

DELEGATED DECISION REPORT

NMA/2025/0035
Valid 13/01/2026

**PLOT 53 LAND TO REAR
OF HALLSTEADS
DOVE HOLES**

**NON MATERIAL AMENDMENT
IN RELATION TO
HPK/2016/0488 - CHANGE THE
COLOUR OF THE WINDOWS
TO PLOT 53 ONLY FROM
WHITE UPVC TO CREAM
UPVC AND MAKE THE
GARAGE IN TO AN OFFICE,
UTILITY AND TOILET.**

**(NON MATERIAL
AMENDMENTS)**

MAIN ISSUES

- Whether changes are materially different to the approved scheme

DESCRIPTION OF SITE

Greenfield site currently undergoing residential development. The application relates to the approved dwelling on plot 53 only of phase two.

PROPOSAL

The amendments to plot 53 are shown on drawing L558/168 Scheme Drawing Floor Plans and elevations Houe Type L Plot 53. The amendments are required by a prospective purchaser and involve amendments to the approved external window and door details as follows:

- Change The Colour Of The Windows From White Upvc To Cream Upvc
- Make The Garage In To An Office, Utility And Toilet.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

N/A

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

Grant of outline planning permissions for the whole site under HPK/2013/0319 and HPK/2013/0625, and reserved matters approval for 21 dwellings in phase one under HPK/2015/0563.

The outline permission was re issued on 16 December 2018 under HPK/2018/0526 to facilitate a phased discharge of highways conditions and phased development.

Application for approval of the remaining reserved matters in phases two and three was approved by the Council's Development Control Committee in January 2017 under HPK/2016/0488. The formal decision notice was issued on 25 October 2019.

There have been a number of s73 and NMA applications since that time to make various minor changes to individual plots.

CONSULTATIONS

N/A

OFFICER COMMENTS

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

In this case, there are principally 3 issues to consider: design, amenity and parking.

Design

Whilst the proposed window colour will differ from that used elsewhere within the development, it is not unusual in more mature residential areas to have a variety of window colours and this helps to add character to the street scene. This change is not considered to be material.

The proposed use of the garage as habitable accommodation involves omitting the garage door in favour of 2 windows in the front elevation. These are the same size and design as those elsewhere on the elevation and as such will not impact on the character and appearance of the street scene and are considered to be in keeping with the character of this modern suburban housetype. As such this is not considered to be a material change.

Amenity

The fenestration changes in the front elevation will have no greater impact in terms of overlooking than the existing windows. No increase in the massing of the property is proposed. The use of the garage as habitable accommodation will have no other amenity impacts as the office will remain ancillary to the residential use of the dwelling, in the same way that an existing bedroom could be utilised as a home office. Therefore no amenity issues are raised.

Conversion of approved garage and parking arrangements

Condition 16 of HPK/2016/0488 states that:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage parking spaces shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason:- In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

As such permitted development rights have been removed in respect of the conversion of the garages within the site. However, it has been established by case law that the above condition will only come into effect, when a dwelling is sustainably complete and capable of occupation.

The term substantially complete is when a building or structure is finished to the point where it can be used for its intended purpose, even if minor, trivial, or snagging works remain. It is a matter of fact and degree, typically requiring the main structure to be watertight, functional, and fit for occupation. In this case the dwelling is not substantially complete, there are a number of windows which are missing (boarded up and without any window frames) and the garage is without its door as shown below:



It is therefore considered that the building is not watertight, functional and ready for occupation. Accordingly, it is considered that condition 16 has not come into effect and the conversion of the garage, in principle, would not breach the above condition.

The use of the garage as habitable accommodation will result in the loss of parking spaces. However, the submitted location plan shows 3 parking spaces provided within the curtilage of the dwelling. The proposal would continue to comply with the adopted parking standard in the local plan and therefore is not a material change.

CONCLUSION / PLANNING BALANCE

For the reasons set out above the proposals are considered to be a non-material minor amendment.

OFFICER RECOMMENDATION : Approve

Case Officer: Ben Haywood

Recommendation Date: 20th April 2026

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council