DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0095-26**	**Applicant:**	**L G Design & Build Ltd**
Proposal:	Erection of 2 Dwellings - approved under H23-0847-25. Amendment to include relocation of bungalows and garages		
Location:	Rear Of Westerly Back Bank Whaplode Drove		
Terminal Date:	2nd March 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Reserved matters approval was granted for 2 dwellings and 2 garages under application H23-0847-25 on 05 November 2025. The current application seeks consent for a non-material amendment (NMA) to permission H23-0847-25, by moving the approved dwellings and garages further to the west. The approved development would otherwise remain unchanged.

Site Description

The site comprises land to the rear of dwellings along Back Bank and Farrow Road in Whaplode Drove The site is currently within an agricultural field. There are trees to the east and existing boundary fencing along the northern and eastern edges of the site.

The site is located within the settlement limits of Whaplode Drove as identified by the South East Lincolnshire Local Plan 2011-2036, and the accompanying policies map.

The site is within Flood Zone 1, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H23-0698-22: (Outline Application) Residential Development (maximum 2 plots) - approved 08 September 2022

H23-0402-25: (Overhead Communications Consultation) Move section of overhead network to accommodate for housing development & increased demand on network - confirmation of no objections issued by the Local Planning Authority on 12 May 2025

H23-0847-25: (Reserved Matters) Erection of 2 Dwellings - outline approval H23-0698-22 - approved 05 November 2025

Consultation Responses

The local planning authority (LPA) has discretion regarding who to consult for NMA applications. Due to the nature of the proposed amendment, it was not considered necessary to consult neighbours or statutory consultees in this case due to the small scale nature of the changes.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the LPA makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The Determination of NMA Applications

The LPA 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 LPA is satisfied that the change is not material. There is no statutory definition of "non-material" as this varies depending on the site context. As such, an amendment that is considered to be non-material in one context, may be material in another.

Therefore, South Holland District Council (SHDC) has 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.

SHDC'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; and
11 - There would be no change to the description of development in respect of number of proposed units.

The principle of development has already been found to be acceptable through the approval of outline application (ref: H23-0698-22) and the subsequent reserved matters approval (ref: H23-0847-25). The application seeks to amend the approved plans making minor changes. The proposed changes are considered in turn below.

Proposed Changes to Site Layout

The proposal seeks to move the approved dwellings and garages further to the west. The site access, landscaping and boundary treatments would remain unchanged except for the revised position of the dwellings.

The southern bungalow and garage are proposed to move approximately 5m to the west and slightly further to the south. There are no gardens or dwellings immediately to the south of the proposed dwelling and garage. It is considered that the revised positions would have an acceptable visual and amenity impact. For example, there would still be suitable separation distances between the dwelling and the nearest dwellings to the west of the site.

The northern bungalow is proposed to be moved approximately 5m further to the west and the detached garage building would also be closer to the western boundary of the site (approximately 2m). The garage building features a hipped roof form and measures approximately 2.3m up to its eaves. As such, it is considered that the revised position of the garage would have an acceptable impact on the amenity of the nearest dwellings to the north and west of the site as the garage would not have an overbearing impact. Similarly, the revised position of the dwelling would have an acceptable impact on the amenity of the nearest dwellings to the north and west of the site as there would still be a suitable separation distance between the properties. There is also a close boarded timber fence between the site and the rear garden of the nearest dwelling to the west, which helps to provide screening between the properties.

The layout of the bungalow has also been altered to reflect a mirrored layout of the southern bungalow, rather than a matching bungalow. This results in the placement of a living room window where there were previously bathroom windows on the front elevation. This change is considered to be suitable as the separation distance between this elevation and the nearest dwelling to the west is appropriate. Furthermore, and as set out previously, there is close boarded timber fencing between the sites to provide a degree of screening and privacy.

Therefore, the proposed amendments are considered to be suitable and non-material.

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 proposed changes are acceptable as a Non-Material Amendment to permission H23-0847-25.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.