

Greater Flexibility For Planning Permissions **Minor Amendments (Non-material Changes)**

In response to current economic circumstances the government has amended the planning legislation to make it simpler for developers to carry out 'minor amendments' to previously approved schemes. Historically the way in which 'minor amendments' have been dealt with has been very much ad-hoc and at the discretion of each local authority and to some extent individual officers and as there was no formal legal mechanism for doing this then even the smallest changes normally required a new application. The government recognised that some of these resubmissions were unnecessary and led to considerable delays, cost and uncertainty for the applicant and as a result has created a new standardised process.

The new legislation is contained within The Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009 however this guidance note will interpret what is contained within the legislation.

What can be considered as a minor amendment?

The guidance makes it clear that only non-material changes should be considered as minor amendments therefore severely limiting what will fall within the scope of the amended regulations.

South Somerset consider that in principle the following changes can be considered as minor amendments although all applicants need to be aware that every proposal is different and each needs to be considered on its individual merits. The type changes that can be considered are:

- an increase of up to 5% in the size of the development (e.g. height, width or depth or siting)
- changes to detailing of structure (e.g. window or chimney design)
- alterations to size of openings or minor changes to positioning
- reduction in the size of the approved scheme
- introduction of additional architectural features

It is commonplace for developers to seek changes to the design or layout of housing estates and it is reasonable to consider limited changes without requiring the submission of a new application. The impact of changes to individual plots needs to be considered carefully and it is considered that changes to up to 5% of the plots can, in principle, be considered under the minor amendments process.

What cannot be considered as a minor amendment?

- A minor amendment cannot be granted if the change is restricted through a planning condition. If, for example, a condition was imposed preventing new windows being formed in a certain elevation then we would not agree to a minor amendment to create a window in that position.
- If the change is contrary to the principles of what was negotiated during the application process.
- If it is considered that there is a need to carry out further consultations

If the change relates to an element of the scheme that was contentious during the planning application process. An example of this is where a neighbour or parish council has previously raised concerns about the height of a building but the applicant wishes to increase the height again through the minor amendment process.

It is essential that applicants are aware that these guidelines indicate what **might** be acceptable as a minor amendment. It is still necessary for the planner to consider each request on its own merits and it may well be that despite being within our suggested criteria there are site specific factors that mean it cannot be treated as a minor amendment.

What is the process?

In order to seek a minor amendment it is necessary to complete a form that is available on-line at southsomerset.gov.uk. Along with the form it is also necessary to submit a copy of the amended drawing with the changes clearly marked. Any changes that are not annotated **and** referred to on the application form will not be considered.

At the same time as making the application the applicant must give notice to any person (other than the applicant) who is an owner or tenant of the land to which the application relates stating:

- what the application is for and where the person can view a copy of it; and
- that any representations about the application must be made to the planning authority within 14 days of the date when the notice was given.

We will not carry out any additional consultations with interested parties as the scale of the amendment should be of such a small scale that there should be no additional impact upon the locality.



South Somerset will then consider the request and within 28 days of the submission of the application give notice in writing to the applicant as to whether or not the alterations can be treated as a minor amendment to the approved scheme or whether a 'fresh' planning application is necessary.

What happens if SSSC do not agree to my request for a minor amendment?

If you still wish to make a change to the scheme then it will be necessary for you to make a new, formal planning application to revise the design of the scheme. If the revised application is made within 12 months of the planning permission then it is likely that you will not be required to pay an additional fee.

What costs are involved?

The fees for applying for a Non Material Amendment are:

Householder Application (extensions, conservatories etc): **£28**

All other developments: **£170**

If your application for a Non Material Amendment is unsuccessful you will **not** receive a refund.

Key Points

- f* **The LPA is only considering the minor changes that are identified in the applicant's description. Any other changes that are shown on the plan will not be assessed.**
- f* **Each request will be considered individually and just because the proposed changes fall within the suggested criteria it does not automatically mean that they can be treated as a minor amendment.**
- f* **A minor amendment will not be granted if the change is in conflict with a condition that was attached to the original consent.**
- f* **It is unlikely that anything but the most minor changes to a listed building consent can be treated as a minor amendment.**
- f* **We will not accept changes that reduce the quality of an approved scheme.**
- f* **It is recommended that an applicant/developer consult with the relevant officer prior to submitting a request for a minor change.**

