

Planning Statement



NON MATERIAL AMENDMENT
PLANNING APPLICATION
BY

Mr & Mrs Green

RELATING TO

Minor changes to external
materials to dwelling (conversion
and change of use of existing
detached garage building to a two
bedroom dwelling) granted
permission under Council
reference 2025.0159

AT

Rockley House
Wrotham Road
Culverstone
DA13 0QN

OUR REF: PH/21/240



01689 836334



enquiries@replanning.co.uk



www.replanning.co.uk

Robinson Escott Planning LLP,

Downe House, 303 High Street, Orpington, Kent BR6 0NN

1. INTRODUCTION

- 1.1. We have been instructed by Mr & Mrs M Green to prepare and submit an application for a non-material amendment to permission 20251059 granted on 11th December 2025 which approved variations to permission 20230700 for the conversion and change of use of an existing detached garage building to provide a two bedroom dwelling with the provision of two parking spaces to allow additional rooflights on land at Rockley House, Wrotham Road, Culverstone.
- 1.2. This non-material amendments application seeks the Council's permission for minor changes to the external finish/materials that have been used in association with the conversion of the garage building to provide a detached dwelling house.
- 1.3. This statement reviews the planning history of the property along with the terms of legislation which permits non-material amendments applications detailed within Section 96A of the Town and Country Planning Act and the government's planning practice guidance concerning flexible options for planning permissions which sets out how the non-material amendment procedure can be used.
- 1.4. To assist the Council in making is decision, this application is accompanied by a revised set of elevation plans showing the minor changes to the external finish of the dwelling for which approval is sought.
- 1.5. This statement reviews the planning history and provides extracts from the previously consented plans to enable comparison to be made.
- 1.6. The Council is advised that minor changes to the external materials have principally been made to ensure the completed dwelling complies with building regulations. This is particular relevance concerning the rear elevation of the approved design which showed

the building to be entirely clad in weatherboarding. This does not present a viable option from a fire safety perspective to obtain building regulations approval and also represents an acceptable alteration to the rear elevation to the neighbouring dwelling that has been discussed with the neighbouring resident.

2. THE APPLICATION SITE AND SURROUNDING AREA

- 2.1. The application site is located on the western side of South Street/Wrotham Road a relatively short distance to the north of the defined settlement area of Culverstone Green. The site is located within the Green Belt.
- 2.2. The land forms part of the residential curtilage of Rockley House, with the main house comprising a double fronted detached Victorian/Edwardian dwelling which fronts on to South Street. The house is of yellow stock brick design with red brick detailing as illustrated on the photograph provided below.

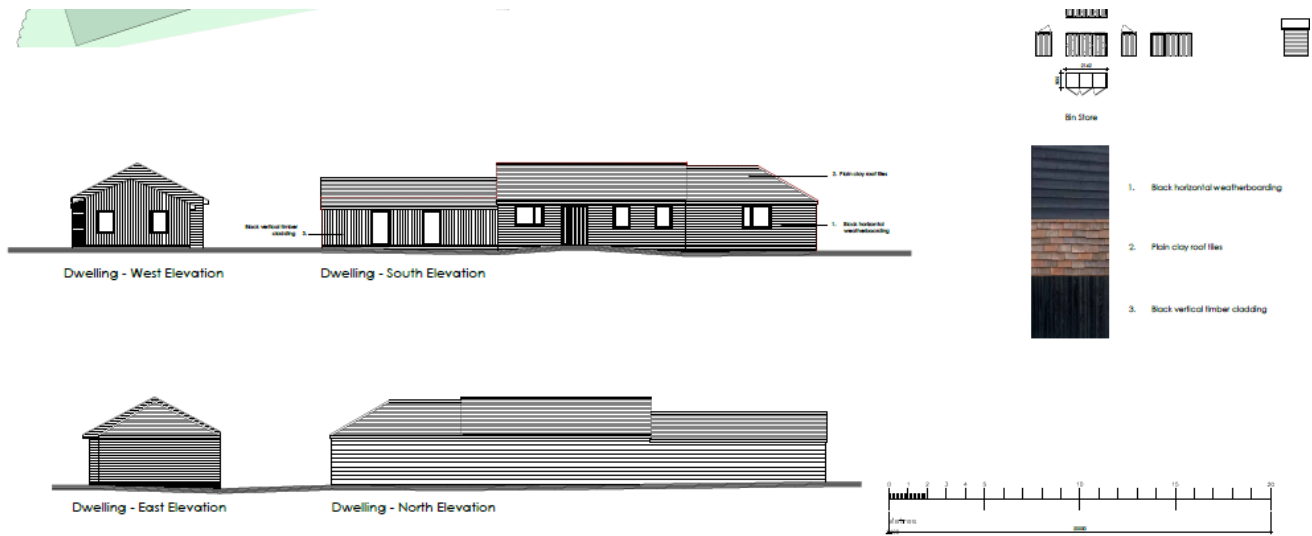


Rockley House

- 2.3. The former garage building which is the subject of this planning application is positioned along the northern boundary of the property adjacent to the main driveway that serves the house and equestrian and stable buildings located further to the west.

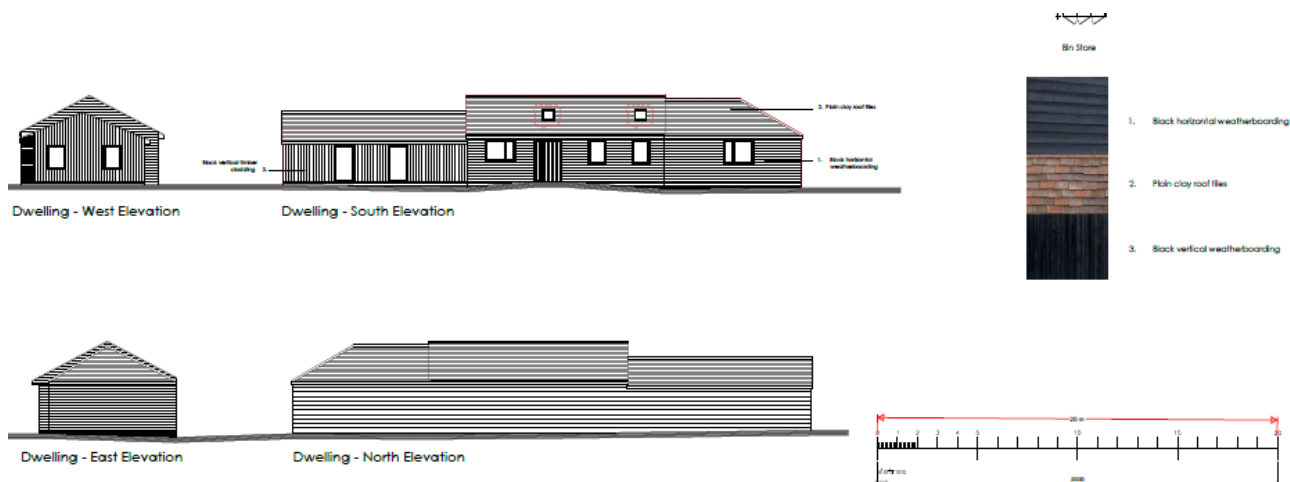
3. RELEVANT PLANNING HISTORY

- 3.1. Full planning permission was granted on 21st February 2024 (2023.0700) for the conversion and change of use of the existing detached garage building to provide a two-bedroom dwelling along with the provision of two parking spaces. A copy of the Council's delegated report which accompanied its approval of planning approval forms **APPENDIX 1** of this statement.
- 3.2. As the Council will note, the local planning authority accepted that the conversion of the existing building complied with planning policy with it involving the conversion of an existing building of sound and permanent construction within the Green Belt and with it involving the appropriate redevelopment of previously developed land in accordance with paragraph 154(g) of the NPPF.
- 3.3. In approving the application, the delegated report noted that some details were provided of the external finish of the proposed dwelling, but the Council deemed that a condition should be attached to the consent that required for the external facing materials to be submitted to the Council for approval which was the subject of planning condition on the consent.
- 3.4. A subsequent application for a minor material amendment to the permission was then approved under Council reference 2025.0543 allowing for the provision of an additional area of pitched roof as part of the design.
- 3.5. An application was then submitted to discharge relevant planning conditions including details of all replacement materials and finishes to be used on the external faces of the building with this consented under reference 20251003. An extract from the consented plans showing the replacement materials to be used in the finish of the building can be seen below:



Materials discharge information approved under reference 20251003.

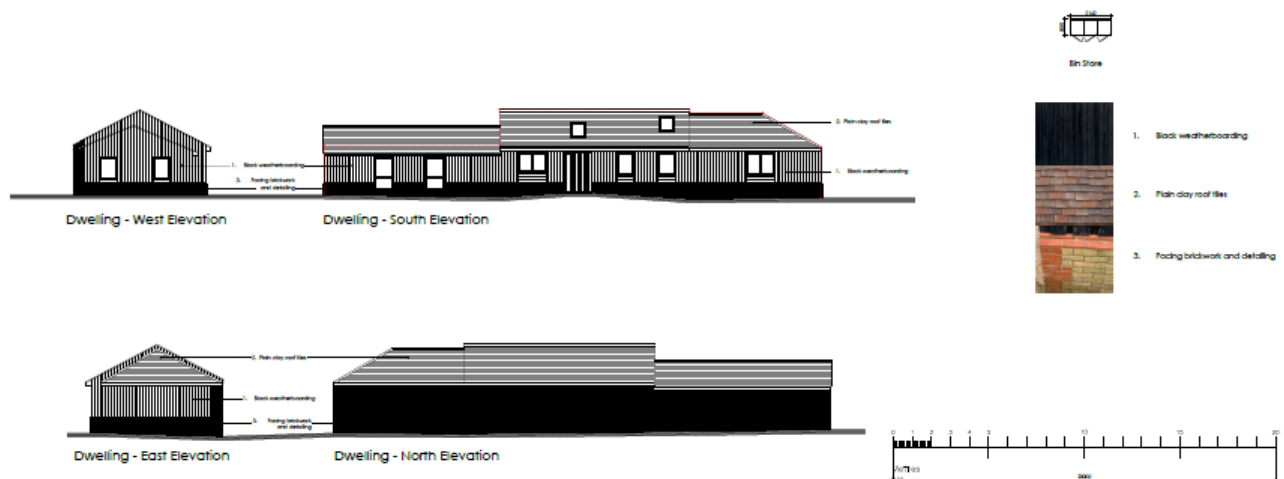
- 3.6. A copy of the Council's delegated report which accompanied its approval of conditions including condition 2 (materials) forms **APPENDIX 2** of this statement with the Council confirming that the proposed replacement materials and finishes comprising horizontal and vertical black timber cladding, plain roof tiles, block paving, black casement windows and a black solid door with side lights were acceptable.
- 3.7. A further minor material amendment application was then granted under Council reference 2025.1059 on 11th December 2025 to allow additional new roof lights to be introduced. This represents the most recent permission relating to the approval to which this non-material amendment application relates. A copy of the consented elevation plans permitted under reference 20251059 can be seen below:



MMA Approval 20251059

4. THE PROPOSED NON-MATERIAL AMENDMENTS

- 4.1. This application seeks the Council's permission via the non-material amendment procedure for minor changes to the use of replacement materials used in the external finish of the dwelling which is soon to be completed.
- 4.2. The plans provided detail that the minor changes to the external finish of the dwelling include increasing the height of the approved brick plinth finish (approx. 6 brick courses) with weatherboarding above as approved. The introduction of brick pier detailing on the eastern flank elevation (to match approved western elevation), providing brickwork finish to rear elevation rather than horizontal weatherboarding as approved, and a small change to the vertical/horizontal weatherboarding finish (as illustrated below).



- 4.3. These changes are desired to enhance the appearance of the approved design and to provide better design continuity to the existing main house (Rockley House) with using a similar brick and red brick detailing. The changes are also required in order to ensure compliance with building regulations (fire safety) in terms of the rear elevation with the

weatherboarded design deemed to be unacceptable from a building regulations perspective in terms of fire safety.

- 4.4. The finish of the rear of the building has also been discussed with the neighbours to the rear/north who have agreed that the brick finish is appropriate.
- 4.5. The dwelling is nearing completion but in order for the dwelling to be finished and to receive building regulation sign off, this application is submitted in order to ensure formal planning approval is obtained for the non-material changes as proposed.

5. RELEVANT PLANNING GUIDANCE

- 5.1. Relevant guidance concerning the use of the non-material amendment procedure is contained within Section 96A of the Town and Country Planning Act along with the National Planning Practice Guidance Document ‘flexible options for planning permissions’.

The Town and Country Planning Act

- 5.2. Section 96A of the Town and Country Planning Act permits the local planning authority to make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.
- 5.3. In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section on the planning permission originally granted.
- 5.4. In accordance with the terms of the non-material amendment procedure, the application may only be made in respect of a planning permission that has been granted.

Flexible Options for Planning Permissions (July 2023)

- 5.5. The government guidance specifies that there is no statutory definition of ‘non-material’. This is because it would be dependant on the context of the overall scheme as 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.

- 5.6. As required, this application is accompanied by a completed non-material amendment application form and sufficient information is provided to enable the Council to determine the application.
- 5.7. As an application to make a non-material amendment is not an application for planning permission, the existing provisions relating to statutory consultation and publicity do not apply. However, the local planning authority does have discretion on whether and how they chose to inform other interested parties or seek their views.
- 5.8. The non-material amendment procedure has been selected in this case given the very minor changes to the materials that are proposed. No changes materially increase the size of the approved dwelling, nor do any changes involve alterations that impact upon neighbouring amenity or the character of the existing house at Rockley House.
- 5.9. Given the urgency for a determination in order for works to be completed, the non-material amendment procedure would also enable a decision to be issued within 28 days or a longer period if agreed in writing between the parties.

6. CONCLUSIONS

- 6.1. As the Council will appreciate from reviewing and comparing the consented plans to the minor changes to the plans herewith submitted, the design remains predominantly of timber clad finish, and it incorporates a brick plinth matching the brick type used in the construction of Rockley House.
- 6.2. The design incorporates red brick detailing to match Rockley House and the standard of design is of a high quality.
- 6.3. There is an urgent need for this situation to be regularised in order to obtain building regulation sign off and to ensure that the dwelling can be completed in the way the project has been financed.
- 6.4. The non-material amendment procedure is appropriate in this instance, and the Council has discretionary powers as to whether it deems it necessary to write to the neighbouring property to the north to seek their views.
- 6.5. The minor changes to the finish of the approved design have been discussed with the neighbour with the brick finish to the rear elevation deemed most appropriate to all parties.
- 6.6. It is therefore requested for the Council's non-material amendment consent to be granted within the requisite 28-day period to enable the dwelling to be completed for building regulation sign off to be granted and for the dwelling to be occupied.

APPENDICES

APPENDIX 1 – Delegated Report original approval

APPENDIX 2 – Delegated report re materials condition