

MINOR MATERIAL AND NON-MATERIAL AMENDMENTS TO PLANNING DECISION – A QUICK GUIDE

In November 2009 the Government published guidance on amendments to planning permissions – here are the key points:

The purpose of these changes is to provide a more flexible and proportionate approach to making amendments to planning consents.

- **MINOR MATERIAL AMENDMENTS** can be undertaken under S.73 of the 1990 Act – this will apply where the scale and nature of the amendment will not materially alter the original development. Pre-application discussions will help in establishing whether a proposed change is considered minor or not
- The use of S.73 relies upon the presence of a planning condition which can be amended. Not all minor material amendments can be achieved in this way
- It may be possible to apply an appropriate condition as a non-material amendment first
- The standard application forms and fees apply
- As a S.73 application constitutes a new application; EIA regulations will apply
- Although the original development is considered acceptable in principle, an application for a MMA will be judged against any material changes that have occurred in the mean time
- The outcome will be a fresh grant of planning permission
- The standard appeal timescales apply

- **NON-MATERIAL AMENDMENTS** can be made to an existing planning permission via a quick application and decision procedure
- Initial discussions with the LPA will help in establishing whether the amendment is non-material or not – it will depend upon the particular circumstances of the scheme
- Only a person who has an interest in the land to which the proposed amendment relates may apply – eg owner; leaseholder (for more than 7 years); a mortgagee – or someone acting on their behalf
- A new application form is available from your LPA or the Planning Portal at: http://www.planningportal.gov.uk/uploads/1app/forms/Form034_england_en.pdf
- If the proposed amendment is considered to be material then a non-material application form cannot be used (see above)
- A Design and Access Statement is not required
- More than one non-material amendment can be applied for at the same time
- Existing conditions can be altered, removed or new conditions imposed

- This procedure DOES NOT apply to Listed Building or Conservation Area consents
- The determination period is 28 days, or longer if agreed in writing
- The decision must be issued in writing and should be read together with the original decision
- There is a right of appeal for refusal or non-determination, for which the normal appeal timescales apply.

The full guidance document can downloaded at:

<http://www.communities.gov.uk/publications/planningandbuilding/greaterflexibilityguidance?view=Standard>

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