

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0204-26 **Applicant:** The Parochial Church Council

Proposal: Proposed replacement of south aisle roof in terne-coated stainless steel including replacement gutters and flashings - approved under H23-0158-25. Amend roofing material from TCS to lead

Location: St Mary'S Church Kirkgate Whaplode

Terminal Date: 20th April 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework December 2024

Sections 12 and 16 of the National Planning Policy Framework (2024)

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This Non-Material Amendment application is for a minor amendment to the material and proposed pattern of the replacement roof. The original application proposed a single plane mono pitched roof on the south aisle, replacing lead with TCS steel.

The applicant now proposes to complete a straight swap to a new leaded roof, retaining a mono-pitch but with a small step half way up, required for structural reasons.

Site Description

As in host application

History

As in host application

Consultation Responses

None requested.

It should be noted that the applicant has previously discussed advice they received informally from Historic England confirming a lack of objections to the principle of this proposal.

Planning Considerations

Principle

It is common practice for changes to be sought to a previously approved scheme following the grant of planning permission. In such circumstances, an applicant can propose and submit a non-material amendment application to enable minor changes to be made to a previously approved scheme, under Section 96A of the Town and Country Planning Act 1990. In such circumstances, the Local Planning Authority must make a judgement on the materiality of the changes sought with regards to whether they represent a minor alterations to the previously approved scheme, or whether they are significant (or 'material') alterations which require the submission of an application to vary the previously approved plans and decision notice.

There is no statutory definition with regards to what constitutes or is considered to be 'non-material' within the Town and Country Planning Act 1990. All decisions on such matters are dependent upon the context of an overall development and site specific considerations including regard being given to the effect of the changes proposed, together with any previous changes made under section 96A, on the planning permission as originally granted. Non-material amendment applications must be within the scope of the original planning permission, and cannot result in materially different proposal. A proposal that would significantly alter the external appearance of a development previously approved, this cannot be considered as 'non-material'. In the case of the current application, this consideration relates to the overall changes to the appearance of the dwelling.

Where an alteration which may be considered to be 'non-material' in one instance, a similar alteration may be considered 'material' in another. The decision on what constitutes a 'non-material' change is a subjective consideration, made on a specific case by case basis by a Local Planning Authority.

Where an alteration is considered to be a non-material amendment and subsequently approved, no new planning permission is issued or granted. Instead the original planning permission will still stand and remain, and an approval letter issued to the applicant which confirms the approved changes granted. This approval letter will form part of the original planning decision to be read together and in conjunction with the original decision notice. There is no right of appeal if such applications are refused. The Council's decision is final unless challenged by means of a Judicial Review.

In the case of the current application, the changes sought relate solely to the external materials used in the construction of the roof from Terne Coated Steel to Lead, as well as the creation of an exceptionally small mid-pitch step. The proposed use of lead rather than TCS is of clear conservation benefit to the property, whilst appearing materially identical to the TCS, which is itself designed to look indistinguishable from lead. The additional mid-pitch step does represent an extremely minor alteration to the shape of the finished roof. However, due to the angle of the roof, as well as the existence of the parapet wall which obscures views of the shallow pitch, the change shall be exceptionally hard to view from all but very long range views from specific angles.

In this regard, the alterations proposed have been assessed and whilst they are considered to be on the very limit of what can reasonably be considered under a Non-material Amendment application, it is considered that on balance, the changes proposed can be treated as such.

The design, scale, appearance, orientation and location of the development would remain as previously approved, and in all other regards the amendments sought would not significantly depart from the original approval, nor substantially alter the overall appearance of the church. In addition, the changes sought would not introduce any new significant considerations to those previously

considered for the original scheme. Therefore, the revisions sought are considered to be sufficiently minor so that, on balance, when the overall development is viewed as a whole, they do not materially affect the appearance of the previously approved development, or introduce any new features or considerations that would affect any neighbouring properties or the character of the area.

If this application is approved, the development will still be required to be undertaken in accordance with the conditions imposed upon the original decision notice, and also the plans and drawings detailing the changes proposed under this application.

Therefore, for the reasons detailed above, it is considered that, on balance, the proposed changes can be achieved through this non-material amendment application, which satisfies the requirements of Section 96A of the Town and Country Planning Act 1990.

Conclusion

The proposed changes sought to the previously approved development are considered to be minor, and on balance can be considered as a non-material amendment. The changes sought do not materially affect the previously approved development, or introduce any new features or considerations that would affect any neighbouring properties or the character of the area. Therefore, it is recommended that the application be approved.

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.