

Guidance note on non-material amendments October 2009

1. From 1st October 2009, section 190 of the 2008 Planning Act implements new section 96A in the Town and Country Planning Act 1990. This allows non-material changes to existing planning permissions without the need to submit a new application.
2. Applications must be made on the standard application form available on our website www.leeds.gov.uk/planningforms. We aim to give a decision within 28 days.
3. The definition of non-material is the responsibility of each local planning authority to determine. The judgement on “materiality” in any particular case is one of fact and degree, also taking into account the likely impacts of the amendment. Materiality is considered against the development as a whole, not just a part of it. The benchmark for forming the judgement on materiality is always the original planning permission. If there have been previous amendments, then it is the cumulative effects of the amendments against the original planning permission which is the basis for the judgement.
4. There cannot be a set of rules as to what is or is not “material” as each case is different. It is a matter for the delegated planning officer to decide, based on the individual circumstances. As a general guide, we probably will not be able to accept proposals as “non-material amendments” if any of the circumstances on the attached sheet applies. In any of these circumstances customers should (generally) be advised to submit a fresh planning application (but contact us on 0113 2224409 if in doubt).

Circumstances where (generally) it would not be appropriate to deal with as “non material” amendment:

- i. The proposal affects neighbours or an aspect of the scheme where there were objections raised at planning application stage.
- ii. There has been a complaint/enforcement action taken regarding non compliance with approved plans.
- iii. There has already been a non material amendment agreed previously (householder in particular, may not be so critical for larger/commercial developments)
- iv. The proposal involves a re-siting of more than 1.0 metre difference (householder in particular, may not be so critical for larger/commercial developments)
- v. The proposal involves a re-siting to a boundary, where previously there was a gap (householder in particular, may not be so critical for larger/commercial developments)
- vi. The proposal involves changes to the position of any site boundary
- vii. The proposal results in an increase in height of more than 1.0 metre (householder in particular, may not be so critical for larger/commercial developments)
- viii. The proposal results in an increase in width/length of more than 1.0 metre (householder in particular, may not be so critical for larger/commercial developments)
- ix. The proposal involves a change to more than one of the materials
- x. The proposal involves a change of house type
- xi. The site is within a conservation area and the proposal involves more than a very minor change
- xii. The property is a listed building and the proposal involves more than a very minor change
- xiii. The site is in the green belt and the proposal involves an increase in footprint, height and/or volume
- xiv. The proposal involves changes to the width, location and/or visibility splays to an access
- xv. The proposal has been agreed following an appeal