

## **DELEGATED REPORT – Non-material Amendment**

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Reference: NMA/2024/0002  
Location: William George Sand & Gravel Limited, Mill Drove,  
Blackborough End, Kings Lynn PE32 1SW  
Applicant: William George Sand & Gravel Limited,  
Proposal: Non-material amendment to Planning Permission  
Ref. C/2/2012/2015 to remove end date from  
description of development  
Expiry date: 11 June 2024  
Extension of time date: 19 June 2024

### **Site and Proposal**

See the previous report held on application file **C/2/2012/2015** for details of the site, history and proposal details. The condition or details pursuant to this application are:

- Variation of conditions 2, 3 and 12 of C/2/1999/2001 to extend dates of phased restoration scheme and to allow for an extension of time to complete restoration obligations at the site until 31 December 2024 [description of development]

### **Consultation Responses**

No standard consultations were requested as the proposal is considered to be non-material.

### **Representations**

There is no requirement for this type of application to be publicised or for adjacent properties to be notified.

### **Development Plan Policy & Government Policy/Guidance**

For details of relevant policies, see the reason for the condition(s) on planning application reference **C/2/2012/2015**.

### **Issues**

The amendment proposed under section 96a of the Town and Country Planning Act 1990 consists of changes to the approved description of development with the applicant seeking to remove the end date from the description (31 December 2024). This is understood to be to enable the applicant to submit an application under section 73 of the Town and Country Planning Act, and for that application not to be caught by the *Finney v Welsh Ministers* Caselaw.

Since the *Finney v Welsh Ministers* Caselaw, it has become common practice for developers to use this avenue where a potential future application made under section 73 of the Town and Country Planning Act 1990 could be caught by the caselaw. Lord Justice Lewison's response in relation to the *Finney v Welsh Ministers* Case was that "if a proposed change to permitted

development is not a material one, then section 96A [a non-material amendment application] provides an available route”.

Furthermore, the end date of the operation would still be captured within condition 2 of the extant planning permission which the decision letter would be read in conjunction with.

On this basis the amendment proposed **is considered to be non-material.**

**Recommendation**

Approve Non-material amendment.

Case Officer:	Ralph Cox	Date:	12 June 2024
Principal Planner:		Date:	