

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0571-25 **Applicant:** Mr J Negus
Proposal: Erection of Dwelling - approved under H01-0777-22. Amendments to the floor layout
Location: Rear Of Croft House 98 Stonegate Cowbit
Terminal Date: 29th July 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development
- 04 Approach to Flood Risk
- 10 Meeting Assessed Housing Requirements
- 11 Distribution of New Housing
- 17 Providing a Mix of Housing
- 28 The Natural Environment
- 36 Vehicle and Cycle Parking
- APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework December 2024

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a non-material amendment application seeking to amend a full planning permission, previously approved under H01-0777-22

The proposal seeks to modify the floor layout and overall design of the rear elevation through the removal of a gable end roof, as well alterations to the dormer windows.

Site Description

The proposal site is outside of defined settlement limits, on paddock land to the rear of residential garden. To the west of the site outline planning permission has been granted, under reference H01-0871-18, for up to 45 dwellings, with 32 dwellings constructed to the south of the site.

To the north of the site are open fields, with the A16 to the east beyond the paddock, and the host dwelling Croft House at 98 Stone Gate to the south. The plot is predominately in Environment Agency Flood Zone 2, with Flood Zone 3 to the north and eastern boundaries. On the 2115 South Holland Strategic Flood Risk Mapping, the site is in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.25 metres.

History

H01-0390-22 - Residential Development - Erection of Single Storey Dwelling - Approved

H01-0777-22 - Erection of Dwelling - outline approval H01-0390-22 - Approved

H01-0919-22 - Details of existing and proposed site levels and floor levels, foul and surface water disposal, ecological biodiversity measures and storage/disposal of refuse and recycling (Conditions 5, 6, 7 & 8 of H01-0390-22) - Approved

Consultation Responses

No consultation responses received.

Planning Considerations

The Local Planning Authority has powers under Section 96A of the Town and Country Planning Act 1990 to make a "non-material" change to a planning permission if the Local Planning Authority is satisfied that the change is not material. There is no statutory definition of "non-material"; this is because it is dependent on the context of the overall scheme. As such, an amendment that is considered to be non-material in one context, may be material in another.

South Holland District Council has therefore introduced a system whereby 'minor amendments' to a scheme can be considered as a way of allowing the planning system to respond in a reasonable and flexible manner to small changes to an approved scheme without seeking a fresh application.

South Holland District Council's "Development Control Procedure Note: Non-Material Amendments to Planning Permissions" indicates that non-material amendments will be approved subject to the following criteria being met:

- 1 - There would be no change to the application site boundary and the proposal would be located within it (red line boundary)
- 2 - The amendment would not conflict with development plan policies or other Government guidance
- 3 - There would be no conflict with any conditions on the planning permission
- 4 - The proposal would not make worse any concerns raised by third parties when the original planning permission was considered
- 5 - The approved footprint/siting of the building will not be moved in any direction by more than 1 metre
- 6 - The proposal would not result in an extension to development already approved
- 7 - The height/volume of the building or extension would not be increased or significantly reduced
- 8 - The amendments must not result in a fundamental change in the design of the building
- 9 - The change does not amount to new works or elements which have not been considered by any environmental statement submitted with the original application
- 10 - Amendments to windows/doors/openings must not have any overlooking impact on neighbouring properties
- 11 - There would be no change to the description of development in respect of number of proposed units

The proposal would accord with all of the above points, with the exception of some discretion needing to be made for 7, 8 and 10. Firstly, whilst the height of the building itself would be reduced, as this would only be on one elevation, which is set to the rear of the site, this would not be considered as a significant reduction in height, given that it only lowers to the eaves of the rest of the building. Similarly, the changes proposed through this amendment would not fundamentally change the design of the building as a whole.

Both points 7 and 8 have a degree of subjectivity and ultimately give the LPA the ability to use discretion to determine whether something is a 'material' change or not; in any event, the aforementioned is a guidance note and not statutory legislation. Finally, there are some alterations to the number and layouts of the dormer windows - these are not considered to result in any overlooking impact on neighbouring properties.

In this instance, the amendments are considered to be acceptable under these points and therefore the use of a non-material amendment is deemed appropriate.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The proposal satisfactorily complies with the criteria of the South Holland District Council's "Development Control Procedure Note: Non-Material Amendments to Planning Permissions", and as such is acceptable as a Non-Material Amendment.