

Guidance notes for:

Application for a non-material amendment following a grant of planning permission *Town and Country Planning Act 1990*

This form should be used to make an application for a non-material amendment (or amendments) to an existing planning permission.

Following a grant of planning permission, it may be necessary to make small amendments to the permission, for example changing a finish or moving a door or window. Where these are non-material, this form can be used to apply. Whether or not a proposed amendment is non-material will depend on the circumstances of the case – for example, moving a window could be material if it results in the overlooking of a neighbour, but could be non-material if it does not. If you are uncertain, you may wish to seek pre-application advice from your local planning authority. For details please look at your local planning authority's website.

If an application made on this form is successful, the result will be an amendment to the original planning permission. No new planning permission is created.

Explanation of the Guidance Note Relating to Applications for a Non-Material Amendment Following the Grant of Planning Permission

Section 96A of the Town and Country Planning Act 1990 (introduced by Section 190 of the Planning Act 2008, makes it possible to apply to make a non-material amendment to an existing planning permission without having to submit a completely new planning permission. This provision became operative on 1st October 2009.

The provision to make non-material amendments relates only to planning permissions. There is no equivalent arrangement in place for changes to Listed Building Consents, Conservation Area Consents or Advertisement Consents.

The main features of the procedure are that:

- A new standard application form has to be used.
- It is not an application for planning permission so it does not result in a new planning permission being issued.
- No Design and Access Statement is required.
- Applications can only be made by someone with an interest in the land.
- If the applicant is not the sole owner of the land, notice has to be served on others that are giving them 14 days in which to make representations.
- There is no requirement for the Local Planning Authority to publicise the amendment or to carry out any consultation with the Town/Parish Council or the occupants of any neighbouring property.
- Decisions have to be made within 28 days.
- The decision has to be issued in writing.
- What constitutes a non-material amendment is not defined at present although Central Government has indicated an intention to provide guidance.
- The discretion rests with the Local Planning Authority as to what constitutes a non-material amendment.

The Great Yarmouth Borough Council Protocol for Determining Whether an Amendment is Material or Not

All of the following criteria must be met for amendments to be non-material:

1. The planning permission to be amended must still be valid.
2. There would be no alteration to the application site boundary - the amendments must be within the boundary of the application site.
3. There would be no conflict with any conditions on the planning permission.

4. The alterations should not change the description of the development from the original application.
5. No additional uses are proposed.
6. There would be no change in the number of units.
7. The proposal would not exacerbate concerns raised by third parties when the original planning permission was being considered.
8. The siting of any building would not be changed.
9. There would be no increase in the volume, height or dimensions of the approved development.
10. The amendment would not lead to any potential overlooking of a neighbouring property - any additional and/or repositioned windows/doors/openings should not impact adversely on neighbouring properties.
11. The amendment would result in a fundamental change to the design of the development including any aspect of the scheme which had been judged to be critical to the original decision to grant planning permission e.g. if a specific material had been agreed. In assessing whether there had been a fundamental change to the design, consideration will be given to other amendments that had already been made to the scheme.
12. There would be no conflict with any Development Plan policies.
13. The amendment would not necessitate any requirements to re-consult - if in the opinion of the Local Planning Authority the proposed amendment would warrant re-consultation, it will not be regarded as non-material and will not be considered without the submission of a new planning application.

Where any of these criteria are not met, the amendments will need to be the subject of a new planning application. If made within 12 months of the original permission, the revised application would not attract a fee provided it is submitted by the same applicant and is for the same character of development.

How to Apply for a Non-Material Amendment

- The application must be made on the national standard '1App' form which is available from the Planning Portal. Alternatively, it can be downloaded from the Borough Council's website (www.great-yarmouth.gov.uk).
- 3 copies of the correct form will be required.
- The forms will need to be accompanied by 3 sets of the relevant drawings and plans which clearly indicate the nature of the non-material amendments being requested - if the extent and nature cannot be readily identified from the submitted information, the application will not be made valid until further information or clarification has been received.
- Where an applicant is not the sole owner of the land, notice will need to be served on others that are and recorded on the form.

If in the opinion of the Local Planning Authority the changes to the approved scheme constitute more than a non-material amendment, the application will be returned to the applicant.

The completed application should be sent to:
Planning and Development
Maltings House, Malthouse Lane
Gorleston, Great Yarmouth
Norfolk, NR31 OGY

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