

Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	BT	Date:	14/4/26	Manager:	LH	Date:	16/4/26
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Application Ref:	3/2026/0199	 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	N/A	
Officer:	BT	
DELEGATED ITEM FILE REPORT:		NON MATERIAL AMENDMENT

Application Description:	Non-material amendment to planning permission 3/2023/0056 to amend the wording of conditions 13 (protected species licence), 14 (details of bat and bird boxes) and 21 (archaeological building record) to allow for the works to create visibility splays and passing places to be carried out on the site access before the conditions are discharged.
Site Address/Location:	Phynis Farm, Catlow Road, Slaidburn, BB7 3AQ.

CONSULTATIONS:	Parish/Town Council
N/A	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Archaeology:	No objections.

CONSULTATIONS:	Additional Representations.
N/A	

RELEVANT POLICIES:
National Planning Practice Guidance: Flexible options for planning permissions

ASSESSMENT OF PROPOSED DEVELOPMENT:
Nature of Non-Material Amendment:
Consent is sought for a non-material amendment to application 3/2023/0056 which granted planning permission for the conversion of three barn buildings to form four dwellings including the change of use of land to form private curtilage areas and the remodelling of the application site's courtyard.
Conditions 13 and 14 imposed on planning consent 3/2023/0056 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 respectively. Condition 21 imposed on the aforementioned consent also comprises a pre-commencement trigger requiring details of archaeological building recording in accordance with a written scheme of investigation 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, 14 and 21 referred to above.

The purpose of the application is to seek the Council's opinion as to whether the proposed changes to the conditions 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.

As conveyed above, conditions 13, 14 and 21 imposed on planning consent 3/2023/0056 were imposed with pre-commencement triggers requiring further information to be provided prior to the commencement of any operational development on site. Notwithstanding this, a non-material amendment application to application 3/2023/0056 to reposition the originally approved location of passing places along the application site's private road and access track was subsequently approved on the 4th April 2024 and the application's supporting information states that these approved works have since been completed. In addition, an application to discharge condition 15 (application 3/2023/0892 - scheme for the construction of off-site highway works) imposed on application 3/2023/0056 was subsequently approved on the 24th April 2024 and the application's supporting information states that these approved works have also since been completed.

Consequently, the applicant seeks to amend the wording of conditions 13, 14 and 21 imposed on planning consent 3/2023/0056 to clarify that no development (other than the works that are alleged to have already been undertaken with regards to visibility splay and passing place provisions) including any site preparation, demolition, scrub/hedgerow clearance, tree works/removal or works to the application buildings shall take place until further details pertaining to a European Protected Species License, bird and bat box provisions and archaeological building recording have been provided and approved by the Local Planning Authority. In this instance, the works that are alleged to have been undertaken on site carry no implications with regards to impacts upon protected species or the historical or archaeological significance of the application buildings given that the aforementioned ecological, historic and archaeological constraints on site solely relate to the application buildings approved for residential conversion.

Taking account of all of the above, the proposed amendments sought to the wording of conditions 13, 14 and 21 as imposed on original planning consent 3/2023/0056 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 and the historical and archaeological significance of the application buildings. In addition, the content of the original conditions would be largely retained, albeit with the inclusion of additional sentences to each of the conditions to preclude the works that are alleged to have already been undertaken on site from complying with the requirements of each of the 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).

Other Matters:

The application's supporting information states that the proposed amendment to the wording of conditions 13, 14 and 21 imposed on planning consent 3/2023/0056 would effectively provide confirmation of operational development having been commenced on site within the requisite three year time limit (in this case prior to the 16th June 2026) however it should be noted that this application solely provides a mechanism for amending the wording of the aforementioned conditions originally imposed and does not in any way provide confirmation of a lawful commencement of development having been

undertaken on site. Therefore, for the avoidance of doubt, the applicant should be aware that the lawfulness of any works undertaken on site forms the basis of a separate issue which will be subsequently assessed under forthcoming lawful development certificate application reference 3/2026/0228.

Observations/Assessment/Conclusion:

The non-material amendment should be granted.

RECOMMENDATION:

Approve non-material amendment.