

APPLICATION FOR A NON-MATERIAL AMENDMENT
CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/07712
APPLICATION TYPE:	NON-MATERIAL AMENDMENT
SITE ADDRESS:	Midway, Gaston Lane, Sherston, Malmesbury, SN16 0LY
DEVELOPMENT DESCRIPTION:	Non material amendment (Convert the current garage into an internal room) relating to application 18/04887/FUL.
RECOMMENDATION:	That the non-material amendment be REFUSED

PROPOSAL

The non-material amendment sought is to planning permission 18/04887/FUL, which was granted permission for a two storey extension, glazed lean-to kitchen extension and internal reconfiguration. The non-material amendment seeks to convert the integral garage into an internal room.

The plans also show changes to the frontage including extended hard standing to the frontage to facilitate additional parking. This may or may not require an extension to the dropped kerb.

If minded to approve it is also important to consider whether the planning permission is extent.

PLANNING HISTORY

N/01/00993/FUL – Two storey rear extension and ground floor side extension –
Approved 30.07.01

18/04887/FUL - Two storey extension, glazed lean-to kitchen extension and internal reconfiguration
Approved 17.07.18

RELEVANT LEGISLATION AND GUIDANCE

Town and Country Planning Act 1990 (as amended):

- Section 96A: This section provides the legal basis for non-material amendments to an existing planning permission. It allows Local Planning Authorities (LPAs) to make changes to a planning permission without the need for a new application, provided that the changes are considered to be "non-material."
- The Act does not define "non-material," and it is at the discretion of the LPA to determine whether a proposed amendment qualifies as such, considering the specific context of the development and its impacts.

CONSULTATION

As an application for a non-material amendment is not a full planning application, the provisions under the Town and Country Planning (Development Management Procedure) (England) Order 2015 relating to statutory consultation and publicity do not apply. Consequently, local planning authorities have discretion regarding whether and how to inform interested parties or seek their views.

Given that the changes proposed are by definition non-material, consultation or publicity are typically not required. Additionally, as the proposed amendments are minor in nature, there are generally no significant effects that would necessitate consideration under the Environmental Impact Assessment Regulations 2011. In this instance, it has not been considered necessary to consult.

ASSESSMENT

Non-material amendments are changes that do not significantly alter the scheme's overall impact. They can involve minor adjustments to the design or other aspects of the development but should not fundamentally change its character, scale, or overall effect on the surrounding area.

Planning application 18/04887/FUL was granted to enable the property to benefit from a two storey side and rear extension, whilst the permission retained the integral garage within the approved arrangement. The proposed amendment seeks to convert the garage into habitable floorspace, to create a ground floor office/music room with boiler cupboard. The conversion will be facilitated by the removal of the garage door and the insertion of a ground floor window. The proposed alterations may also result in alterations to the existing parking and access arrangements, owing to the loss of the garage.

The alterations proposed are considered to be material changes and it would not be appropriate to assess these amendments under a Non-Material amendment application. The site is located within an established residential area with neighbouring properties either side and fronting the host dwelling. Therefore the proposed loss of the garage has the potential to impact both residential amenity and the existing parking and access arrangements.

As such, this alteration cannot reasonably be considered a non-material amendment. The garage forms part of the original planning consent and constitutes a material consideration given that the proposed amendments demonstrate alterations which goes beyond being considered as 'non-material' in the context of the site constraints set out in previous planning assessments.

CONCLUSION

In conclusion, based on the assessment, it is recommended that the non-material amendment application be refused.

SUMMARY OF REASONS FOR RECOMMENDATION:

The proposed changes are considered material for the following reasons:

- The retention of the garage was a material consideration during the assessment of the original planning application 18/04887/FUL. The loss of the garage will require further assessment relating to the potential impact its removal will have on the existing car parking and access arrangements of the host dwelling.
- Further assessment and consultation would be required relating to the potential impact on the residential amenity of the surrounding properties due to the design changes, loss of garage and alterations to the existing parking and access arrangements.
- The proposal would require further assessment in relation to the relevant policies including the Wiltshire Core Strategy, the Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy, National Planning Policy Framework (NPPF) and any other applicable policies and guidance.
- Further assessment is required regarding any potential impact the proposed alterations to the design and layout may have on the overall appearance and character of the property.
- Further consultation is required relating to the safety and acceptability of the proposed extended dropped kerb, materials used for the surfacing of the extended driveway and whether the frontage to the property can accommodate a third parking space.