



PROCEDURE FOR DEALING WITH MINOR AMENDMENTS TO PLANNING APPLICATIONS AND PLANNING PERMISSIONS

1. Introduction

- 1.1 Amendments to planning applications and planning permissions are not uncommon and arise for a number of reasons. In the case of the former, amendments can help to deliver better overall developments or achieve approvals where development would otherwise be refused or may simply be corrections to the information provided as part of the planning application. Post decision changes may result from a need to change the proposals as part of the building regulations process or to accommodate hitherto unforeseen circumstances once construction or operations commence.
- 1.2. The only formal process for agreeing amendments to a planning permission is by way of a formal application to amend the permission. The recent consultation on the Planning White Paper "Planning for a Sustainable Future" sought views on a proposed amendment to primary legislation so as to allow, at the request of the applicant, discretion for the local planning authority to vary an existing planning permission where they consider that the variation is not material.
- 1.3. The Planning Officers' Society advises that an authority's procedures regarding all forms of minor amendment need to be clearly laid down in a procedure note, which has been adopted and published and which is widely available to members of the public, agents and developers. This will help ensure consistency between officers, create transparency and help prevent complaints of inconsistency about the service. Until such time as changes to primary legislation are introduced, the council adopted a formal procedure in November 2007 for dealing with minor amendments as set out below.
- 1.4. A fee is charged for post-decision amendments to cover the additional work involved, but that the fee will be refunded in the event that it is decided that a fresh planning application should be submitted.

2. Pre-decision Amendments

- 2.1 Where a proposed amendment is indicated then the applicant will be given a clear deadline for the submission of the amendment. If the necessary information has not been submitted within the deadline then the application will be considered on the basis of the original submission.
- 2.2 The council will consider whether a proposed amendment would result in a development that is in substance different from that originally sought. If it is, then a fresh application will be requested and the initial application will either be refused or withdrawn. The decision whether to treat an amendment as minor will, at all times, rest with the council as planning authority.
- 2.3 In all cases, if it is considered that an amendment warrants re-consultation, it will not be regarded as minor and therefore will not be considered without a fresh application. Re-consultation will be required for all proposals where:
- there is a greater and/or different impact on neighbours;
 - an amendment proposes an enlargement to the scheme.
- 2.4 Where consultation on the original proposal has already occurred, if a minor amendment to the original application is subsequently put forward that is acceptable (especially one where the applicant is responding positively to comments from the consultees and/or neighbours), the council will proceed to a decision without further consultation.
- 2.5 All proposed amendments will be placed on the public register held by the appropriate district/borough council.

3. Post-decision Amendments

- 3.1 Development beyond the scope of a permission will require a fresh application. This will include the following:
- Resiting of buildings
 - Significant increase in the volume of a building (normally greater than 0.3m in any dimension, but depending on the effect on the appearance of the building and the area, and the effect on neighbours' amenity)
 - Significant increase in the height of a building (normally greater than 0.3m in any dimension, but depending on the effect on the appearance of the building and the area, and the effect on neighbours' amenity)
 - Any changes to the site area
 - Additional or repositioned windows/doors/openings

- Changes which alter the nature or description of the development or matters which would in themselves require planning permission
- Changes which would adversely affect the design by reason of loss of detail or lower quality materials
- Changes which conflict with a condition
- Changes which would result in the scheme becoming contrary to the adopted policies of the council
- Changes which would require additional conditions to be imposed
- New works or elements not part of the original scheme
- New works or elements not considered by any Environmental Statement submitted with the application

Each request will be considered on its merits having regard to all relevant circumstances.

- 3.2 If, in the opinion of the council, a proposed amendment warrants re-consultation, it will not be regarded as minor and therefore will not be considered without a fresh application.
- 3.3 Applicants will be required to use a standard form provided by the council to request an amendment and submit the appropriate fee (see section 4 below). Any request for an amendment should be made in writing and accompanied by appropriate drawings which clearly detail the changes that are sought. A duly authorised officer of the council will then provide the reasons in writing as to whether they will be agreed as minor amendments or rejected (including whether a fresh application should be made) within 21 days of a completed request being submitted.
- 3.4 If, in the opinion of the council, the changes do not fall outside the scope of the permission, then the decision letter will clearly list the alterations to which the authority is referring.
- 3.5 If, in the opinion of the council, a fresh application should be submitted then the fee payable for initially requesting the amendment will be refunded.
- 3.6 Certain planning permissions may have conditions attached which are qualified in such a way as to make the condition a requirement “*unless otherwise agreed in writing by the Local Planning Authority/Mineral Planning Authority/Waste Planning Authority*”. Such discretion will only be exercised where the changes do not take the development beyond the scope of the original permission regardless of the conditions. In particular, where an application was the subject of an Environmental Impact Assessment, this discretion will only be exercised where the changes do not extend the permission beyond the scope of the permission or the considered impacts of the development.

- 3.7 All approved amendments will be placed on the public register held by the appropriate district/borough council.

4 Charges

- 4.1 The Local Government Act 2003 enables authorities to levy a charge for discretionary services. The decision to charge for this service was taken by the Development Control Committee in November 2007.
- 4.2 The fee is currently £85 + VAT. The fee will be refunded in the event that it is decided that a fresh planning application should be submitted.