Wiltshire Council

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

Planning consent:	PL/2022/07157
Address:	Park Farm, Ramsbury, Marlborough, SN8 2HW
Development approved:	Replacement of existing 2no. dwellings by new house and gate lodge, together with access drive and associated landscape proposals including new pond (amended scheme to that of permission 14/05721/FUL)
Current reference:	PL/2023/07508
Description:	Non-Material Amendment to planning application PL/2022/07157- Various Amendments

PROPOSED AMENDMENTS:

The proposed changes are:

1) Level access door height increased,
2) minor amendments to the extent and style of glazing,
3) addition of louvre above the office,
4) installation of 20% Electric Vehicle charging points,
5) enhanced landscaping,
6) rationalisation of car parking to assist with access and implement EV parking,
7) fence line amended,
8) alteration of external footpath from 'dry wash sand' to concrete

With the update/substitute drawing numbers noted below, for each drawing the summary minor changes are also described.

i) Main House and West Link - Drawing 014/1007/A/B
Ironwork railings have been added to the first floor windows to comply with Building Regulations for guarding
ii) Main House - Drawing 014/1007/C+E/B
Ironwork railings have been added to the first floor windows to comply with Building Regulations for guarding
iii) Main House - Drawing 014/1007/D/B
Ironwork railings have been added to the first floor windows to comply with Building Regulations for guarding.
Pediment horizontal cornice has been simplified across the pediment to afford a better view of the bullseye window which has been enlarged in size
iv) Kitchen Wing - Drawing 014/1007/F/B
Ironwork railings have been added to the first floor windows to comply with Building Regulations for guarding
vi) Pool Building and Orangery – Drawing 014/1008/A/A
Dormer window on north elevation of pool building revised.
2 no small oval windows added to north elevation of pool building
Window added to north elevation or Orangery
vii) Orangery – Drawing 014/1008/G/A
Casement windows on South elevation of Orangery revised to be Ovals
viii) Garden Pavilion, Pool Building – Drawing 014/1008/H/A
Arch next to Garden Pavilion revised
Weathervane added to Garden Pavilion

Side elevation to dormer on north elevation of Pool building revised
ix) Garden Pavilion – Drawing 014/1008/J/A
Weathervane added to Garden Pavilion
x) Garden Pavilion – Drawing 014/1008/K/A
Weathervane added to Garden Pavilion
xi) Garden Pavilion, Pool Building – Drawing 014/1008/L/A
Arch next to Garden Pavilion revised
Weathervane added to Garden Pavilion
Side elevation to dormer on north elevation of Pool building revised

The update Colson Stone Drawing Plan 20A: within the same garden curtilage, the proposals now include the following:

i) Klargester for the Lodge
ii) SSE Electrical Substation and Kiosk with access turning space and grass/geogrid reinforcement track to allow for 24-our emergency access.
Gate Lodge Garages (Drawing 014/8105/P1)
Now proposed within existing curtilage of consented Gate Lodge (approved Colson Stone Practice Drawing 12A).

These changes are as shown on the following submitted drawing:

- Main House and West Link - Drawing 014/1007/A/B
- Main House - Drawing 014/1007/C+E/B
- Main House - Drawing 014/1007/D/B
- Kitchen Wing - Drawing 014/1007/F/B
- Kitchen Wing - Drawing 014/1007/G/B
- Pool Building and Orangery – Drawing 014/1008/A/A
- Orangery – Drawing 014/1008/G/A
- Garden Pavilion, Pool Building – Drawing 014/1008/H/A
- Garden Pavilion – Drawing 014/1008/J/A
- Garden Pavilion – Drawing 014/1008/K/A
- Garden Pavilion, Pool Building – Drawing 014/1008/L/A
- Gate Lodge Garage – Drawing 014/8105/P1
- Walled Garden Elevations – Drawing 014/1008/A
- 014 Roof Slates 2023.08.07
- House Elevations and Sections – Drawing 014/1007/B
- Proposed Lodge Garage, Substation and Bin Store Layou

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)).

[1] Planning Practice Guidance - Paragraph: 002 Reference ID: 17a-002-20140306 - Revision date: 06 03 2014

LOCAL GUIDANCE

The Council has published guidance on non-material amendments:
https://www.wiltshire.gov.uk/media/355/Guidance-on-Non-Material-Material-Amendments-following-the-Grant-of-Planning-Permission/pdf/Nma.guidance.final.pdf?m=637099330159130000

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

ASSESSMENT

Background:
Planning consent was granted under application PL/2022/07157 for the replacement of existing 2no. dwellings by new house and gate lodge, together with access drive and associated landscape proposals including new pond (amended scheme to that of permission 14/05721/FUL)

The changes sought whilst numerous, are relatively minor design changes to the detailing of the proposed scheme. They would have no material effect to the general design or visual impact that the development has already gained consent for. The revised scheme is therefore considered an acceptable minor alteration to the approved built form.

Whilst the submission offers multiple changes to the approved scheme, the changes are considered to be relatively minor in nature even when taken as a cumulative impact and are considered not material in this instance.

RECOMMENDATION

Approval

[2] APP/5450/A/09/2119243, June 25, 2010