

**APPLICATION FOR A NON-MATERIAL AMENDMENT
CASE OFFICER REPORT**

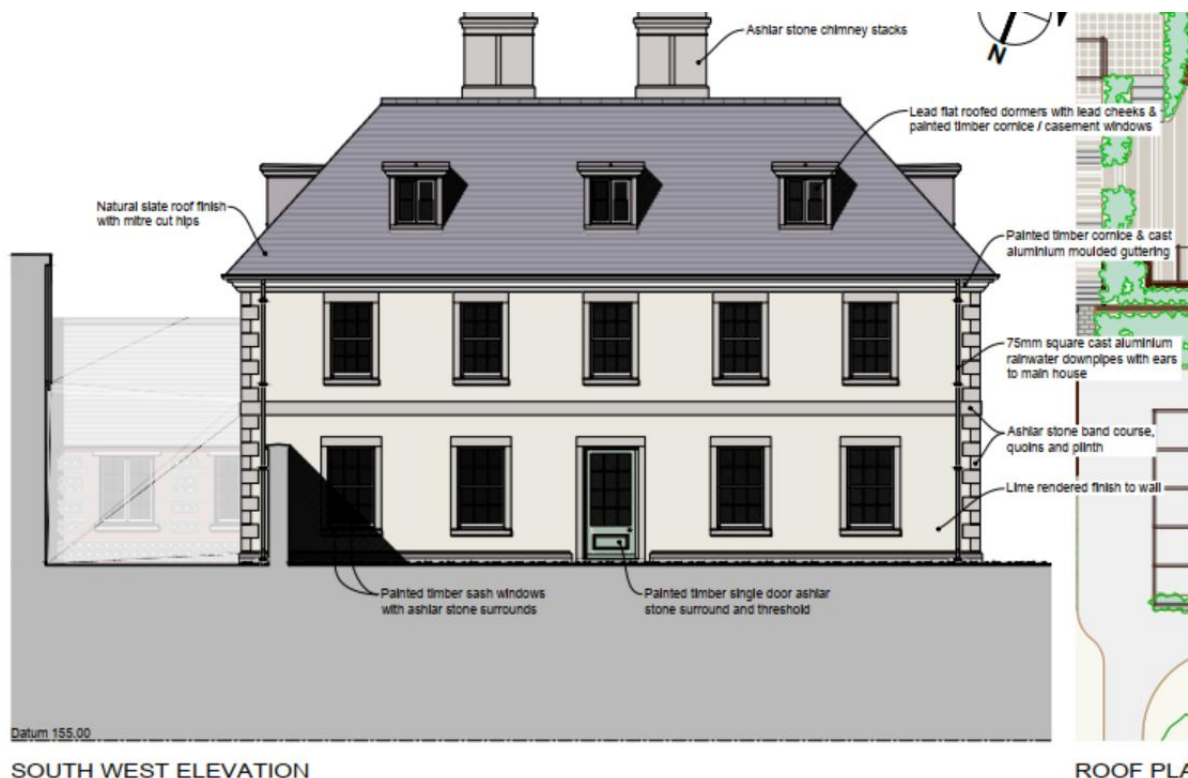
APPLICATION REFERENCE:	PL/2025/08903
APPLICATION TYPE:	NON-MATERIAL AMENDMENT
SITE ADDRESS:	West Chase, Bowerchalke, Salisbury, SP5 5PE
DEVELOPMENT DESCRIPTION:	Non-Material Amendment to planning application PL/2024/09469 - Deletion of a proposed material (render) condition no. 3 and substitute the approved elevation drawing which shows Ashlar stone in lieu of render
RECOMMENDATION:	That the non-material amendment be REFUSED

PROPOSAL

This application is seeking consent to make changes to the approved materials for a replacement dwelling approved under **PL/2024/09469** with the following description:

Demolition of exiting dwelling and erect a replacement dwelling, with swimming pool, change in levels in rear garden to form ha-ha

The applicant is seeking to change the approved materials for the walls from lime washed render to Ashlar stone. The lime render finish is shown clearly on the approved elevation plans:



Condition 3 states:

3. No development of the replacement dwelling hereby approved shall commence on site above slab level until the exact details and samples of the materials, render, brick and flint, ashlar stone and slate to be used for the external walls and roof of the development and the

stone retaining wall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

1 metre square sample panels of any render, brick and flint panels and stonework (showing the material, type, colour, size, type of pointing and mortar mix) shall be provided (photographs) and agreed in writing by the Local Planning Authority before any render or stonework takes place on the site.

Materials shall be matt and non-reflective in finish.

The development shall be implemented in accordance with the agreed details and the panel shall remain on site for comparison until the stonework is completed.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the National Landscape.

The proposed non material amendments would be as follows:

- Substituting the following plan as listed in condition 2 from 'Proposed Elevations (with materials indicated) ref 255.12 Rev A dated Sept 2024' to 'Proposed Elevations 2668 30 09 P2 GA'
- The removal of reference to render in condition 3- please see suggested changes below (render is struck out)

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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 and EIA

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 for an NMA to be acceptable have to be by definition "non-material," then consultation or publicity are typically not required.

As any non material amendments are required to be minor in nature, there are generally no significant effects that would necessitate consideration under the Environmental Impact Assessment Regulations 2011.

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 the overall effect on the surrounding area.

The Applicant's submitted supporting statement concludes:

In design terms, the revisions follow the same overall architectural theme of the approved replacement dwelling, it is just a change to the proposed material from lime washed render to Ashlar stone finish on the main elevations of the dwelling.

The applicant's aspiration that rather than to proceed with any render finishes within the areas bounded by stone quoins / window surrounds / plinth, is to use ashlar stone with a blockwork backing course. This will represent a significant enhancement to the approved scheme, safeguarding its longevity and providing much improved resistance to weathering, given its elevated, exposed location.

This proposed revision to the material does not materially change the overall character of the development. It is also of note that the proposed amendments do not impact on the ability for the conditions to be complied with.

Section 96A of the Town and Country Planning Act allows for Councils to approve amendments to applications which are non-material. There is no statutory definition as to what constitutes a nonmaterial amendment, however, for the reasons outlined above it is contented that the proposed change in proposed material of the elevations of the replacement dwelling constitutes a non-material amendment. This approach (the amendment being non-material) is endorsed by the findings of the London Borough of Harrow appeal (DCS 1000-067-9620) which identifies that lack of harm is an indicator that an amendment is likely to be non-material.

The proposed changes are to amend the external materials finish for the replacement dwelling from a lime render to an Ashlar stone, affecting all the main elevations.

The requirement of Condition 3 was to ensure that any external materials agreed for the development, which lies within the National Landscape, were to be *matt and non-reflective in finish*. The approved elevation plans and Condition 3 already included provision for Ashlar stone to be included in the external materials for the quoins, band course and plinth and the requirement for the applicant to provide the *1 metre square sample panels* for approval prior to development commencing *on site above slab level*.

The National Landscape partnership raised concerns to the original proposal PL/2024/09469 as follows:

“The site is in a prominent position on a chalk downland spur facing southwards... Furthermore, the proposed structure is significantly higher. The photomontages provided demonstrate that white structures, such as the existing building, stand out more obviously than ones of muted colours. However, the application form indicates lime render would be used so that could also be white and if the new building is to blend into the landscape as the photomontage indicates then a dull, matte colour will need to be specified [and presumably covered by a condition].”

The Council applies a precautionary approach to changes to external materials under the NMA procedure. The Council considers that third parties can reasonably be expected to be notified of materials changes to enable them to comment. Third parties may have looked at an original application online and decided not to make representations because they were happy with the original design and materials. Any changes that may be visible to them or the wider public within the National Landscape therefore must be carefully considered.

A complete change to the proposed external finish across the replacement building requires reconsultation. Stone would provide a different visual finish and texture to lime render. Where a neighbour, Parish Council or National Landscape team could reasonably expect to be notified of such a change, then the proposal cannot be considered as a non material amendment.

It is considered that any change to the external materials for the replacement dwelling requires public re-consultation including with the two neighbours who were originally consulted, the Parish Council and the National Landscape partnership. This type of change is not accepted by the Council as being “non-material” due the reconsultation requirements.

The proposed amendment to Condition 3, to enable the lime render to be substituted for Ashlar stone, is considered to be a change to the scheme that requires reconsultation and therefore, it cannot be considered as a non material change.

CONCLUSION

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

SUMMARY OF REASONS FOR RECOMMENDATION:

The proposed changes are considered to be material in nature for the following reasons:

The changes relate to the substitution of lime render for Ashlar stone and would affect all the main elevations of a replacement dwelling within the National Landscape. Third parties and consultees can reasonably expect to be reconsulted on such changes to external materials and finishes. The proposed changes to the scheme require reconsultation and therefore, it

cannot be considered as a non-material amendment to the approved scheme. Planning permission is required.