



Ref: CJM/3788

28 September 2022

Knowsley Metropolitan Borough Council
Planning Services
Municipal Buildings
Huyton
L36 9UX

Dear Sir/Madam

Non-Material Amendment Application to Amend the Description of Development on Planning Permission Reference 12/00297/COU at Latham House, 16 North Park Road, Kirkby Park, Kirkby, L32 2AS – Planning Portal Reference: PP-11564367

I refer to the above planning application which was submitted online via the Planning Portal today.

The description of development on the decision notice for planning permission reference 12/00297/COU reads as follows:

"Change of use from residential flats to supported accommodation (Use Class C2) for up to a maximum of six children up to the age of eighteen."

This NMA application seeks to remove the following from the above description of development:

"...for up to a maximum of six children up to the age of eighteen."

The section above that we are seeking to remove is not necessary in the description of development because condition number 3 controls the number of children on site and condition number 5 controls the use and ages of the children on site in the following manner:

"Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1990 which approves the use of the building for under the C2 use Classes Order the operation hereby permitted shall be restricted to supported accommodation for autistic children between the ages of 12 and 18 and for no other use."

Given this, amending the description of development in the manner we are seeking does not alter the planning permission and, therefore, is a non-material amendment.

Case law has established that the description of development can be amended via the approval of a NMA application.

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In *Finney v Welsh Ministers & Ors* [2019] EWCA Civ (5th November 2019), it was established that, whilst a description of development cannot be amended via a Section 73 application, it can be amended via the NMA application route.

If you require any additional information on this matter, I am more than happy to discuss.

I look forward to hearing from you.

Yours faithfully,

Christie J McDonald MTCP MRTPI
Associate

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