DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H15-0271-25**	**Applicant:**	**Mr & Mrs I Trevor**
Proposal:	Demolition of existing building and erection of replacement dwelling - approved under H15-0806-24. Amendment to the orientation of the Solar PV panels to the roof of the proposed building		
Location:	17 Beck Bank Quadring Fen Spalding		
Terminal Date:	17th April 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
22	Replacement Dwellings in the Countryside
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 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 permission to amend the positioning of Solar PV panels to the roof of the proposed dwelling.

Site Description

The site is located outside any defined settlement boundary and is therefore in the open countryside as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). Currently, there is a small bungalow on site with a vast majority of trees and hedges removed prior to the application being submitted. The site features an adjacent dwelling with a small separation to the north which sites six semi-detached dwellings all of near identical design and size.

History

H15-0806-24 - Demolition of existing building and erection of replacement dwelling - 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 proposed works are not considered to comprise a material change, nor one that conflicts with any of the points raised above. The works are solely to allow the Solar PVs to fit within the roof which is unachievable in the previously approved scheme and therefore they must be deployed landscape rather than portrait. Therefore, the use of a non-material amendment is sound.

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.

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.