

Can you make a non-material amendment to substitute a house type in a development?

Section 96A provides that a local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is non material.

There is no statutory definition of a 'non-material amendment', and therefore it is possible that the substitution of a house type in a development could be non-material.

The responsibility for determining whether a proposed change is non-material lies with the local planning authority. The Welsh Government guidance on non-material amendments (July 2014) provides a series of tests the authority may wish to consider as a starting point in assessing how material the change is in planning terms.

Can a non-material amendment be made to a reserved matters application?

Section 96A of the Town and Country Planning Act 1990 allows local planning authorities to make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.

Reserved matters applications are about seeking approval of the detail of a planning permission so a section 96A application should refer to the outline consent as supplemented by the approval of reserved matters and approval/discharge of other conditions.

A local planning authority may approve non-material amendments by imposing new conditions removing or altering existing conditions ([see paragraph 2.24 of our guidance \(July 2014\)](#)).

Reserved matters approvals are required by conditions of the outline consent and so have not been mentioned separately in our guide.

Where a non-material amendment is made to a planning permission granted before 16 March 2016, the decision needs to be read alongside the planning permission (see paragraph 2.43 of the guidance). Reserved matters approvals are part of planning permission and also need to be read alongside the non-material amendments. Please see [here](#) for advice on decision notices where the original planning permission is granted after 16 March 2016.

However, where a proposed change would have a material effect then the section 96A approval route cannot be used, which is when further reserved matters applications or applications under section 73 would be required.