south elevation has been omitted and replaced by a set of double doors onto a small patio.
- Bedrooms 1 and 2 windows have been increased in width.
- Side window on east elevation has been increased in width.
- Addition of central high window to serve attic space on eastern elevation.
- PV Panels to be introduced on southern elevation.
- Addition of two conservation style roof lights to the north elevation.
- Roof void has been re-purposed into an attic room (claimed for a home office).

These changes are as shown on the following submitted drawing:

- Elevation Plans – Drawing No. 001
- Site Plan and Floor Plans – Drawing No. 002 Rev A

GOVERNMENT ADVICE

'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'.[1]

The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification.

S.96A(3) provides that a decision may impose new conditions and/ or remove or alter existing conditions, within the overarching requirement that the authority must be satisfied that the change is not material (s.96A(1)).

DOES IT AFFECT MATERIALITY IF THE CHANGE IS AN IMPROVEMENT?

Although not binding advice, it has been opined at appeal[2] that for a change to be 'material' it "must be of significance, of substance and of consequence. Put simply, it has to matter. That does not mean that is has to be harmful. However, an obvious lack of harm in planning terms may point to a

[1] Planning Practice Guidance - Paragraph: 002 Reference ID: 17a-002-20140306 - Revision date: 06 03 2014
[2] APP/5450/A/09/2119243, June 25, 2010

lack of consequence and in turn of materiality, even possibly where the changes may themselves be extensive and/or numerous."

ASSESSMENT

This non-material amendment application seeks confirmation that the changes to the approved plans outlined in the bullet points above are non-material.

The request has been assessment with regard to the *Guidance for Non Material Amendments* published by Wiltshire Council. In this regard, the proposed changes are not considered inconsequential in relation to the original approval. The orientation change would materially change the visual impact of the dwelling and would now not relate to the collection of dwellings to the south and provide a new access which opens up the site visually. Some of the changes to the appearance of the dwelling are also not considered 'non-material' in nature. The site is sensitive to change as a result of it being located within the East Grafton Conservation Area and the North Wessex Downs Area of Outstanding Natural Beauty.

The new access and parking arrangement is a material change to the application. Although known it would be onto a private road, this is considered a material change to the scheme and would not be considered 'non-material'. The access would also impact trees and thus within a new application would need to be supported by an updated Arboricultural Statement (in comparing the new scheme and the previously submitted tree report, you are removing a tree – 'T4-C' which in a Conservation Area needs permission from Wiltshire Council to remove).

Whilst some of the amendments, such as some of the window width changes could be deemed non-material, as assessed as a whole, the proposed non-material amendment being considered is not considered acceptable and is not considered non-material in this instance. As such the non-material amendment application is recommended for refusal.

RECOMMENDATION

Refusal

1. The proposed changes, including the orientation of the dwelling, new parking and access area would constitute a material change to the consented scheme. In particular in the context of the Conservation Area and AONB and potential impact on highway safety, consultees would have a legitimate expectation of being consulted upon by way of a formal planning application.

Date: 8th August 2023
Officer: Meredith Baker