

## Making a non-material amendment to a planning permission

### Is there a definition of a non-material amendment?

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – 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 1990.

This process only applies to planning permissions and no other forms of planning consents.

You can only use these procedures if you have an interest in the land and you will need to complete the forms provided for the purpose, and notify anybody else who has an interest in the land (as with a planning application) to allow them to comment.

### What are 'non-material amendments'?

Non-material amendments are changes to a planning proposal that are very minor and do not materially alter the size and scale of the building, including its footprint and would not alter the description of the development or the red edge area of the application.

Changes need to be 'non-material', wholly acceptable, uncontroversial and be of very limited impact. A judgement about this will be made by a Planner taking into account the individual site circumstances and context.

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### When can I amend my planning permission?

The request for a non-material amendment must relate to a planning permission that is still capable of implementation (i.e. the date given when the planning permission expires has not passed or works have already started before this date).

The change must not be contrary to a condition attached to the planning permission apart from the extension of time which will amend the date the application expires.

## How do I apply for a 'non-material amendment'?

You can apply using a standard form which can be found [here](#) and you can include more than one change on the same application.

The officer dealing with the matter will decide whether any change is 'non-material' or 'minor material' or whether a fresh application would be required. 'Minor material amendment' would mean that the proposed change is considered to be more significant than a non-material amendment but would not require a completely fresh application. Please see below for further information or read the Minor Material Guidance Note.

## Will the Council consult neighbours?

There is no need to consult on these applications but where the Case Officer considers it to be helpful to seek the views of neighbours, the case officer may decide that this is necessary and will write to potentially affected neighbours giving 21 days to respond.

## How is the application determined?

On receipt of sufficient information, the Case Officer will consider the amendment.

Applications will usually be dealt within 28 days and you will be told in writing if your application has been approved or refused with a reason given in either case and a description of the changes.

If your application has been refused you can appeal and this must be within 12 weeks if the application relates to a householder planning permission or within 6 months in all other cases.

If your application has been approved, the Council does have the right to add, vary or remove conditions on the original permission.

## Minor Material Amendment application (Variation of Condition(s) under Section 73)

If your proposed changes are generally more significant than the non-material amendments, you will need to make a 'minor material amendments' application.

You can apply under S73 of the Planning and Compensation Act 2004 to change the approved plans. This creates a new permission, but does not extend the period for implementation.

There is a fee of £170 for a minor material amendment application.