

**Report to be read in conjunction with the Decision Notice.**

<b>Signed:</b>	<b>Officer:</b>	BT	<b>Date:</b>	1/4/26	<b>Manager:</b>	LH	<b>Date:</b>	1/4/26
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<b>Application Ref:</b>	3/2026/0117	 Ribble Valley Borough Council <a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a>
<b>Date Inspected:</b>	N/A	
<b>Officer:</b>	BT	
<b>DELEGATED ITEM FILE REPORT:</b>		<b>NON MATERIAL AMENDMENT</b>

<b>Application Description:</b>	Non material amendment to application 3/2023/0054 involving amendment of the wording of condition 13 and 14 to no development works to the traditional barn until a protected species license is provided and details of bird/bat boxes.
<b>Site Address/Location:</b>	Bomber Farm, Skipton Road, Gisburn, BB7 4HP.

<b>CONSULTATIONS:</b>	<b>Parish/Town Council</b>
N/A	

<b>CONSULTATIONS:</b>	<b>Highways/Water Authority/Other Bodies</b>
N/A	

<b>CONSULTATIONS:</b>	<b>Additional Representations.</b>
N/A	

<b>RELEVANT POLICIES:</b>
National Planning Practice Guidance: Flexible options for planning permissions

<b>ASSESSMENT OF PROPOSED DEVELOPMENT:</b>
<b>Nature of Non-Material Amendment:</b>
<p>Consent is sought for a non-material amendment to application 3/2023/0054 which granted planning permission for the conversion of a traditional barn building, partial demolition of an existing portal framed building and retention of unauthorised lean-to structures adjoined to the aforementioned portal framed building. Conditions 13 and 14 imposed on planning consent 3/2023/0054 were imposed with pre-commencement triggers requiring details of a European Protected Species License and bird and bat box provisions to be provided and agreed prior to the commencement of any operational development on site. In this instance, the applicant seeks an amendment to the wording of conditions 13 and 14 referred to above in order to allow operational development to commence on site within the requisite three year time period (in this case prior to April 21<sup>st</sup> 2026).</p> <p>The purpose of the application is to seek the Council's opinion as to whether the changes to the previously approved development are sufficiently material in their nature and in the context of the approved development so as to require a new planning permission. Non-material amendment applications are not an application for planning permission. They do not result in the issuing of a new planning permission and relate only to the amendments sought.</p>

Condition 13 imposed on planning consent 3/2023/0054 requires a Natural England Bat Mitigation licence to be in place to support works as a result of surveys in 2022 identifying roosting bats using the application site's traditional barn building however this survey data is now out of date as Natural England require data from the previous survey season (in this case 2025) to support an EPS Mitigation licence application. As such, this has left the applicant with a requirement to carry out surveys spaced three weeks apart between May and August 2026 in order to support the licence application. Notwithstanding this requirement, it is envisaged that determination of the EPS Mitigation licence would take thirty business days once submitted to Natural England however condition 1 imposed on planning consent 3/2023/0054 requires a commencement of development by April 21<sup>st</sup> 2026. Consequently, it will not be possible for the applicant to obtain the relevant licence as required by condition 13 imposed on planning consent 3/2023/0054 within the requisite three year timeframe.

Notwithstanding the above predicament, the 2022 ecological survey work submitted in support of previous application 3/2023/0054 identified bat roosts as being solely limited to the ridge, Western gable and Southern elevation of the site's traditional barn building. In light of these findings, the applicant has proposed a solution whereby development would be commenced on site prior to April 21<sup>st</sup> 2026 by way of demolishing the portal framed building attached to the Eastern elevation of the traditional barn building (as was approved under application 3/2023/0054) which in turn would be facilitated through amending the wording of condition 13 to clarify that no development works to the traditional barn building would be commenced or undertaken on site until a protected species mitigation license had been submitted to and agreed in writing by the local planning authority. A similar amendment to the wording of condition 14 is also proposed whereby no development works to the traditional barn building would take place until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites had been submitted to and approved in writing by the Local Planning Authority. This suggested approach has been deemed as acceptable by the developer's ecologist who has confirmed (by way of an updated Method Statement and Reasonable Avoidance Measures report submitted under this application) that the approved works to the single skin portal style outbuilding adjoining the Eastern gable end of the traditional barn building could commence without risk of disturbance to roosting bats through adhering to timing and supervision of works. Consequently, this approach would allow the applicant to start work on the other components of the originally approved development within the requisite three year time period whilst still ensuring that the relevant bat protection measures would be in place prior to any works being undertaken to the traditional barn building itself.

Taking account of all of the above, the proposed amendments sought to the wording of conditions 13 and 14 as imposed on original planning consent 3/2023/0054 are considered to fall within the realm of a non-material change in as much that the amended conditions would remain consistent with the spirit of the original conditions with respect to an intention to safeguard protected species. In addition, the content of both original conditions would be largely retained, albeit with a few minor revisions to the trigger components of both conditions. Furthermore, it is not considered that the proposed amendments would conflict with any of the Council's Development Management Policies or conditions relating to the original planning permission granted, nor is it considered that the proposed amendments would exacerbate any concerns which were raised by any third parties at the original planning application stage.

As such, it is considered that the proposed amendments would in this case constitute a non-material amendment to the original planning permission for the purposes of Section 96A of the Town and Country Planning Act 1990 (as amended).

**Observations/Assessment/Conclusion:**

The non-material amendment should be granted.

**RECOMMENDATION:**

Approve non-material amendment.