

## Uttlesford District Council Procedure Note

### **INTERNAL PROCEDURE NOTE - NON-MATERIAL AMENDMENT**

#### **New legislation**

New legislation came in on 1 October 2009 which legally allows the Council to approve non material changes to approved developments (SI 2009 no2261 T&C Planning (GDP) (Amendment no 3) (England) Order 2009.

We previously used to call these minor amendments.

#### **What is a non-material amendment?**

Anything but the most insignificant change would need to be dealt with by the submission of a new planning application.

For example we could **not** normally accept amendments as non-material if:

- The application site area (red line) differs from the original application
- The application description differs from the original application
- The proposal would result in changes to the external details (e.g. facing materials or roof shape) that would materially alter the appearance of the building
- The amendment significantly increases the size of any part of the development
- The height of the building or structure is increased
- If the amendment locates any part of the development closer to a neighbour unless the development as amended is in excess of 5 metres from the common boundary with the neighbour
- The amendment results in a fundamental change in the design of the building
- If the amendment changes windows or doors in any elevation facing a neighbour which increases overlooking in an unacceptable way
- The amendment would result in a greater visual intrusion, loss of light or feeling of enclosure to neighbours
- There were any relevant objections to the original proposal which would be compromised by the proposed minor amendment

#### **Key points of the new application procedure**

- Applications can only be made by someone who has a legal interest in the land, i.e., it does not have to be the original applicant.
- Notice has to be served by the applicant on any owner of any land to which the application relates.
  - ~ We will take owner to include the actual owner, someone with an interest in the land in excess of 7 years (such as a tenant) or someone who has exchanged contracts to purchase the land.
- No Design and Access Statement is necessary.
- There is a standard application form on the Planning Portal and our website.
- The Council will not undertake notification and consultation.

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- The application is not for a new permission so it will not be necessary to repeat conditions from the original permission. Conditions on the original application cannot be varied or removed.
- If the amendment is such that a new condition is necessary, then it cannot be a non-material amendment and a fresh application will be required.
- The application will not count towards the statistical returns.
- Applications and decisions must go on the planning register.
- The Council have to take into account any comments received within 14 days of any notice being served on an owner.
- There is no prescribed form of decision, but it must be in writing. A recommendation report will be produced.
- Decisions are expected to be issued within 28 days.