

Advice Guide 5

# Non-Material Changes

Ag freastal ar an Dún  
agus Ard Mhacha Theas  
Serving Down  
and South Armagh



Comhairle Ceantair  
**an Iúir, Mhúrn agus an Dúin**  
**Newry, Mourne and Down**  
District Council

## Introduction

The Planning Act (Northern Ireland) 2011 came into effect on the 1 April 2015. Section 67 of The Planning Act (Northern Ireland) 2011 contains the statutory provision, allowing the Council to deal with small changes to planning permissions by approval of non-material changes. This guide sets out advice to applicants, agents and third parties detailing the process for applying for a non-material change and examples of what the Council will not accept as a non-material change. Where possible the Council will allocate the non-material change application to the original case officer so that a quick, informed decision can be reached.

When applying for a non-material change to an already approved planning permission, please be aware of the following points:

- Only a person with an estate in the land on which the original planning permission was granted, can apply for the non-material change. Notice must be served by the applicant on any owner to which the application relates.
- The Planning Department can impose new conditions, amend or alter existing conditions during this process relating to the new proposals.
- No new design and access statement is required as an approval of a non-material change is not a new planning permission but is attached to the original permission to which it relates.
- If approved, notice will be given formally in writing, with a copy of the decision placed on the Planning Register.
- A non-material change is not subject to Neighbour Notification or Advertisement procedures as set out within the Planning (General Development Procedure) Order 2015.

# How to make a non-material change application to the Council

1. Complete the non-material change application form which can be found at [www.planningni.gov.uk](http://www.planningni.gov.uk)
2. If you are not the sole owner of the land, you should submit a copy of the notification served on the relevant land owners.
3. Submit 3 copies of the revised drawings at a scale of 1:50, 1:100 or 1:200. A site plan should also be submitted where the proposed amendment affects the position of the proposed development.

## What will not be considered an acceptable non-material change?

A non-material change that has no statutory definition. The discretion rests with the council as to whether the amendments constitute a non-material revision to a planning permission. A judgement on “materiality” in any case, is one of fact and degree, along with considering the likely impact of the amendment on the immediate local environment. A non-material change will always be assessed against the planning permission originally granted. Please note there is no right to appeal the decision for a non-material change.

## Examples are given below of what will NOT be acceptable as a non-material change:

- The application site area (red line) differs from the original application.
- The application description or nature of development differs from the original application.
- The amendment would result in the scheme being contrary to the adopted policies of the council.
- The amendment would result in a fundamental change in the design of the building or introduce changes to the external details. For example, facing materials or roof shape that would **materially** alter the appearance of the building.

- The resulting scheme would have a poorer quality of design by loss of detail or lower quality of materials that would have a detrimental impact on visual amenity.
- The amendment significantly increases the size of any part of the development.
- The height of the building or structure is increased.
- The development moves more than 1 metre in any direction.
- If the amendment locates any part of the development closer to the boundary of a neighbouring building.
- If there is an increase in the number of any openings, or a noticeable increase in the size or location of the openings such as windows and doors. Particularly if this would affect the external appearance of the proposal or result in a loss of privacy or amenity to neighbours.
- If there were any relevant objections to the original proposal which would be compromised by the amendment.
- If the amendments would result in significant environmental effects which would need to be addressed under the Environmental Impact Assessment (NI) Regulations as amended.
- If the resulting scheme would conflict with any planning conditions attached to the original grant of planning permission.
- If there has been enforcement action taken, for example non-compliance with approved plans.
- If the proposed alternations would require consultation with statutory or non-statutory consultees.
- If the proposal involves altering the existing or approved ground levels.

This is not an exhaustive list, merely a list of examples which are relevant.

### **What if my proposal is not accepted as a non-material change?**

The applicant has the option to submit a further planning application for consideration. The non-material change decision will not provide advice about the outcome of any future planning application.

A non-material change cannot be made for consent applications, such as Listed Building Consents, Demolition consents or Advertisement consent.



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