Advice Guide 5

Non-Material Changes
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

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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